

The Oregon Equality Act

In 2007, the Oregon State Legislature passed the Oregon Equality Act (OEA). This law, which went into effect on January 1, 2008, prohibits discrimination against persons based on sexual orientation, which as defined in the law, includes gender identity & expression.

The Oregon Equality Act defines 'person' as; *"individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies."*

The Oregon Equality Act defines 'sexual orientation' as; *"an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth."*

The information below focuses on the aspects of the law that most directly relate to real or perceived child & youth gender identity and expression.

What does this anti-discrimination law cover?

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
- 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

How does the Oregon Equality Act define gender identity?

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.

Does the Oregon Equality Act provide protection from hate crimes?

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.

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 or your child have been subjected to discrimination based on your (real or perceived) gender identity or expression or sexual orientation, 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

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.