



President Obama Signs Executive Order Prohibiting Sexual Orientation and Gender Identity Discrimination

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On July 21, 2014, President Obama signed an Executive Order that prohibits the federal government and private federal government contractors from discriminating against applicants and employees based on sexual orientation and gender identity. This Executive Order amends Executive Orders 11478 and 11246, which respectively set forth the federal government's employment nondiscrimination policy, as well as its policy to protect applicants and employees of private federal government contractors from discrimination based on their race, color, religion, sex, and national origin. Under the new Executive Order, federal contractors are also now required to select, employ, and promote employees without regard to their sexual orientation or gender identity. In addition, the Department of Labor may now require any contract bidder or potential federal contractor or subcontractor to submit a statement affirming that the contractor's practices and policies comply with the new extensions of the federal government's nondiscrimination policy.

The Executive Order goes into effect immediately, but it provides that the Secretary of Labor will issue implementing regulations within ninety days of the date of the Order. Amendments to Executive Order 11246's federal contractor requirements will apply to government contracts entered into on or after the effective date of the Department of Labor regulations implementing the order. Federal contractors should review and update their anti-discrimination policies and advertising, job posting, and marketing materials to set forth their policies of nondiscrimination based on an employee or applicant's sexual orientation or gender identity.

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