



As reported in *Today's General Counsel* last week, the EEOC recently published its FY 2013 enforcement and litigation data. The following are highlights:

- The EEOC received 93,727 charges in FY 2013 - a 5 percent reduction from FY 2012.
- For the fifth year in a row, retaliation based charges were the most common (included in 41.1 percent of the charges) - a 3 percent increase over FY 2012. Race, sex and disability discrimination rounded out the top four in terms of types of charges filed.
- The overall percentage of "reasonable cause" findings (those with an initial finding of merit by the EEOC) dropped slightly in FY 2013 (from 3.8 percent to 3.6 percent). Charges filed under the Genetic Information Non-Discrimination Act (GINA) (8.8 percent) and sexual harassment charges (7.6 percent) were the most likely to result in a cause finding, while race based claims (2.8 percent) and charges brought under the Age Discrimination in Employment Act (ADEA) (2.4 percent) were the least likely to result in a cause determination.
- From a state perspective, Texas employers received the most EEOC charges, with 9,068 charges emanating from the Lone Star State, which represented 9.7 percent of all charges filed in the country. Charges in Florida, California and Georgia were the next three after Texas in terms of the number of EEOC charges filed.

While these statistics suggest an overall slight decline in enforcement activity, employers still need to be prepared as the government continues to push for additional and more thorough governmental investigations in lieu of legislative change which does not have bi-partisan support. Thus, it is a good time for employers to review and update their EEO policies, handbooks and other employment policies and procedures to ensure they are legally compliant.



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