

MAJORITY MEMBERS:

TIM WALBERG, MICHIGAN, *Chairman*

JOE WILSON, SOUTH CAROLINA
VIRGINIA FOXX, NORTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JAMES COMER, KENTUCKY
BURGESS OWENS, UTAH
LISA C. MCCLAIN, MICHIGAN
MARY E. MILLER, ILLINOIS
JULIA LETLOW, LOUISIANA
KEVIN KILEY, CALIFORNIA
MICHAEL RULLI, OHIO
JAMES C. MOYLAN, GUAM
ROBERT F. ONDER, JR., MISSOURI
RYAN MACKENZIE, PENNSYLVANIA
MICHAEL BAUMGARTNER, WASHINGTON
MARK HARRIS, NORTH CAROLINA
MARK B. MESSMER, INDIANA
RANDY FINE, FLORIDA



COMMITTEE ON
EDUCATION AND WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Ranking Member

JOE COURTNEY, CONNECTICUT
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ILHAN OMAR, MINNESOTA
HALEY STEVENS, MICHIGAN
GREG CASAR, TEXAS
SUMMER L. LEE, PENNSYLVANIA
JOHN MANNION, NEW YORK
ADELITA GRIJALVA, ARIZONA

November 24, 2025

The Honorable Andrea Lucas
Chair
U.S. Equal Employment Opportunity Commission
131 M St., NE
Washington, D.C., 20507

Dear Chair Lucas,

I write with strong opposition regarding your intention¹ to rescind the Equal Employment Opportunity Commission's (EEOC or Commission) Enforcement Guidance on Harassment in the Workplace (Harassment Guidance)², which was adopted by the Commission in 2024 after providing a notice and comment period. The Harassment Guidance provides information based on evolving caselaw regarding how to evaluate whether harassment violates federal civil rights laws including: what are the protected worker characteristics (e.g., race, sex) that are covered by anti-harassment obligations under various federal civil rights laws as well as the standards for establishing causation; identifies discrimination involving a term, condition, or privilege of employment; and provides an overview of standards of liability for employers. It also provides information on EEOC harassment resources and includes over 75 examples of harassment to help workers and employers to better identify harassing conduct as well as how to prevent it. This Harassment Guidance is an important resource for both workers and employers to provide clarity on the standards of harassment and employer liability under civil rights laws that the Commission enforces. Any action to rescind the Harassment Guidance is not only a disservice to workers and employers, it also adds to the pattern under your leadership and this Administration to undermine protections for American workers. A rescission of the guidance will only leave workers and employers in the dark about their rights and obligations under our civil rights laws.

Harassment in the workplace continues to be a significant problem negatively affecting workers and the nation's workplaces. The Supreme Court first recognized harassment as a violation of

¹ Press Release, U.S. Equal Employment Opportunity Commission, Removing Gender Ideology and Restoring the EEOC's Role of Protecting Women in the Workplace (Jan. 28, 2025), <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>.

² *Enforcement Guidance on Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace> (last visited Nov. 19, 2025).

Title VII of the Civil Rights Act of 1964 (Title VII) in the landmark *Meritor Savings Bank, FSB v. Vinson* in 1986 case.³ In FY 2024, over 40% of employment discrimination charges received by the EEOC include allegations of harassment based on race, sex, disability, or other protected characteristics.⁴ Between 2018 and 2021, the EEOC received 98,411 charges alleging harassment, including 27,291 charges alleging sexual harassment.⁵ Harassment charges that the EEOC receives have only increased— EEOC received 24,430 charges alleging harassment in FY 2022 compared to 35,774 charges in FY 2024, representing a 46% increase.⁶

In 2024, the EEOC issued the first major update to the harassment guidance in 25 years after nearly 10 years in the making.⁷ This guidance was based on significant developments in the courts, including the 2020 *Bostock v. Clayton County* decision, holding that discrimination based on sexual orientation or gender identity is a violation of Title VII.⁸ This guidance is an important resource that employers, employees, legal practitioners, EEOC staff and others rely on as a critical tool for preventing and addressing workplace harassment. The legal landscape around issues of workplace harassment has evolved significantly in the past 25 years. While rescinding this guidance does not fundamentally change the anti-discrimination requirements under civil rights laws, it is an abdication of the EEOC's responsibility to help the public understand how to identify, prevent and correct harassment in the workplace.

In recognition of the extent to which the public relies on EEOC guidance documents, the EEOC published a final rule in 2020 establishing a 30-day notice and comment period before the issuance of any significant guidance. Prior to the issuance of the Harassment Guidance, the EEOC received approximately 38,000 comments and carefully considered those comments in developing the final harassment guidance.⁹ Rescinding the Harassment Guidance without giving stakeholders, including workers and employers, an opportunity to weigh in undermines the EEOC's credibility and demonstrates a lack of understanding of the important role that the EEOC plays in informing the public about workplace rights and responsibilities. Furthermore, the EEOC has already averred in a joint brief to the U.S. District Court for the Northern District of Texas that the Commission is required to follow notice and comment procedures in order to

³ 77 U.S. 57 (1986).

⁴ *Enforcement and Litigation Statistics*, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>, (last visited Nov. 19, 2025).

⁵ *Sexual Harassment in Our Nation's Workplaces*, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/data/sexual-harassment-our-nations-workplaces> (last visited Nov. 19, 2025).

⁶ *Enforcement and Litigation Statistics*, U.S. Equal Employment Opportunity Commission, <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0> (last visited Nov. 19, 2025).

⁷ Emily J. Miller, *EEOC Releases Draft Enforcement Guidance on Workplace Harassment and Invites Comment*, Seyfarth (Oct. 10, 2025), <https://www.seyfarth.com/news-insights/eeoc-releases-draft-enforcement-guidance-on-workplace-harassment-and-invites-comment.html>; Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Releases Workplace Guidance to Prevent Harassment* (April 29, 2024), <https://content.govdelivery.com/accounts/USEEOC/bulletins/399693c>.

⁸ 590 U.S. 644 (2020).

⁹ Press Release, U.S. Equal Employment Opportunity Commission, *EEOC Releases Workplace Guidance to Prevent Harassment* (April 29, 2024), <https://content.govdelivery.com/accounts/USEEOC/bulletins/399693c>.

The Honorable Andrea Lucas

November 24, 2025

Page 3

rescind significant guidance documents.¹⁰ The EEOC should therefore follow a notice and comment process for any alteration, including a rescission, of the guidance.

The mission of the EEOC is “to prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all.”¹¹ Any rescission of the Harassment Guidance is contrary to this mission. I urge you to retain the Harassment Guidance to fully protect workers from discrimination, including harassment in the workplace, or at least provide for appropriate notice and comment, so that the public can be heard on the proposal.

Sincerely,



ROBERT C. “BOBBY” SCOTT

Ranking Member

¹⁰ Brief for Defendants, at 7, Texas v. EEOC, Case No. 2:24-cv-173-Z (N.D. Tex.) ECF No. 53.
<https://storage.courtlistener.com/recap/gov.uscourts.txnd.393489/gov.uscourts.txnd.393489.53.0.pdf>
(last visited Nov. 21, 2025).

¹¹ *Strategic Enforcement Plan Fiscal Years 2024-2028*, U.S. Equal Employment Opportunity Commission, ,
<https://www.eeoc.gov/strategic-enforcement-plan-fiscal-years-2024-2028> (last visited Nov. 19, 2025).