



Governor Wolf Signs Executive Orders Protecting LGBT State Employees and Contractors from Discrimination

Insights

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Pennsylvania government employees and contractors are now protected from discrimination based on their sexual orientation, gender expression, and gender identity.

On April 7, 2016, Governor Tom Wolf signed a pair of executive orders prohibiting discrimination against individuals based on their sexual orientation, gender expression, or gender identity. The pair of orders come on the heels of a recent slate of controversial so-called “religious freedom” laws in states such as North Carolina and Mississippi.

The first executive order (2016-04) says no agency under the Governor’s jurisdiction shall discriminate against any employee or applicant for employment on the basis of race, color, religious creed, ancestry, union membership, age, gender, sexual orientation, gender expression or identity, national origin, AIDS or HIV status, or disability.

The second executive order (2016-05) ensures that recipients of state grants and contractors doing business with the state use nondiscriminatory practices in subcontracting, hiring, promotions and other labor matters. Specifically, state compliance programs will be tasked with ensuring that state contracts and grants are nondiscriminatory with respect to (i) the award of such contracts and grants by the state; (ii) the hiring and treatment of employees by those who are awarded state contracts and grants, and (iii) the awarding of subcontracts and supply contracts by those same state contractors or grantees.

These executive orders enhance a current Pennsylvania executive order that prohibits discrimination against LGBT state employees. In 1975, Pennsylvania Governor Milton Sharp made history by signing an executive order prohibiting state employment discrimination based on sexual orientation. In 2003, Governor Ed Rendell expanded the executive order to include protections from discrimination based on gender identity. These most recent executive orders not only increase oversight and enforcement of these protections, but extend those same protections to cover state issued contracts and grants. These new protections are estimated to apply to 79,000 state employees and tens of thousands of state contracts as they come up for renewal.

It remains unclear when these same protections will extend to non-state employees. Legislation that would cover all Pennsylvanians from discrimination based on sexual orientation, gender

expression, and gender identity has not made it out of committee in the House and Senate. The bipartisan Pennsylvania Fairness Act (Senate Bill 974 and House Bill 1510) was introduced last August in the Pennsylvania General Assembly in order to update the state's non-discrimination law to explicitly include protections for LGBT people from discrimination at work, in housing, and in public places. It is currently legal in Pennsylvania, with the exception of those municipalities that have passed separate ordinances (including Philadelphia, Pittsburgh, Lancaster, Erie, Scranton, and Harrisburg) to fire someone or deny them housing or business services solely on the basis of the person's sexual orientation, gender expression, or gender identity.

Both executive orders are effective immediately.