



Cornell University  
ILR School

Cornell University ILR School  
**DigitalCommons@ILR**

---

Federal Publications

Key Workplace Documents

---

2016

# Advancing LGBT Workplace Rights

U.S. Department of Labor

Follow this and additional works at: [https://digitalcommons.ilr.cornell.edu/key\\_workplace](https://digitalcommons.ilr.cornell.edu/key_workplace)

**Thank you for downloading an article from DigitalCommons@ILR.**

**Support this valuable resource today!**

---

This Article is brought to you for free and open access by the Key Workplace Documents at DigitalCommons@ILR. It has been accepted for inclusion in Federal Publications by an authorized administrator of DigitalCommons@ILR. For more information, please contact [catherwood-dig@cornell.edu](mailto:catherwood-dig@cornell.edu).

---

# Advancing LGBT Workplace Rights

## **Abstract**

At the U.S. Department of Labor (DOL), our mission is promoting and protecting opportunity. Secretary Thomas E. Perez believes that the nation and the workforce are strongest when we embrace diversity, and when workers can apply their unique skills and talents to jobs that provide fair wages, benefits, and working conditions, and ensure respectful inclusion. For decades, lesbian, gay, bisexual and transgender workers have fought for that same opportunity. At this moment in time, we see exciting progress toward ending discrimination based on sexual orientation and gender identity and reminders that the struggle remains unfinished. We applaud the many employers who recognize that workplace equality is not just the right thing to do – it is also good for business. Employers can do well while also doing good. At the same time, too many workers and their families still encounter legal, economic, and cultural barriers to full participation in the American dream.

Given this reality, we seek to be the “Department of Opportunity” for LGBT workers. Under President Obama’s leadership, we have assessed how every aspect of our day-to-day work can incorporate concrete actions to advance LGBT workplace equality. From our worker-protection agencies and regulations, to our grants and technical assistance programs, to our own responsibilities as an employer, we have taken actions large and small to ensure LGBT workers and their families can share in the benefits of a growing economy.

## **Keywords**

Department of Labor, workplace rights, lesbian, gay, bisexual, transgender, LGBT, gender identity, sexual orientation

## **Comments**

### **Suggested Citation**

U.S. Department of Labor. (2016). *Advancing LGBT workplace rights*. Washington, DC: Author.



# THE U.S. DEPARTMENT OF LABOR

ADVANCING  
LGBT  
WORKPLACE  
RIGHTS



UNITED STATES DEPARTMENT OF LABOR

At the U.S. Department of Labor (DOL), our mission is promoting and protecting opportunity. Secretary Thomas E. Perez believes that the nation and the workforce are strongest when we embrace diversity, and when workers can apply their unique skills and talents to jobs that provide fair wages, benefits, and working conditions, and ensure respectful inclusion. For decades, lesbian, gay, bisexual and transgender workers have fought for that same opportunity. At this moment in time, we see exciting progress toward ending discrimination based on sexual orientation and gender identity and reminders that the struggle remains unfinished. We applaud the many employers who recognize that workplace equality is not just the right thing to do – it is also good for business. Employers can do well while also doing good. At the same time, too many workers and their families still encounter legal, economic, and cultural barriers to full participation in the American dream.

**Secretary Perez:**

“Protecting the workplace rights of LGBT workers is a moral imperative.”

[\(July 21, 2014\)](#)

Given this reality, we seek to be the “Department of Opportunity” for LGBT workers. Under President Obama’s leadership, we have assessed how every aspect of our day-to-day work can incorporate concrete actions to advance LGBT workplace equality. From our worker-protection agencies and regulations, to our grants and technical assistance programs, to our own responsibilities as an employer, we have taken actions large and small to ensure LGBT workers and their families can share in the benefits of a growing economy.

Today we report on the progress we have made, and the work still in progress:

- **WORKPLACE EQUALITY**

[Twenty-two states and the District of Columbia](#) protect workers from employment discrimination based on sexual orientation (and all but three on the basis of gender identity), and [most Fortune 500 companies](#) already have non-discrimination policies in place that protect LGBT workers.<sup>1</sup> But no federal law explicitly provides these protections. This leaves many workers vulnerable to possible discrimination and harassment on the job. President Obama has ordered companies who do business with the federal government to abide by new rules that protect LGBT workers and

job seekers from discrimination. This action will safeguard employment rights for the approximately one-fifth of the American workforce employed by, and those seeking work with, these federal contractor companies.<sup>2</sup> It will level the playing field for employers with fair practices, and ensure that federal tax dollars do not subsidize discrimination.

- **EQUAL RECOGNITION FOR ALL FAMILIES**

For many years, essential federal benefits tied to marriage excluded same-sex marriages. As barriers to equality for marriages and families continue to fall across the nation, DOL has worked to incorporate the principle of equal recognition for all families within its programs – including access to family leave rights, pension and health insurance benefits, and compensation for injuries on the job.

- **INCREASING ACCESS TO DOL PROGRAMS**

DOL programs provide critical training, resources and support to workers and job seekers. These programs, which build skills, support people during times of unemployment and economic transition, and increase employment opportunities, must be open and

accessible to all – including LGBT workers. Through improved policies and staff training, the Department is ensuring that its education and training centers are safe, inclusive, and welcoming environments for all staff and students, including transgender individuals, and that laws prohibiting sex discrimination in DOL-financially assisted programs protect all individuals, including LGBT individuals, from sex stereotyping and discrimination on the basis of gender identity.

- RESEARCH AND **ASSESSMENT** OF THE LGBT WORKER EXPERIENCE

Data and research about the LGBT workforce help develop policies responsive to the economic and social experiences of all of our nation's workers. To that end, DOL has revised existing surveys that collect data from workers and employers, so they better incorporate data on LGBT workers and their families. We will continue to identify ways to increase data collection in this area.

- TRANSGENDER EQUALITY AND **INCLUSION** IN THE WORKPLACE

Making workplaces accessible and inclusive for transgender workers is an important emerging issue – and one that aligns clearly with the Department's broader mission to open doors of opportunity to all workers. This commitment is integrated throughout the actions described above. It is also an area of special emphasis, given the reality that according to the [2011 National Transgender Discrimination Survey](#), nearly half of transgender workers report having been fired, or not hired or promoted, because of discrimination.<sup>3</sup> Along with courts and other federal agencies, DOL has determined that discrimination against workers because they identify as transgender, or express their gender in a non-conforming way, is illegal sex discrimination. And we have applied that principle to a series of agency guidance documents, rulemakings and internal practices and procedures.

Read on to learn more about our work in each of these areas, and [visit us online](#) access to our worker and employer resources.

## WORKPLACE **EQUALITY**

Equal employment opportunity is a core civil right, and a fundamental element of economic security. Many employers strongly support LGBT workplace equality and know that it is good for their business. But in many places, laws that ensure workers cannot be fired, paid less or harassed because of who they are, and that require employers to make decisions about hiring and promotion fairly and without discrimination, do not fully protect LGBT workers.

[Only 22 states and the District of Columbia](#) explicitly prohibit discrimination on the basis of sexual orientation, and fewer include gender identity. The primary federal employment discrimination law, Title VII of the Civil Rights Act of 1964, bans discrimination on the basis of race, color, religion, sex and national origin, and other federal laws protect workers on the basis of disability, age and genetic information. Although some courts have ruled that Title VII

### **President Obama:**

“We’ve got an obligation to make sure that the country we love remains a place where no matter who you are, or what you look like, or where you come from, or how you started out, or what your last name is, or who you love – no matter what, you can make it in this country.”

**If you experience discrimination while working for or applying for a job with a federal contractor, visit [www.dol.gov/ofccp](http://www.dol.gov/ofccp) to file a complaint.**

forbids discrimination on the basis of sexual orientation and gender identity, the Employment Non-Discrimination Act, which would explicitly protect LGBT workers, remains stalled in Congress.

President Obama took action in July 2014 to protect workers who are employed by or seeking jobs with companies doing business with the federal government from discrimination on the basis of their sexual orientation and gender identity. These companies employ approximately one-fifth of the American workforce.

For almost fifty years, Executive Order 11246 has held federal contractors to the fair and reasonable standard that they

**[\(July 21, 2014\)](#)**





*President Barack Obama delivers remarks before he signs an executive order to protect LGBT employees from workplace discrimination, in the East Room of the White House, July 21, 2014. (Official White House Photo by Pete Souza)*

hire, promote, pay, and otherwise treat workers equally, without discrimination on the basis of race, sex, color, religion or national origin. By signing [Executive Order 13672](#), the President expanded this non-discrimination requirement to include sexual orientation and gender identity. In addition, President Obama updated equal employment opportunity rules enforced by other parts of the federal government that already protect federal workers from discrimination based on sexual orientation, by adding gender identity as a protected category.

After publishing a [final rule](#), DOL's Office of Federal Contract Compliance Programs, known as OFCCP, began implementing this expansion of workplace civil rights effective April 8, 2015. OFCCP will investigate complaints filed by individual workers, but can also review workplace practices during regularly scheduled compliance evaluations. These additional protections will give more workers a chance to compete fairly based on their skills and talents.

DOL has engaged its stakeholders over the last year to help employees understand their new rights and to help contractors understand their new responsibilities.

Through listening sessions with contractors and worker advocates we have learned more about how to ensure compliance and provide effective technical assistance. OFCCP provides support like training webinars and [online resources](#), as well as an extensive training program for its own staff.

As the President recognized when he signed the Executive Order, this new expansion of workplace civil rights builds on many years of work by advocates for LGBT equality – crediting this historic advance to their “passionate advocacy and the irrefutable rightness” of their cause. At DOL we are now taking up the President’s charge to make sure that the right to a workplace free from discrimination becomes a reality for LGBT workers.

## WHO WE ARE

### **DOL Office of Federal Contract Compliance Programs (OFCCP)**

Our work ensures that companies doing business with the federal government do not discriminate in employment on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a protected veteran.





## EQUAL **RECOGNITION** FOR ALL FAMILIES

Family recognition – the principle that all married couples and their children should have equal access to workplace privileges and benefits – is a matter of basic fairness. It is also now a federal requirement. Until very recently, many LGBT families had no legal access to federal benefits based on marriage, like family leave or many insurance, pension or other spousal benefits. These benefits provide critical economic and personal support for workers and their families.

Over the last two decades, a growing movement for marriage equality and a series of landmark legal rulings have transformed American family policy and advanced equality for LGBT families. When the Supreme Court in *U.S. v. Windsor* struck down the part of the Defense of Marriage Act that limits “spouse” and “marriage” to opposite-sex marriages, President Obama instructed every federal agency to implement full and equal recognition for married same-sex couples and their children throughout federal programs and regulations as soon as possible.

At the direction of the Secretary, DOL completed a full assessment of all programs and benefits that needed to be updated in order to implement equal recognition for families. In doing so, DOL sought to ensure consistent federal family leave rights, regardless of whether the state in which a married same-sex

couple currently lives recognizes such marriages. Following the laws of the state or jurisdiction where the couple got married – called a “place of celebration” rule – means recognizing lawfully married couples no matter where they live.

In the case of the Family and Medical Leave Act, known as the FMLA, DOL’s Wage and Hour Division formally revised its regulations in order to cover legally married same-sex couples wherever they live. The FMLA provides many American workers unpaid job-protected leave for their own serious health condition, the birth or adoption of a child, or to care for a spouse or family member with a serious health condition. The FMLA also provides certain military family leave benefits. In 2015, the Department completed the process of changing the FMLA regulations, [issuing a new rule](#) that changed the definition of “spouse” to include all legally married same-sex couples under a “place of celebration” standard.\*

With the new rule, eligible employees in legal same-sex marriages can take leave on the same basis as all other married couples. The Williams Institute [estimates](#) this change will benefit about 118,000 individuals with same-sex spouses.<sup>4</sup> The basic promise that no one should have to choose between the job they need and the family they love now applies equally to all married couples.

Even before *Windsor*, DOL clarified the rights of LGBT families to FMLA leave by specifying who can take leave to care

---

\* On March 26, 2015, the United States District Court for the Northern District of Texas, in *Texas v. United States*, granted a request made by the states of Texas, Arkansas, Louisiana, and Nebraska for a preliminary injunction with respect to the place of celebration rule under the FMLA. The Government has informed the court of how the Government is complying with the injunction and the Government’s understanding of the scope of the injunction. For more information and updates visit <http://www.dol.gov/whd/fmla/spouse/index.htm>.

**Secretary Perez:**

“The basic promise of the FMLA is that no one should have to choose between the job you need and the family you love.”

(June 26, 2014)

for a child or a parent under the FMLA. In a 2010 Interpretation of the law’s [“in loco parentis” standard](#), the Wage and Hour Division explicitly included LGBT parents who may not have a formal legal or biological relationship to their children, but who are acting as their parents. The Department also included references to same-sex partner relationships in the “in loco parentis” examples described in the [Family and Medical Leave Act Employee Guide](#).

**Under U.S. v. Windsor, 133 S. Ct. 2675 (2013), the U.S. Constitution requires the federal government to provide equal recognition to same-sex couples in valid state or foreign marriages. This means equal access to federal benefits that are based on marriage.**

In a series of other actions, DOL revised many important benefits programs to fully include all marriages under a “place of celebration” standard. For example, the Department’s Employee Benefits Security Administration, which protects the security of the retirement, health and other workplace related benefits of America’s workers and their families, [updated guidance](#) regarding the terms “spouse” and “marriage” in its rules that apply to most private sector pension and health plans. The guidance requires plans to read these terms to include legally married same-sex couples, regardless of where they currently live. The Office of Workers’ Compensation Programs [issued a bulletin clarifying](#) that spouses and surviving spouses of federal employees in same-sex marriages have equal access to workers’ compensation benefits. This office also made similar updates to other workplace injury programs, including one it administers on behalf of [certain Department of Energy employees and contractors and subcontractors who worked on the nuclear weapons program](#), and another on behalf of [longshore workers](#). The Employment and Training



*Todd and TR with Camden. Their family now has full leave rights under the FMLA. [Read more about their story here.](#)*

## INCREASING **ACCESS** TO DOL PROGRAMS

Through the Workforce Innovation and Opportunity Act, known as WIOA, and its predecessor, the Workforce Investment Act, the Department supports programs designed to help job seekers access employment, education, training, and support services to succeed in the labor market, and to match employers with the skilled workers they need to compete in the global economy. Every year the key programs that form the pillars of workforce

Administration, which administers federal job training and dislocated worker programs, grants to states for public employment service programs, and unemployment insurance benefits – primarily working through state and local workforce development systems - applied the family recognition principle to programs it supports. The agency issued guidance letters on family recognition for purposes of [applying unemployment taxes to work performed by a spouse](#), and on [Workforce Investment Act \(WIA\) grant programs](#) and those under the [Trade Adjustment Act \(TAA\)](#).

Whether it is taking leave to care for an ill spouse, bonding with a new baby, or having the peace of mind that loved ones will have access to health, pension or workers' compensation benefits if they need them, family recognition goes far beyond changing legal definitions. It recognizes the value of all families – and all workers.

## WHO WE ARE

### **DOL Wage and Hour Division (WHD)**

Our agency enforces federal laws on the minimum wage, overtime, child labor, prevailing wages, family and medical leave and others. Visit us at [dol.gov/whd](https://dol.gov/whd) to access our [worker resources](#) or file a [complaint](#).



development help tens of millions of job seekers and workers to connect to good jobs and acquire the skills and credentials they need to obtain them.

Just like all other workers, LGBT individuals can benefit strongly from DOL-assisted public workforce programs – but only if they have equal access to the training, resources and support these programs provide. As part of the Department’s ongoing work to better support LGBT workers and job-seekers, DOL has continued to assess and improve access to these critical activities.

DOL has made clear that the laws against sex discrimination in these programs also prohibit discrimination on the basis of gender identity. This protects workers who identify as transgender, who express their gender in a nonconforming way, or who do not follow stereotypical ideas about how women or men should look or act. The Employment and Training Administration, and the Department’s Civil Rights Center, which enforces equal opportunity in workforce development programs, jointly issued a new guidance document clarifying that the non-discrimination laws that apply to the workforce development system prohibit discrimination on the basis of gender identity, gender expression and sex-stereotyping. This document (called a [Training and Employment Guidance Letter](#) or TEGL) explains the requirement that job training and referral programs receiving federal financial assistance provide equal access without discrimination.

## **FAMILY RECOGNITION ACTIONS**

- **Change to the family and medical leave regulations (FMLA) by the Wage and Hour Division**
- **Updated pension and health plan guidance (ERISA) by the Employee Benefits Security Administration**
- **Clarification of access to on the job injury benefits in three programs (FECA, EEOICPA, LHWCA) by the Office of Workers’ Compensation Programs**
- **Guidance on unemployment taxes (FUTA) and workforce grants (WIA, TAA) by the Employment and Training Administration**

In 2015, the Job Corps, a residential education and training program for youth organized by the Employment and Training Administration, issued a special notice known as a Program Instruction Notice to all staff and contractors in its national network of education and job training centers. This [Notice](#) sets forth policies to ensure that Job Corps programs are safe, respectful and welcoming environments for all, including transgender students. The Notice provides guidelines on ensuring equal access to the program and a respectful and harassment-free environment. It specifically addresses safety, privacy, respectful language (like name and pronoun usage), dress codes, access to housing, medical issues and moving into the workforce.

In addition to issuing these guidance documents, over the last several years DOL programs have provided training to staff, contractors and grantees to put these policies into practice. The DOL Civil Rights Center has hosted gender identity awareness training for state and local workforce agencies and service providers who receive DOL funding. Job Corps provided a similar training for staff at their education and training centers on ensuring an inclusive workplace and program.

And as previously mentioned, DOL's family recognition actions, and the guidance letters on WIA and TAA grants described above, ensure that grant programs treat all marriages equally when providing services to workers, including same-sex married couples and their children.

Making our programs accessible to LGBT workers and students is not a matter of a single training or guidance update, but an ongoing commitment. These programs, which provide new opportunities and critical safety nets, must serve all communities and all workers equally.

## WHO WE ARE

### **The DOL Civil Rights Center**

We enforce equal employment opportunity requirements that apply to DOL employees, applicants for DOL employment, and individuals who apply to, participate in, work for, or come into contact with programs and activities that are conducted by or receive financial assistance from DOL. If you experience discrimination while participating in a program supported by DOL, visit the [Civil Rights Center website](#) for information on how to file a [complaint](#).

## RESEARCH AND **ASSESSMENT** OF THE LGBT WORKER EXPERIENCE

What gets measured gets done – and what gets documented through data and research gets understood and incorporated into policy decisions that affect workers and their families. We need to learn more about the LGBT community’s economic and employment experiences, and DOL is making strides to include LGBT workers and their families in its surveys and other research.

For example, the National Compensation Survey is a survey of employers by the Department’s Bureau of Labor Statistics that gathers data about worker compensation and benefits. In 2011, for the first time, this survey asked employers whether they provide domestic partner benefits. That question is now a regular part of the survey, yielding [important new data](#) on health insurance and pension benefits for

unmarried same-sex and opposite-sex domestic partners.<sup>5</sup>

Another example is the FMLA survey. This periodic survey by DOL examines access to and use of family and medical leave, and has both employee and employer components. In 2012, this survey expanded to ask employees their sexual orientation. [This survey](#) is one example of how DOL is developing more data on LGBT worker experiences.

In addition, in 2015, two important surveys run by the Department’s Bureau of Labor Statistics, the Current Population Survey and the Consumer Expenditure Survey, will begin identifying same-sex married couples among respondents. This will provide important information about family types, which can be used in research and policy-making.

These are only first steps. DOL will continue to look for opportunities to include LGBT workers in its research and statistical work.



## TRANSGENDER EQUALITY AND **INCLUSION** IN THE WORKPLACE

For LGBT workers, and for transgender workers in particular, going to work or applying for a job can mean experiencing discrimination, harassment and even violence – and being forced to choose between your identity and your livelihood. But growing awareness has led to action across the country. Now 19 states and the District of Columbia explicitly protect workers from discrimination on the basis of gender identity. Courts, as well as DOL and other federal agencies, have recognized that discrimination on the basis of gender identity is sex discrimination. And increasingly in workplaces across the country, employers are leading with policies that acknowledge that discrimination against transgender employees is unacceptable, and are implementing more inclusive practices.

Secretary Perez has committed DOL to increase protection for transgender workers in American workplaces, and to examine and update our internal policies and practices to promote greater inclusion for transgender people. These efforts explicitly recognize obligations not to discriminate on the basis of gender identity, as well as apply rules against sex discrimination to ban discrimination against individuals who identify as transgender, or who express their gender in a nonconforming way.

In DOL's guidance documents and proposed regulations, we are interpreting bans on sex discrimination to ensure civil rights protection for transgender workers inside and outside the Department. Consistent with a number of earlier federal court rulings, the Equal Employment Opportunity Commission ruled in *Macy v. Holder* that Title VII's ban on sex discrimination includes discrimination based on gender identity. DOL has adopted this interpretation in its own enforcement work.

**According to the [2013 National Compensation Survey](#), 28% of civilian workers had access to survivor pension benefits for spouses, while 15% had access for unmarried same-sex domestic partners.**

For example, OFCCP issued a [directive](#) stating it would accept complaints of discrimination based on gender identity as a form of sex discrimination from individuals who work for or apply for jobs with federal contractors, and has published [new proposed sex discrimination regulations](#) that take the same position. The proposed regulations would bring guidelines dating back to the 1970s in line with the needs of workers today, including protecting workers from losing out on job opportunities because of sex stereotypes or not conforming to gender norms. These efforts complement the legal rights for transgender workers now available as a result of Executive Order 13672.

One important aspect of transgender inclusion in the workplace is safe

access to restroom facilities. To support workers and employers, the Occupational Safety and Health Administration, DOL's enforcement agency for workplace safety known as OSHA, has developed [a new guide on access to bathrooms for transgender individuals](#). This publication provides guidance to employers on best practices regarding restroom access for transgender workers.

OSHA already requires employers to provide employees with toilet facilities, to protect employees from the health effects created when toilets are not available. The core principle of this new guidance is that all employees, including transgender employees, should have access to restrooms that correspond to their gender identity.



*(L to R): Harper Jean Tobin, NCTE Director of Policy; Dr. David Michaels, Assistant Secretary, USDOL-OSHA; Lisa Mottet, NCTE Deputy Executive Director at alliance signing ceremony (April 27, 2015).*

**In the 2011 [National Transgender Discrimination Survey](#), 90% of transgender workers surveyed reported experiencing harassment, discrimination and mistreatment at work or taking steps like hiding who they are to avoid it.**

OSHA has also developed a formal alliance with the National Center for Transgender Equality, known as NCTE, to help distribute this bulletin and educate workers and employers on OSHA and their rights.

An essential way to serve and support workers is to be a good employer, and many businesses already know how strong and inclusive employment practices that support LGBT workers are both the right thing to do and good for the bottom line. In fact, [most Fortune 500 companies already have non-discrimination policies in place that protect LGBT workers](#), with nearly 9 in 10 covering sexual orientation and 2 in 3 including gender identity. Because at DOL we employ thousands of employees at offices around the country, we recognize employer obligations for ensuring equality for LGBT workers. Both in its formal documents, and in its informal practices, the Department strives to apply best practices in our own workplace, and to provide [resources](#) and support for employers seeking the same.

As highlighted above, via Executive Order 13672, President Obama explicitly expanded federal contractor non-discrimination requirements for employees and applicants to protect workers from discrimination based on gender identity. The President also expanded existing federal sector equal employment policies to cover gender identity. This second action applied the same standard that the Department had already embraced to the whole federal workforce.

## WHO WE ARE

### **DOL Occupational Safety and Health Administration (OSHA)**

Our agency enforces federal laws to assure safe and healthful workplaces. If you have a health or safety concern about your workplace, visit [osha.gov/workers](https://www.osha.gov/workers) to get help.



Starting in 2011, DOL began updating its own workplace standards and practices to explicitly include gender identity and support inclusive practices for transgender people. The Department's policies require managers and co-workers not to discriminate against transgender employees or those who express their gender in nonconforming ways. The first step was adding gender identity as a protected category within [the Department's own equal employment opportunity policy](#). The Civil Rights Center, which implements that policy, has provided [internal guidance for managers and employees](#). This document sets out employee and applicant rights and manager and supervisor responsibilities with respect to transgender workers. In 2015, the Civil Rights Center updated and reissued this guide to incorporate additional best practices. In addition, a new set of Departmental Guidelines on Creating an Inclusive Workplace for

Transgender, Gender Non-Conforming and Transitioning Employees, from DOL's Human Resources Center, will help the Department provide a more inclusive and welcoming workplace.

In addition to the new guidance, the Department is training its staff on all of our policies. In 2014 and 2015, OFCCP provided training first to its managers and then to all staff in partnership with the NCTE. And all DOL employees, including managers and supervisors, receive regular equal employment opportunity training that includes non-discrimination obligations on the basis of sexual orientation and gender identity. Bringing your whole self to work is fundamental to human dignity. Workplaces that respect individuals as they are, and value employees based on their skills and talents, find that diversity and inclusion is a strategy that pays off. DOL strives to be that kind of a workplace and to support workers and employers seeking to do the same.

## THE WAY **FORWARD**

At DOL we are proud of our accomplishments on behalf of LGBT workers and job seekers, and their families. For all our progress, there remains more work to do. These results represent our progress so far, and we will continue building on each of these efforts in the years to come.

This is a period of remarkable change, as we implement new policies and

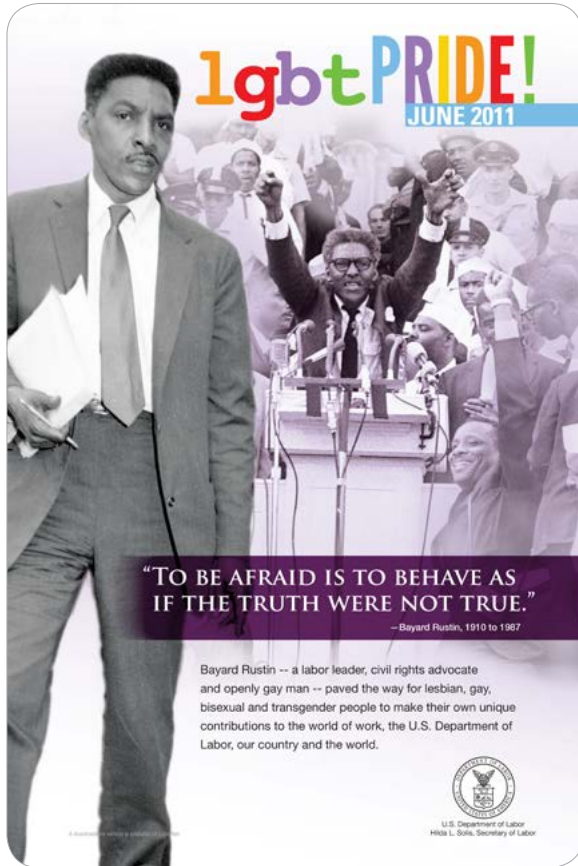
expand access to our programs. We will be investigating new sexual orientation and gender identity discrimination claims under Executive Order 13672. We will support LGBT workers and their families to understand and exercise their rights to family and medical leave and to safe and inclusive workplaces free from discrimination. We will also support employers through technical assistance and training and will highlight best practices for use in their workplaces.

### **Secretary Perez:**

“The Department of Labor, more than any other workplace, must strive to guarantee a level playing field for all employees. We work best when the Department fully includes individuals with diverse backgrounds, experience, and judgment, and utilizes the maximum capabilities of every employee. As the Secretary of Labor, I pledge to foster an environment free from discrimination, where diversity and inclusion are valued at all levels.”

[\(February 2015\)](#)





**Internal U.S. Department of Labor poster commemorating Bayard Rustin in conjunction with Pride Month. (June 2011).**

Serving as the “Department of Opportunity” for all workers, including LGBT workers, is the right thing to do – for the individuals who deserve a level playing field and a fair chance to compete, for the businesses that benefit from diverse and inclusive workplaces, and for the families and communities that depend on all of them to succeed. We will continue to make this part of the work we do every day to promote and protect opportunity for all.

*This report was developed by the Department of Labor’s interagency LGBT Policy Working Group. To learn more about the Working Group and all the actions described above, please visit <http://www.dol.gov/asp/policy-development/lgbt-workers.htm>.*



## NOTES

<sup>1</sup> Movement Advancement Project, *Non-Discrimination Laws*, retrieved from [http://www.lgbtmap.org/equality-maps/non-discrimination\\_laws](http://www.lgbtmap.org/equality-maps/non-discrimination_laws) (last visited May 21, 2015); <http://www.hrc.org/resources/entry/lgbt-equality-at-the-fortune-500> (last visited May 21, 2015).

<sup>2</sup> Calculated by the Office of Federal Contract Compliance Programs based on 2013 EEO-1 reports filed by employers indicating contractor status and 2013 Bureau of Labor Statistics workforce data.

<sup>3</sup> Jamie M. Grant, et al. (2011), *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, retrieved from <http://endtransdiscrimination.org/report.html> (last visited May 21, 2015).

<sup>4</sup> The Williams Institute, *New U.S. Department of Labor Rule Amending the Definition of Spouse in the Family and Medical Leave Act Could Impact up to 118,000 Same-Sex Spouses* (Feb. 24, 2015), retrieved from <http://williamsinstitute.law.ucla.edu/press/press-releases/new-u-s-department-of-labor-rule-amending-the-definition-of-spouse-in-the-family-and-medical-leave-act-could-impact-up-to-118000-same-sex-spouses/> (last visited May 21, 2015).

<sup>5</sup> Bureau of Labor Statistics (2014), *Employer-Sponsored Benefits Extended to Domestic Partners*, *Beyond the Numbers* 3(6), retrieved from <http://www.bls.gov/opub/btn/volume-3/employer-sponsored-benefits-extended-to-domestic-partners.htm> (last visited May 21, 2015).



United States Department of Labor