

EEOC Targets Benefit Plans on LGBT Issues

An EEOC internal memo states that the EEOC is interested in litigating charges regarding issues of “first impression” such as benefit coverage for same-sex couples and insurance benefits afforded to transgender individuals, according to an article published by Seyfarth Shaw.

While ERISA (and other current federal law) does not require benefit plans that provide benefits to opposite sex spouses to provide equivalent coverage to same-sex spouses, the EEOC clearly believes that such a right is found Title VII, write authors Sam Schwartz-Fenwick, Nick Clements and Ian H. Morrison.

“The EEOC will likely argue that failure to provide such coverage constitutes sex discrimination because entitlement to coverage turns on the sex of the employee’s spouse. Similarly, the EEOC appears willing to take an aggressive stance on transgender related benefits coverage,” they write.

Read the story.