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By Anne Cullen | Senior Reporter, Labor & Employment

## Democrats Launch Fresh Push To Expand LGBTQ Rights

Law360 (February 18, 2021, 3:48 PM EST) -- Democratic lawmakers reintroduced the Equality Act on Thursday, breathing new life into a sweeping bill that would outlaw bias based on sexual orientation and gender identity in workplaces, schools, housing and other contexts nationwide.

The measure, which has consistently topped civil rights advocates' legislative wish list, was floated in the House on Thursday by Rep. David Cicilline, D-R.I., and will be introduced in the Senate by Sen. Jeff Merkley, D-Ore., when the floor reopens next week. House Majority Leader Steny Hoyer, D-Md., has also promised that his chamber will consider the bill next week.

The measure aims to beef up various existing civil rights statutes to explicitly protect people from discrimination based on their sexual orientation or gender identity in various contexts, including employment, education, housing and public accommodations.

If passed, it would install clear protections for LGBTQ workers in dozens of states that don't have them on the books. In 29 states, it's still legal for people to be kicked out of their home, a restaurant or denied a loan because of their sexual orientation or gender identity.

"In most states, LGBTQ people can be discriminated against because of who they are, or who they love. It is past time for that to change," Cicilline said in a statement. "I'm proud to introduce the Equality Act today, and I look forward to continuing to work with Sen. Merkley to get this bill signed into law."

The House passed the bill in 2019 — clearing the chamber with a bipartisan 236-173 vote — but the proposal languished in the Senate despite receiving support from both civil rights groups and numerous business associations.

The new version is largely the same as its predecessor, though it contains a few differences, the most significant being its references to the U.S. Supreme Court's landmark LGBTQ rights decision last year in *Bostock v. Clayton County*. In that case, the justices declared in June that Title VII of the Civil Rights Act's ban on sex discrimination prohibits mistreating workers because of their sexual orientation or gender identity.

In addition, while the earlier iteration touched on the fact that discrimination can be based on someone's perception of another's sexual orientation or gender identity, regardless of whether that assumption is correct, Thursday's version makes this point doubly clear.

"Many people are subjected to discrimination because of others' perceptions or beliefs regarding their sexual orientation," the bill states. "Even if these perceptions are incorrect, the identity imputed by others forms the basis of discrimination." The measure also highlights the dire consequences of discrimination of LGBTQ individuals, noting that this type of bias "inflicts a range of tangible and intangible harms, sometimes even including serious physical injury or death." Enacting the Equality Act sits among President Joe Biden's top priorities, as Biden has called it "the best vehicle for ensuring equal rights under the law for LGBTQ+ Americans," and promised to work on getting these protections on the books during his first 100 days in office.

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