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CONTACT: Amy L. Wilhite  
amy.wilhite@ag.tn.gov

**TN AG LEADS COALITION IN CRITICIZING EEOC'S PROPOSED ENFORCEMENT  
GUIDANCE ON WORKPLACE HARASSMENT**

*Warns Of 'Unconstitutional Chaos'*

**Nashville** – On Wednesday, Tennessee Attorney General Jonathan Skrmetti sent a letter joined by 19 other state attorneys general commenting on the Equal Employment Opportunity Commission's (EEOC) "Proposed Enforcement Guidance on Harassment in the Workplace."

Under the guise of protecting the gender-identity preferences of employees, EEOC has put forth sweeping new Title VII guidance that would unleash unconstitutional chaos in the nation's workplace. As it currently stands, EEOC's enforcement proposal threatens the First Amendment rights of employers, employees and even customers in Tennessee and across America, and it shortchanges the long-recognized privacy and safety justifications for sex-segregated spaces like restrooms and changing facilities - among other legal concerns.

"The EEOC has once again proposed enforcement guidance that extends beyond its statutory authority and threatens the First Amendment rights of millions of Americans," Tennessee Attorney General Jonathan Skrmetti said. "Tennessee has successfully challenged EEOC's unlawful guidance in the past and stands ready to do so again."

Specifically, the Proposed Guidance would broaden Title VII's prohibition of "sex-based harassment" to include, among other things, "intentional and repeated use of a name or pronoun inconsistent with the individual's gender identity (misgendering)" and "the denial of access to a bathroom or other sex-segregated facility consistent with the individual's gender identity." A Tennessee federal court blocked implementation of a similar version of EEOC's proposed guidance related to gender identity last year, and a different court later vacated it altogether.

The coalition of states suggests that if EEOC insists on pursuing its proposed guidance, it must "make appropriate changes" to avoid once more imposing unlawful gender-identity rules. Should the EEOC decline, Tennessee and the other co-signing states are prepared to pursue appropriate legal action to protect their interests, affected employers, and the democratic process.

Attorney General Skrmetti was joined in the letter by state attorneys general from Arkansas, Alabama, Alaska, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, and West Virginia.

You can read the letter in its entirety [here](#).

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