



Workplace Litigation Report Warns of Increased EEOC Enforcement in 2022

The Equal Employment Opportunity Commission (EEOC) is likely to increase enforcement efforts in 2022, according to law firm Seyfarth Shaw's annual [Workplace Class Action Litigation Report](#).

Seyfarth's report is widely regarded as a leading report for workplace litigation. The report provides a circuit-by-circuit and state-by-state review of significant class-action rulings and offers an analysis of significant settlements in class actions and collective actions. This report is the firm's 18th edition.

Of note, the most recent report cites that the past year saw record workplace class-action settlements from the top 10 aggregate settlement numbers, which totaled approximately \$3.62 billion in 2021. For reference, this number is compared to about \$1.6 billion in 2020.

Moving forward, the EEOC may become more aggressive with its litigation, according to Seyfarth's report. The agency is expected to enforce litigation efforts in alignment with the Biden administration's priorities. The report states these priorities include LGBT, disability and pregnancy rights.

These trends mean that managing and combating workplace class-action threats requires an evolving and strategic approach from employers.

Report Takeaways

The report highlights that the pro-worker policies of the Biden administration have been reflected in the past year, as federal enforcement agencies—including the EEOC—have ramped up efforts for litigation enforcement programs. The Biden administration continues to roll out changes that are taking shape through executive orders, legislation, rule modifications and enforcement litigation.

In general, these changes trend toward providing more avenues for workers and government enforcement agencies, but they create potential litigation and compliance challenges for businesses. Employers should expect the current state of the workplace and reversals in policy to lead to the EEOC expanding enforcement efforts and impact private class-action litigation. The report states that the future of workplace class-action litigation is likely to continue evolving, and organizations will continue to face new litigation challenges in 2022 and beyond.

What This Means

The EEOC's substantive priorities have stayed the same since 2012. However, the agency's enforcement activities may reflect the pro-worker policies of the current administration. Employers should expect the EEOC to be aggressive in terms of the number of investigations and lawsuits that it pursues, according to the report.

As such, employers should be sure to review their workplace policies and procedures to ensure compliance with all applicable workplace laws and regulations. VCG Consultants will keep you apprised of any noteworthy EEOC enforcement trends.