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U.S. Equal Employment Opportunity Commission (EEOC) Complaint Process: The Basics

This is not legal advice. It gives you general information only. Individuals considering legal action should speak with their attorney.

Federal employees and job applicants have a different complaint process, not covered in this fact sheet. More information may be found [here](#) for federal employees.

Learn more about the EEOC here (<https://www.eeoc.gov/overview>). To find the EEOC office near you, visit: <https://www.eeoc.gov/field-office> or call **1-800-669-4000**.

What is the EEOC?

The EEOC is the federal agency that enforces federal laws against employment discrimination. The EEOC enforces the laws that protect you if you have been discriminated against or harassed at work because of your race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older) or genetic information. The EEOC also enforces the law that prohibits employers from retaliating against a worker because the worker made a complaint or helped another worker complain about job discrimination or harassment.

Some states also have agencies where you can file. You find out about state agencies here: <https://www.eeoc.gov/field-office>.

If you think you have been discriminated against by your employer, you can contact the EEOC for information about how the agency can help.

For some laws, you must file a charge with the EEOC before you can go to court to hold your employer accountable.

What are the steps in the EEOC process?

- » The first step is to file a charge of discrimination.
 - You may file online at the [EEOC Public Portal \(https://publicportal.eeoc.gov/Portal/Login.aspx\)](https://publicportal.eeoc.gov/Portal/Login.aspx). You may also call the nearest EEOC office and ask them about the steps in charge filing. To find the EEOC office near you, visit: <https://www.eeoc.gov/field-office> or call 1-800-669-4000.
 - The charge asks for your contact information, the name and contact information of your employer, a description of what happened, and the names and contact information of potential witnesses.
 - Once you file a charge, the EEOC will send you a charge number which lets you track your case progress online.
- » The EEOC may dismiss the charge right away if it does not fit the EEOC's rules. For example, the charge may be dismissed if it has been filed too late, is not against an employer, or is not about the types of discrimination covered by the EEOC.
- » The EEOC may try to solve your charge through **mediation**. Mediation lets you and your employer talk about your complaint with an EEOC mediator to see if it can be resolved.
- » If your charge is not sent to mediation, or mediation does not solve your situation, the EEOC will ask your employer to provide a written answer to your charge.
- » The EEOC will **investigate** your charge. The EEOC may interview you or other witnesses or ask you or your employer for documents. The investigation can take several months or even years.
- » The EEOC will make a determination of "**probable cause**" that discrimination occurred or "**no cause**" that discrimination occurred.
 - If the EEOC finds "no cause," the EEOC will dismiss your charge and issue you a "**NOTICE OF RIGHT TO SUE.**" If you wish to file your own lawsuit, at your own expense, you then have **90 days** to do so.
 - If the EEOC finds "probable cause" that a violation occurred, the EEOC will send a **Letter of Determination** to you and your employer. The EEOC will try to work with you and your employer to resolve the case. This process is called "**conciliation.**"
 - If the charge is not resolved at conciliation, the EEOC will issue you a **NOTICE OF RIGHT TO SUE.** If you wish to file your own lawsuit, at your own expense, you have **90 days** after the Notice to do so.
 - In a small number of cases where the EEOC finds that

it is likely that a violation occurred, the EEOC will bring a lawsuit on your behalf.

Who can file an EEOC Charge?

- » A charge can be filed by employees, former employees, and applicants. Full time, part time, seasonal, and temporary workers can file charges. Workers can file charges regardless of their citizenship or work authorization status.
- » If you are fearful of making a charge, an individual, organization, or agency may file a complaint on your behalf in order to protect your identity.

What are the time limits for filing a charge with the EEOC?

- There are strict time limits for filing a charge with the EEOC.
- In some states, you must file a charge with the EEOC within 180 days from the violation.
- If your charge is also covered by state or local employment laws, you may have 300 days to report to the EEOC.
- The EEOC's web page with field offices has information about what time limits apply in each state. <https://www.eeoc.gov/field-office>.

Does it cost money to file a charge with the EEOC?

- » No. All EEOC services are free.

Do I need an attorney to file a charge with the EEOC?

- » No. You do not have to have a lawyer to report what happened to your employer or the EEOC, but it can be helpful to have one.

Is my EEOC charge confidential?

- » If you file a charge, the EEOC will let your employer know. If you talk to the EEOC but decide not to file a charge, the EEOC will not let your employer know.

This information comes from the U.S. Equal Employment Opportunity Commission. More information may be found [here](#) and [here](#).