

# The Oregon Equality Act

## Protection for lesbian, gay, bisexual and transgender people

In 2007, the State of Oregon enacted the **Oregon Equality Act** (also known as SB2), the landmark law to protect lesbian, gay, bisexual and transgender (LGBT) people from discrimination. If you believe you have been subjected to discrimination because of your sexual orientation or gender identity, Oregon law will protect you, starting January 1, 2008, and will allow you to take action to address the problem.

**Q** What does this anti-discrimination law cover?

**A** The **Oregon Equality Act** forbids discrimination based on sexual orientation or gender identity or expression in several critical areas

- ▶ **Employment** in all state, municipal and private workplaces
- ▶ **Public accommodations**, meaning places open to the public such as businesses that sell goods or services, recreational facilities and providers of medical services
- ▶ **Housing and financial transactions** such as real estate rental and sales, as well as applications for credit and insurance
- ▶ **Jury service**
- ▶ **State institutions** such as prisons, jails or any facility operated by the Department of Corrections
- ▶ **Foster parenting** and the provision of adult foster care
- ▶ **Public school education**, including public charter schools

**Q** How does the Oregon Equality Act define gender identity?

**A** Under Oregon law, gender identity includes what a person believes his or her gender to be, including how the person chooses to express his or her gender. Gender identity protection also encompasses any behavior that differs from what may be traditionally associated with the person's sex at birth. The law protects people who identify as transgender as well as people who do not fit into stereotypes of how a man or woman should look or act.

**Q** Does the Oregon Equality Act provide protection from hate crimes?

**A** **Yes.** SB 2 establishes criminal penalties for hate crimes, including those crimes committed because of the person's perception of sexual orientation or gender identity of the victim.

**Q** When do the new antidiscrimination protections take effect?

**A** On January 1, 2008. The law prohibits acts of sexual orientation and gender identity discrimination after that date.

**Q** Is my employer required to offer domestic partner benefits?

**A** It depends. Employee benefits are governed by both state and federal law, so whether or not your employer must provide domestic partner benefits varies based on which law applies, whether or not you work for the government, whether or not the benefits are covered by a collective-bargaining agreement, and other factors. Call Lambda Legal's Help Desk to discuss your situation toll-free at 866-542-8336.

**Q** Am I protected from discrimination based on my HIV status?

**A** Yes. Apart from SB 2, Oregon law for some time has prohibited employers from discriminating against employees based on their HIV status and from requiring employees or prospective employees to take an HIV test. Oregon law considers HIV discrimination a form of discrimination based on disability and Oregon law provides even greater anti-discrimination protection to people with disabilities than federal law does.

### Taking Action . . .

#### What can I do if I think I have been discriminated against based on my sexual orientation or gender identity in employment or in a place of public accommodation?

If you believe you have been subjected to discrimination based on your sexual orientation or gender expression or identity, you may (but are not required to) file a claim with the Oregon Bureau of Labor and Industries (BOLI). Instead of filing with BOLI, you also may file a lawsuit in court to seek payment for any damages you have suffered. If you file a claim with BOLI, you may not initiate a civil law suit against your employer unless you first exhaust the administrative remedies BOLI provides.

#### How do I file a discrimination claim with the Oregon Bureau of Labor and Industries?

You can begin by contacting BOLI at one of their regional offices in Portland, Eugene, Medford or Pendleton. For the contact information for the office closest to you visit BOLI's website at [http://egov.oregon.gov/BOLI/contact\\_us\\_directory.shtml](http://egov.oregon.gov/BOLI/contact_us_directory.shtml).

Generally speaking the law gives an employee one year from the last act of discrimination to file a claim with BOLI or to file a lawsuit directly in circuit court. These deadlines cannot be missed or your claims may be lost. Keep in mind that SB 2's workplace rules do not apply to the federal government (although federal workers may have other protections), or to tribal and nonprofit, religiously-controlled employers. Also it is important to remember that the information in this publication might apply differently for employees who are undocumented or whose immigration status is pending. Please call Lambda Legal's Help Desk for more information about your particular situation.

#### Where can I get help?

Contact Lambda Legal's Western Regional Office Help Desk at 213-382-7600, ext. 330, or toll-free at 866-542-8336. Se Habla Español.



[www.lambdalegal.org](http://www.lambdalegal.org)

Toll-Free Legal Help Desk: 866-542-8336

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.

# OGALLA

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