



June 17, 2025

The Honorable Bill Cassidy
Chairman
Senate Committee on Health, Education, Labor
and Pensions
428 Senate Dirksen Office Building
Washington, DC, 20510

The Honorable Bernie Sanders
Ranking Member
Senate Committee on Health, Education, Labor
and Pensions
428 Senate Dirksen Office Building
Washington, DC, 20510

Dear Chairman Cassidy and Ranking Member Sanders:

As leaders of the Democratic Women's Caucus, we write with urgent concern regarding the nomination of Acting Chair Andrea Lucas to the Equal Employment Opportunity Commission (EEOC). Since her appointment as Acting Chair, Commissioner Lucas has weaponized the EEOC to pursue President Trump's political agenda rather than fulfill the clear statutory duty of the EEOC to protect and advance civil rights in the workplace. Under Acting Chair Lucas' leadership, the EEOC has illegally 'investigated' law firms for diversity, equity, and inclusion (DEI) practices and undermined decades worth of progress made to protect workers. Acting Chair Lucas has laid out her intentions to limit workers' rights under the *Pregnant Workers Fairness Act (PWFA)* and rescind the Enforcement Guidance on Harassment in the Workplace. On behalf of the millions of women workers, pregnant workers, and workers at risk of discrimination in this country, we are deeply alarmed by Acting Chair Lucas' nomination, and we urge you to reject it.

Acting Chair Lucas has repeatedly attempted to weaken protections against discrimination and gut civil rights enforcement to root out so-called "DEI-related discrimination." Diversity, equity, and inclusion practices help to prevent workplace discrimination by eliminating barriers to opportunity. For instance, these programs might include compensation analyses to ensure workers receive equal pay for equal work; employee resource groups to provide networking and mentorship opportunities; and efforts to expand recruitment at women's colleges and HBCUs. Lucas has used the EEOC to advance the administration's attacks on diversity, equity, and inclusion, overstepping her authority to intimidate law firms into dropping their DEI practices, and to issue misleading guidance that falsely casts doubt on the legality of these practices. This administration continues to peddle that they are protecting women when in fact their attacks are directly targeted at women. Acting Chair Lucas' work has done nothing to make women safer in the workplace, and no amount of political messaging can change that.

Additionally, Acting Chair Lucas voted against the EEOC's final rule implementing the PWFA, and she has indicated her intent to rescind the rule. The PWFA was signed into law in 2022 with bipartisan support to expand access to reasonable workplace accommodations for pregnant and postpartum workers, including for abortion care and miscarriage.¹ The PWFA provides life-changing protections for pregnant and postpartum workers nationwide, ensuring they aren't forced off the job or denied the accommodations they need for their health, including if they need time off due to a miscarriage, need to sit down during their shift, or to travel to get abortion care. Acting Chair Lucas has objected to the final rule's recognition that PWFA covers a broad range of limitations related to pregnancy and childbirth that might require accommodation, such as fertility care and abortion. Lucas would have sought cabin coverage of PWFA and make it more difficult for employers to implement the law and for workers to remain on the job.²

¹ Gyory, M. (2025, March). *Reproductive rights face headwinds as EEOC, DOJ change tack*. Bloomberg Law. <https://news.bloomberglaw.com/us-law-week/Reproductive-Rights-Face%20Headwinds-As-EEOC,-DOJ-Change-Tack>

² Equal Employment Opportunity Commission. (2024, April 19). *Implementation of the Pregnant Workers Fairness Act (Final Rule and Interpretive Guidance)* (29 CFR pt. 1636; RIN 3046-AB30) [Federal Register]. 89(75), 29096–29220. <https://www.federalregister.gov/documents/2024/04/19/2024-07527/implementation-of-the-pregnant-workers-fairness-act>

accommodations they need for their health, including if they need time off due to a miscarriage, need to sit down during their shift, or to travel to get abortion care. Acting Chair Lucas has objected to the final rule's recognition that PWFA covers a broad range of limitations related to pregnancy and childbirth that might require accommodation, such as fertility care and abortion. Lucas would have sought cabin coverage of PWFA and make it more difficult for employers to implement the law and for workers to remain on the job.²

If confirmed, Acting Chair Lucas would have the power to unravel the PWFA from the inside out. She has already signaled her intent to revise the PWFA final rule and weaken its protections for workers once the Commission has a Republican majority. This would be a betrayal of not only Congressional intent, but of the millions of workers, especially women who earn low-wages and women of color, who depend on these protections to work safely while pregnant or recovering from childbirth. To rollback these protections would put women's lives in danger.

The Acting Chair also voted against the EEOC's Enforcement Guidance on Harassment in the Workplace, which protects women and all workers against harassment. The guidance is a key tool that enables employers to better prevent and address harassment while empowering workers to know their rights. The guidance, which was 10 years in the making, reflects notable changes in the law, including the Supreme Court's decision in *Bostock v. Clayton County*, and emerging issues such as online harassment. It includes over 75 examples of harassment across a wide-range of real-world scenarios, including harassment of vulnerable workers like survivors of gender-based violence, teenagers, pregnant workers, and immigrants. Unfortunately, the Acting Chair has indicated her intent to rescind the guidance once the EEOC regains a Republican majority.

Under the Acting Chair's leadership, the EEOC has also abandoned disparate impact cases, which have historically been key to advancing women's opportunities in the workplace. For instance, in 2020, Walmart agreed to pay \$20 million to settle a sex-based hiring discrimination lawsuit filed by the agency. According to the EEOC's lawsuit, Walmart conducted a physical ability test as a requirement for applicants to be hired as order fillers at grocery distribution centers nationwide, which disproportionately excluded female applicants.³ In another case against Dial Corporation, the EEOC was able to show how a strength test had a disparate impact on women for entry-level production jobs. Prior to use of the test, 46% of hires were women; after use of the test, only 15% of hires were women. These cases demonstrate the importance of disparate impact, which was codified by Congress in Title VII in 1991, for protecting women - cases that will no longer be filed under the Acting Chair's leadership.

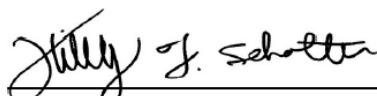
Acting Chair Lucas has used her position not to protect women workers, but to advance an extreme ideological crusade. Her confirmation would hand the reins of the EEOC to someone determined to dismantle its core functions and roll back decades of progress for women's rights in the workplace.

We urge you and your colleagues on the Senate HELP Committee to reject her nomination. The stakes for working women, especially pregnant women, could not be higher.

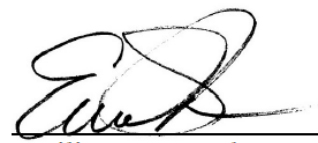
Sincerely,



Teresa Leger Fernandez
Chair
Democratic Women's Caucus



Hillary J. Scholten
Vice Chair
Democratic Women's Caucus



Emilia Strong Sykes
Vice Chair
Democratic Women's Caucus

³ U.S. Equal Employment Opportunity Commission. (2020, September 10). *Walmart, Inc. to pay \$20 million to settle EEOC nationwide hiring discrimination case* [Press release]. <https://www.eeoc.gov/newsroom/walmart-inc-pay-20-million-settle-eeoc-nationwide-hiring-discrimination-case>