

North Carolina's City of Charlotte and Mecklenburg County Adopt Nondiscrimination Ordinances

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Joining a host of communities in North Carolina, the Charlotte City Council has unanimously passed an ordinance to add nondiscrimination protections for *sexual orientation, gender identity, gender expression, familial status, veteran status, pregnancy, and natural hairstyle*.

A portion of the ordinance applying to Charlotte's policies governing public accommodations (such as restaurants and businesses) went into effect on October 1, 2021. The remaining portion of the ordinance applying to employment protections will go into effect on January 1, 2022.

Mecklenburg County also has unanimously approved LGBTQ inclusive nondiscrimination protections. Similar to the Charlotte City Council ordinance, Mecklenburg County added nondiscrimination protections for *sexual orientation, gender identity, and natural hairstyle*. Before the Mecklenburg County ordinance can become law, the County Commission must finalize the ordinance with one final vote.

Previously, the protected employment classes in Charlotte and Mecklenburg County were only race, gender, religion, national origin, ethnicity, age, and disability. The newly passed employment protections will apply to employers of *all sizes*, as opposed to many existing state and federal laws that limit discrimination policies against employers with at least 15 employees. The employment protections will make it unlawful for any employer to fail or refuse to hire a person, or otherwise discriminate against them in any employment matter on the basis of race, color, gender, religion, national origin, ethnicity, age, familial status, sexual orientation, gender identity, gender expression, veteran status, pregnancy, natural hairstyle, or disability.

Other communities in North Carolina to have passed similar nondiscrimination ordinances include Apex, Asheville, Buncombe County, Chapel Hill, Durham, Greensboro, and Orange County. The new city ordinance comes just five years after the North Carolina General Assembly House Bill 2, commonly referred to as the "bathroom bill." House Bill 2 blocked a Charlotte ordinance expanding nondiscrimination protections to LGBTQ+ people. It forced transgender people to use the bathroom of their sex assigned at birth, rather than the bathroom that aligns with their gender identity.

The ordinances are silent on bathroom accommodations, as those are regulated by the North Carolina legislature. The Mecklenburg County ordinance also does not apply to a religious organization's requirement that employees follow its tenets as a condition of employment. Importantly, both the Mecklenburg County ordinance and the Charlotte City ordinance allow the Charlotte-Mecklenburg Community Relations Committee conciliation division to address complaints against employers with fewer than 15 employees and allow options to exist at the local level if state or federal agencies decline to take up a complaint against an employer of at least 15 employees.

Employers with operations in these localities should consider updating Equal Employment Opportunity and harassment policies for compliance with the law. In addition, any anti-harassment training should be revised to include a section on LGBTQ+ forms of discrimination. Jackson Lewis attorneys are available to assist with updating employer policies and conducting training.

If you have any questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work.

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