

Arya Marwaha, 6/14/19

Civil Rights: Workforce Discrimination in the LGBT Community

Legislation:

Title VII: Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion.

- Interestingly enough, Title VII does not apply to sexual orientation, and cannot protect the rights of the LGBT community.

114th Congress, Obergefell v. Hodges:

- Ruled same-sex marriage legal across all 50 states. The U.S. Supreme Court struck down all state bans on same-sex marriage and required states to honor out-of-state same-sex marriage licenses in the case.

114th Congress, Equality Act (H.R.3185): Died in Committee

115th Congress, Equality Act (H.R.2282): Died in Committee

115th Congress, (H.Res.969): Recognizing the accomplishments and the economic contributions of lesbian, gay, bisexual, and transgender (LGBT) entrepreneurs and small business owners.

116th Congress, Elder Pride Act of 2019 (S.1225): This bill establishes the Office of Older LGBT Policy and a related rural outreach grant program. The office shall coordinate research and services for older lesbian, gay, bisexual, and transgender (LGBT) individuals.

- The office shall oversee a program, and may award grants, for addressing the needs of older LGBT individuals in rural areas.
- Some of the approved activities for the grant program include education and outreach, reducing isolation and improving access to care, and expanding the use of nondiscrimination policies.

116th Congress, Ruthie and Connie LGBT Elder Americans Act of 2019 (H.R.1777): To amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.

116th Congress, Equality Act (H.R.5): Passed as a majority in the U.S. House of Representatives, sent to Judiciary for review.

- The Equality Act is a bill in the United States Congress, that, if passed, would amend the Civil Rights Act to prohibit discrimination on the basis of sexual orientation and gender identity in employment, housing, public accommodations, public education, federal funding, credit, and the jury system.
- As of 2019, [20 states](#) have outlawed [LGBT discrimination](#), with members of the LGBT community being given little protection at a national level. The Equality Act would lead to nationwide anti-LGBT discrimination laws

Arguments:

Pro-LGBT Policies in Workplace	Anti-LGBT Policies in Workplace
<ul style="list-style-type: none">● Sexual orientation and gender identity are integral aspects of ourselves and should never lead to discrimination or abuse in any setting.● Differences in sexual orientation and gender identity contribute to the diversity of the workplace.● Modernizing harassment-prevention training with realistic and representative scenarios, including those reflecting LGBTQ issues.● Developing gender-transition resources for employees.	<ul style="list-style-type: none">● LGBT members are often paid less than their peers in the workplace, solely based on their gender or sexual orientation.● Transgender workers are especially vulnerable to discrimination, and over 25% report not being hired, or fired because of being trans.● There are no federal policies in place to protect the LGBT community. As a result, states who don't have policies for protection make the LGBT community shy to come out, and decrease productivity.

- Creating inclusive policies reflecting current nomenclature.

- LGBT makes the workplace awkward and promotes exclusivity openly.

Current State of the Issue:

- At present, 116th Congress has confirmed that Title VII of the Civil Rights does not actually protect people from discrimination on the basis of sexual orientation or gender identity, as corroborated by federal law and the Department of Justice.
- No federal laws exist which explicitly prohibit and restrict LGBT-discrimination regarding the employment sector. Insofar as the status quo is concerned, there are only state laws to protect the LGBT community.
 - A. 21 states, 2 territories, and D.C. have state laws which explicitly prohibit discrimination based on sexual orientation and gender identity.
 - B. 48 % of LGBT population lives in states prohibiting employment discrimination based on sexual orientation and gender identity.
 - C. 44 % of LGBT population lives in states that do not prohibit employment discrimination based on sexual orientation or gender identity (including 5% of LGBT population living in states that preempt local nondiscrimination laws).
- Despite failing in the 114th and 115th Congress, the 116th Congress in the House of Representatives has passed the proposed **Equality Act** on May 17th, 2019, and it has been referred to the committee. It provides consistent and explicit non-discrimination protections for LGBT people across key areas of life, including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service.
 - A. The bipartisan Equality Act was introduced in the [House of Representatives by Rep. David Cicilline \(D-RI\) and Brian Fitzpatrick \(R-PA\) and in the Senate by Sens. Jeff Merkley \(D-OR\), Susan Collins \(R-ME\), Tammy Baldwin \(D-WI\), and Cory Booker \(D-NJ\) on March 13, 2019](#). The bill was introduced with 287 original cosponsors—[the most congressional support that any piece of pro-LGBT legislation has received upon introduction](#).
 - B. It would update the public spaces and services covered in current law to include retail stores, services such as banks and legal services, and transportation services.

Effect on 8th District of Illinois:

- Illinois currently focuses on nondiscriminatory LGBT practices, and is one of the 21 states that explicitly prohibit employment discrimination based on sexual orientation and gender identity. Being a liberal state, it is a very welcoming LGBT state, with nearly 4% of its adult population openly lesbian, gay, bisexual, or transgender. However, it is important to maintain equality across the state, and maintain decorum for the safety of the community.
- The 8th district of Illinois is located near the suburbs of Chicago's Metropolitan Area, where a large number of small businesses and middle class workers are concentrated. Employment equality is a huge step forward for the LGBT community as it would guarantee equal opportunity in the workspace without the worries of discrimination or harrassment by any colleagues or peers.
- Raja Krishamoorthi's top issues and priorities in this particular area of study as a member of Congress include the following:
 - Growing Our Economy & Creating Jobs
 - Standing Up For Working Families
- Because Krishnamoorthi is the president of Chicago-area small businesses, he offers a unique perspective on how the government can help or hinder small business growth and development.

- Vouching for working families and a more unified economy, the LGBT community being accepted in the workplace leads to greater productivity and general economic prosperity.

What Congress Can Do:

Problems:

- Trump administration has openly announced his opposition of the Equality Act, and is much in favor of anti-LGBT policies.
- Federal law does not provide consistent non-discrimination protections based on sexual orientation or gender identity. The need for these protections is clear—nearly two-thirds of LGBT Americans report having experienced discrimination in their personal lives as of 2019.
- Americans lack basic legal protections in states across the country. The patchwork nature of current laws leaves millions of people subject to uncertainty and potential discrimination that impacts their safety, their families, and their very way of life.

Solutions:

- Congress can work to help fix the overall atmosphere and perception of the LGBT community by passing more legislation to support their community.
- Furthermore, the Equality Act shall be modified to help protect the rights of the people in the workplace, as well as housing, welfare, public accommodations, and other rights which shall be protected by Congress under federal law, rather than some state laws that are enforced across less than half of our states.
- The LGBT community should feel safe and protected by the American government; therefore, it is Congress's priority to legislate and work towards diplomatic solutions through civil discourse and healthy debate. Overall, it is our priority to improve the rights of the LGBT community across the USA.

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