

# Publications

## EEOC Chair Encourages White Men to File Workplace Discrimination Charges

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### CLIENT ALERT | 2.2.2026

We recently **highlighted** six legal issues for employers to monitor in 2026. Among the issues we highlighted was the current Administration's continued attention on Diversity, Equity, and Inclusion (DEI), particularly Equal Employment Opportunity Commission (EEOC) efforts to encourage members of majority groups to file more charges of discrimination. In December 2025, EEOC Chair Andrea Lucas **posted a video on social media** asking, "Are you a white male who has experienced discrimination at work based on your race or sex? You may have a claim to recover money under federal civil rights laws. Contact the EEOC as soon as possible. Time limits are typically strict for filing a claim."

Over the last decade, social media has become a tool for calling out discrimination and unlawful practices. Many individuals have taken to platforms such as TikTok, X, Facebook, and Instagram to post videos detailing their experiences in the workplace and how they feel they have been treated. Now these same platforms are being used to educate the public about how anti-discrimination laws apply to people situated in the majority group.

In June 2025, the United States Supreme Court clarified in *Ames v. Ohio Youth Services* that majority group employees (e.g., white, cis, male) do not need to meet a more rigorous evidentiary test to bring claims of discrimination. Considering this holding, the U.S. Department of Justice's Civil Rights Division is likely to be more willing now to take cases referred to it by the EEOC with white, cisgender, and/or male plaintiffs. However, even if the result of *Ames* and the EEOC's recruitment efforts is more cases being filed by members of a majority group, those individuals still must meet the ordinary standard to demonstrate discrimination, i.e., they must demonstrate discrimination "because of" their protected characteristic and they sustained some actual harm.

For example, in September 2025, the United States Court of Appeals for the Sixth Circuit recognized the impact of *Ames* and its change to the standard to review so-called "majority" group discrimination claims. In

*Howard v. Cherokee Health Sys.*, a male employee alleged he was not selected as CEO and ultimately terminated because of his sex. While recognizing that the male employee did not need to adhere to the pre-Ames heightened standard for majority-group plaintiffs, the male plaintiff still needed to demonstrate that the preferred CEO candidate was selected because she was a woman or because he was a man and he was ultimately terminated because he was a man. The employee did neither, and the Sixth Circuit affirmed summary judgment in favor of the employer.

So, while the EEOC's efforts to encourage members of traditional majorities to file claims will likely result in more claims filed by them, more claims may not translate to more successful claims. It is easy to allege in the abstract that a business decision is unfair. However, they must, like all plaintiffs alleging discrimination, prove that they were deprived of employment opportunities *because of* their race, sex, sexual orientation, religion, or other protected characteristic.

To prepare, employers should review the EEOC and DOJ's joint one-page technical assistance documents, "[What to Do If You Experience Discrimination Related to DEI at Work](#)" and "[What You Should Know About DEI-Related Discrimination at Work](#)" to better understand how these agencies will proceed. Employers should also consult their counsel about how to maintain a fair, accessible, inclusive, and representative workplace that complies with Title VII (as well as state and local law). Additionally, employers should ensure that their managers are trained to handle complaints from all employee groups.