

Delaware Labor & Employment Law Update

Wednesday, July 15, 2009

Delaware's Anti-Discrimination Laws Have Been Extended to Include Protection from Discrimination Based on Sexual Orientation

On July 2, 2009, Delaware Governor Jack Markell signed into law a bill that adds sexual orientation as a class protected from discrimination in employment, housing, public-works contracting, public accommodations and insurance under Delaware law. The law took effect immediately upon the Governor's signature and applies to all employers with four or more employees (except most religious organizations) within the State of Delaware.

Sexual orientation is defined in the law exclusively as "heterosexuality, homosexuality, or bisexuality." The law does not require employers to offer health, welfare, pension or other benefits to domestic partners to the extent offered to spouses of married employees. In all other respects, an employer must treat its employees without regard to their sexual orientation.

Delaware employers should review and update employment applications, employee handbooks, employment policies and training materials to ensure proper compliance with this new law and to reflect a prohibition against discrimination based on sexual orientation.

Please contact an attorney in our Labor and Employment Group if you have any questions concerning this new law or any other employment-related matters.

