

## **e-Alert: EEOC launches online portal for Employment Discrimination Charges**

The Equal Employment Opportunity Commission (EEOC) has launched a new online tool intended to make it easier for employees to initiate employment discrimination claims against their employers. The EEOC portal, which became available November 1, allows individuals to obtain EEOC services, file charges against employers, and monitor their claims.

### **Background**

Under most of the federal laws enforced by the EEOC, an individual who believes an employer has engaged in unlawful employment discrimination cannot file a lawsuit in court against the employer unless he or she has filed a [charge of discrimination](#) with the EEOC and received a Notice of Right to Sue. An employee can file a charge if they believe they have been discriminated against because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, or genetic information.

In fiscal year 2017, the EEOC responded to over 550,000 calls to its toll-free number and more than 140,600 inquiries in field offices. To handle these contacts more efficiently, they launched an online inquiry and appointment system as a test in a few cities. Following further enhancements, they launched nationally as the [EEOC Public Portal](#).

### **EEOC Public Portal**

Any information a user enters in the EEOC Public Portal is password-protected and not available for viewing by employers or the general public. When a charge is filed against an employer, however, the EEOC will send a notice that directs the employer to a separate online system called the [EEOC Respondent Portal](#). This portal, which the EEOC launched in January 2016, allows employers to view a filed charge, file a response, communicate with the EEOC, and upload documents related to the charge.

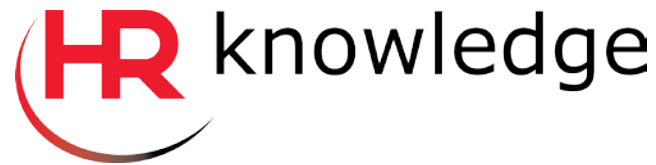
### **Online initial inquiries**

When an individual visits the EEOC Public Portal and selects the first available option (“I want to file a complaint”), the portal displays general information and video tutorials about federal antidiscrimination laws. From there, the user is directed to answer a series of questions designed to screen out claims that do not meet legal requirements. For example, the portal asks about:

- The type and size of the employer, to determine whether federal antidiscrimination laws apply and whether the individual may use the portal to file a charge;
- When and in which state the alleged discrimination occurred, to determine whether the individual meets timeliness requirements for filing a charge; and
- The protected traits upon which the individual alleges the employer discriminated and additional details about the traits and claim, to determine which laws the alleged employment practices may have violated.

Based on the individual’s responses to these questions, the system will indicate either that:

- The EEOC is not the correct agency to assist the individual and that the individual may call or visit an EEOC office for more information; or



- The individual should schedule an interview with the EEOC and that he or she may do so within the portal.

### **Online interviews and charge filing**

An individual who satisfies the EEOC Public Portal's initial screening questions may schedule and participate in an EEOC interview or counseling through the portal. To do so, the individual must register to submit his or her inquiry by creating a username and password. In general, an EEOC interview serves as an additional level of screening to determine whether an individual may have a valid claim under federal antidiscrimination laws. Prior to the new portal's launch, the EEOC conducted these interviews in person or by telephone, this EEOC public portal provides a new means of communication but it does not change the EEOC's protocols for Processing claims.

If an individual wishes to file a formal charge after the EEOC's screening process, he or she may use the EEOC Public Portal to enter the required information about him or herself, the employer, and the allegations. However, an EEOC agent must prepare the actual charge before it may be electronically submitted. The portal does not allow individuals to file charges that they have prepared themselves or to file complaints of discrimination against federal agencies.

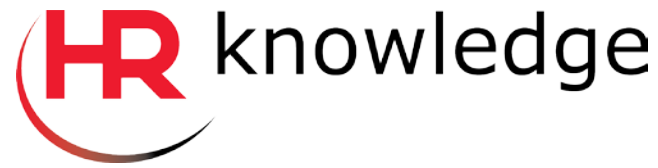
### **Employer must train managers**

In the ever-changing landscape of employment law and regulation, businesses must stay abreast of an alphabet soup of federal laws — ADA, ADEA, FMLA, and so forth — each with its own requirements. Further complicating matters, most states have their own laws that override the federal requirements, Massachusetts being one of the most complex states to navigate. Regulatory compliance can be time-consuming, frustrating, limiting, and critical to the success of the company business. Now more than ever employers should ensure their employment practices are compliant with federal, state, and local laws and that their front-line managers are trained on the importance of following the company's policies and practices to ensure full compliance with the EEOC's requirements.

Effective HR Management is a race with no finish line. Managers must be properly educated on the elements of employment law to minimize the possibility of disruptive and costly lawsuits. Ultimately it is the employer who is responsible for ensuring compliance and creating a safe and healthy work environment. Managers act on behalf of the company, and even if executive management is not involved in or aware of wrongdoings of management, the company is still responsible and could be held liable for the actions of its managers. Ensuring managers are trained helps minimize any incidents, and having a formal training program can demonstrate the employer's good-faith effort to ensure a healthy and safe working environment.

Our upcoming [HR Management Basics Training](#) ("HR Boot Camp") is a comprehensive overview of the fundamentals of effective human resource management and principles for those new to HR and non-HR professionals (business owners, managers, and front-line supervisors) who have HR-related responsibilities. If you are interested in having HR Knowledge provide a customized on-site HR Boot Camp for your organization please contact us.

[Contact us](#) or visit the [EEOC website](#) for more information.



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