

Utah Governor Signs Landmark LGBT and Religious Expression Anti-Discrimination Bill

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Utah Governor Gary Herbert (R) has signed into law a bi-partisan bill protecting lesbian, gay, bisexual, and transgender (LGBT) people from discrimination. While other states and local governments are considering similar initiatives, the Utah law is the first enacted legislation that seeks to balance LGBT rights with religious expression concerns.

Senate Bill 296, signed on March 12, 2015, received support not only from Republicans and Democrats alike, but from both LGBT leaders and officials of the Church of Jesus Christ of Latter-day Saints as well. The new law intends to protect LGBT people from discrimination in housing and employment decisions, while protecting religious expression.

Under the law, it is illegal to make employment decisions, such as hiring and firing, based on someone's sexual orientation or gender identity or expression. Employers are not prohibited, however, from adopting reasonable dress and grooming standards or from adopting reasonable rules designating sex-specific facilities, as long as the employer's rules afford reasonable accommodations based on the gender identities for all employees. The law also prohibits discrimination in housing decisions, such as whether to sell or rent someone a home, based on an individual's LGBT status.

Attempting to strike a balance by protecting LGBT people from discrimination while recognizing religious institutions' concerns and individual religious beliefs, the Utah law provides broad exemptions from its prohibitions for religious organizations and their affiliated universities and corporations and affords protections for individual religious beliefs. For example, the law specifically protects an employee's right to express his or her religious or moral beliefs and commitments in the workplace in a "reasonable, non-disruptive, and non-harassing way" on equal terms with similar expression of beliefs or commitments allowed by employers in the workplace. Employers are prohibited from basing employment decisions on or retaliating against employees for lawful expression outside the workplace regarding religious, political, or personal convictions.

Utah's law is an example of growing protections for LGBT people across the United States. See, e.g., DOL Releases Regulations Extending Protections to Lesbian, Gay, Bisexual, and Transgender Employees, Applicants and Executive Order Extends Workplace Anti-Discrimination Protections to LGBT Workers of Federal Contractors. Notably, Utah's law also provides enhanced protections for expression of religious beliefs in the workplace. New laws, like Utah's, likely will require employers to carefully navigate and balance these sometimes conflicting protections.

Employers should stay apprised of growing employee protections and ensure that their anti-discrimination and anti-retaliation policies comply with new laws. For questions about this new law or other Utah law issues or about LGBT legal issues, please contact the Jackson Lewis attorney with whom you regularly work.

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