



## Do anti-discrimination laws give LGBTQ+ people special rights?

Anti-discrimination laws that include sexual orientation and gender identity help protect LGBTQ+ people against inequality and discrimination they may face due to their identity, just as they protect all people from unequal treatment motivated by unlawful bias.

LGBTQ+ people face inequality and discrimination across multiple areas of life. Prior to 2015, marriage inequality represented one such form of discrimination by preventing same-sex couples from accessing social and legal benefits associated with marriage.

The nationwide legalization of same-sex marriage in 2015<sup>1</sup> had many positive outcomes for the LGBTQ+ community<sup>2</sup> including perceived improvement of social inclusion and acceptance.<sup>3</sup> Though this has been a positive advancement, LGBTQ+ people continue to face many forms of discrimination, such as housing, healthcare, and workplace discrimination,<sup>4</sup> and numerous laws still exist that actively discriminate against LGBTQ+ people.<sup>5</sup>

The myth that LGBTQ+ people have full equality is partially fueled by how highly publicized the issue of same-sex marriage has been. The focus on marriage equality for same-sex couples has detracted attention from other important LGBTQ+ issues and given some the false impression that it has resolved all inequality. This false belief is problematic, as it is used to deny LGBTQ+ people full legal recognition of their human rights.

## Did marriage equality erase legal discrimination against LGBTQ+ people?

No. Although marriage equality has advanced rights for same-sex couples and has had a positive impact on LGBTQ+ stigma, it has not fully eliminated it.<sup>6</sup> LGBTQ+ persons continue

---

<sup>1</sup> *Obergefell v. Hodges*, 576 U.S. 644 (2015)

<sup>2</sup> Goldberg 2026; Drabble et al. 2020; Goldberg and Smith 2025; Karney et al. 2024

<sup>3</sup> Drabble et al. 2020

<sup>4</sup> Patel and Rahrig 2023; Smith and Norris 2025; Drabble et al. 2020; 2024 State Equality Index 2025

<sup>5</sup> 2024 State Equality Index 2025

<sup>6</sup> Drabble et al. 2020; Karney et al. 2024; Minkin et al. 2025

to face disproportionate violence and hate crimes,<sup>7</sup> are subjected to slurs and jokes,<sup>8</sup> and face discrimination in public spaces,<sup>9</sup> healthcare settings,<sup>10</sup> housing,<sup>11</sup> and in the workplace.<sup>12</sup> Marriage equality, as it exists under current Supreme Court law, does not directly address any of these other forms of discrimination. Marriage equality also does not directly protect LGBTQ+ people, other than those in same-sex couples who want to marry, from any form of discrimination.

In the ten years since the legalization of same-sex marriage in 2015 we have seen the enactment of numerous discriminatory laws targeting LGBTQ+ people across the United States.<sup>13</sup> In 2024 alone, 487 anti-equality bills were introduced and 46 were signed into law.<sup>14</sup>

Many LGBTQ+ persons do perceive marriage equality as a victory<sup>15</sup> and believe that it has helped to legitimize their identity and relationships,<sup>16</sup> as well as make them feel more accepted and less stigmatized.<sup>17</sup> Tangible benefits from this law for married same-sex couples include:

- improved mental health<sup>18</sup>
- improved relationship stability and satisfaction<sup>19</sup>
- a greater sense of stability<sup>20</sup>

Marriage equality has also allowed married same-sex couples to access spousal benefits, such as health insurance, tax benefits, and inheritance rights. These are the same benefits that all married couples have legal access to; they do not give LGBTQ+ people more benefits than anyone else who is legally married.

The above mentioned outcomes are meaningful, but it is important to understand that the benefits of marriage equality apply to *married* same-sex couples, not all LGBTQ+ people.

---

<sup>7</sup> Flores et al. 2020; Grasso et al. 2025

<sup>8</sup> Minkin et al. 2025

<sup>9</sup> Smith and Norris 2025

<sup>10</sup> Smith and Norris 2025

<sup>11</sup> Smith and Norris 2025

<sup>12</sup> Patel and Rahrig 2023; Sears et al. 2024; Smith and Norris 2025

<sup>13</sup> 2024 State Equality Index 2025

<sup>14</sup> 2024 State Equality Index 2025

<sup>15</sup> Drabble et al. 2020

<sup>16</sup> Drabble et al. 2020

<sup>17</sup> Drabble et al. 2020; Karney et al. 2024; Minkin et al. 2025

<sup>18</sup> Karney et al. 2024

<sup>19</sup> Goldberg 2026; Karney et al. 2024

<sup>20</sup> Goldberg 2026; Goldberg and Smith 2025

Marriage equality alone does not guarantee LGBTQ+ equality or protect LGBTQ+ people from discrimination.

## Does the law protect LGBTQ+ people from workplace discrimination?

No. In 2020, the U.S. Supreme Court extended non-discrimination protections to include discrimination motivated by sexual orientation and gender identity.<sup>21</sup> This only means that employers who employ 15 or more people are prohibited from treating employees differently or subjecting them to severe or pervasive harassment on the basis of their sexual orientation or gender identity.

If such discrimination or harassment occurs, LGBTQ+ people can file a complaint with the Equal Employment Opportunity Commission (EEOC) and, if they receive a “right-to-sue” letter, can bring their case in *federal* court. It does not fully protect LGBTQ+ people from all forms of workplace discrimination and, in the case of many smaller or religious employers, does not protect LGBTQ+ people from identity-based discrimination whatsoever. Furthermore, employees have a limited period in which to file complaints.

Again, this was a positive advancement for LGBTQ+ people, who disproportionately experience workplace discrimination.<sup>22</sup> However, the ruling has important limitations that leave many LGBTQ+ people vulnerable to workplace discrimination, including exemptions that allow employers to fire transgender employees on the basis of gender identity and that allow small business employers to fire employees on the basis of sexual orientation and gender identity in several states.<sup>23</sup>

State- and local-level anti-discrimination laws can help address the aforementioned gaps, providing employees with a more accessible path to filing complaints. However, many states and municipalities are still lacking such laws. As of 2026, only around half of LGBTQ+ Americans live in a state that prohibits workplace discrimination based on sexual orientation and gender identity.<sup>24</sup>

---

<sup>21</sup> *Bostock v. Clayton County*, 2020

<sup>22</sup> Sears et al. 2024; Smith and Norris 2025

<sup>23</sup> Patel and Rahrig 2023

<sup>24</sup> Movement Advancement Project. ‘Equality Maps: Employment Nondiscrimination Laws.’ 2026

Because federal laws are limited and many states lack their own laws, LGBTQ+ persons continue to face workplace discrimination and harassment specifically because of their sexual orientation or gender identity,<sup>25</sup> including:

- being fired
- not being hired
- not being promoted
- being verbally, physically, or sexually harassed

As an example, one study of 1,902 LGBTQ+ workers found that nearly half of them experienced some form of workplace discrimination.<sup>26</sup> These experiences are even more common for transgender and non-binary individuals and for LGBTQ+ people of color.<sup>27</sup> Workplace discrimination can have severe impacts on LGBTQ+ individuals who might choose to leave their job, avoid social interactions with colleagues, avoid work-related events or travel, or hide their identity from colleagues and employers<sup>28</sup>.

For those who experience discrimination and harassment, justice is not guaranteed. Since there is no standard across states, LGBTQ+ workers don't receive the same protection across all employment sectors.<sup>29</sup> For those who experience discrimination, proving it can be very difficult and requires individuals to navigate a complex system that often makes it easy for employers to defeat claims. In fact, many discrimination cases are dismissed before they reach a jury for lack of sufficient evidence, since in most instances, employers do not openly admit that these unlawful biases played a role in their decision or conduct.

Furthermore, courts have a very high bar for harassment claims and for holding employers responsible for the harassing behavior of co-workers. This means that even explicit slurs or hostile treatment in the workplace might not be legally sufficient to establish a hostile work environment, leaving many LGBTQ+ persons without effective recourse for the mistreatment they face.<sup>30</sup> Notably, individuals who are not the actual employer cannot be held liable for discrimination or harassment. While some states and municipalities do permit claims against individuals (i.e., the actual individuals who engaged in the harassing behavior), in states that do not have protections on the basis of sexual orientation and

---

<sup>25</sup> Sears et al. 2024; Smith and Norris 2025

<sup>26</sup> Sears et al. 2024

<sup>27</sup> Sears et al. 2024; Smith and Norris 2025

<sup>28</sup> Sears et al. 2024; Smith and Norris 2025

<sup>29</sup> Patel and Rahrig 2023

<sup>30</sup> Patel and Rahrig 2023

gender identity, employees cannot pursue these claims against the very people who engaged in the wrongful conduct.

Additionally, the EEOC, under the Trump administration, recently rescinded its 2024 workplace harassment guide. This guide helped employers and workers understand what harassment looks like and how civil rights apply to the workplace.<sup>31</sup> Without this resource, it might be even more costly, confusing, and difficult for LGBTQ+ people to pursue harassment claims.<sup>32</sup>

## **Policy Recommendations:**

In the last 10 years, great strides have been made towards LGBTQ+ equality, including marriage equality and federal workplace protections. However, this is not enough. LGBTQ+ people continue to face inequality and discrimination. This is especially common in the workplace. To reach true equality, much work needs to be done!

Policy changes should include:

- Comprehensive state-level laws that protect all LGBTQ+ people, including transgender and non-binary people.
- Expanding protections to include housing, health, and employment across all states.
- Restoring the EEOC's workplace harassment guide.
- Implementing workplace anti-discrimination training that includes gender identity and sexual orientation.

Such protections would help ensure that governments uphold the basic human rights principles outlined in the Universal Declaration of Human Rights.<sup>33</sup> This would not give LGBTQ+ people extra benefits, but would make sure they have recourse when they face discrimination.

## **References**

*2024 State Equality Index*. 2025. Human Rights Campaign Foundation.

<https://reports.hrc.org/2024-state-equality-index>.

---

<sup>31</sup> Becker 2026

<sup>32</sup> Becker 2026

<sup>33</sup> Universal Declaration of Human Rights

Becker, Amanda. 2026. "It Just Got Harder for LGBTQ+ People to Address Harassment at Work." *The 19th*, January 22.

<https://19thnews.org/2026/01/eec-lgbtq-workplace-harassment/>.

Bostock v. Clayton County, 590 U.S. 644 \_\_\_ (2020).

Drabble, Laurie A., Angie R. Wootton, Cindy B. Veldhuis, et al. 2020. "It's Complicated: The Impact of Marriage Legalization among Sexual Minority Women and Gender Diverse Individuals in the United States." *Psychology of Sexual Orientation and Gender Diversity* 7 (4): 396–406. <https://doi.org/10.1037/sgd0000375>.

Flores, Andrew R., Lynn Langton, Ilan H. Meyer, and Adam P. Romero. 2020. "Victimization Rates and Traits of Sexual and Gender Minorities in the United States: Results from the National Crime Victimization Survey, 2017." *Science Advances* 6 (40): eaba6910.

<https://doi.org/10.1126/sciadv.aba6910>.

Goldberg, Abbie E. 2026. *Perspectives on Marriage Equality in 2024*. UCLA School of Law Williams Institute.

<https://williamsinstitute.law.ucla.edu/publications/marriage-equality-in-2024/>.

Goldberg, Abbie E., and JuliAnna Z. Smith. 2025. "Perceived Impact of Marriage and Concerns About the Future of Marriage Equality: A Mixed-Methods Study of LGBTQ+ Married Individuals in the United States." *Sexuality Research and Social Policy*, ahead of print, March 31. <https://doi.org/10.1007/s13178-025-01122-7>.

Grasso, Jordan, Nathan Cisneros, and Ilan H Meyer. 2025. *Gender Identity Hate Crimes in California*. Williams Institute.

<https://williamsinstitute.law.ucla.edu/publications/gender-identity-hate-crimes-ca/>.

Karney, Benjamin R., Melanie A. Zaber, Molly G. Smith, et al. 2024. *Twenty Years of Legal Marriage for Same-Sex Couples in the United States*.

<https://www.proquest.com/docview/3101097752/fulltextPDF?pq-origsite=primo&sourceType=Reports>.

Minkin, Rachel, Juliana Horowitz, Luona Lin, and Dana Braga. 2025. *The Experiences of LGBTQ Americans Today*. Pew Research Center.

<https://www.pewresearch.org/social-trends/2025/05/29/the-experiences-of-lgbtq-americans-today/>.

"Movement Advancement Project. 'Equality Maps: Employment Nondiscrimination Laws.'" 2026. January 26.

[https://www.mapresearch.org/equality-maps/employment\\_non\\_discrimination\\_laws](https://www.mapresearch.org/equality-maps/employment_non_discrimination_laws).

Obergefell v. Hodges, 576 U.S. 644 \_\_\_ (2015).

Patel, Kavisha, and Elaina Rahrig. 2023. "Employment Discrimination Against LGBT Persons." *Georgetown Journal of Gender and the Law* 24 (2): 527–52.

Sears, Brad, Neko Michelle Castleberry, Andy Lin, and Christi Mallory. 2024. *LGBTQ People's Experiences of Workplace Discrimination and Harassment*. Williams Institute.

<https://williamsinstitute.law.ucla.edu/publications/lgbt-workplace-discrimination/>.

Smith, Caleb, and Haley Norris. 2025. *The LGBTQI+ Community Reported High Rates of Discrimination in 2024*. Centre for American Progress.

<https://www.americanprogress.org/article/the-lgbtqi-community-reported-high-rates-of-discrimination-in-2024/>.

Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III) (December 10, 1948).