

The EEOC is Cracking Down on Sexual Harassment in the #MeToo Era

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On October 4, 2018, the United States Equal Employment Opportunity Commission (“EEOC”) released its [preliminary sexual harassment data for fiscal year 2018](#). The EEOC is the federal agency tasked with enforcing civil rights laws prohibiting workplace discrimination, including discrimination based upon, among other things, [race](#), national origin, religion, [sex](#), [age](#), and [disability](#). Notably, the EEOC’s most recent release comes approximately one year after the inception of the [#MeToo movement](#), and, given the [increased attention placed on claims of sexual harassment](#) that has followed, the EEOC’s preliminary data shows the impact of the movement and increased focus on sexual harassment.

Specifically, the preliminary data reveals that, in 2018:

- Charges of sexual harassment increased by 12% from 6,718 in 2017 to approximately 7,524 in 2018. This represents the largest year-to-year increase in the past twenty years, and the most total charges of sexual harassment since 2012. ([Source: EEOC.gov](#))
- The EEOC filed 66 lawsuits related to claims of harassment, of which 41 included allegations of sexual harassment. This represents a 50% increase in lawsuits alleging sexual harassment from 2017.
- The EEOC recovered approximately \$70 million on behalf of sexual harassment victims (including cases not filed as lawsuits). This represents a \$22.5 million increase from the \$47.5 million that the EEOC recovered in 2017.

Although the EEOC’s monetary recovery may include amounts stemming from pre-#MeToo charges, the surge in the number of sexual harassment charges filed since the inception of the #MeToo movement certainly suggests a connection between the increase in charges and public awareness of sexual harassment in the workplace.

While the EEOC has clearly been tasked with investigating an increased number of sexual harassment charges since the inception of the #MeToo movement, state and federal governments have also taken measures to combat and prevent sexual harassment in the workplace in the first instance. By way of example, [as previously reported on this blog](#), the newly revised federal tax code contains a provision intended to dissuade employers from including confidentiality provisions in settlement agreements related to claims of workplace sexual misconduct. Likewise, on October 9, 2018, new legislation went into effect in New York that, among other things, requires that employers: (i) display a poster in both English and Spanish about anti-sexual harassment rights and responsibilities; (ii) distribute a fact sheet about sexual harassment; (iii) implement a written sexual harassment prevention policy; and (iv) provide mandatory sexual harassment training to its employees on an annual basis. Of course, as these measures have only recently been implemented, their actual impact remains to be seen.

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