

# Legal Update

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## EEOC Releases 2024 Litigation Data, Showing a Decrease in Lawsuits

On Oct. 9, 2024, the U.S. Equal Employment Opportunity Commission (EEOC) released litigation data for fiscal year (FY) 2024, which covers Oct. 1, 2023, through Sept. 30, 2024. The data shows an overall decrease in litigation; however, of the lawsuits filed, the EEOC focused on emerging issues, such as pregnancy discrimination, and advancing the rights of underserved and vulnerable workers.

### Litigation Data

The EEOC is the federal agency responsible for enforcing equal employment opportunity (EEO) laws. In FY 2024, the EEOC filed 110 merits lawsuits challenging unlawful employment discrimination, a decrease from FY 2023, in which the EEOC filed 143 merits lawsuits. The FY 2024 merits lawsuits include:

- Thirteen new systemic cases involving a pattern, practice or policy of discrimination;
- Forty-eight cases under the Americans with Disabilities Act (ADA);
- Over 40 cases alleging retaliation under EEO laws;
- Seven cases under the Age Discrimination in Employment Act;
- Five cases under the Pregnant Workers Fairness Act (PWFA);
- Five sexual harassment cases on behalf of teenage workers under Title VII of the Civil Rights Act of 1964 (Title VII);
- Four cases under Title VII alleging sex discrimination based on sexual orientation; and
- Three cases under Title VII alleging sex discrimination based on gender identity.

In addition to the 110 merits lawsuits, the EEOC also filed 18 suits for noncompliance with mandatory federal reporting requirements (EEO-1 workforce demographic reports) and one suit alleging breach of a conciliation agreement.

The EEOC noted that the diversity of its filings was consistent with the EEOC's Strategic Enforcement Plan for FY 2024-2028, which prioritizes persistent forms of employment discrimination, such as recruitment and hiring discrimination and systemic harassment, along with emerging issues and vulnerable populations.

### Notable Trends

Disability Lawsuits



### HIGHLIGHTS

- The EEOC released its annual litigation data regarding federal EEO laws for FY 2024.
- The litigation data shows an overall decrease in lawsuits compared with FY 2023.
- Of the lawsuits filed, most lawsuits involved either violations of the ADA or retaliation.
- The EEOC also focused on emerging issues, including pregnancy accommodations and sex discrimination on the basis of sexual orientation and gender identity.

In FY 2024, the EEOC demonstrated a significant focus on violations of the ADA, as such claims represent almost half of all merits lawsuits filed. The EEOC noted that many of these cases entailed employer qualification standards or other inflexible policies, including those that would not consider reasonable accommodations or those assessing points for absences related to an employee's disability.

### Emerging Issues

The EEOC noted increased attention on lawsuits alleging violations of the PWFA—a relatively new law enacted in 2023 that requires employers to provide reasonable accommodations for pregnancy, childbirth and related medical conditions—filing five lawsuits in FY 2024. These cases generally involved a failure to provide a reasonable accommodation.

The EEOC also filed seven lawsuits alleging sex discrimination on the basis of either sexual orientation or gender identity. Such protections were only recently confirmed in a landmark 2020 Supreme Court case that established that discrimination on the basis of sexual orientation or gender identity is considered discrimination on the basis of sex.

### EEO-1 Compliance

The EEOC also established its focus on compliance with EEO-1 reporting requirements, filing an unprecedented 18 lawsuits for noncompliance. In general, private employers with at least 100 employees and federal contractors with at least 50 employees must submit certain employee demographic data to the EEOC via an EEO-1 report. The lawsuits generally allege that the employers failed to submit their mandatory EEO-1 reports.

### Employer Takeaways

Although the EEOC saw a decrease in litigation in FY 2024, this trend may not continue in FY 2025. The EEOC filed a significant number of lawsuits at the end of their FY. Moreover, the EEOC has requested a budget increase of over \$33 million, which, if approved, could lead to greater enforcement activity next year. Further, employers should continue to ensure compliance with all aspects of EEO laws and should pay particular attention to preventing disability and sex discrimination and ensuring timely filing of EEO-1 reports.