

## California Workers with Criminal Records: Know Your Employment Rights How Does the EEOC Handle Discrimination Complaints?

The EEOC case starts when you file a complaint (called a “charge”). In the charge, you explain what workplace discrimination took place.

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Next, the EEOC gives a copy of the charge to the employer.

- If the EEOC thinks the parties might be able to settle the claim, the EEOC will suggest mediation. A mediator is a person who helps the parties try to resolve the problem informally. Everything about the mediation is confidential. It is also free.
- If mediation is unsuccessful, or if the parties don't try to mediate, the EEOC assigns the charge to an investigator and asks the employer to respond. When the employer responds, the EEOC investigator reviews your charge and the employer's response.
- The EEOC investigator might request additional information, interview people, read documents, visit the workplace, or take other steps to investigate the charge of discrimination.

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After investigation, the EEOC issues a decision. It will conclude either:

1. There is **NO CAUSE** (meaning, no reason that the EEOC found) to believe that unlawful discrimination occurred, or
2. There is **REASONABLE CAUSE** (meaning, a good reason) to believe that unlawful discrimination occurred.

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*If the EEOC find **NO CAUSE** to believe that unlawful discrimination occurred,* then the EEOC gives you a “**Right to Sue**” notice. You then have 90 days to file a lawsuit in court. If you wait more than 90 days, it likely will be too late to sue the employer for unlawful discrimination and the case is over.

*If the EEOC finds **REASONABLE CAUSE** to believe that unlawful discrimination occurred,* then the EEOC will schedule a conciliation. This is an attempt to resolve the case without filing a lawsuit.

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- If the conciliation is successful, the case ends, usually with the employer agreeing to compensate you for its unlawful actions.
- If the conciliation is unsuccessful, the EEOC will sometimes decide to file a lawsuit against the employer. If the EEOC does not sue, it will give you a “**Right to Sue**” notice. You then have 90 days to file a lawsuit in court.

This fact sheet provides general information regarding filing a charge of discrimination with the EEOC and is not specifically written to apply to your individual situation.

Please consult an attorney or the appropriate agency about your rights in your individual situation.

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