

WASHINGTON STATE LAW PROTECTION FOR GAY EMPLOYEES
By Karen Sutherland

The Washington State legislature amended the state laws against discrimination to add sexual orientation as a protected class in 2006. This is a major change for many areas of Washington State that do not have local ordinances that cover discrimination based on sexual orientation. It also provides additional economic incentives to comply for employers who are located in areas where ordinances protecting against discrimination based on sexual orientation already existed.

In portions of the state that have local anti-discrimination ordinances (such as King County and the City of Seattle), the local ordinances will still exist and can still be enforced in addition to the state law. If any local jurisdiction has an ordinance or resolution that contradicts the state law or provides fewer rights to employees, the state law will pre-empt the local ordinance or resolution.

Generally speaking, the addition of sexual orientation to the state's laws against discrimination means that sexual orientation will be treated the same as other protected classes, such as age, race, national origin, religion, and marital status. The same enforcement mechanisms will be available to employees and job applicants too, including the ability to file a complaint with the Washington State Human Rights Commission without the assistance of a lawyer, and the right to be awarded attorney's fees and costs in a successful lawsuit.

This brief article is a broad summary only. It lacks specificity about the law and about the effects of different fact patterns, and thus shall not be applied without consulting an attorney. It also focuses on Washington State law and federal law, and the laws of other jurisdictions may vary materially. The information set forth in this article is a broad and general overview of complex topics, and is not legal advice. It also does not take into account any changes to the law or in interpretations of the law that may have occurred since it was written. For more information, contact Karen Sutherland at ksutherland@omwlaw.com