

EEOC Proposes Update to Workplace Harassment Guidance

On September 29, 2023, the EEOC invited public comments regarding its proposed “*Enforcement Guidance on Harassment in the Workplace*” (“*Guidance*”). The EEOC will be receiving public comments until November 1, 2023.

While the *Guidance* was initially published in 2017, it has now been updated to include the recent Supreme Court decision in Bostock v. Clayton County, as well as some social movements, including the #MeToo movement, virtual and online harassment, and others.

The proposed *Guidance* details the legal standards and employer liability applicable to harassment claims under federal discrimination laws. These laws protect employees from harassment based on race, color, religion, sex (including sexual orientation, transgender status and pregnancy), national origin, disability, age, and genetic information.

Specifically, the *Guidance* provides several examples and hypothetical situations to reflect a wide range of scenarios that help employers understand harassment and how to prevent it. The *Guidance* also includes examples as to how to identify and manage online harassment and explains how social media postings and other online materials can create a hostile work environment.

At O’Neill & Borges we will continue monitoring the development of this *Guidance*. We are available to assist you with any questions you may have regarding this new standard.

For any questions or inquiries regarding this topic do not hesitate to contact us at info@oneillborges.com or your prime contact attorney at O’Neill & Borges LLC. Please refer to www.oneillborges.com.

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