

LGBTQ+ Employment Discrimination

Everyone deserves to work in an environment where an employer judges them on their work, rather than their sexual orientation or gender identity. Unfortunately, LGBTQ+ employees can still, to this day, face discrimination, harassment, retaliation, or unfair treatment at work. An employer may deny someone a promotion, terminate their employment, or treat them differently because of how they identify. If you believe your employer treated you unfairly because you are gay, lesbian, transgender, or otherwise identify as LGBTQ+, a labor and employment attorney can help you understand your rights and options.

What Is Sexual Orientation Discrimination?

This type of discrimination occurs when an employer treats someone differently because of their sexual orientation, for example because they identify as gay or lesbian. The discrimination can affect hiring, pay, promotions, job assignments, benefits, or continued employment. It can also involve offensive comments, harassment, or other conduct that creates a hostile work environment. In some cases, discrimination may be obvious, while in other cases, it may not be. Discrimination can also occur in the provision of health benefits, for example if an employer's health insurance plan excludes fertility coverage benefits only for gay or lesbian couples.

What Is Gender Identity Discrimination?

This type of discrimination occurs when an employer treats someone differently because of their gender identity. The discrimination can affect hiring, pay, promotions, job assignments, benefits, or continued employment for a transgender employee. It can also involve offensive comments, harassment, misgendering, use of the wrong name or pronouns, prohibition on bathroom use consistent with gender identity, or other conduct that creates a hostile work environment. In some cases, discrimination may be obvious, while in other cases, it may not be. Similarly, discrimination can occur in the provision of health benefits, for example if an employer's health insurance plan excludes coverage for gender affirming care.

What Legal Protections Do LGBTQ+ Employees Have?

The state laws in District of Columbia, Maryland, and Virginia, protect employees from discrimination based on sexual orientation and gender identity. Employers cannot use these characteristics as a basis for employment decisions, including hiring, compensation, promotion, or termination. The law also protects employees from certain forms of workplace harassment and retaliation.

Federal law provides additional protection. Title VII prohibits employers from discriminating against employees because of sex, and the U.S. Supreme Court's decision in *Bostock v. Clayton County* confirmed that this protection covers sexual orientation and transgender status. The Equal Employment Opportunity Commission enforces Title VII and accepts discrimination charges from employees who believe an employer violated their rights. An employer also cannot retaliate against someone for reporting discrimination, filing a charge, or participating in an investigation. These protections can apply whether an employee faces a single employment decision or a broader pattern of treatment at work.

What to Do if You Believe Your Employer Discriminated Against You

Start by keeping a record of what happened. Save emails, team messaging platforms, performance reviews, disciplinary notices, and other documents that may show how your employer treated you. Write down important conversations while the details remain fresh in your mind, including who was present and what each person said. If coworkers witnessed the conduct, make note of that as well.

You should also think carefully before signing a severance agreement, resigning, or making statements to your employer about a

potential claim. An employment attorney can review the situation and help determine whether the facts support a discrimination claim. Depending on the circumstances, you may need to file a charge with the Maryland Commission on Civil Rights (MCCR), the Office of Civil Rights (OCR) of the Office of the Attorney General of Virginia, the D.C. Office of Human Rights (DCOHR), or the Equal Employment Opportunity Commission (EEOC) before bringing a lawsuit. Those agencies impose filing deadlines, so waiting can put your claim at risk.

How Long Do You Have to File an LGBTQ+ Employment Discrimination Claim?

Employment discrimination claims have strict deadlines.

In DC: To pursue claims under DC law, an **employee generally has** one year from the date of the alleged discriminatory employment practice to file a complaint with the DCOHR, or two years from the date of the alleged discriminatory employment practice to initiate a lawsuit in court.

In Maryland: To pursue claims under Maryland state law, an employee generally has 300 days from the date of the alleged discriminatory employment practice to file a complaint with the MCCR. Maryland gives employees two years to file an employment harassment complaint, measured from the alleged harassment. When more than one discriminatory event occurs, the deadline generally applies separately to each event, although different rules can apply to ongoing harassment. Certain counties within Maryland have different filing requirements, such as Montgomery, Howard, and Prince George's Counties, and we encourage you to confer with an attorney if you live or work in those counties.

In Virginia: To pursue claims under Virginia state law, an employee generally has two years from the date of the alleged discriminatory employment practice to file a complaint with the Virginia OCR.

Federal claims have their own filing requirements. In DC, Maryland, and Virginia Title VII claims generally must be filed with the EEOC within 300 days of the alleged discrimination. Sexual orientation and transgender status fall within Title VII's protection against sex discrimination. If the EEOC issues a Notice of Right to Sue, the employee generally has 90 days to file a lawsuit in court.

These deadlines can become difficult to calculate when an employee experiences several incidents over time or believes an employer retaliated after a complaint. Filing an internal complaint with an employer does not necessarily stop the filing deadline with MCCR, the Virginia OCR, the DCOHR, or the EEOC.

How Our LGBTQ+ Discrimination Lawyers Can Help

An employment discrimination case often turns on the details surrounding an employer's decisions. Our attorneys can review what happened, examine relevant employment records, and identify potential claims under DC, Maryland, Virginia, and federal law. We can also help preserve evidence and assess the financial and professional harm the discrimination caused.

If the matter moves forward, we can represent you in negotiations, administrative proceedings, or litigation. Depending on the circumstances, we may work with your employer to reach a resolution or pursue the claim in court. Our approach depends on the facts of the case and the outcome you want to achieve.

Work With Our LGBTQ+ Discrimination Lawyers

You should not have to choose between protecting your career and standing up for yourself at work. If your employer has treated you differently because of your sexual orientation or gender identity, getting legal advice can help you understand whether the conduct violates employment law and what steps you can take.

Joseph, Greenwald & Laake represents employees in employment discrimination matters. Learn more about our [employment discrimination services here](#) or [contact us](#) to discuss your situation and schedule a consultation.