Knox McLaughlin Gornall & Sennett, P.C.
Erie • Pittsburgh • Jamestown, NY
814-459-2800 • www.kmgslaw.com

EEOC Proposes Updated Workplace Harassment Guidance

Posted on October 02, 2023

On September 29th, the Equal Employment Opportunity Commission ("EEOC") proposed updated guidance on workplace harassment. If finalized, the guidance would demonstrate how the EEOC would pursue workplace harassment claims against employers moving forward.

The proposed guidance analyzes workplace harassment under three separate questions:

1. Was the conduct based on the individual's legally protected characteristic under the federal EEO statutes;
2. Did the harassing conduct result in discrimination with respect to a term, condition, or privilege of employment; and
3. Is there a basis for holding the employer liable for the conduct?

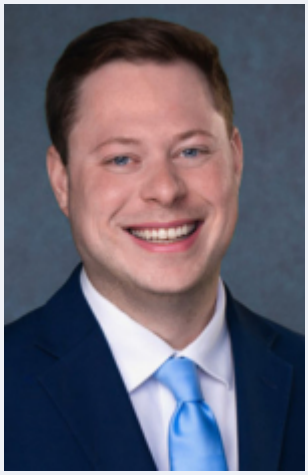
In doing so, the proposed guidance references updates to the law, including:

- The 2020 Supreme Court ruling *Bostock v. Clayton County*, which said that discrimination against LGBT workers is a form of unlawful sex bias;
- Conduct "within a virtual work environment," such as racist or sexist comments made during a video meeting or on a social media page; and
- The intentional and repeated use of a name or pronoun inconsistent with the individual's gender identity (i.e., misgendering).

The EEOC will take public comments on its proposed guidance until November 1st.

In the event the guidance is adopted by the EEOC in whole or in part, Knox Law will provide another update. In the meantime, if you have any questions about the proposed changes or harassment in the workplace generally, contact your Knox Law attorney, our Labor & Employment Group, or call us at 814-459-2800.

The proposed guidance may be found here.



Matthew W. Lasher

Matthew W. Lasher concentrates his practice on labor & employment law, assisting clients navigate various workplace matters including the unemployment system, Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), Equal Employment Opportunity Commission (EEOC) guidance, Occupational Safety and Health Administration (OSHA) guidance, and more.

mlasher@kmgslaw.com • 814-923-4899

Legal Advice Disclaimer: *The content of this website is provided for general information purposes only. It should not be used as a substitute for consulting an attorney for legal advice regarding the reader's own affairs. Knox McLaughlin Gornall & Sennett, P.C. is not responsible for the content provided on any third-party website which may be accessed via links provided by this site.*

Copyright © Knox McLaughlin Gornall & Sennett, P.C.
Not to be reproduced without permission.