

## **EEOC LAUNCHES E-RACE PROGRAM TO COMBAT RACIAL DISCRIMINATION**

In an effort to combat racial discrimination in the workplace, the Equal Employment Opportunity Commission (“EEOC”) has launched its E-Race Initiative. Through E-Race (“Eradicating Racism and Colorism from Employment”) the EEOC has vowed to identify issues, criteria and barriers that contribute to race and color discrimination, explore strategies to improve the administrative processing and the litigation of race and color discrimination claims, and enhance public awareness of race and color discrimination in employment.

Of particular concern to the EEOC are new forms of discrimination resulting from multi-dimensional demographics, overt acts of discrimination such as the display of nooses in the workplace and facially neutral employment criteria that are significantly disadvantaging applicants and employees on the basis of race and color. For example, selection decisions based on names, arrest and conviction records, employment and personality tests, and credit scores will be highly scrutinized by the EEOC as they may disparately impact people of color. The EEOC is also concerned about an employer’s reliance on new technology in job searches, such as video resumes, as the use of such technology could lead to intentional race or color discrimination based on appearance or a disproportionate exclusion of applicants of color who may not have access to broadband-equipped computers or video cameras.

According to the EEOC, the objectives of E-RACE will be combined with existing EEOC initiatives, such as its [Youth@Work Initiative](#), an outreach program designed to combat discrimination against teenage employees. The EEOC has also committed to strengthening partnerships with employee advocates and state and local human rights commissions and to increasing its outreach to human resource professionals and employer groups to address race and color discrimination in the workplace.

The E-Race Initiative is the second major effort taken by the EEOC to combat race and color discrimination in as many years. In April 2006, the EEOC issued a new Compliance Manual section updating guidance on how federal law (Title VII) prohibits employment discrimination on the basis of race and color. The manual is designed to help prevent discrimination and assist in identifying and responding to instances of discrimination and was issued in recognition of the fact that racial discrimination is the most-alleged basis of employment discrimination under federal law. Indeed, in Fiscal Year 2006, 27,238 charges alleged race-based discrimination, accounting for 36% of the charges filed that year.

The EEOC’s launch of the E-Race Initiative demonstrates that the EEOC intends to continue its aggressive prosecution of race-based charges. Employers should take note and re-examine their policies and take appropriate proactive steps to ensure compliance with the non-discrimination laws.