



THE EMPLOYMENT NON-DISCRIMINATION ACT (ENDA)

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Numerous studies have shown that transgender people face disproportionate amounts of discrimination in all areas of life, especially in employment and health care. As the American economy worsens, the discrimination faced by transgender people is becoming even more acute. Often forced into already unstable jobs and careers, and often facing compounding bias because of race or age, the economic well-being of transgender people is being challenged today like never before. The federal government has a responsibility to protect people from discrimination. Congress and the Administration can improve transgender lives in a significant way by passing the Employment Non-Discrimination Act.

WHY IS THIS BILL NECESSARY?

Despite advances in protecting transgender people on the state and local level, as well as in the private sector, it remains perfectly legal in 37 states to fire someone solely based on his or her gender identity. Recent national surveys have found that 65% of people believe it should be illegal to discriminate against transgender people in employment. Most of America's smartest business minds understand that a person's sexual orientation or gender identity has nothing to do with their job performance. That is why 200 Fortune 500 companies include gender identity in their nondiscrimination policies.

WHAT DOES THIS LEGISLATION DO AND WHAT IS ITS IMPACT?

The Employment Non-Discrimination Act would address discrimination in the workplace by making it illegal to fire, refuse to hire, or refuse to promote an employee simply based on his or her sexual orientation or gender identity. It would reinforce the principle that employment decisions should be based upon a person's qualifications and job performance.

WHAT DOES THIS BILL RESOLVE?

Federal law has been outpaced by the actions of state and local leaders. Thirty-seven percent of the country, including thirteen states, the District of Columbia and more than 90 cities and counties, have passed protections for the transgender community. But these laws vary from place to place. A federal ENDA would ensure consistency and make a strong statement that discrimination is not acceptable in the United States.

WHY ENDA MUST CONTAIN EXPLICIT PROTECTIONS FOR GENDER IDENTITY

Including explicit protections against discrimination based on gender identity not only helps transgender people; it also strengthens ENDA for everyone else by ensuring that an employer cannot fire or refuse to hire a man for being too effeminate or a woman for being "too butch."

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WOULD ALL TRANSGENDER PEOPLE BE COVERED IN THIS BILL?

Lawyers experienced with writing and enforcing laws that protect transgender people have worked to ensure that the language in this bill includes people of all gender expressions and identities. Discrimination against people across the gender spectrum would be addressed by this bill.

IS THE FREEDOM OF RELIGIOUS INSTITUTIONS STILL PROTECTED UNDER THIS BILL?

Absolutely. There is explicit language in the bill which will allow religious organizations to discriminate if they wish to. We believe that religious organizations must make their own decisions, based on their beliefs and their conscience, and we encourage them to voluntarily adopt similar non-discrimination measures. However, this bill would in no way mandate that they do so.