



National Center for  
**TRANSGENDER  
EQUALITY**

## FACT SHEET: EMPLOYMENT NON-DISCRIMINATION ACT

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*The Employment Non-Discrimination Act (ENDA) would prohibit employment discrimination on the basis of sexual orientation and gender identity. ENDA would create explicit protections for lesbian, gay, bisexual and transgender (LGBT) people similar to those available under existing federal anti-discrimination laws for other protected classes of workers. America prospers when all are given basic protections for economic and job security. Thus, ENDA is a critical piece of legislation to help ensure job security for millions of people and families in the United States.*

### **Why is ENDA Important?**

Lesbian, gay, bisexual, and transgender people face serious discrimination in employment, including in hiring, firing, promotions, compensation, and experiencing harassment on the job. According to the 2008 General Social Survey, 42% of LGBT people have experienced at least one form of employment discrimination during their lives. For transgender people, discrimination in employment is particularly acute. The National Transgender Discrimination Survey showed that 90% were harassed or mistreated at work for being transgender or hid who they were to avoid such treatment. Twenty-six percent had lost a job because they were transgender. (The National Center for Transgender Equality & the National Gay and Lesbian Task Force, available at: <http://endtransdiscrimination.org/report.html>). Eliminating workplace discrimination will bring our nation closer to its values of fairness and equality by ensuring that individuals' employment is determined by their qualifications and not by their sexual orientation or gender identity.

### **Which employers are covered by ENDA?**

ENDA applies to the same entities that are covered under Title VII of the Civil Rights Act of 1964. These include private employers with 15 or more employees, labor unions, employment agencies, and federal, state, and local governments. The legislation exempts the Armed Forces, religious institutions, and employers with less than 15 employees.

### **Nondiscrimination is important to Corporate America.**

Corporate America generally opposes discrimination and has enacted policies to protect lesbian, gay, bisexual, and transgender employees. Fifty-seven percent (57%) of Fortune 500 companies have policies that include gender identity/expression and even more include sexual orientation. Companies have adopted these workplace non-discrimination policies because they are motivated by the bottom line: hiring and retaining the best, most experienced person for the job makes good business sense; employees who do not have to fear discrimination are more loyal and productive; and searching for and training replacement employees is expensive.

### **ENDA will unify state policies and expressly prohibit workplace discrimination.**

Only seventeen states, the District of Columbia and Puerto Rico currently protect individuals from workplace discrimination based on their gender identity. Moreover, workplace discrimination protections across the country are inconsistent because they vary from state to state and because local anti-discrimination ordinances are often under-enforced. Thus, ENDA is needed to specifically and uniformly prohibit workplace discrimination on the basis of sexual orientation and gender identity throughout the United States.