



## Legislation Text

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**File #:** Res 0895-2011, **Version:** \*

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### Res. No. 895

Resolution calling on the United States Congress to pass and the President to sign H.R.1397/S.811, the Employment Non-Discrimination Act, which would prohibit employment discrimination on the basis of actual or perceived sexual orientation and gender identity.

By Council Members Dromm, Brewer, Chin, Jackson, Koslowitz, Lander, Mendez and Williams

Whereas, According to the United States Equal Employment Opportunity Commission (EEOC), current federal law prohibits employers of 15 or more employees from engaging in workplace discrimination on the basis of “race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information”; and

Whereas, Conspicuously absent from this list of protected classes is the lesbian, gay, bisexual and transgender (LGBT) community; and

Whereas, Twenty-nine states permit workplace discrimination on the basis of sexual orientation, and thirty-eight permit workplace discrimination on the basis of gender identity; and

Whereas, The business community - or at least a certain portion of it - appears to see the value of enacting workplace protections for members of the LGBT population; according to Fortune Magazine, 89 percent of Fortune 500 companies prohibit workplace discrimination on the basis of sexual orientation, and 43 percent prohibit workplace discrimination on the basis of gender identity; and

Whereas, Despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States are still denied employment, harassed in the workplace and even fired simply because of their sexual orientation or gender expression; and

Whereas, If passed, H.R.1397/S.811, introduced by Representative Barney Frank (D-MA) and Senator

Jeff Merkley (D-OR), would address the issue of discrimination against LGBT individuals in the workforce; and

Whereas, Also known as the Employment Non-Discrimination Act (ENDA), H.R.1397/S.811 would specifically prohibit “employment discrimination on the basis of actual or perceived sexual orientation or gender identity... by employers, employment agencies, labor organizations, or joint labor-management committees”; and

Whereas, Though ENDA would not allow employees to make disparate impact claims, it would allow them to make claims of disparate treatment, and would prohibit preferential treatment or quotas as well as any retaliatory actions in the event that a claim is made; and

Whereas, ENDA would not apply to religious organizations, the military, or businesses with fewer than 15 employees, and it would not require an employer to provide employee benefits to any couples not considered married as defined by the Defense of Marriage Act; and

Whereas, In a nation whose independence was premised on the notion that all her citizens are created equal, it is unconscionable that a specific population does not enjoy the same workplace protections as its peers simply because of the sexual orientation or gender identity of its members; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign H.R.1397/S.811, the Employment Non-Discrimination Act, which would prohibit employment discrimination on the basis of actual or perceived sexual orientation and gender identity.