



National Employment
Lawyers Association

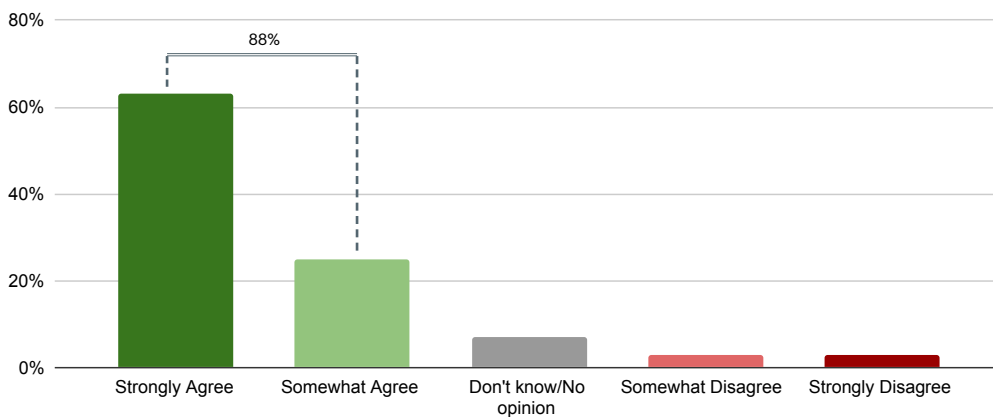
MAY 2024 | FACT SHEET

Majority of U.S. Adults Support Removing Caps on Money Damages in Employment Discrimination Cases

Recent polling conducted by the National Women’s Law Center and the National Employment Lawyers Association with Morning Consult in March 2024 shows that voters overwhelmingly support holding employers who discriminate against employees fully accountable for the harm they cause.

- Nearly **nine in 10 U.S. adults (88%)** agree employers should be held accountable for discrimination. Holding employers accountable has broad bipartisan support, with **91% of Democrats** and **84% of Republicans** responding either “Strongly Agree” or “Somewhat Agree.”

Employers should be held accountable when they violate federal employment laws against discrimination



- A clear majority of U.S. adults (**84%**) believe victims of discrimination deserve to be fully compensated by their employer for the harm they experienced.
- **Four in five U.S. adults (80%)** agree compensation for victims of workplace discrimination should be based on the severity of the harm they experienced.

Federal workplace anti-discrimination law is intended to deter discrimination and restore the victim to the position they would have been in had they not experienced the discrimination. Once a jury finds that an employer has discriminated against an employee, it can order the employer to provide compensatory damages to pay for emotional harm the employee suffered, as well as expenses the employee incurred because of the discrimination, including the cost of finding a new job or medical expenses. A jury may also award an employee additional punitive damages to punish an employer for particularly egregious or malicious discriminatory behavior and to deter the employer and others from repeating that behavior.

Under current federal law, however, the amount of money damages that can be awarded to an employee who has suffered harm because of discrimination based on race, color, religion, national origin, disability, or sex is limited based on the size of the employer. These limits apply no matter how severe the discrimination is.

By more than two to one, U.S. adults support removing the statutory limits on the amount of money employees can receive from employers who violate anti-discrimination laws. 53% support removing these statutory limits, 26% oppose, and 21% do not know or have no opinion.

Currently, when an employee wins a federal workplace anti-discrimination lawsuit and a jury awards damages, the court must reduce the jury award to a predetermined limit under federal law, regardless of the actual harm the employee has experienced. For example, if an employer has 15-100 employees, federal law limits the amount an employee can recover to \$50,000. Even for employers with more than 500 employees, the amount an employee can recover is capped at \$300,000. These limits were put in place in 1991 and have never been adjusted for inflation—so in effect the amount a victim of workplace discrimination can recover from a wrongdoing employer gets smaller and smaller every single year. These caps prevent employees from being fully compensated for the harm they experience and prevent courts from holding employers fully accountable for their unlawful behavior.

The Equal Remedies Act Would Enact the Will of the Voters

The Equal Remedies Act of 2024, introduced by Senator Edward J. Markey (D-MA) and Representative Suzanne Bonamici (D-OR-01), removes these predetermined caps on damages and allows employees who have experienced discrimination to be fully compensated for the harm they have suffered. For more information on the bill please visit www.endedamagecapsforworkers.com.

