

Equality Act

NCJW Message:

NCJW believes that a democratic society and its people must value diversity and promote mutual understanding and respect for all, and is committed to the enactment and enforcement of laws and regulations that protect civil rights and individual liberties. Further, NCJW believes that discrimination on the basis of sexual orientation, gender identity, and gender expression must be eliminated. The Equality Act (HR 3185/S 1858) , introduced July 2015 by Rep. David Cicilline (D-RI) and Sen. Jeff Merkley (D-OR), would provide comprehensive, explicit protection from discrimination for lesbian, gay, bisexual, transgender and queer (LGBTQ) individuals.

Lawmakers should pass the Equality Act (HR 3185/S 1858) to protect all individuals from discrimination regardless of gender, gender identity, or sexual orientation.

Talking Points

- **Currently there are no federal protections for sexual orientation and gender identity.** The 1964 Civil Rights Act and subsequent federal laws prohibit discrimination for many classes of people, but there are no explicit provisions related to sexual orientation or gender identity. Currently, 31 states lack fully-inclusive non-discrimination protections for LGBTQ people. The lack of explicit federal protections has left LGBTQ individuals vulnerable to discrimination, and in many cases, afraid for their lives.
- **LGBTQ individuals face rampant discrimination.** Charges of workplace discrimination filed by LGBTQ employees jumped 28 percent in 2015, and a recent survey found that nearly two-thirds of LGBTQ individuals (63 percent) have faced discrimination in their lives. LGBTQ people of color and immigrants face even greater barriers when seeking housing, health care, and employment. Transgender individuals face additional hardships — 20 percent have been turned away by a medical provider, and they are four times more likely than others to live on less than \$10,000 per year. Alarmingly, more transgender people were murdered in 2015 than in any previous year, the majority of whom were transgender women of color.
- **States are passing legislation that directly harms LGBTQ individuals.** In the first six months of 2016, more than 120 anti-LGBTQ bills were introduced in 32 states, and three have become law, creating a patchwork of anti-discrimination provisions. In March 2016, North Carolina enacted a bill setting a statewide definition of protected classes of citizens — a definition that excluded LGBTQ individuals. This means that in North Carolina, a person could be married on Sunday and fired on Monday. Or, a transgender person can be harassed and discriminated against simply for using the bathroom associated with his or her gender identity at school or work. North Carolina's passage of the law has only emboldened other

states and municipalities considering similar legislation. Congress has a responsibility to safeguard civil rights nation-wide for all people.

- **The Equality Act would establish explicit, permanent protections against discrimination based on an individual's sexual orientation or gender identity.** The Equality Act would expand the protections granted in the Civil Rights Act of 1964 by prohibiting discrimination based on sexual orientation and gender identity in employment, housing, public accommodations, public education, federal funding, credit, and jury service. The bill would also expand protections for women in public accommodations and federal funding, two areas not currently covered by existing federal civil rights law. Additionally, the Equality Act would expand the federal definition of public accommodations to include retail stores, banks, transportation services, and health care services.

Frequently Asked Questions

Why do we need lesbian, gay, bisexual, transgender, and queer (LGBTQ) protections?

LGBTQ individuals face pervasive discrimination in employment, housing, and public accommodations, with little protection from federal laws and policies. While gains in equality have been made, including the US Supreme Court decision in *Obergefell v. Hodges* affirming marriage equality, LGBTQ individuals continue to experience harm from discrimination in many areas of life. Further, some states and municipalities are passing bills that explicitly allow for discrimination against transgender individuals.

What is the history of the Equality Act?

The Equality Act was first introduced in 1974 to add sexual orientation to the 1964 Civil Rights Act as a protected category. In 1994, the Equality Act was adapted to focus only on employment and became the Employment Non-Discrimination Act, or ENDA. ENDA was introduced numerous times in Congress but failed to pass. In 2015, lawmakers and advocates decided to pursue a broader bill, the Equality Act, which would not only focus on employment but also address housing, access to public accommodations, education, and other areas for all people regardless of sex, sexual orientation, and gender identity.

How would the Equality Act protect LGBTQ individuals?

The bill adds sexual orientation and gender identity to the list of protected classes under the 1964 Civil Rights Act. Additionally, the Equality Act would expand the federal definition of public accommodations to include retail stores, banks, transportation services, and health care services, among other services.

Does the Equality Act protect women?

The Equality Act expands protections for women in public accommodations and federal funding, two areas not currently covered by existing federal civil rights law. Businesses, such as car dealerships, would not legally be able to charge women more for the same good or service. In addition, women would gain equal access to public accommodations and federal financial assistance. Finally, the bill would ensure that federal funding could not be spent in such a way that encourages or results in sex discrimination.

Is the Equality Act the last step for LGBTQ rights?

The Equality Act is a step forward, but even if passed, there is more work to be done. For example, the bill does not explicitly include policies needed to end poverty or violence facing LGBTQ individuals, and LGBTQ people of color in particular. Also, it does not address the treatment of LGBTQ individuals in federal detention centers, including LGBTQ immigrants. Currently, transgender individuals are at risk of physical and psychological abuse when placed in all male or female facilities that do not reflect their gender identity.

How do state religious freedom bills relate to the Equality Act?

So-called “religious freedom” bills simply allow individuals and businesses to assert a religious objection in order to deny services to LGBTQ people, women, people of color, and other vulnerable populations. As of June 2016, 23 “religious freedom” bills have been introduced in 12 states.

What does the Equality Act mean for people of faith?

The Equality Act does not contain any religious exemptions, meaning that businesses, organizations, and individuals would not be able to use religion to discriminate against LGBTQ people. However, the bill does not change current religious freedom protections already in place; for example, religious institutions would still be able to hire individuals of their own faith.

What is the impact of LGBTQ protections on businesses?

In the 21st century, companies know that in order to be successful, they need to attract and retain top talent. To this end, many businesses have come out against state laws that discriminate against LGBTQ individuals, and some, such as Apple, Dow, Nike, and Google, have endorsed the Equality Act.