

Pennsylvania Governor Issues Executive Orders Protecting LGBT Rights

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Pennsylvania Governor Tom Wolf has signed two executive orders protecting the rights of lesbian, gay, bisexual, and transgender (“LGBT”) individuals. The first executive order covers discrimination by state agencies, and the second applies to state contractors as well as companies who receive state grants.

Currently, a bill pending in the state legislature would prohibit LGBT discrimination and harassment by most employers statewide. However, it has not yet been signed into law.

Pennsylvania is the latest in a number of states that has taken action recently with respect to LGBT discrimination. On March 28, 2016, [North Carolina enacted the “Single-Sex Multiple Occupancy” Act](#), which prevents cities and counties from passing their own anti-discrimination rules, essentially prohibiting cities and counties from prohibiting LGBT discrimination.

Similarly, on April 5, 2016, Mississippi enacted the “Mississippi Protecting Freedom of Conscience from Government Discrimination Act, which permits any adverse employment-related decisions against LGBT citizens if an employer representative strongly believes the following convictions:

- Marriage is or should be recognized as the union of one man and one woman,
- Sexual relations are properly reserved to such a marriage, and
- The terms male/man or female/woman refer to an individual’s immutable biological sex as objectively determined by anatomy and genetics at time of birth.

Conversely, and in line with Pennsylvania’s executive orders, on April 4, 2016, Georgia Governor Nathan Deal vetoed the “religious liberty” bill that would have allowed faith-based organizations to deny services to those who violate their “sincerely held religious belief” and preserve their right to fire employees who are not in accord with those beliefs.

While the Pennsylvania executive orders do not address bathroom usage or mention religion, the executive orders make clear that state agencies, state contractors, and state grantees may not discriminate against members of the LGBT community in their employment practices, including hiring, firing, and promotion, as well as in their award of subcontracts and supply contracts.

The executive orders also mandate that state contractors and state grantees have, as a condition of payment or funding, a written sexual harassment policy and that employees of the contractor or grantee are aware of the policy.

Jackson Lewis attorneys can assist with the preparation and review of sexual harassment policies as well as provide training to comply with these executive orders.

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