

From: [Maxwell, Mary Beth - OSEC](#)
To: [Mehta, Parag V - OFCCP](#); [Lenhoff, Donna R - OFCCP](#); [Shiu, Patricia A - OFCCP](#); [Fillichio, Carl - OPA](#); [Bishop, Jeremy - OSEC](#); [McGinnis, Laura K - OPA](#)
Cc: [Norris, Ronetta - OSEC](#); [Johnson, Alfreda - OSEC](#)
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Friday, July 19, 2013 5:05:30 PM

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From: Raghavan, Gautam [mailto:(b) (7)(D)]
Sent: Friday, July 19, 2013 4:56 PM
To: Maxwell, Mary Beth - OSEC
Subject: Fw: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

From: Gautam Raghavan [<mailto:gaurag@gmail.com>]
Sent: Friday, July 19, 2013 04:51 PM
To: Raghavan, Gautam
Subject: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

<http://www.buzzfeed.com/chrisgeidner/white-house-forbid-labor-department-action-on-lgbt-workers-r>

White House "Forbid" Labor Department Action On LGBT
Workers' Rights, Advocate Says

As a new secretary takes over the helm at the Labor Department, LGBT advocates raise questions about inaction on transgender workers' protections — and the White House's role in that inaction.[.posted on July 19, 2013](#)

at 4:34pm EDT



[Chris Geidner](#) BuzzFeed Staff

WASHINGTON — LGBT advocates Friday raised questions about the Labor Department's enforcement of LGBT workers'

rights, with one charging the White House has forced the department's hand and "forbid" them from "formally adopting" protections for transgender people working for federal contractors.

As Thomas Perez prepares to take the helm of the Labor Department and as the nation's largest LGBT political group, the Human Rights Campaign, announced it had hired the department's chief of staff to help run its organization, two officials with Freedom to Work spoke out against the department and the administration's inaction on the issue.

HRC announced Thursday it had hired Ana Ma as its new chief operating officer and chief of staff, hours before [the Senate confirmed Perez](#) as the next labor secretary. In announcing Ma's hiring, HRC did not mention any specific work Ma had done to advance LGBT rights.

The Freedom to Work officials, president Tico Almeida and advisory board chair Dana Beyer, raised questions about the Labor Department's record on one area of LGBT rights — although Almeida ultimately placed the blame with the White House. Nonetheless, they expressed optimism that Perez would bring a change to the department.

Over the course of the past 15 months, [Labor Department officials have declined numerous requests](#) for information about whether it has applied an April 2012 ruling of the Equal Employment Opportunity Commission that protects transgender workers from discrimination to its implementation of an existing executive order that bans discrimination among federal contractors. The EEOC, in [Mia Macy's case](#), held that Title VII's ban on sex discrimination includes transgender-based discrimination, and the Labor Department has, in the past, applied the EEOC's interpretation of Title VII to its interpretation of Executive Order 11246, which was signed by President Lyndon Johnson.

Beyer told BuzzFeed, "I am hopeful Secretary Perez will move the Department of Labor into active support of last year's EEOC decision in the *Macy* case, which brought trans persons protection under Title VII, and break the 15-month silence of the Labor Department, a silence which has mirrored that of our national LGBT organizations since the April 20, 2012

ruling.”

Almeida mentioned Ma specifically, saying, “With all of the progressive and openly LGBT appointees that have worked in senior positions at the Labor Department — from Mary Beth Maxwell to Ana Ma — it has been conspicuous and disappointing that the agency has stalled for well over a year and not yet officially adopted the historic *Macy* decision of the EEOC as governing law for the federal contractor executive order.”

He added, however, “But I don’t fault Mary Beth or Ana because I am told that the Labor Department leadership has been severely controlled by the senior White House staff, which I’m told has forbidden Labor officials from formally adopting the *Macy* decision. I believe that the Labor Department’s leadership did everything they could to push for the correct outcome.”

Almeida said he has been told by high-level employees in multiple agencies, multiple LGBT organizations, and House and Senate offices that the roadblock is at the senior level of White House staff. “Everyone in Washington, D.C. is pointing their finger in the exact same direction,” he said.

An HRC spokesman did not respond to a request for information about whether it asked Ma about the Labor Department’s enforcement of Executive Order 11246 beyond pointing to [the news release](#) announcing her hire.

The question of the White House’s involvement in controlling the Labor Department’s movement on the issue follows Obama’s decision, reiterated often by administration officials, not to issue his own executive order that would explicitly prohibit federal contractors from discriminating against transgender workers — as well as lesbian, gay and bisexual workers.

A White House spokesman did not respond to a request for comment on Almeida’s claim, and a Labor Department spokesperson did not respond to a request for comment on the question of whether it was enforcing transgender protections under the existing executive order. As to the proposed new executive order, the Obama administration has said in the past that it would prefer legislative action on the issue in the form of the Employment Non-Discrimination Act, which would ban most employers, including federal contractors, from discriminating against LGBT employees.

Regardless, Almeida said, “Wherever the political calculations and policy logjam may exist, the important thing is that Secretary Perez should now instruct his agency to follow the lead of the bipartisan EEOC. Based on his impressive intellect and strong commitment to LGBT freedom to work, I

hope that Secretary Perez will also succeed in persuading President Obama to follow through on his five-year-old written campaign promise to sign the federal contractor executive order. I know his Civil Rights Division at DOJ was supportive of the executive order, so I am optimistic Labor Secretary Perez will be on the side of LGBT workers rather than anti-gay federal contractors like ExxonMobil.”