

Congress of the United States
Washington, DC 20515

November 24, 2025

The Honorable Andrea Lucas
Chair
U.S. Equal Employment Opportunity Commission (EEOC)
131 M St. NE
Washington, DC, 20507

Dear Chair Lucas,

We write with urgent concern regarding your intent to rescind the EEOC's Enforcement Guidance on Harassment in the Workplace (the harassment guidance).¹ Since your appointment, you have weaponized the EEOC to pursue President Trump's political agenda rather than fulfill the statutory duty of the agency which is to protect and advance the civil rights of workers. The EEOC has regained quorum after President Trump unlawfully removed two Democratic Commissioners. Now, we fear that the agency tasked with protecting workers will further erode their rights, including by rescinding the harassment guidance. This will negatively impact marginalized workers.

The EEOC adopted updates to its comprehensive harassment guidance in April of 2024, clarifying the legal standards for harassment claims and employer liability. The harassment guidance reflects notable changes in the case law, including the Supreme Court's recognition in *Bostock v. Clayton County* that Title VII of the *Civil Rights Act of 1964* protects workers against discrimination based on sexual orientation and gender identity, as well as emerging issues such as online harassment and intersectional discrimination. The harassment guidance also includes over 75 wide-ranging examples of harassment, including harassment of marginalized workers such as survivors of gender-based violence, teenagers, individuals with disabilities, immigrants, and pregnant workers.

In addition to empowering workers to know their rights, the harassment guidance enables employers to better prevent and address harassment, improving the safety of all workplaces. Notably, the harassment guidance explains what constitutes effective anti-harassment policies, trainings, and complaint processes, building on the agency's formerly bipartisan leadership to prevent and address harassment.²

Your intent to rescind the harassment guidance is unfortunately in line with your record of failing to protect marginalized workers. For instance, in September 2023, you voted against authorizing litigation against Tesla for egregious racial harassment.³ In that lawsuit, the EEOC alleges that Black employees at Tesla's manufacturing facilities have routinely endured racial epithets such as variations of the N-word,

1 U.S. Equal Employment Opportunity Commission. (2025, January 28). *Removing gender ideology and restoring the EEOC's role of protecting women in the workplace*. <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>

2 U.S. Equal Employment Opportunity Commission. (2024, April 29). *Enforcement Guidance on Harassment in the Workplace*. <https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace>

3 U.S. Equal Employment Opportunity Commission. (2023, September). *Commission votes: September 2023*. <https://www.eeoc.gov/commission-votes-september-2023>

“monkey,” and “boy,” as well as regularly encountered graffiti, including swastikas, threats, and nooses.⁴ More recently, you instructed the EEOC to abandon seven of its own lawsuits on behalf of transgender and nonbinary workers.⁵ These workers endured harassment that no worker, regardless of their gender identity, should have to deal with, including being asked about their intimate body parts, being referred to as “It,” and being subjected to unwanted touching and physical and verbal abuse. You have also taken steps to hinder the processing of gender identity discrimination complaints, including stopping the processing of such complaints and later subjecting such complaints to heightened review.

The stakes for marginalized workers could not be higher. Studies suggest that as many as 60% of women experience workplace sexual harassment.⁶ A 2023 survey found that almost 50% of LGBTQI+ employees have experienced discrimination or harassment at work because of their sexual orientation or gender identity during their lifetime.⁷ Additionally, 41% of Black workers, 25% of Asian American workers, and 20% of Hispanic workers have reported experiencing discrimination based on their race or ethnicity.⁸ In FY 2024 alone, the EEOC received 35,774 charges alleging harassment, constituting 40% of total charges received.⁹ Behind these statistics are real people who have come forward to vindicate their rights and prevent harm to others. By sharing their stories, these workers shine a bright light on the ways in which harassment is an abuse of power, harming survivors’ well-being and economic security. Any rescission of the harassment guidance would jeopardize their right to a safe workplace and a pathway to justice.

Although the EEOC’s own data proves that harassment is a serious problem, you voted against the agency’s harassment guidance and called for its rescission.¹⁰ We strongly oppose efforts to rescind or weaken this guidance. If you move forward with an effort to rescind or revise the harassment guidance, we expect you to follow proper procedure, which must include an opportunity for notice and comment. As you know, the existing harassment guidance was issued following a 30-day notice and comment period, which resulted in 38,000 comments from the public. As you stated in a joint brief to the U.S. District Court for the Northern District of Texas, “To rescind or revise portions of the Guidance, the Commission will have to follow the notice and comment procedures for significant guidance documents set forth in 29 C.F.R. § 1695.6 which, except in limited circumstances, requires the Commission to put the document out for a period of notice and public comment of at least 30 days and to prepare and post a

4 U.S. Equal Employment Opportunity Commission. (2023, September 28). *EEOC sues Tesla for racial harassment and retaliation*. <https://www.eeoc.gov/newsroom/eeoc-sues-tesla-racial-harassment-and-retaliation>

5 Savage, C., & Olson, A. (2023, June 27). *EEOC seeks to drop a gender discrimination case over Trump’s orders*. The Associated Press. <https://apnews.com/article/eeoc-trump-gender-identity-discrimination-alabama-73a065c8aa5e0060472e1cac1ecd8212>

6 Feldblum, C., & Lipnic, V. A. (2016, June). *Report of the co-chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*. U.S. Equal Employment Opportunity Commission. https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/task_force/harassment/report.pdf

7 Sears, B., et al. (2024, August). *LGBTQ People’s Experiences of Workplace Discrimination and Harassment*. Williams Institute. <https://williamsinstitute.law.ucla.edu/publications/lgbt-workplace-discrimination/>

8 Pew Research Center. (2023, March 30). *How Americans view their jobs*. <https://www.pewresearch.org/social-trends/2023/03/30/how-americans-view-their-jobs/>

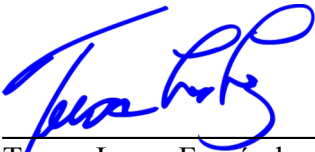
9 U.S. Equal Employment Opportunity Commission. (n.d.). *Enforcement and litigation statistics*. <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>

10 U.S. Equal Employment Opportunity Commission. (2025, January 28). *Removing gender ideology and restoring the EEOC’s role of protecting women in the workplace*. <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>

public response to any major concerns raised in the comments received.”¹¹ We expect the agency to abide by its declaration to the court and provide an opportunity for the public, and Congress, to weigh in on such a consequential matter.

Everyone deserves a safe and inclusive workplace. Instead of rolling back decades of progress for marginalized workers, including women, LGBTQI+ workers, and workers of color, in service of an extreme ideological crusade, we encourage you to retain the harassment guidance and protect all workers against discrimination.

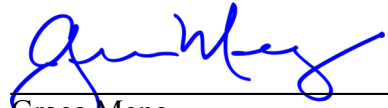
Sincerely,



Teresa Leger Fernández
Chair
Democratic Women's Caucus



Mark Takano
Chair
Congressional Equality Caucus



Grace Meng
Chair
Congressional Asian Pacific
American Caucus



Adriano Espaillat
Chair
Congressional Hispanic Caucus



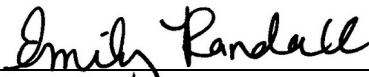
Yvette D. Clarke
Chair
Congressional Black Caucus



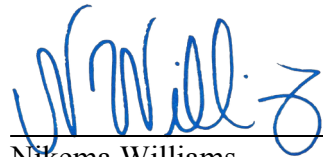
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Emily Randall
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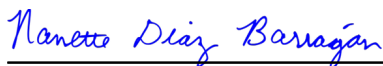


Nikema Williams
Member of Congress

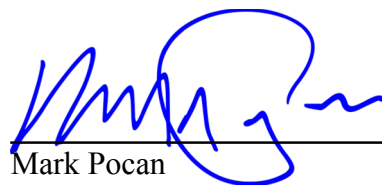
¹¹ *Texas v. EEOC*, 2:24-cv-173 (N.D. Tex.) ECF No. 53 (Joint Br. on Effect of Recent Executive Order) at 7.
<https://storage.courtlistener.com/recap/gov.uscourts.txnd.393489/gov.uscourts.txnd.393489.53.0.pdf>



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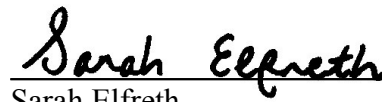
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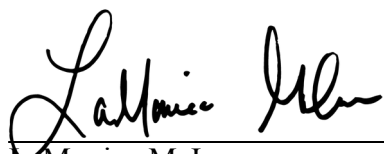
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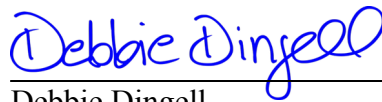
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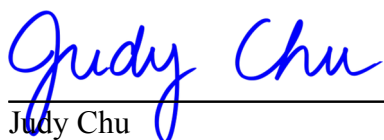
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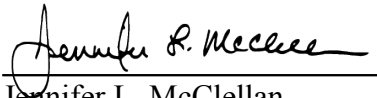
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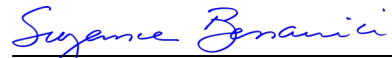
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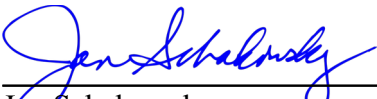
Madeleine Dean
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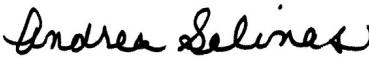
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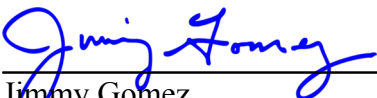
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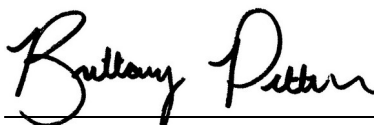
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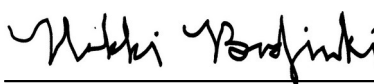
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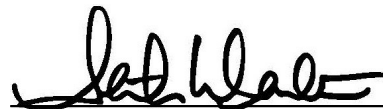
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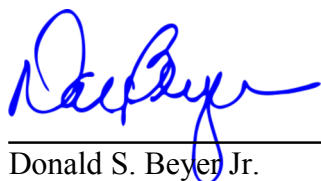
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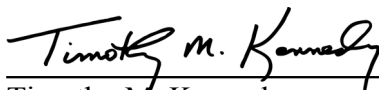
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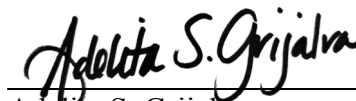
Norma J. Torres
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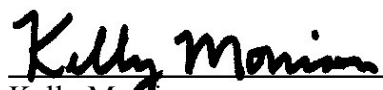
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