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Women

# Workplace Discrimination: Filing a Complaint with the EEOC

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If the company has more than 15 employees, you're protected by Federal Law, Title VII. Under Title VII, employers may not use race, skin color, gender, religious beliefs, or national origin as the basis for decisions on hirings, promotions, dismissals, pay raises, benefits, work assignments, leaves of absence or just about any other aspect of employment.

Title VII complaints can be filed with local Equal Employment Opportunity Agency (EEOC) offices. To find the one closest to you, call 800-669-4000 or go to [www.eeoc.gov](http://www.eeoc.gov).

You should know that EEOC isn't always helpful, that their staff is overworked and underpaid and aren't always the most sympathetic.

Once you file a claim, they will investigate and categorize your claim in one of three ways:

- Cases that are likely to result in a finding of discrimination
- Cases that cannot be immediately assessed one way or the other
- Those unlikely to result in a discrimination judgment

Upon the completion of the investigation, the EEOC will send you a letter describing their findings. The EEOC must provide the letter within 120 days.

There are two types of letters:

- A "No Cause" letter states that they didn't find sufficient evidence of discrimination. If you receive this letter, you can still sue. Many times the EEOC gives these letters because they don't want to spend the extra time investigating.
- A "Probable Cause" letter states that they may have found evidence of discrimination. If you decide to pursue legal action, you can use this letter in court.

If you feel you have a strong legal case, you don't have to wait the 120 days. Your lawyer can request the letter at any time and file the case on your behalf. However, if you don't wait, you may receive a "No Cause" letter.

Once you receive the letter you have 90 days to file a case.

The EEOC likes to engage in mediation with the employer and prefers to workout an out-of-court agreement.

For additional protection, check your state's anti-discrimination laws. State and local anti-discrimination laws may also protect categories not covered by federal law, such as sexual orientation or companies with fewer than 15 employees. To learn more about your state's law go to your local government's website or city hall or the county courthouse.

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*9to5 does not provide legal advice. As a membership and advocacy non-profit organization, we offer information on workplace rights and how to handle workplace issues.*

*For more information about your rights on the job, call the 9to5 Job Survival Helpline  
1-800-522-0925 or [helpline@9to5.org](mailto:helpline@9to5.org)*

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