November 9, 2026

The Honorable Bill Cassidy
Chairman
Committee on Health, Education, Labor & Pensions
United States Senate
455 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Bernie Sanders
Ranking Member
Committee on Health, Education, Labor & Pensions
United States Senate
332 Senate Dirksen Office Building
Washington, DC 20510

Re: Opposition to the Confirmation of Catherine Eschbach to Serve as General Counsel for the U.S. Equal Employment Opportunity Commission

Dear Chairman Cassidy and Ranking Member Sanders,

The undersigned organizations committed to civil rights, workers' rights, and gender and racial justice write to express our strong opposition to the confirmation of Catherine Eschbach to serve as General Counsel for the U.S. Equal Employment Opportunity Commission ("EEOC" or "Commission"). Eschbach has served as Acting General Counsel for EEOC since October 2025. Her record of undermining anti-discrimination law and civil rights enforcement—in her time at EEOC, in her previous roles in the federal government, and in the private sector—demonstrates that she is not fit to serve in a leadership role at this critically important civil rights agency.

The EEOC is the only federal agency specifically charged with enforcing the nation's federal employment anti-discrimination laws, including Title VII of the Civil Rights Act of 1964 (which includes the Pregnancy Discrimination Act), the Equal Pay Act, the Americans with Disabilities Act,[1] the Age Discrimination in Employment Act, the Genetic Information Nondiscrimination Act, and the Pregnant Workers Fairness Act. Workers around the country rely on the EEOC to enforce their rights. In FY 2025, the EEOC received over 88,000 new charges of discrimination.[2] Through its enforcement actions, the EEOC obtains real relief for workers: from 2014-2024, the agency recovered $5.6 billion for workers who had experienced discrimination.[3] For many workers, the EEOC is the only viable avenue for enforcing their rights, given the significant barriers to finding and affording legal representation. When workers are pushed out of their jobs due to discrimination or harassment, they do not just lose a paycheck—they lose their ability to

[1] The Americans with Disabilities Act also includes protections in areas beyond employment, which are enforced by other federal agencies.

[2] *See, e.g.*, *Enforcement and Litigation Statistics*, *Table E1a, Charge Receipts by Basis or Statute (All Statutes) FY 1997 - FY 2025,* U.S. EQUAL EMP. OPPORTUNITY COMM'N, https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.eeoc.gov%2Fsites%2Fdefault%2Ffiles%2F2026-04%2FTable_E1a._Charge_Receipts_by_Basis_or_Statute_%2528All_Statutes%2529_FY_1997_-_FY_2025_0.xlsx&wdOrigin=BROWSELINK (last visited Nov. 2, 2026) https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0

[3] Brittany Williams, *Priceless: The Over $5.6 Billion Impact of Equal Opportunity at Work*, THE NAT'L PARTNERSHIP FOR WOMEN AND FAMILIES (Feb. 2025), https://nationalpartnership.org/report/priceless-over-5-6-billion-impact-of-equal-opportunity-at-work/.

put food on the table, their access to health insurance, and their ability to save for retirement. By enforcing workers' rights to be free from discrimination, harassment, and retaliation, the EEOC ensures workers can continue to support themselves and their families.

The EEOC General Counsel manages the Commission's litigation program, recommends cases to the Commission for litigation, and oversees the EEOC regional and field offices, which are responsible for investigating charges of discrimination and obtaining relief for people that have been discriminated against. The General Counsel also plays a role in advising the Commission on agency policies and enforcement matters. Given the importance of this agency to the lives and livelihoods of millions of workers, the EEOC needs an effective General Counsel who is committed to enforcing the law and protecting the rights of all workers.

As Acting General Counsel for the EEOC, Eschbach has served as a rubber stamp for the Trump administration's anti-civil rights agenda, at the expense of workers. With Eschbach at the helm of the Office of the General Counsel, the EEOC has shifted its litigation focus to advance the Trump administration's objectives, including eliminating diversity, equity, inclusion, and accessibility practices and attacking the rights of transgender workers. These priorities are inconsistent with the laws EEOC is tasked with enforcing and are directly at odds with the EEOC's mission of ensuring all workers have equal access to employment opportunities.

Under Eschbach's leadership, the EEOC has used its litigation program as a tool to target what it calls "DEI-related discrimination."[4] In Fiscal Year 2026, the agency has dedicated an outsized focus of its diminished litigation resources on multiple lawsuits challenging employers' diversity, equity, inclusion, and accessibility practices[5] and increased the number of race discrimination lawsuits it filed on behalf of white workers,[6] despite the absence of any evidence that such discrimination is widespread—consistent with EEOC Chair Andrea Lucas's efforts to actively solicit white men to bring charges of so-called "DEI-related discrimination."[7] Using the agency's limited resources to advance these priorities leaves fewer resources available to enforce protections against other forms of workplace discrimination, at the expense of women workers,

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[4] Bryce Covert, *Trump-Appointed Leader Of Worker Protection Agency Directs Focus On DEI, 'Binary Reality of Sex'*, TALKING POINTS MEMO (May 20, 2025), https://talkingpointsmemo.com/muckraker/trump-eeoc-dei-gender; *EEOC Chair Andrea Lucas, @andrealucasEEOC*, https://x.com/andrealucasEEOC/status/2001439099907961012 (Dec. 17, 2025).

[5] *See, e.g.*, Compl., U.S. Equal Employment Opportunity Commission v. New York Times, 1:26-cv-03704 (S.D.N.Y. May 5, 2026), available at https://storage.courtlistener.com/recap/gov.uscourts.nysd.663349/gov.uscourts.nysd.663349.1.0.pdf; *EEOC Sues Coca-Cola Beverages Northeast for Sex Discrimination*, U.S. Equal Emp. Opportunity Comm'n (Feb. 18, 2026), https://www.eeoc.gov/newsroom/eeoc-sues-coca-cola-beverages-northeast-sex-discrimination.

[6] Christopher J. DeGroff et al., *Big Agenda, Small Docket: Decoding The EEOC's Surprisingly Muted FY 2026*, SEYFARTH SHAW LLP (Sept. 30, 2026), https://www.seyfarth.com/news-insights/big-agenda-small-docket-decoding-the-eeocs-surprisingly-muted-fy-2026.html?_sp=087d2444-339d-42d9-9241-5364153a5e3f.1793287902286.

[7] *EEOC Chair Andrea Lucas, @andrealucasEEOC*, https://x.com/andrealucasEEOC/status/2001439099907961012 (Dec. 17, 2025).

Black workers and other workers of color, LGBTQI+ workers, disabled workers, and older workers, who continue to experience discrimination at heightened rates.[8]

During Eschbach's tenure as Acting General Counsel, the EEOC has also continued to attack the rights of LGBTQ+ workers. In Eschbach's time at the EEOC, the agency has not brought a single lawsuit on behalf of LGBTQ+ workers.[9] The agency has also entered into multiple settlement agreements that undermine the rights of transgender workers.[10] Most notably, in August 2026, the Department of Justice, on behalf of the EEOC, asked a federal court to approve a settlement that precludes the EEOC from investigating any charge alleging certain forms of gender identity discrimination against the Christian Employers Alliance ("CEA")—an organization previously led by Chair Lucas' Chief of Staff Shannon Royce—or any current or future CEA member in perpetuity.[11] This legally questionable settlement not only reaffirms the EEOC's abdication of its duty to enforce workplace civil rights protections on behalf of transgender workers under the current administration,[12] but also seeks to prevent future administrations from enforcing the law against thousands of employers.[13]

Eschbach's work at the Office of Federal Contract Compliance Programs (OFCCP) before she joined the EEOC reinforces our concerns that she will continue to weaponize and dismantle the

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[8] *See, e.g.*, CTR. FOR AMERICAN PROGRESS, ENDING DISCRIMINATION AND HARASSMENT AT WORK (Mar. 14, 2024), https://www.americanprogress.org/article/playbook-for-the-advancement-of-women-in-the economy/ending-discrimination-and-harassment-at-work/; Katherine Schaeffer, *Black Workers' Views and Experiences in the U.S. Labor Force Stand Out in Key Ways*, PEW RESEARCH CTR. (Aug. 2023), https://www.pewresearch.org/short-reads/2023/08/31/black-workers-views-and-experiences-in-the-us labor-force-stand-out-in-key-ways/; BRAD SEARS ET AL., WILLIAMS INSTITUTE, LGBTQ PEOPLE'S EXPERIENCES OF WORKPLACE DISCRIMINATION AND HARASSMENT (Aug. 2024), https://williamsinstitute.law.ucla.edu/publications/lgbt-workplace-discrimination/; DULCE GONZALEZ ET AL., URBAN INSTITUTE, FOUR IN TEN ADULTS WITH DISABILITIES EXPERIENCED UNFAIR TREATMENT IN HEALTH CARE SETTINGS, AT WORK, OR WHEN APPLYING FOR PUBLIC BENEFITS IN 2022 (Oct. 2023), https://www.urban.org/research/publication/four-ten-adults-disabilities-experienced-unfair-treatment health-care-settings; Kimberly Palmer, *10 Things You Should Know About Age Discrimination*, AARP (Aug. 11, 2025), https://www.aarp.org/work/age-discrimination/facts-in-the-workplace/.

[9] The agency filed no new lawsuits on behalf of LGBTQ+ workers in FY 2026. Christopher J. DeGroff et al., *Big Agenda, Small Docket: Decoding The EEOC's Surprisingly Muted FY 2026*, SEYFARTH SHAW LLP (Sept. 30, 2026), https://www.seyfarth.com/news-insights/big-agenda-small-docket-decoding-the-eeocs-surprisingly-muted-fy-2026.html?_sp=087d2444-339d-42d9-9241-5364153a5e3f.1793287902286.

[10] *See, e.g.*, *Pediatric Hospital to Pay $650,000 Over Alleged Failure to Accommodate Religious Objection to Performing Sex-Rejecting Medical Procedures*, U.S. EQUAL EMP. OPPORTUNITY COMM'N (Sept. 30, 2026), https://www.eeoc.gov/newsroom/pediatric-hospital-pay-650000-over-alleged-failure-accommodate-religious-objection; *Generac Settles EEOC Charge Involving Religious Accommodation Request*, U.S. EQUAL EMP. OPPORTUNITY COMM'N (Sept. 30, 2026), https://www.eeoc.gov/newsroom/generac-settles-eeoc-charge-involving-religious-accommodation-request.

[11] Settlement Agreement, Christian Employers Alliance v. U.S. Equal Employment Opportunity Comm'n, No. 1:25-cv-00007-DLH-CRH (D.N.D. Aug. 12, 2026), https://clearinghouse.net/doc/175510/.

[12] *See, e.g.*, Rebecca Klar & Khorri Atkinson, *Transgender Workers' Options Shrink With EEOC Shift*, BLOOMBERG LAW (last updated Mar. 5, 2025), https://news.bloomberglaw.com/daily-labor report/transgender-workers-see-legal-options-shrink-with-eeoc-shift.

[13] Bryce Covert, *Christian Employers Can Now Discriminate Against Trans People*, THE INTERCEPT (Sept. 1, 2026), https://theintercept.com/2026/09/01/christian-employers-settlement-gender-discrimination-eeoc/.

EEOC's litigation and enforcement program. Shortly after Eschbach was appointed as Director of OFCCP in March 2025, she called into question the legality of OFCCP's work, falsely stating that "most of what OFCCP had been doing was out of step, if not flat out contradictory, to our country's laws."[14] She went on to wind down the office's investigative, enforcement, and compliance activities under Executive Order 11246,[15] and she oversaw efforts to significantly downsize the office.[16] Around the same time, OFCCP dismissed investigations of egregious workplace discrimination by federal contractors, including sexual harassment and pay discrimination complaints by Black women.[17]

Finally, Eschbach's record prior to joining the federal government raises serious doubts about her commitment to robust enforcement of workers' rights. During her six years at the law firm Morgan, Lewis & Bockius, Eschbach filed multiple lawsuits on behalf of clients challenging the constitutionality of federal enforcement agencies such as OFCCP[18] and the National Labor Relations Board.[19] Eschbach has no demonstrated commitment to protecting the rights of workers. Instead, she has dedicated her career to defending corporate clients against claims of employment discrimination and labor law violations and attacking the federal agencies workers rely on to enforce their rights.

Workers around the country are counting on the EEOC to uphold their right to be free from discrimination at work. Throughout her career, Catherine Eschbach has undermined the enforcement of federal anti-discrimination laws, and during her time at OFCCP and EEOC, she has prioritized the administration's anti-civil rights agenda over her duty to workers. As leaders in the fight for workplace civil rights, we strongly oppose the confirmation of Eschbach to serve as General Counsel for EEOC and urge the Committee to reject her nomination. If you have any questions, please contact Katie Sandson at the National Women's Law Center Action Fund (ksandson@nwlc.org), Jessica Ramey Stender at Equal Rights Advocates

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[14] Sean Michael Newhouse, *Federal contract oversight employees contemplate resignation offer, as agency faces layoffs and mission realignmen*t, GOVERNMENT EXECUTIVE (Apr. 14, 2025), https://www.govexec.com/workforce/2025/04/federal-contract-oversight-employees-contemplate-resignation-offer-agency-faces-layoffs-and-mission-realignment/404549/.

[15] Jory Heckman, *Federal contractor watchdog office seeks to 'deter DEI' at firms working with agencies*, FEDERAL NEWS NETWORK (Mar. 25, 2025), https://federalnewsnetwork.com/contracting/2025/03/federal-contractor-watchdog-office-seeks-to-deter-dei-at-firms-working-with-agencies/.

[16] Sean Michael Newhouse, *Layoffs canceled at federal contractor oversight office, but questions remain about employee reassignments*, GOVERNMENT EXECUTIVE (Aug. 13, 2025), https://www.govexec.com/workforce/2025/08/layoffs-canceled-federal-contractor-oversight-office-questions-remain-about-employee-reassignments/407427/.

[17] Coral Davenport, *Trump Gutted Civil Rights Agency, Stifling U.S. Scrutiny of Workplace Bias*, N.Y. TIMES (July 19, 2026), https://www.nytimes.com/2026/07/19/us/politics/trump-gutted-civil-rights-agency-stifling-us-scrutiny-of-workplace-bias.html?eafs_enabled=false.

[18] Memorandum Order and Opinion, ABM Industry Groups, LLC v. U.S. Dep't of Labor, Civil Action No. H-24-3353 (S.D. Tex. Oct. 30, 2024).

[19] Compl., SpaceX v. Nat'l Labor Relations Board, 1:24-cv-00001 (S.D. Tex., Jan. 4, 2024), available at https://www.courthousenews.com/wp-content/uploads/2024/01/spacex-vs-nlrb-124cv1.pdf.

(jstender@equalrights.org), Amalea Smirniotopoulos at the Legal Defense Fund (asmirniotopoulos@naacpldf.org), and Dvora Lovinger at the National Partnership for Women & Families (dlovinger@nationalpartnership.org).

Sincerely,

National Women's Law Center Action Fund
Equal Rights Advocates
Legal Defense Fund
National Partnership for Women & Families
Americans United for Separation of Church and State
Association for Special Children and Families
California Women's Law Center
Center for Law and Social Policy (CLASP)
Correia & Puth, PLLC
Crip the Law
Equal Justice Society
Equality California
Gender Equality Law Center
Human Rights Campaign
Lawyers' Committee for Civil Rights Under Law
Legal Aid at Work
National Association of Social Workers
National Center for Law and Economic Justice
National Education Association
National Employment Lawyers Association
National Institute for Workers' Rights
National Organization for Women
National Taskforce on Tradeswomen's Issues
National Workrights Institute
Nia Impact Capital
Silver State Equality
The Inclusion Allies Coalition
The Leadership Conference on Civil and Human Rights
The Omniresearch Group
The Sikh Coalition
Vermont Works for Women
Women Employed
Women In Non Traditional Employment Roles