

Legislation Text

File #: 15-16263, Version: 1

Non-Discrimination Ordinance

Action:

- A. Receive public comments on proposed updates to the City Code of Ordinances, and**
- B. Adopt an ordinance amending the City Code by adding familial status, sexual orientation, gender identity, gender expression, veteran status, pregnancy, and natural hairstyle to the list of protected classes in the commercial non-discrimination, public accommodations, and passenger vehicles for hire ordinances and adding new area to cover employment discrimination for all existing and proposed new protected classes.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Willie Ratchford, Community Relations

Explanation

- The proposed ordinance as drafted would:
 - Add sexual orientation, gender identity, gender expression (included under sex), pregnancy, veteran status, familial status, natural hairstyle (also included under race and national origin) as protected classes in the commercial non-discrimination policy, public accommodations, and passenger vehicles for hire ordinances;
 - Add the list to the protected classes that the Community Relations Committee is authorized to make recommendations for legislation or other actions to eliminate or reduce discrimination and to approve or disapprove plans to eliminate discrimination through the conciliation process, and;
 - For the employment ordinance, include all current protected classes and proposed classes to include: race, color, gender, religion, national origin, ethnicity, age, familial status, sex (including sexual orientation, gender identity and gender expression), veteran status, pregnancy, natural hairstyle, or disability. This ordinance would apply to employers with 14 or fewer employees.
- At the City Council Strategy Session on August 2, 2021, the City Council received a presentation from the City Attorney on the history of Charlotte's non-discrimination ordinances, proposed amendments, and related legal issues.
- City Council proposed several additional changes including expanding employment non-discrimination coverage to all employers in the City of Charlotte and adding exemptions for religious liberties.
- City Council agreed at the Strategy Session to place the proposed amendments on the City Council Business Agenda to receive public comment and for consideration for Council adoption on August 9, 2021.
- In response to continued discussions with councilmembers since the August 2, 2021 Strategy Session, the draft ordinance has been revised as follows:
 - Sec. 2 12-31. Third paragraph provides additional clarity that proposed ordinance is not intended to violate applicable constitutional speech protections;
 - Sec. 3 12-57. Term "Religious Organization" is specifically defined;
 - Sec. 4 12-83. Added a new subsection (b) to articulate that employment claims involving employers with 15 or more employees are to be pursued under applicable federal and state

- law;
- Sec. 4 12-84. New section added to articulate specific employer exemptions to the employment discrimination ordinance that are consistent with current law;
- Sec. 7. Effective date of the employment discrimination ordinance is January 1, 2022. All other ordinance amendments become effective on October 1, 2021.

Attachment(s)

Ordinance (blackline)

Non-Discrimination Ordinance Process Map