

## INSIGHTS + NEWS

## Client Alert: Federal District Court Vacates EEOC Guidance on Transgender Workplace Protections

BY TRACY THOMAS BOLAND AND BENJAMIN J. HINKS • MAY 22, 2025

On May 15, 2025, the U.S. District Court for the Northern District of Texas ruled that the U.S. Equal Employment Opportunity Commission (“EEOC”) overstepped its authority by issuing guidance that extended certain workplace protections to transgender employees.

In April 2024, the Biden-era EEOC updated its guidance to specify that actions such as deliberately using incorrect pronouns, denying access to bathrooms associated with an employee’s gender identity, and enforcing dress codes inconsistent with gender identity may constitute unlawful harassment pursuant to the prohibition on sex discrimination under Title VII of the Civil Rights Act (“Title VII”). This ruling was in response to a lawsuit filed by the State of Texas and others who sued to block the EEOC’s enforcement of this guidance.

Siding with the State, the Court determined that the EEOC had “exceeded its statutory authority” with respect to the 2024 guidance because it impermissibly expanded the scope of “sex” under Title VII beyond the biological binary (male and female). The Court also held that the guidance “contravened” Title VII to the extent it stated that a failure to accommodate a transgender employee’s bathroom, pronoun, and dress preferences would constitute sex harassment. This ruling conveys a very narrow interpretation of the protections afforded by the Supreme Court’s decision in *Bostock v. Clayton County* (2020). In *Bostock*, the Court held that sexual-orientation and gender identity/transgender discrimination are prohibited under Title VII, but it did not explicitly expand the law’s definition of “sex” to include these characteristics.

### EMPLOYER TAKEAWAY

While the Northern District of Texas’ ruling “vacated” key parts of the EEOC’s 2024 guidance, it remains unclear whether this will have a nationwide impact. It is unlikely that the EEOC, under the Trump administration, will challenge the Court’s ruling on appeal. Indeed, the acting EEOC Chair previously noted her intent to “defend the biological and binary reality of sex and related rights[.]”

Still, *Bostock* remains good law, and many states and localities (including Massachusetts) have their own laws prohibiting discrimination based on gender identity/expression and sexual orientation which may provide even more expansive protections for such employees. For now, employers may continue to craft their policies and practices with the goal of maintaining a workplace that is free of discrimination, harassment, and retaliation, including that related to an employee’s sexual orientation or gender identity/expression. However, we likely can expect additional relevant developments from this administration and the courts. Stay tuned!

If you have any questions regarding this alert, please [contact your attorney](#) in Bowditch's Employment practice group.