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November 2, 2009

The Honorable Tom Harkin, Chairman
Committee on Health, Education,
Labor, and Pensions
731 Hart Senate Office Building
Washington, DC 20510

The Honorable Michael B. Enzi, Ranking Member
Committee on Health, Education,
Labor, and Pensions
379A Russell Senate Office Building
Washington, DC 20510

Re: Employment Non-Discrimination Act of 2009, S. 1584

Dear Chairman Harkin and Ranking Member Enzi:

On behalf of the Center for American Progress Action Fund, I write to express strong support for S. 1584, the “Employment Non-Discrimination Act of 2009.” ENDA will provide important and needed protections against workplace discrimination based on a person’s real or perceived sexual orientation or gender identity. For too long, members of our nation’s workforce have lived with the fear that their sexual orientation or gender identity, rather than their job performance, would decide their employment fate. ENDA will significantly ease these fears and also provide a strong legal remedy to any such instances of employment discrimination.

A person’s job is critical to his or her wellbeing. Most Americans rely on their jobs to support themselves and their families, and to access health care coverage and other benefits. Further, people make large psychic investments in their jobs and workplaces and many spend most of their days working. It is important that people not live a significant part of their lives in constant fear of being fired or harassed or not being promoted or hired simply because of their real or perceived sexual orientation or gender identity. ENDA will put employers on notice that such behavior will not be tolerated and could come with financial costs if they do not treat all employees fairly.

Data and experience show that ENDA is needed. Lambda Legal reports, for example, that most calls to its Help Desk are related to employment discrimination. They received about 1,000 calls each year from 2004 to 2007 about instances of sexual orientation or gender identity workplace bias. The organization also found that in 2005, 39 percent of lesbians and gay men reported some form of workplace harassment or discrimination in the previous five years. Other research shows that transgender workers likely face even higher instances of discrimination.

Given that people are unlikely to report cases of sexual orientation or gender identity discrimination or harassment for fear of “outing” themselves, we can say with confidence that this problem affects many thousands of Americans and disrupts countless lives each year. Congress should act expeditiously to pass ENDA and help stop these disruptive, unfair, and detrimental practices.

State governments have made rapid progress in providing sexual orientation and gender identity employment protections to workers in their states. Twenty-one states currently offer sexual orientation protections, and 12 states protect against gender identity discrimination, respectively covering 44 percent and 29 percent of the U.S. population. These numbers are up drastically from just 10 years ago, when only 24 percent of the population was covered under sexual orientation laws and 2 percent under gender identity laws. Although we applaud this progress, most of the states currently lacking these laws are not likely to pass them anytime soon. It is up to the U.S. Congress to put all workers on equal footing.

Many of the nation's leading corporations understand the importance of these non-discrimination policies, not just because they are the right thing to do, but because they also make good business sense, ensuring a more stable and productive workforce. The Human Rights Campaign reports that 423 of Fortune 500 companies (85 percent) have non-discrimination policies that include sexual orientation, while 175 (35 percent) include gender identity protection.

Congress's support of this bill will send a strong signal that in American workplaces, people are judged based on their skills, abilities, and accomplishments. Treating all workers fairly regardless of their real or perceived sexual orientation or gender identity is key to making sure this important value is upheld and put into practice.

Given high rates of sexual orientation and gender identity harassment and discrimination in American workplaces—and the patchwork nature of existing state laws—I strongly urge you to support the Employment Non-Discrimination Act of 2009. Please contact me if I can be of assistance as you consider this legislation.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Winnie Stachelberg', with a stylized, cursive script.

Winnie Stachelberg
Senior Vice President for External Affairs