

January 21, 2026

By Electronic Mail

Andrea Lucas  
Chair  
U.S. Equal Employment Opportunity Commission  
131 M Street, N.E.  
Washington, D.C. 20507

Dear Chair Lucas:

We write to express our opposition to the Equal Employment Opportunity Commission's (EEOC) proposed rescission of its [Enforcement Guidance on Workplace Harassment](#) (Harassment Guidance), which it plans to consider at its upcoming meeting on January 22. We strongly object to the rescission of this document and to the Commission's decision to deny the public any opportunity to weigh in on this matter of vital importance to workers. We urge the agency to preserve the existing guidance or, at minimum, to provide an opportunity for public comment on this matter.

The Harassment Guidance is a critically important resource that helps ensure all workers can work safely and with dignity. Between FY 2019 and 2023, [over 1 in 3 discrimination charges](#) received by the EEOC included an allegation of harassment based on race, gender, or other characteristics. In FY 2024 alone, the EEOC received [35,774](#) charges alleging harassment. These charge statistics do not even begin to capture the full extent of harassment in the workplace, as most workers who experience harassment [do not report it](#), highlighting the need for continued efforts to improve prevention, education, enforcement, and accountability.

The Harassment Guidance was the culmination of a years-long effort by the EEOC to strengthen harassment prevention, including by developing a bipartisan task force, holding stakeholder meetings, and producing an [extensive report](#). The Harassment Guidance was ultimately issued in 2024, following a notice and comment period during which the EEOC received over 38,000 comments. This document provided much needed updated guidance for the first time in nearly a quarter century. It reflects notable developments in the law, including the Supreme Court's decision in *Bostock v. Clayton County*. It makes clear that federal law protects all workers from harassment based on protected characteristics including race, national origin, religion, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and related medical conditions), disability, and age. It also provides more than seventy examples of how the law applies to different factual scenarios, including harassment of survivors of gender-based violence, teenagers, immigrants, pregnant workers, and members of minority religious groups, harassment based on traits or characteristics linked to an individual's race (such as hair

discrimination), harassment based on sexual orientation and gender identity, and harassment of people online.

Rescinding the Harassment Guidance is yet another example of the EEOC straying from its core mission and weakening the enforcement of civil rights laws, leaving workers without the protections they deserve—especially [women](#), [Black people and other people of color](#), [LGBTQIA+ people](#), and other workers that face harassment and violence at disproportionately high rates. It is also another example of this administration undermining protections for everyone in order to advance its attacks on transgender and nonbinary people, under the guise of “[protecting women](#).” But getting rid of the Harassment Guidance entirely will not make women or other workers safer. Instead, it will deprive employers of important guidance that helps them understand their obligations and take steps to prevent and remedy harassment, and it will create confusion that will make it harder for all workers to recognize and enforce their rights to be free from harassment in the workplace. The EEOC’s own data makes clear that workplace harassment remains a pervasive issue. The decision to rescind this document—while also focusing its limited enforcement capacity on [soliciting charges](#) from white men with no evidence to support the outsized focus on this one group—would send a clear message that the EEOC does not see addressing widespread workplace harassment and violence as a priority.

We strongly urge you to reverse course and preserve the Harassment Guidance. At a minimum, we urge you to provide an opportunity for the public to weigh in on this matter that directly impacts workers around the country. The Harassment Guidance is a comprehensive guidance document that was issued through a notice and comment process, and any action to rescind this document should follow that same process. As the EEOC itself has acknowledged in federal [court filings](#), “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....” Not only has the EEOC bypassed this requirement, but the public was not even granted the opportunity to participate in meetings with the Office of Information and Regulatory Affairs (OIRA) to discuss this matter—although several organizations requested meetings with OIRA pursuant to Executive Order 12866, all meetings were denied or cancelled when OIRA concluded its regulatory review on January 14. We strongly object to this rushed process to rescind the Harassment Guidance behind closed doors. We ask that you abide by EEOC regulations and the agency’s representations to the court and put the proposed rescission of the Harassment Guidance out for a notice and comment period.

With any questions, please reach out to Katie Sandson, Senior Counsel, Education and Workplace Justice, National Women's Law Center ([Ksandson@nwlc.org](mailto:Ksandson@nwlc.org)).

Sincerely,

National Women's Law Center  
Advocates for Trans Equality  
Equal Rights Advocates  
Human Rights Campaign  
Legal Defense Fund (LDF)  
National Partnership for Women & Families

Joined by:

American Association of University Women (AAUW)  
American Atheists  
American Civil Liberties Union  
Americans United for Separation of Church and State  
Arizona Coalition to End Sexual and Domestic Violence  
Arkansas Coalition Against Sexual Assault  
Autistic Self Advocacy Network (ASAN)  
California Women's Law Center  
CenterLink  
Chicago Women in Trades  
Christopher Street Project  
Clearinghouse on Women's Issues  
Council for Global Equality  
Democratic Messaging Protect  
Equal Justice Society  
Equality Illinois  
Fair Wisconsin  
Family Values @ Work  
Feminist Majority  
FORGE, Inc.  
Freedom Writers Collaborative  
Futures Without Violence  
Gender Justice League  
GLAAD  
Haitian Bridge Alliance  
Illinois Environmental Council  
Immigration Equality  
Impact Fund  
Indivisible Marin  
Indivisible Westside Los Angeles

Institute for Women's Policy Research  
interACT: Advocates for Intersex Youth  
Justice for Migrant Women  
Lambda Legal  
Lawyers for Good Government  
Legal Aid at Work - Gender Equity & LGBTQ Rights Program  
Legal Momentum, The Women's Legal Defense and Education Fund  
Louisiana Trans Advocates  
Missouri Coalition Against Domestic and Sexual Violence (MOCADSV)  
MomsRising  
National Alliance to End Sexual Violence  
National Asian Pacific American Women's Forum  
National Black Worker Center  
National Employment Law Project  
National Employment Lawyers Association  
National Institute for Workers' Rights  
National LGBTQ Task Force Action Fund  
National LGBTQ+ Bar Association  
National Network to End Domestic Violence  
National Organization for Women  
National Taskforce on Tradeswomen's Issues  
NBJC  
NEA  
Nevada Coalition to End Domestic and Sexual Violence  
New Jersey Coalition Against Sexual Assault  
Oasis Legal Services  
PFLAG National  
Physicians for Reproductive Health  
Progressive Democrats of America  
Reproductive Freedom for All  
Respect Together  
RI Women in the Trades  
Rocky Mountain Equality  
Safer Country  
SAGE  
Service Employees International Union (SEIU)  
State Innovation Exchange (SiX)  
The Cancer Network  
The Sikh Coalition  
The Workers Circle  
Trans Income Project  
ValorUS  
Venice Resistance  
Wisconsin Coalition Against Sexual Assault

Women Employed  
Women's Law Project  
Working IDEAL

Cc:

Kalpana Kotagal, Commissioner, U.S. Equal Employment Opportunity Commission  
Brittany Panuccio, Commissioner, U.S. Equal Employment Opportunity Commission