



Prudential signs court brief supporting LGBTQ non-discrimination

Prudential has joined 205 companies across the U.S. in supporting the protection of sexual orientation and gender identity employment rights under federal civil rights laws.

The U.S. Supreme Court has agreed to hear several related cases to decide whether Title VII of the Civil Rights Act of 1964—which prohibits discrimination based on religion, national origin, race, color and sex—also covers sexual orientation (lesbian, gay, bisexual or non-gay) or gender identity (transgender or not).

Many of the country's largest employers—representing seven million employees and more than \$5 trillion in revenue—will file a brief on Wednesday as *amicus curiae*, or friend of the court, arguing that Title VII applies to LGBTQ individuals. Out & Equal Workplace Advocates, a nonprofit dedicated to workplace equality, enlisted support for the submission from Prudential and other companies, including Morgan Stanley, BNY Mellon, Apple, Microsoft, Cigna, Deutsche Bank, Dow Chemical, Google, Mastercard, The Hartford and Sun Life. The signatories say uniform federal protections will benefit companies by enhancing their ability to recruit and retain top talent, generate diverse thought and better serve their customers.

Lower courts, including federal appellate courts, have been unable to agree on the scope of the Civil Rights Act, and a patchwork of state laws across the U.S. offer varying interpretations. At issue is whether the term “sex” extends beyond biological gender—that is, whether someone is physically a man or a woman. Twenty states and the District of Columbia have laws protecting people based on sexual orientation and gender identity in employment, housing and public accommodations.

“We have employees in every state, and the law should protect them wherever they live. How can our employees bring their authentic selves to work if that’s not the case? No one should ever be passed over for a job or promotion, paid less, fired, demoted, or subject to harassment based on their sexual orientation or gender identity,” says Tim Harris, Prudential’s general counsel. “Attracting the best talent and ensuring they thrive in an inclusive environment is critical to our business strategy. It takes broad perspectives and experiences to spark innovative ideas and create solutions as we strive to meet the financial challenges of all Americans.”

Prudential has adopted inclusive policies and supported LGBTQ employees, beginning with recognizing PRIDE (then called EAGLES) as the company’s first business resource group in 1993. Then, in 1996, Prudential added “sexual orientation” to its written non-discrimination policy. In 2000, Prudential was among the first to offer domestic partnership benefits to employees. Now, its non-discrimination policy includes gender identity and expression, along with domestic partnership or civil union status.

“Our decision to join this brief not only underpins our beliefs, it supports our business goals,” Harris says. “When workplaces are free from discrimination, everyone can do their best work, which benefits employees, employers and customers.”

In 2017, Prudential joined an amicus brief filed by the Human Rights Campaign arguing businesses must be open to all in the *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* case. Prudential also supported same-sex marriage in the landmark U.S. Supreme Court *Obergefell v.*

Hodges case.

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