

Table of Contents

DC Expands Antidiscrimination Protections	2
Homeless Status	2
Harassment Definitions	2
Independent Contractor Protections	2
Action Items	2

DC Expands Antidiscrimination Protections

The District of Columbia has amended its antidiscrimination law to add homeless status as a protected characteristic, to broadly define *harassment* and *sexual harassment*, and to cover independent contractors. DC's antidiscrimination law applies to employers of all sizes. The changes apply as of October 1, 2022.

Homeless Status

DC now includes homeless status as a protected characteristic under its human rights law, alongside other protected characteristics such as sex, race, and national origin. This means that employers should not inquire about an applicant's or employee's living situation or use that information when making employment decisions.

Harassment Definitions

DC law now defines *harassment* as conduct that is based on a protected characteristic and either:

- Unreasonably alters the terms, conditions, or privileges of employment, or
- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Likewise, *sexual harassment* is now defined as conduct of a sexual nature when one or more of the following is true:

- It unreasonably alters the terms, conditions, or privileges of employment,
- It has the purpose or effect of creating an intimidating, hostile, or offensive work environment,
- Submitting to the conduct is made a term or condition of employment, or
- Submitting to or rejecting the conduct is the basis for an employment decision (e.g., promotion or termination).

The harassment definitions depart from the general standard by omitting the requirement that the offending conduct be "severe or pervasive." Instead, the DC harassment standard considers all the circumstances involved, which is a lower bar.

Independent Contractor Protections

DC's antidiscrimination protections now also apply to independent contractors.

Action Items

- Update your equal employment policy to add homeless status to the list of protected characteristics.
- Ensure that managers and those involved in hiring understand that employment discrimination is now also prohibited based on homeless status.
- Ensure your harassment policies don't reference the "severe or pervasive" standard.
- Inform supervisors of the harassment definitions and train them on how to recognize conduct that could constitute harassment and how to respond.
- Train those involved in selecting independent contractors, as well as those who interact with independent contractors, that DC's antidiscrimination protections apply to them.

([DC B 229](#) signed by mayor July 25, 2022)