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One Step Closer to Federal Ban Against Discrimination in Employment Based on Sexual Orientation or Gender Identity

On November 7, 2013, the U.S. Senate passed the Employment Non-Discrimination Act ("ENDA"). If passed by the U.S. House of Representatives, ENDA would be the first federal law prohibiting discrimination based on sexual orientation or gender identity in the workplace. Similar to the protections under Title VII of the Civil Rights Act, it will make it illegal for employers to deny employment or otherwise take adverse employment action against individuals because they are homosexual or transgender.

While many states and cities already have similar laws in place, ENDA would apply on a national level to employers who employ 15 or more individuals.

The bill was passed by the Senate in a 64-32 vote. ENDA now awaits the vote in the House of Representatives. In the event that ENDA becomes federal law, employers should be prepared to amend employee handbooks and relevant policies, as well as to train employees and managers to ensure compliance with the law.