

Handling Discrimination Charges

This playbook outlines the necessary steps an employer should take when responding to charges of employment discrimination. It includes both internal investigation and legal response procedures.

Step 1: **Acknowledgment**

Respond to the charge by acknowledging receipt of the complaint from the Equal Employment Opportunity Commission (EEOC) or the relevant state agency. Ensure timely acknowledgment as per agency guidelines.

Step 2: **Review Charge**

Carefully review the details of the discrimination charge to understand the nature of the claims, the laws allegedly violated, and the specifics of the incidents in question.

Step 3: **Assemble Team**

Form a response team consisting of HR professionals, legal counsel, and, if necessary, an independent investigator to handle the charge.

Step 4: **Document Collection**

Gather all relevant documents, which may include emails, internal memos, personnel files, company policies, and any other evidence related to the charge.

Step 5: **Witness Interviews**

Identify and interview potential witnesses to gather additional facts and perspectives on the alleged incidents. Ensure interviews are conducted discreetly and respectfully.

Step 6: **Assess Evidence**

Thoroughly review and analyze all collected evidence and witness statements to assess the validity of the discrimination charge.

Step 7: **Legal Consultation**

Consult with legal counsel to understand the potential legal implications and to develop an effective response strategy.

Step 8: **Respond to Charge**

Prepare an official position statement in response to the charge. The statement should address the allegations and present facts and evidence that support the employer's account of the situation.

Step 9: **Submit Documentation**

Submit the position statement along with all supporting documentation to the EEOC or the relevant state agency before the deadline.

Step 10: **Cooperate with Agency**

Fully cooperate with the EEOC or state agency during their investigation. Provide additional information and access to employees as required.

Step 11: Internal Review

Conduct an internal review of policies and practices to prevent future discrimination charges. Implement changes if necessary.

Step 12: Monitor Resolution

Monitor the progress of the case and stay prepared for potential mediation, settlement discussions, or legal proceedings.

General Notes

Confidentiality

Maintain strict confidentiality throughout the investigation process to protect the privacy of all parties involved.

Retaliation Warning

Ensure that no retaliatory actions are taken against the individual who filed the charge or any witnesses. Such actions are illegal and can result in further charges.

Record-Keeping

Keep detailed records of the investigation and response process, including dates, individuals involved, and all communications, which may be important for legal proceedings.

Policy Reevaluation

Use this experience as an opportunity to reevaluate employment policies and training programs to enhance compliance and reduce the risk of future charges.

