

Passing the Employment Non-Discrimination Act

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1.0 Abstract

The issue of civil rights has been a big one for the United States, and most everyone is aware of the impact the Civil Rights movement had on America. Many people don't realize these same civil rights afforded to most Americans are sometimes denied to members of the LGBT (lesbians, gays, bisexuals, transsexuals) community. The attitude of American's towards the LGBT community is starting to change as shown by the Defense Secretary Robert Gates and other top military officials recently calling for an end to the "don't ask don't tell" policy ("ACLU"). This issue has even started to show up in the justice system as show in the Shroer v. Library of Congress case. In 2008 it was ruled that the Library of Congress illegally discriminated against Diane Schroer for rescinding a job offer after finding out she was in the process of a gender transition ("ACLU"). The Employment Non-Discrimination Act (ENDA) would prevent this kind of discrimination. More people need to be made aware of the impact the Employment Non-Discrimination Act could have and how it could extend rights to a community of people that have not been explicitly afforded those rights in the past. I will write a document proposing funding for an advertisement campaign to promote awareness about the Employment Non-Discrimination Act.

2.0 Introduction

2.1 Purpose

The prevention of discrimination in the work place based on sexual orientation and gender identity is addressed through the Employment Non-Discrimination Act. Opinions and reasons for supporting and opposing the bill will be explored as well as addressing the

misconceptions and finer points of the bill. Then a solution to gain support for the bill will be proposed and outlined.

2.2 Problem Outline

As of right now in America there is a law in place that protects Americans from being discriminated against in the work place based on their gender or their race. There is not a federal law that prevents discrimination on the basis of sexual preference or gender identity. This includes lesbians, gays, bisexuals, and transsexuals. 12 states have policies protecting against discrimination in the work place because of sexual orientation and gender identity including the District of Columbia, and nine states have laws protecting against discrimination. Many large corporation and even some branches of the federal government have instituted policies against discrimination. That still leaves the majority of the country without a form of legal protection for this basis of discrimination. This form of injustice would not be tolerated for other minority groups in American culture. If a person was discriminated based on race they would have the legal protection to fight it in the judicial system, but right now employees discriminated against by their employer because of sexual orientation or gender identity cannot find protection in courts. Many U.S. states do not consider sexual orientation to be a suspect class by the federal courts. A suspect class is defined by a group of people meeting criteria suggesting they are likely to be the subject of discrimination (“Wikipedia”). The passing of ENDA will give the LGBT community the ability to fight this discrimination in court by being recognized as a suspect class.

2.3 Description of the Employment Non-Discrimination Act

Different versions of the Employment Non-Discrimination Act (ENDA) have been introduced into congress since 1994. The current bill was introduced into the 111th Congress on

June 24, 2009. This law is intended to prevent discrimination in the workplace due to sexual orientation and gender identity, similar to the Civil Rights Act. From the Human Rights

Campaign website:

“What ENDA Does

- Extends federal employment discrimination protections currently provided based on race, religion, sex, national origin, age and disability to sexual orientation and gender identity
- Prohibits public and private employers, employment agencies and labor unions from using an individual's sexual orientation or gender identity as the basis for employment decisions, such as hiring, firing, promotion or compensation
- Provides for the same procedures, and similar, but somewhat more limited, remedies as are permitted under Title VII and the Americans with Disabilities Act
- Applies to Congress and the federal government, as well as employees of state and local governments” (“Human Rights Campaign”)

However ENDA does not apply to small businesses (fewer than 15 employees), religious organizations, or the armed forces (such as the “don’t ask don’t tell” policy). It cannot enforce affirmative action or allow quotas based on sexual orientation or gender identity. And like many other laws it does not apply retroactively. Currently the bill has gone through hearings in the House Education and Labor Committee and the Senate Committee on Health, Education, Labor and Pensions. Past versions of the bill were subsequently shot down due to lack of support and apathy from the public. If awareness and support can be increased fellow Americans will not have to be denied rights that everyone else enjoys.

2.3.1 Support and Opposition

Support for the bill stands on the fact that basic civil rights are being denied to a specific community. Original versions of the bill sought to grant the LGBT community all the rights that are granted to other minority groups in the Civil Rights Act. With the current version of the bill

limited to outlawing discrimination in the work place, supporters hope it may lead to other legislation granting more rights to the LGBT community.

At least one obstacle to gaining support for the bill maybe groups of people who do not agree with lifestyle and choices of the LGBT community. Certain religious groups fight against the LGBT community to have the right to marry. Another argument states that the bill will force employers to hire people they believe are committing immoral acts, and that special rights will be granted to gay and lesbian people (Robinson). These arguments confuse the purpose of the bill. The LGBT community will not be granted extra rights, simply extended the same rights everyone else already enjoys. Also the bill does not enforce employers to hire anyone, just that they give fair consideration to each employee based on ability. Many of the arguments against ENDA are based on moral ground but have no place in the question of equal rights and justice. The right to be treated fairly in the work place cannot be considered a moral issue the way the definition of marriage can.

3.0 Discussion

3.1 Involvement

Some of the current ways to get involved and support the Employment Non-Discrimination Act are to send emails to Congress urging them to pass the bill. This is made even easier by websites run by organizations such as the ACLU and the Human Rights Campaign that give links to pre-written letters. All you have to do is type in your information and a letter supporting the bill is sent to your congress man or woman. These avenues are great way for people to support the bill and make congress aware of their support. However we need

to contact the people who are not aware, who go about their everyday lives and do not understand the issue.

3.2 Solution

I propose starting an advertisement campaign to raise awareness of the issue and gain support for the Employment Non-Discrimination Act. This would include televised public service announcements and advertisements such as billboards. Other ways to raise support would be to get publications about the issue in new forums and popular media outlets. This could include newspapers and magazines that do not normally report on LGBT issues. This will capture the attention of people who are so far unaware of the issues and challenges facing the LGBT community. The advertisements will stress main points of the Employment Non-Discrimination Act and urge viewers to visit websites for groups like the Human Rights Campaign and ACLU to contribute support. To fund this campaign I will write documents and proposals to the American Civil Liberties Union in support of the Employment Non-Discrimination Act. The ACLU is a great organization to back the campaign because many people are already aware of the organization and the work they do to promote civil rights for all Americans. This will appeal to the set of people who may not be in favor of the LGBT community in general but recognize other work the ACLU has done for issues such as gun control, and black women's rights.

4.0 Conclusion

4.1 Work Plan

The final goal of the campaign will be to gain enough support for congress to pass ENDA. Since the bill is currently in committee this may take several years. The time line for the ad campaign will be from one to two years. The first one or two months will consist mainly of market research. Researching the audience I want to reach, and how to form an ad campaign the public will respond to, and also getting cost estimates from media outlets on running ads. After all of this information is collected a mock up of ad types for different media outlets such as billboards, magazines, and TV-spots can be made and included in a proposal for the ACLU with the cost analysis. By the end of four months I would like have proposed the idea to the ACLU and be in talks about the final look of the ad campaign and what media outlets to use and who to target. Within six months I would like to have an initial set of ads finalized and have some ads already running. Once the ads are running by the end of the first year I will research the impact they are having and if support and awareness have increased. I will do this by conducting surveys and interviews. In the second year I will continue to run new sets of ads that are adjusted based on the new research and how response and support for the bill is growing. Once people are more aware and the issue is in the fore front I will start trying to organize politicians going on talk shows to discuss the issue to further increase support. If I can get the politicians to start talking about it they will be more likely to move it more swiftly through congress. By the end of two years I hope to have American's more aware and in support of the bill and to see Congress close to passing the bill.

4.2 Qualifications

I know I am qualified to work on this project for a number of reasons. First of all I have had many gay and lesbian friends since high school, and coming from a conservative state I have

seen some of the challenges they face by not being accepted in their communities. One close friend of mine did not end up joining the military because of the “don’t ask don’t tell policy”. He is now a police officer where he still feels he cannot be completely open in the work place, even though he can in his personal life. By doing this project I hope to open people’s minds to the fact that gay and lesbian people are people like everyone else, and deserve the same rights and opportunities. Second I have experience in layout and design that will contribute to putting together the ad campaign. I was editor of the yearbook staff my senior year in high school where I learned about color theory, word placement, and the impact a word or image can create. Also I keep a regular blog that I design the content and look for. These qualities will contribute to a successful project combined with a high level of research and understanding of the issue, and the intended audience. I am confident in putting together a professional and appealing proposal to convince the ACLU to fund the project as I have to write proposals for managers in my engineering job. This requires me to present information that the managers may not like or understand, so I have learned how to put a positive spin on things.

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