AFFIRMATIVE ACTION PLAN

Board of Examiners of Licensed Dietitians

2007-2009

BOARD OF EXAMINERS OF LICENSED DIETITIANS

AFFIRMATIVE ACTION PLAN
2007-2009

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I. DESCRIPTION OF AGENCY AND ORGANIZATIONAL CHART

Historical Perspective
The Board of Examiners of Licensed Dietitians (Board) was created in 1989 and authorized by ORS 691.405-691.585 to license and regulate dietitians.

Mission
The Board comprises one program and has the mission to protect the public by developing and enforcing standards that shall be met by individuals in order to receive and retain certificates as licensed dietitians.

Target Groups
The Board provides services to licensees, consumers, employers and accreditation agencies.

Program Delivery
The Board licenses individuals responsible for attending to the specialized dietary needs of medical patients, and the general needs of those who are fed in large facilities such as restaurants, schools, and resorts. There are approximately 400 licensed dietitians in Oregon. The delivery of program services includes but is not limited to the following:

- The establishment and administration of education, training, examination, licensing, and renewal requirements.
- The review and investigation of complaints, which could result in disciplinary action ranging from a civil penalty to suspension of a dietitian's license.
- The drafting and adoption of administrative rules.

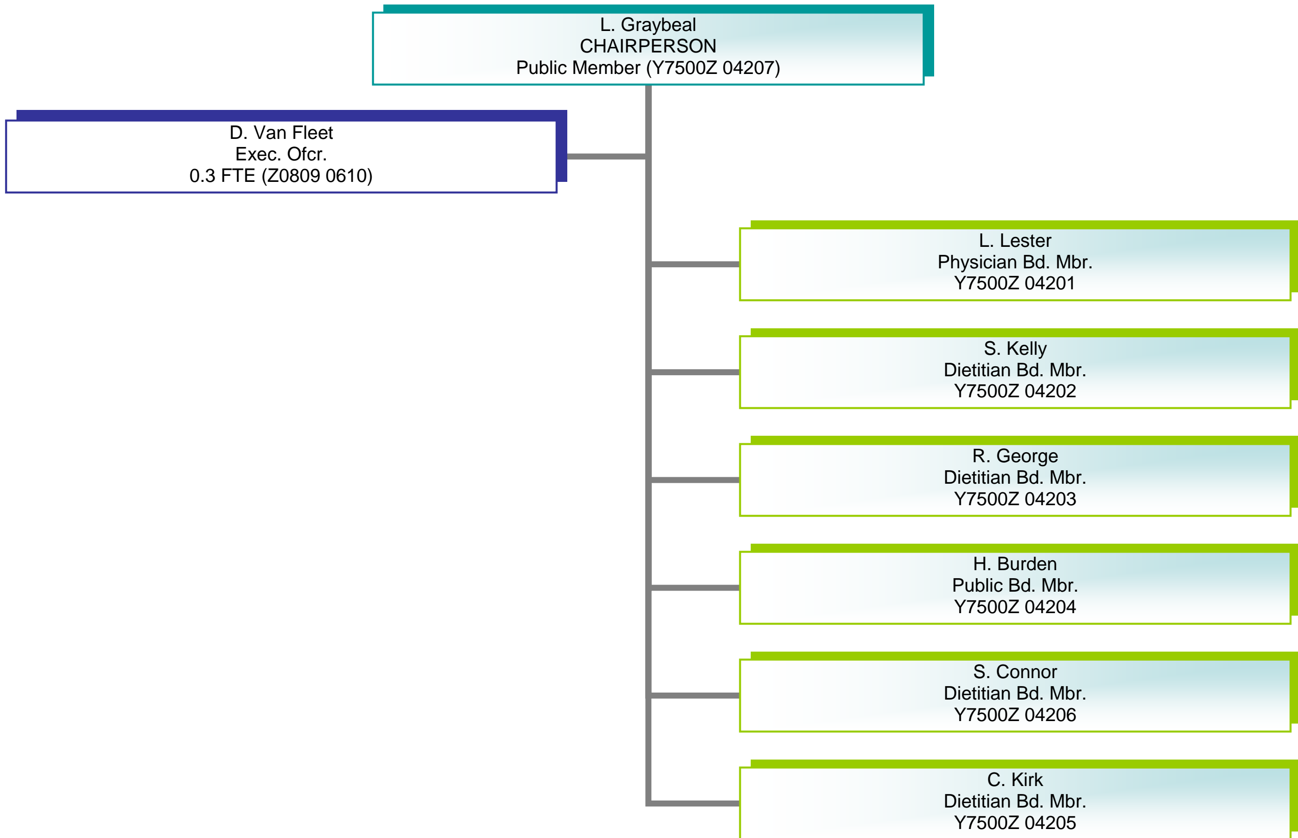
Board Composition and FTE
The Board is composed of seven members who are appointed by the Governor:

- Four Licensed-Dietitian Members
- Two Public Members
- One Physician Member

Board members are appointed to three-year terms and may be reappointed to serve a second term, for a total of six years. Board member and staff vacancies are routinely publicized in the board's newsletter and on its website and may be advertised *via* allied health care and professional agencies and organizations.

The Board has one authorized position, 0.3 FTE, an Executive Officer, who provides administrative, executive, and operational support for the program.

Organizational Chart



II. AFFIRMATIVE ACTION PLAN

AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY	
Approved by: *Board of Examiners of Licensed Dietitians*	Date: Jan 2007

Applicability
This policy applies to all employees, board members, and contractors of the Board of Examiners of Licensed Dietitians (Board). This policy applies to all matters relating to hiring, firing, promotion, benefits, compensation and other terms and conditions of employment, as well as delivery of Board services.

Affirmative Action Policy Statement
The Board of Examiners of Licensed Dietitians supports the spirit and letter of equal employment opportunity laws, rules, regulations, affirmative action concepts and the right of all persons to work and advance on the basis of merit, ability, and potential.

The Board strives to achieve equal employment opportunity and affirmative action objectives through the recruitment, employment and advancement of a diverse workforce, including women, minorities and the disabled. The Board will not tolerate any form of discrimination or harassment and endeavors to maintain a tolerant and respectful work environment free of hostility or unwelcome behavior.

The Board is committed to providing citizens and employees, through a program of affirmative action, equal access to programs and services and fair and equal opportunities for employment. In administering its program, board members and employees will not discriminate against any person (who is a current or potential user of its services) on the basis of race, color, ancestry, gender, national origin, age, family or marital status, sexual orientation, political or religious affiliation, veteran status, or physical or mental disability.

An individual-- who has interviewed for employment-- who believes they were denied employment based on any of the aforementioned discriminatory factors, may review the employment decision with the Board. If the concern is not resolved to the satisfaction of the individual, they may contact the Equal Employment Opportunity Commission, Seattle District Office – 909 1ST AVE STE 400, SEATTLE, WA 98104-1061

As part of the annual performance evaluation, the Board's Executive Officer will be evaluated, in part, on efforts to promote the equal employment opportunity and affirmative action objectives of the agency. Contractors' and vendors' performances on affirmative action and non-discrimination will be considered when selecting business partners and suppliers.

The Board shall maintain a current copy of the Affirmative Action and Equal Employment Opportunity policy and plan on its web site. The policy and plan will accompany all employment applications distributed to potential new employees and will be made available for review by agency employees and contractors, interested citizens and organizations served by the Board.

Status of Contracts to Minority Businesses (ORS 659A.015)
The Board did not award construction, service, or personal service contracts to minority businesses during the 2005-07 biennium. The Board posts all competitive contracts on the state's ORPIN system to ensure that the pool of responders is as varied as possible and all qualified responders are given fair and equal consideration.

Training, Education and Development Plan and Schedule of Staff, Volunteers, Providers, Vendors.
The Board's Affirmative Action Plan is communicated to staff, volunteers, contractors and the public through a variety of methods.

1. Employees
   - New employees are provided the Board's Affirmative Action and Equal Employment Opportunity policy and plan and encouraged to review and discuss questions or concerns with their supervisor.
   - The Board posts a copy of the Affirmative Action and Equal Employment Opportunity policy and plan on its web site for easy access by employees.
   - Board recruitment announcements and advertisements identify the Board as an Equal Opportunity/Affirmative Action employer and include the statement, "The Board welcomes all forms of diversity--racial, ethnic, age, geographic, perspective, and gender--and the benefits that come with diversity: new thinking, stronger economy, greater social justice."
2. Volunteers
   - All volunteers are encouraged to review and discuss the Affirmative Action policy, workplace expectations, and complaint procedures.
3. Providers
   - The Board uses contract-service providers infrequently and does not provide Affirmative Action training for those providers. It should be noted, however, that the Board's Affirmative Action Policy statement includes contractors and the expectation that they will advance the spirit and letter of equal employment opportunity laws, rules and regulations and affirmative action concepts and the right of all persons to work and advance on the basis of merit, ability, and potential.
4. Vendors
   - The Board does not provide Affirmative Action training to vendors.

Cultural Competency Assessment/Implementation
Given its small staff (0.3 FTE), the Board has not requested or received a Cultural Competency Assessment in the 2005-07 biennium.

III. ROLES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN

The Board provides overall direction and resources to support the Affirmative Action Plan. The Board will foster-- and promote to employees-- the importance of a diverse workplace free from discrimination and harassment.

The Board is committed to the use of Affirmative Action precepts in hiring employees and in making appointments to its membership. The Board will continue its implementation of the Affirmative Action Plan by exercising impartial and unbiased evaluations of future employment applications and interviews.

Responsibilities and Accountabilities
The Board entrusts and delegates to the Executive Officer the responsibility for implementation and adherence to the Affirmative Action goals to which the Board is committed.

1. **Director** – The Board's Executive Officer has overall responsibility for compliance with policy and achievement of the Affirmative Action goals to which the Board is committed, will provide leadership and monitor progress toward meeting goals and objectives of the "Diversity Plan" and ensure compliance with applicable federal and state laws, rules, regulations and executive orders. The annual performance evaluation for the Executive Officer will include evaluation of affirmative action efforts and accomplishments.

2. **Managers and Supervisors** – Not applicable to agency due to the limited FTE.

3. **Affirmative Action Officer** – The Board's Executive Officer serves as the Affirmative Action Officer and is responsible for:

   a. Developing and communicating agency policies and procedures related to AA/EEO and preparing and disseminating affirmative action information;

   b. Coordinating activities in concert with the Affirmative Action Plan and monitoring progress toward affirmative action goals;

   c. Identifying solutions to barriers preventing achievement of the Board's affirmative action goals;

   d. Assuring that agency recruitments are conducted in compliance with AA/EEO goals;

   e. Applying the precepts of affirmative action in day-to-day work and in relations with fellow employees, job applicants, and the general public;

   f. Receiving and investigating or referring to the Board discrimination complaints;

   g. Attending equal opportunity, affirmative action, and diversity training in order to be informed of current affirmative action laws and issues and develop knowledge and skill for working with a diverse workforce.

<u>Board of Examiners of Licensed Dietitians Management Staff</u>

- Executive Officer: Douglas Van Fleet
- AA/EEO/ADA Officer: Douglas Van Fleet

IV. 2005-07 BIENNIUM

Accomplishments

- Recruited two new board members, both male. Five of eight board members/employees are female. The Board has advertised and is expecting a woman to fill the next Public Member vacancy.

- The Board posted advertisements in its quarterly newsletter and web site to promote minority license and board candidates.

Progress Made or Lost Since the Last Biennium

- During the 2005-07 biennium, the Board has remained open to applicants (board and license) of all characteristics.

- With regard to staff and board membership, the Board has not realized any staff changes since the last biennium. The Board's membership has changed from all-female. The Board has worked to ensure that recruitment information includes outreach to sources representing minorities, women and persons with disabilities.

- With regard to the Board's licensees (dietitians), the percentage of applicants reporting ethnicity remains low and the typical response is "white" has increased 1.6 percent, from 3.8 percent in the 2003-05 biennium to 5.4 percent in the 2005-07 biennium (as of November 2006). The percentage of female licensees has decreased from 53 percent in the 2003-05 biennium to 51 percent as of November 2006.

- With regard to license applicants, the percentage of applicants reporting ethnicity has increased 7 percent, from 7 percent in the 2003-05 biennium to 14 percent in the 2005-07 biennium (as of November 2006). The percentage of female license applicants has decreased slightly from 48 percent in the 2003-05 biennium to 47 percent as of November 2006.

- The Board has noted an increase in candidates of ethnicity who are seeking Administrator-in-Training (AIT) opportunities and has supported and actively promoted their interests. The Board continues to encourage preceptors (the trainers of AITs) to consider these candidates for training and other opportunities within the field of long-term care.

V. 2007-2009 BIENNIUM

Goals and Strategies
In the 2007-09 biennium, the Board will pursue the following goals and strategies:

1. Maintain the Board's commitment to affirmative action through the continued development and adherence to its Affirmative Action Plan.
   Strategy
   - Evaluate and revise policies and procedures as needed to promote the Board's commitment to affirmative action and equal employment opportunity.
   - Assertively recruit qualified persons with disabilities, minorities, women, and other protected classes for position/volunteer vacancies.

2. Continue dialogue among staff and board members to foster understanding and support for the Board's commitment to affirmative action.
   Strategy
   - Increase staff and board member knowledge and awareness of affirmative action through review and discussion of the Affirmative Action Plan.
   - Train and inform managers and employees as to their rights and responsibilities under the Board's Affirmative Action policy.
   - Make the complete Affirmative Action Plan available and accessible to all board members, employees, and contractors.

3. Support and promote diversity within the profession of nursing home administrators.
   Strategy
   - Increase awareness within the profession of the Board's commitment to affirmative action and equal employment opportunities.
   - Promote minority Administrator-in-Training candidates and encourage companies and preceptors to consider these candidates for training opportunities.
   - Engage in outreach efforts to recruit persons with disabilities, minorities, women, and other protected classes.

4. Improve recruitment methods in order to increase ethnic diversity among board members.
   Strategy
   - Apply recruitment methods that include outreach to sources representing persons with disabilities, minorities, women, and other protected classes.
   - Insure that advertisements and employment/volunteer recruitment announcements contain the statement "Equal Opportunity/Affirmative Action Employer".
   - Recommend qualified women, minority, and disabled candidates to the Governor's Office for board member vacancies.

5. Increase knowledge and skills of the Board's management staff in applying Affirmative Action and EEO principles and in promoting a diverse workforce environment.
   Strategy
   - Ensure that managers understand the Board's affirmative action goals and responsibilities and assert their role in achieving these goals.
   - Support managers' attendance at equal opportunity, affirmative action, and other diversity-related activities or training activities.
   - Maintain management performance appraisal reviews used to evaluate managers on their effectiveness in achieving affirmative action objectives.

VI. APPENDIX A

NON-DISCRIMINATION AND WORKPLACE HARASSMENT POLICY	
Approved by: *Board of Examiners of Licensed Dietitians*	Date: Jan 2007

Applicability
This policy applies to all board members, employees, and contractors of the Board of Examiners of Licensed Dietitians (Board).

Definitions

Discrimination — An act based on prejudice.

Harassment — A form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile, or abusive work environment. Harassment may include-- but is not limited to-- verbal harassment, such as racial epithets, ethnic or sexual jokes, and derogatory comments; physical harassment, such as unwanted touching, physical interference with normal work or movement, or assault; visual or audio harassment, such as derogatory or sexually or racially offensive posters, degrading songs, cartoons or drawings in any form, including written, computer generated or telephonic; and sexual harassment.

Sexual Harassment — Any sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
b. Submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

Policy
It is the policy of the Board to maintain a workplace environment free of discrimination or harassment whereby all employees and contractors experience a positive and respectful work environment free from behavior, actions, or language that constitutes discrimination or workplace harassment.

Board members are committed to providing a work environment free from harassment. Harassment violates human dignity, undermines integrity, and diminishes morale. All board members, employees, and contractors have the responsibility to conduct themselves in accordance with this policy to maintain an environment that is free from discrimination or workplace harassment.

Harassment or discrimination of any nature – whether because of race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, marital status, or any other

reason prohibited by law, union contract or policy of the State or Federal government – is illegal and unacceptable conduct and will not be tolerated.

Any substantiated incident of harassment, inappropriate behavior, or retaliation for reporting harassment or cooperating in an investigation, shall result in corrective action, which may include disciplinary action up to and including dismissal of the employee or termination of a contract.

The Board encourages employees to take action if they are experiencing unwelcome behavior. Employees have the right, and are encouraged, to communicate such concerns and should contact the Board Chairperson or other board member(s). If the issue is not resolved to the employee's satisfaction, they may elect to file a complaint with:

- OREGON BUREAU OF LABOR AND INDUSTRIES/CIVIL RIGHTS DIVISION – 800 NE OREGON ST #1045 PORTLAND OR 97232
- EQUAL EMPLOYMENT OPPORTUNITY COMMISSION/SEATTLE DISTRICT OFFICE – 909 1ST AVE STE 400 SEATTLE WA 98104-1061

Nothing in this process precludes any person from filing a formal grievance in accordance with a collective bargaining agreement.

ADA AND REASONABLE ACCOMMODATION POLICY	
Approved by: *Board of Examiners of Licensed Dietitians*	Date: Jan 2007

Applicability
This policy applies to all applicants, board members, employees, and contractors of the Board of Examiners of Licensed Dietitians (Board).

Definitions

Reasonable Accommodation… is "any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has the same rights and privileges in employment as non-disabled employees."

Person With a Disability: A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

Undue Hardship: Significant difficulty, expense, or impact on the agency when considered in light of a number of factors that include the nature and cost of the accommodation in relation to the size, resources, and structure of the agency.

ADA Coordinator: The Board Executive Officer is designated as the ADA Coordinator pursuant to part 35.107 of the American's with Disabilities Act.

Policy
It is the policy of the Board of Examiners of Licensed Dietitians (Board) to employ and advance in employment qualified individuals with disabilities. The Board shall make reasonable accommodations to the known physical or mental limitations of a participating member of the public, a consumer of agency services, or an agency job applicant or employee, unless to do so would create an undue hardship on the agency, as provided under the Americans with Disabilities Act (ADA).

The Board will make every effort to furnish appropriate and necessary auxiliary aids to ensure that individuals with disabilities will have equal opportunities to participate in activities and to receive program services.

In compliance with ADA guidelines, the Board will provide special materials, services or assistance to individuals with a disability upon sufficient notice to the board office. The Oregon Relay Service – 711 – is available to assist individuals with speech or hearing disabilities. In addition, the Speech to Speech Relay Service supplies Oregon with a toll-free number (1-877-

735-7525) to assist individuals whose speech may be difficult to understand. If an individual does not request an accommodation, the Board is not obligated to provide one.

No employee of the Board nor any entity contracting with it may coerce, intimidate, threaten, or interfere with any individual who has opposed any act or practice prohibited by the ADA, participated in any investigation or aided or encouraged others to assert rights granted under the ADA.

An individual who believes that they have been discriminated against due to their disability should contact the ADA Coordinator, Board Chairperson, or other board member(s). If the issue is not resolved to the individual's satisfaction, they may file a grievance with the:

- US DEPT OF JUSTICE CIVIL RIGHTS DIVISION – PO BOX 6618/WASHINGTON DC 20530
- EQUAL EMPLOYMENT OPPORTUNITY COMMISSION – 1801 L ST NW #9024/ WASHINGTON DC 20507

EMPLOYEE TRAINING AND EDUCATION POLICY	
Approved by: *Board of Examiners of Licensed Dietitians*	Date: Jan 2007

Applicability
This policy applies to all employees of the Board of Examiners of Licensed Dietitians (Board).

Definitions

Elective Training… means training that an employee voluntarily takes to enhance or improve the effectiveness of employee performance in the current position.

Mandated Training: training required by law or regulation, or to maintain a license or certificate required by the position.

Required Training: training required by the Board, such as new employee orientation, or to update or add skills as the job evolves, or to increase employee awareness of legal or policy issues (*e.g.*, ADA, sexual harassment, *etc.*)

Policy
It is the policy of the Board to provide resources for employees to encourage their career development in state service, as is reasonably practicable to do. The Board remains committed to maintaining a team-based organization with a positive work environment through equitable employee training and development opportunities. To accomplish this mission, the Board may provide opportunities for training to employees for developing proficiency, enhancing skills and encouraging development in areas for potential advancement.

All staff shall be eligible for mandated and required training. Only permanent staff shall be eligible for elective training. The selection of an employee to attend training shall follow equal-opportunity guidelines. Any employee may request training and be considered for approval with determinations made on a case-by-case basis. Approval for training and partial or full support of training is a management decision that may be delegated to the Board.

Approval Criteria for Training and Education requests:

- Availability of budgeted funds;
- Alignment with agency and position priorities and goals;
- Ability to meet operating requirements while employee attends training;
- Training is needed to improve effectiveness in the employee's present job;
- Training is needed because of changes and/or additions to the employee’s job duties;
- Training is part of established career development goals that will benefit the agency.

Age Discrimination

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government. ADEA protections include:

Apprenticeship Programs
It is generally unlawful for apprenticeship programs, including joint labor-management apprenticeship programs, to discriminate on the basis of an individual's age. Age limitations in apprenticeship programs are valid only if they fall within certain specific exceptions under the ADEA or if the EEOC grants a specific exemption.

Job Notices and Advertisements
The ADEA generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements. A job notice or advertisement may specify an age limit only in the rare circumstances where age is shown to be a "bona fide occupational qualification" (BFOQ) reasonably necessary to the normal operation of the business.

Pre-Employment Inquiries
The ADEA does not specifically prohibit an employer from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may otherwise indicate possible intent to discriminate based on age, requests for age information will be closely scrutinized to make sure that the inquiry was made for a lawful purpose, rather than for a purpose prohibited by the ADEA.

Benefits
The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to specifically prohibit employers from denying benefits to older employees. Congress recognized that the cost of providing certain benefits to older workers is greater than the cost of providing those same benefits to younger workers, and that those greater costs would create a disincentive to hire older workers. Therefore, in limited circumstances, an employer may be permitted to reduce benefits based on age, as long as the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

Waivers of ADEA Rights
An employer may ask an employee to waive his/her rights or claims under the ADEA either in the settlement of an ADEA administrative or court claim or in connection with an exit incentive program or other employment termination program. However, the ADEA, as amended by OWBPA, sets out specific minimum standards that must be met in order for a waiver to be

considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must:

1. be in writing and be understandable;
2. specifically refer to ADEA rights or claims;
3. not waive rights or claims that may arise in the future;
4. be in exchange for valuable consideration;
5. advise the individual in writing to consult an attorney before signing the waiver; and
6. provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it.

If an employer requests an ADEA waiver in connection with an exit incentive program or other employment termination program, the minimum requirements for a valid waiver are more extensive.

Statistics

In Fiscal Year 2005, EEOC received 16,585 charges of age discrimination. EEOC resolved 14,076 age discrimination charges in FY 2005 and recovered $77.7 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Charge Statistics: Age Discrimination

Disability Discrimination

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Title I of the ADA also covers:

- **Medical Examinations and Inquiries**
  Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.
- **Drug and Alcohol Abuse**
  Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

Statistics

In Fiscal Year 2005, EEOC received 14,893 charges of disability discrimination. EEOC resolved 15,357 disability discrimination charges in FY 2005 and recovered $44.8 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Americans With Disabilities Act Charges

Equal Pay and Compensation Discrimination

The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission (EEOC): the Equal Pay Act of 1963, Title VII of the Civil Rights Act of

1964, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides:

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. Each of these factors is summarized below:

- **Skill** - Measured by factors such as the experience, ability, education, and training required to perform the job. The key issue is what skills are required for the job, not what skills the individual employees may have. For example, two bookkeeping jobs could be considered equal under the EPA even if one of the job holders has a master's degree in physics, since that degree would not be required for the job.
- **Effort** - The amount of physical or mental exertion needed to perform the job. For example, suppose that men and women work side by side on a line assembling machine parts. The person at the end of the line must also lift the assembled product as he or she completes the work and place it on a board. That job requires more effort than the other assembly line jobs if the extra effort of lifting the assembled product off the line is substantial and is a regular part of the job. As a result, it would not be a violation to pay that person more, regardless of whether the job is held by a man or a woman.
- **Responsibility** - The degree of accountability required in performing the job. For example, a salesperson who is delegated the duty of determining whether to accept customers' personal checks has more responsibility than other salespeople. On the other hand, a minor difference in responsibility, such as turning out the lights at the end of the day, would not justify a pay differential.
- **Working Conditions** - This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation; and (2) hazards.
- **Establishment** - The prohibition against compensation discrimination under the EPA applies only to jobs within an establishment. An establishment is a distinct physical place of business rather than an entire business or enterprise consisting of several places of business. However, in some circumstances, physically separate places of business should be treated as one establishment. For example, if a central administrative unit hires employees, sets their compensation, and assigns them to work locations, the separate work sites can be considered part of one establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

Title VII, ADEA, and ADA:

Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability. Unlike the EPA, there is no requirement

under Title VII, the ADEA, or the ADA that the claimant's job be substantially equal to that of a higher paid person outside the claimant's protected class, nor do these statutes require the claimant to work in the same establishment as a comparator.

Compensation discrimination under Title VII, the ADEA, or the ADA can occur in a variety of forms. For example:

- An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the differential.
- A discriminatory compensation system has been discontinued but still has lingering discriminatory effects on present salaries. For example, if an employer has a compensation policy or practice that pays Hispanics lower salaries than other employees, the employer must not only adopt a new non-discriminatory compensation policy, it also must affirmatively eradicate salary disparities that began prior to the adoption of the new policy and make the victims whole.
- An employer sets the compensation for jobs predominately held by, for example, women or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by men or whites is consistent with the level suggested by the job evaluation study.
- An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household," *i.e.*, married with dependents and the primary financial contributor to the household, the practice may have an unlawful disparate impact on women.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA or the Equal Pay Act.

Statistics

In Fiscal Year 2005, EEOC received 970 charges of compensation discrimination. EEOC resolved 889 compensation discrimination charges in FY 2005 and recovered $3.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Charge Statistics: Equal Pay Act

Other Resources

Here are some links to other sources of information about compensation discrimination. Please be aware that, consistent with the EEOC's general disclaimer statement, the EEOC does not control or guarantee the accuracy or completeness of this outside information, and references to the sites below are not intended to reflect their importance or an endorsement of any views expressed or products or services offered.

Department of Labor's Office of Federal Contract Compliance Programs

- Equal Pay and the Department of Labor
- Best Compensation Practices
- Analyzing Compensation Data: A Guide to Three Approaches

Department of Labor's Women's Bureau

- Ten Steps to An Equal Pay Self-Audit for Employers
- Working Women's Equal Pay Checklist
- Women's Bureau Fair Pay Clearinghouse

Department of Labor's Wage and Hour Division

Employment Litigation Section of the Civil Rights Division of the Department of Justice

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National Origin Discrimination

Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964, which covers employers with fifteen (15) or more employees.

"With American society growing increasingly diverse, protection against national origin discrimination is vital to the right of workers to compete for jobs on a level playing field," said EEOC Chair Cari M. Dominguez, announcing the issuance of recent guidance on national origin discrimination. "Immigrants have long been an asset to the American workforce. This is more true than ever in today's increasingly global economy. Recent world events, including the events of September 11, 2001, only add to the need for employers to be vigilant in ensuring a workplace free from discrimination."

About National Origin Discrimination

National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background. National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality. Examples of violations covered under Title VII include:

Employment Decisions
Title VII prohibits any employment decision, including recruitment, hiring, and firing or layoffs, based on national origin.

Harassment
Title VII prohibits offensive conduct, such as ethnic slurs, that creates a hostile work environment based on national origin. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

Language

- Accent discrimination
  An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance.
- English fluency
  A fluency requirement is only permissible if required for the effective performance of the position for which it is imposed.
- English-only rules
  English-only rules must be adopted for nondiscriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business.

Coverage of foreign nationals
Title VII and the other antidiscrimination laws prohibit discrimination against individuals employed in the United States, regardless of citizenship. However, relief may be limited if an individual does not have work authorization.

Statistics

In Fiscal Year 2005, EEOC received 8,035 charges of national origin discrimination. Including charges from previous years, 8,319 charges were resolved, and monetary benefits for charging parties totaled $19.4 million (not including monetary benefits obtained through litigation).

Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Title VII's pregnancy-related protections include:

- **Hiring**
  An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients or customers.
- **Pregnancy and Maternity Leave**
  An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

  If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the

employer allows temporarily disabled employees to modify tasks, perform alternative assignments or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled due to pregnancy to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

- **Health Insurance**
  Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

  Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.

  The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

  Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

- **Fringe Benefits**
  Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

  If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

  Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 4,449 charges of pregnancy-based discrimination. EEOC resolved 4,321 pregnancy discrimination charges in FY 2005 and recovered $11.6 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Race/Color Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Equal employment opportunity cannot be denied any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (*e.g.*, hair texture, color, facial features), or because of his/her marriage to or association with someone of a particular race or color. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII's prohibitions apply regardless of whether the discrimination is directed at Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-racial individuals, or persons of any other race, color, or ethnicity.

It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment. Title VII prohibits not only intentional discrimination, but also neutral job policies that disproportionately affect persons of a certain race or color and that are not related to the job and the needs of the business. Employers should adopt "best practices" to reduce the likelihood of discrimination and to address impediments to equal employment opportunity.

Title VII's protections include:

- **Recruiting, Hiring, and Advancement**
  Job requirements must be uniformly and consistently applied to persons of all races and colors. Even if a job requirement is applied consistently, if it is not important for job performance or business needs, the requirement may be found unlawful if it excludes persons of a certain racial group or color significantly more than others. Examples of potentially unlawful practices include: (1) soliciting applications only from sources in which all or most potential workers are of the same race or color; (2) requiring applicants to have a certain educational background that is not important for job performance or business needs; (3) testing applicants for knowledge, skills or abilities that are not important for job performance or business needs.

  Employers may legitimately need information about their employees' or applicants' races for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use separate forms or otherwise keep the information about an applicant's race separate from the application. In that way, the employer can capture the information it needs but ensure that it is not used in the selection decision.

  Unless the information is for such a legitimate purpose, pre-employment questions about race can suggest that race will be used as a basis for making selection decisions. If the information is used in the selection decision and members of particular racial groups are excluded from employment, the inquiries can constitute evidence of discrimination.

- **Harassment/Hostile Work Environment**
  Title VII prohibits offensive conduct, such as racial or ethnic slurs, racial "jokes," derogatory comments, or other verbal or physical conduct based on an individual's race/color. The

conduct has to be unwelcome and offensive, and has to be severe or pervasive. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

- **Compensation and Other Employment Terms, Conditions, and Privileges**
  Title VII prohibits discrimination in compensation and other terms, conditions, and privileges of employment. Thus, race or color discrimination may not be the basis for differences in pay or benefits, work assignments, performance evaluations, training, discipline or discharge, or any other area of employment.
- **Segregation and Classification of Employees**
  Title VII is violated when employees who belong to a protected group are segregated by physically isolating them from other employees or from customer contact. In addition, employers may not assign employees according to race or color. For example, Title VII prohibits assigning primarily African-Americans to predominately African-American establishments or geographic areas. It is also illegal to exclude members of one group from particular positions or to group or categorize employees or jobs so that certain jobs are generally held by members of a certain protected group. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where people of a certain race or color are excluded from employment or from certain positions.
- **Retaliation**
  Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in an agency proceeding.

Statistics

In fiscal year 2005, EEOC received 26,740 charges of race discrimination. EEOC resolved 27,411 race charges in FY 2005, and recovered $76.5 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Religious Discrimination

Title VII of the Civil Rights Act of I964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Title VII covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Under Title VII:

- Employers may not treat employees or applicants more or less favorably because of their religious beliefs or practices - except to the extent a religious accommodation is warranted. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose

more or different work requirements on an employee because of that employee's religious beliefs or practices.

- Employees cannot be forced to participate -- or not participate -- in a religious activity as a condition of employment.
- Employers must reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion. An employer might accommodate an employee's religious beliefs or practices by allowing: flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers, modification of grooming requirements and other workplace practices, policies and/or procedures.
- An employer is not required to accommodate an employee's religious beliefs and practices if doing so would impose an undue hardship on the employers' legitimate business interests. An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.
- Employers must permit employees to engage in religious expression, unless the religious expression would impose an undue hardship on the employer. Generally, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.
- Employers must take steps to prevent religious harassment of their employees. An employer can reduce the chance that employees will engage in unlawful religious harassment by implementing an anti-harassment policy and having an effective procedure for reporting, investigating and correcting harassing conduct.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 2,340 charges of religious discrimination. EEOC resolved 2,352 religious discrimination charges and recovered $6.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Retaliation

An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women

performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**. These three terms are described below.

1. Adverse Action

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

- employment actions such as termination, refusal to hire, and denial of promotion,
- other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and
- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

Of course, employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination.

For more information about adverse actions, see EEOC's Compliance Manual Section 8, Chapter II, Part D.

2. Covered Individuals

Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals. For example, it is illegal to terminate an employee because his spouse participated in employment discrimination litigation.

Individuals who have brought attention to violations of law other than employment discrimination are NOT covered individuals for purposes of anti-discrimination retaliation laws. For example,"whistleblowers" who raise ethical, financial, or other concerns unrelated to employment discrimination are not protected by the EEOC enforced laws.

3. Protected Activity

Protected activity includes:

- **Opposition to a practice believed to be unlawful discrimination**
  Opposition is informing an employer that you believe that he/she is engaging in prohibited discrimination. Opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law; and the manner of the opposition is reasonable.

  Examples of protected opposition include:

  - Complaining to anyone about alleged discrimination against oneself or others;
  - Threatening to file a charge of discrimination;
  - Picketing in opposition to discrimination; or
  - Refusing to obey an order reasonably believed to be discriminatory.

  Examples of activities that are NOT protected opposition include:

  - Actions that interfere with job performance so as to render the employee ineffective; or
  - Unlawful activities such as acts or threats of violence.

- **Participation in an employment discrimination proceeding.**
  Participation means taking part in an employment discrimination proceeding. Participation is protected activity even if the proceeding involved claims that ultimately were found to be invalid. Examples of participation include:

  - Filing a charge of employment discrimination;
  - Cooperating with an internal investigation of alleged discriminatory practices; or
  - Serving as a witness in an EEO investigation or litigation.

A protected activity can also include requesting a reasonable accommodation based on religion or disability.

For more information about Protected Activities, see EEOC's Compliance Manual, Section 8, Chapter II, Part B - Opposition and Part C - Participation.

Statistics

In Fiscal Year 2004, EEOC received 22,740 charges of retaliation discrimination based on all statutes enforced by EEOC. The EEOC resolved 24,751 retaliation charges in 2004, more than were filed during the course of the Fiscal Year, and recovered more than $90 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Sex-Based Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of sex as well as race, color, national origin, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

Title VII's prohibitions against sex-based discrimination also cover:

Sexual Harassment
This includes practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment.

Pregnancy Based Discrimination
Title VII was amended by the Pregnancy Discrimination Act, which prohibits discrimination on the basis of pregnancy, childbirth and related medical conditions.

The Equal Pay Act of 1963 requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. Title VII also prohibits compensation discrimination on the basis of sex. Unlike the Equal Pay Act, however, Title VII does not require that the claimant's job be substantially equal to that of a higher paid person of the opposite sex or require the claimant to work in the same establishment.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 23,094 charges of sex-based discrimination. EEOC resolved 23,743 sex discrimination charges in FY 2005 and recovered $91.3 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process, and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 12,679 charges of sexual harassment. 14.3% of those charges were filed by males. EEOC resolved 12,859 sexual harassment charges in FY 2004 and recovered $47.9 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Charge Statistics: Sexual Harassment

Trends in Harassment Charges Filed With The EEOC During the 1980s and 1990s