
Labor & Employment Law Alert: EEOC Says Sexual Orientation Discrimination Illegal Under Title VII

On March 1, 2016, the federal Equal Employment Opportunity Commission (EEOC) announced that it had filed its first two lawsuits against private-sector employers who allegedly discriminated against workers because of the workers' sexual orientation. Prior to these developments, the EEOC had not sued a private company for sexual orientation harassment (e.g., mistreating an individual because he is gay) under the theory that Title VII of the Civil Rights act of 1964 forbids such conduct.

While not yet confirmed by the courts, employers should be cognizant of the EEOC's evolving and broadening interpretation of Title VII. The EEOC's press release announcing the lawsuits can be found here: <http://www.eeoc.gov/eeoc/newsroom/release/3-1-16.cfm>. Although this is a significant development, employee protections from this type of employment discrimination have existed for some time in New York State under state and certain local laws. However, New York based employers may now expect greater attention by the EEOC in this area of non-discrimination law.

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