February 9, 2026

EEOC Rescinds Its 2024 Harassment Guidance

Key Takeaways:

- EEOC rescinds 2024 harassment guidance by a 2-1 vote.
- The rescission of the guidance does not alter employers' duties under Title VII or other federal antidiscrimination laws to prevent, investigate, and remedy unlawful harassment.
- Without replacement guidance, employers lose a key compliance reference and face uncertainty regarding the EEOC's expectations.

On January 22, 2026, the U.S. Equal Employment Opportunity Commission (EEOC) announced that it is rescinding its prior harassment guidance, marking a significant shift in the agency's approach to workplace harassment enforcement and compliance expectations.

The now-rescinded guidance, which was issued in April 2024, provided employers with detailed recommendations regarding the prevention, identification, and remediation of workplace harassment, including best practices for policies, training, reporting mechanisms, and investigations, along with specific examples of practices that were deemed unlawful. The EEOC approved the rescission by a 2-1 vote, reflecting a divide. While the EEOC has not yet issued replacement guidance, the revocation of the guidance signals the EEOC's potential adjustment toward enforcement priorities and interpretive positions. Notably, the revocation of the guidance follows a 2025 Texas federal court ruling that struck portions of the guidance related to LGBTQ+ workers' rights.

What Does This Mean for Employers?

The revocation of the guidance does not alter employers' underlying legal obligations under federal antidiscrimination laws, including Title VII of the Civil Rights Act of 1964. The EEOC January 23 press release included a quote from EEOC Chair Andrea Lucas stating that
"[r]escinding this guidance does not give employers license to engage in unlawful harassment" and that the "agency will continue to be dedicated to preventing and remedying unlawful workplace harassment." Employers remain legally required to maintain workplaces free from unlawful harassment and to take prompt, appropriate action when concerns arise. However, in the absence of formal EEOC guidance, employers will face increased uncertainty regarding how the agency will evaluate harassment-related policies and practices going forward. Employers also lose a valuable resource to facilitate compliance with federal antidiscrimination laws. The rescission of the 190-page guidance document, which was based on long-standing workplace harassment guidance, signals that the current EEOC's priorities and agenda will be very different under its present leadership.

Recommended Next Steps

Employers should engage in the following steps in response to this development:

- Maintain existing anti-harassment policies and training programs. The revocation of the guidance does not eliminate the need for robust prevention and response measures.

- Confirm policies remain aligned with current federal, state, and local anti-harassment laws.
- Continue prompt investigation and remediation practices. Consistent enforcement and documentation remain critical risk-management tools.
- Monitor future EEOC actions as it may issue new or revised guidance reflecting its current enforcement philosophy.

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