

A Busy Year Ahead for the EEOC: New Issues, New Questions, *Corporate Counsel*, by Philip R. Voluck

On March 22nd, *Corporate Counsel* published an article on the year ahead for the EEOC written by Philip R. Voluck, managing partner in the Pennsylvania office of Kaufman Dolowich & Voluck, LLP.

2016 marks the last year of the EEOC's 2013-2016 Strategic Enforcement Plan. Still, many of the issues the agency faced three years ago remain, in addition to some new ones. From pregnancy discrimination to wellness programs to LGBT discrimination to harassment and, most recently, to pay discrimination, the EEOC continues to aggressively pursue employers who are not in compliance with federal law. It also follows its own internally developed enforcement guidelines on these subjects.

For 2016, the EEOC requested federal funds to hire 47 new investigators. With charges of discrimination still hovering around the 100,000 per year mark, the EEOC can be expected to be extremely vigilant about pursuing employers who are not in compliance with federal discrimination laws. The EEOC recognized in its Strategic Enforcement Plan that an outreach campaign aimed at educating employees is an important strategy to deter employer violations.

A key component of its enforcement strategy remains the continued emphasis on the use of alternative dispute resolution (ADR) as an effective tool to quickly resolve "appropriate" charges of discrimination. Failing ADR, the EEOC's next choice is conciliation. Yet, the agency is not at all afraid to litigate. Witness the \$65 million recovered for victims of discrimination last year through litigation, with the EEOC as plaintiff. The recovery was nearly triple that of 2014.