

NEWS & INSIGHTS

EEOC releases latest update on workplace harassment

BY: [BENJAMIN L. PRATT](#) | [INSIGHTS](#) | [ARTICLE](#)

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In the first workplace harassment guidance since 1999, the Equal Employment Opportunity Commission has redefined protections for employees across the country – including gay and transgender employees.

The commission released the final, updated guidance on April 29 after it released the preliminary updates last October. The preliminary guidance received “robust” public input considered when finalizing the document, the [commission said in a statement](#). It became effective when it was released.

The commission noted that the updated guidance reflects changes in the law established by court precedents and

reflects its “commitment to protecting persons who are particularly vulnerable and persons from underserved communities from employment discrimination,” according to the statement.

The guidance has always protected employees from workplace harassment based on race, religion, color, national origin, disability, age, genetic information and sex. In this latest update, the guidance defines “sex” to include pregnancy, sexual orientation and gender identity.

In the guidance, there are examples of what it would consider workplace harassment. The examples include purposely misusing a person’s preferred pronouns and denial of access to a bathroom consistent with the individual’s gender identity.

The EEOC was clear that it received public comment from groups across the country concerned about religious beliefs concerning bathroom access, but that the majority of the commission approved the updated guidance, including bathroom access consistent with gender identity.

You can read the [full guidance here](#).

If you have any questions about the updated guidance and how it could affect your business, please [contact me](#) or any attorney in the [Saxton & Stump Labor and Employment Group](#).

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