

# LGBT Workplace Equality is Now!

## Labor & Employment Law Update

By Heather Bailey on July 24, 2014

"Equality in the workplace is not only the right thing to do, it turns out to be good business." – U.S. President Barack Obama, July 21, 2014

On July 21, 2014, President Obama – in allegiance to his commitment to the LGBT community – signed an Executive Order that amends Executive Order 11246 giving workplace protections to those applicants and employees seeking work from federal contractors and subcontractors by specifically prohibiting contractor discrimination based upon not only a person's sexual orientation, but now their gender identity too. Unlike the *Hobby Lobby* decision, religious affiliated contractors do not get any exemption to refuse employment to or otherwise discriminate against individuals based upon their sexual orientation or gender identity just because it may not confirm with the organization's religious beliefs.

It is important to keep in mind that many employers – federal contractor or not – are still prohibited from discriminating against or harassing any applicant or employee because of his or her sexual orientation or gender identity. The EEOC has already expressed that such protections are already imbedded in Title VII of the 1964 Civil Rights Act, while many state, city and locality laws have already marched ahead and specifically prohibit the same (*e.g.*, IL, City of Chicago, CA, CO and WI (which addresses sexual orientation only)). Now is the time to confirm your equal employment opportunity and anti-harassment and non-discrimination policies are up-to-date.

Lastly, many employers may even be unaware that they are covered by this Executive Order and should be following it. Generally, if you are a business or organization that has either a single federal contract, subcontract, or federally assisted construction contract in excess of \$10,000 or combined contracts that total in excess of \$10,000 in any 12-month period, or you have government bills of lading, serve as a depository of federal funds, or are an issuing and paying agency for U.S. savings bonds and notes in any amount, you are subject to these requirements. When in doubt, contact your employment labor counsel to determine whether you fit these requirements because this is just one aspect of many that you need to be following under the umbrella of this Executive Order, including creating yearly Affirmative Action Plans for females, minorities, disabled individuals and veterans. Strict compliance is key in order to not risk losing your valuable federal government contracts.