**Thoughts on Next Steps for the LGBT Community Post-Marriage Equality**

* Marriage equality now exists across the country for LGBT people. What’s next? Certainly, it is appropriate to focus on **stopping discrimination that LGBT people face across the country, including employment discrimination.**
* Marriage equality and employment discrimination are not unconnected issues. Now that marriage equality is a reality, more employees might choose to be open about their sexual orientation in the workplace. As a result, more LGBT people might face **harassment, adverse treatment, and even termination** after “coming out” at the workplace or in the application process.
* **The good news** **is that the Equal Employment Opportunity Commission (EEOC) stands ready to help LGBT individuals who experience discrimination based on sexual orientation or gender identity across all 50 states.**
* The EEOC enforces Title VII of the Civil Rights Act of 1964. Title VII prohibits sex discrimination in the workplace by any employer in the United States with 15 or more employees. The Commission takes the position that discrimination on the basis of sexual orientation and/or gender identity violates Title VII’s prohibition against sex discrimination. See<http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm> for further information.
* Over the past five years, the EEOC has applied Title VII to protect LGBT people. Indeed, the EEOC has helped more than 200 LGBT individuals (many of whom live in those 29 states that do not yet have an explicit state law) get relief from employment discrimination by private employers, through the Commission’s administrative processes (mediation, settlement, conciliation, etc.) in the past two years. None of these individuals had to go to court to get relief.
* **The bad news is that the help offered by the EEOC is *not enough* and a new federal law explicitly prohibiting discrimination on the basis of sexual orientation and gender identity is sorely needed.**
* **The EEOC does not have sufficient resources to help everyone who comes to the agency**. While the EEOC helped more than 200 people over the past two years, there were about 1,400 other LGBT people who filed charges who did not get relief through the EEOC process.
* **If an employer does not settle with a person claiming discrimination in the EEOC’s administrative processes, the only way for that person to get relief is to file a case in court.** The EEOC has the resources to bring only a few cases a year on behalf of LGBT people who have experienced discrimination. And while a growing number of courts have adopted the EEOC’s reasoning that federal sex discrimination law offers protection against LGBT discrimination, many have not. **Without a new federal law, only universal acceptance by the federal courts of the Commission’s theory** that federal sex discrimination law prohibits discrimination on the basis of sexual orientation or gender identity will provide certainty for LGBT people.
* **Many employers do not *know* that the EEOC is investigating and settling charges on behalf of LGBT people under existing sex discrimination law.**  Employers in the 29 states that do not have a state law prohibiting LGBT discrimination think they can discriminate against LGBT applicants and employees – ***without penalty under any law***. Although the EEOC continues its outreach and education efforts, a new federal law will let those employers know that discrimination on the basis of sexual orientation or gender identity is **illegal**.
* **A federal law expressly prohibiting discrimination on the basis of sexual orientation and gender identity will clearly communicate that discrimination on these bases will not be tolerated in our country.** Evidence shows that the simple passage of a federal anti-discrimination law can stop discrimination before it even happens.

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* Information on how to file a charge with the EEOC is available here: <http://www.eeoc.gov/employees/howtofile.cfm>
* Information on how the EEOC helps LGBT people under existing sex discrimination law is here: <http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm>.

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