

Washington State Passes Law Prohibiting Discrimination Based on Sexual Orientation

By Barry Alan Johnsrud

February 3, 2006

On January 31, 2006, Washington Governor Christine Gregoire signed House Bill 2661 prohibiting discrimination based on sexual orientation. The new law amends the Washington Law Against Discrimination to include sexual orientation in the categories of protected individuals under that law and defines sexual orientation as "heterosexuality, homosexuality, bisexuality, and gender expression or identity." The WLAD already prohibited discrimination based on race, creed, color, national origin, families with children, sex, marital status, age, the presence of any sensory, mental, or physical disability and the use of a trained dog guide or service animal by a disabled person.

Under the new law, an employer may not: (1) refuse to hire a person; (2) discharge or bar a person from a job; (3) discriminate in compensation or other terms or conditions of employment; or (4) print, circulate, or use any discriminatory statement, advertisement, publication, job application form, or make any inquiry in connection with prospective employment that is discriminatory on the basis of an individual's sexual orientation. The WLAD is enforced through the Washington State Human Rights Commission and private litigation. Remedies always include back pay and may include reinstatement, training to eliminate the discriminatory practice and damages for emotional distress. The new law applies to all employers, except those with fewer than eight employees, nonprofit religious or sectarian organizations, and "any institute that is distinctly private in nature." However, even small employers should be mindful of the potential for claims of wrongful termination in violation of public policy.

To comply with the changes, employers should: (1) review and revise handbooks and personnel policies and procedures to assure compliance with the new law; and (2) inform and train supervisors and managers on the effect of the new law.

©2006 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

Meet the Author



Barry Alan Johnsrud

Principal
Seattle 206-626-6411
Email

Practices

Litigation