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TN AG SKRMETTI LEADS 18 STATES IN LAWSUIT AGAINST FEDERAL AGENCY’S UNLAWFUL ATTEMPT TO CONTROL PRIVATE BUSINESSES

Nashville — Leading a coalition of eighteen states, Attorney General Jonathan Skrmetti today filed a lawsuit fighting federal agency overreach by the Equal Employment Opportunity Commission (EEOC). On April 29, 2024, the EEOC issued new sexual harassment guidance that unlawfully extends Title VII’s protections against sex-based discrimination to cover gender identity.

Under the EEOC’s guidance, an employer may be liable under Title VII if they or another employee use a name or pronoun inconsistent with an employee’s preferred gender identity. Additionally, under the EEOC’s guidance, an employer can be liable if it limits access to a bathroom or other sex-segregated facility, such as a shower or locker room, based on biological sex and not on gender identity. Employers also may be liable if a customer or other non-employee fails to use an employee’s preferred pronouns or refuses to share a restroom with someone of the opposite sex.

“In America, the Constitution gives the power to make laws to the people’s elected representatives, not to unaccountable commissioners, and this EEOC guidance is an attack on our constitutional separation of powers,” Attorney General Jonathan Skrmetti said. “When, as here, a federal agency engages in government *over* the people instead of government *by* the people, it undermines the legitimacy of our laws and alienates Americans from our legal system. This end-run around our constitutional institutions misuses federal power to eliminate women’s private spaces and punish the use of biologically-accurate pronouns, all at the expense of Tennessee employers.”

Tennessee has a proven track record in protecting business owners and taking on abuse of federal power. In 2022, Tennessee successfully led a coalition of States in securing an [injunction](#) against an earlier EEOC guidance document that imposed these same requirements.

Joining Tennessee in the Title VII lawsuit are the attorneys general of Alabama, Alaska, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, Ohio, South Carolina, South Dakota, Utah, Virginia, and West Virginia.

The complaint can be read [here](#).

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