

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Chairman Miller Statement on Employment Non-Discrimination Act

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for floor consideration of the Employment Non-Discrimination Act of 2007.

It is disgraceful, but true, that in much of the United States, it is perfectly legal for employers to fire workers simply on the basis of their sexual orientation. I am proud that today the House will vote on legislation to end this discrimination, which has no place in American society.

The legislation we are considering was first introduced in the House in 1975, more than 30 years ago. In the last three decades, gay, lesbian, and bisexual Americans have waged a courageous campaign for their workplace rights. I regret that they had to wait so long for this vote, but I am pleased that this historic day has finally arrived.

The Employment Non-Discrimination Act ensures that employment decisions are based on merit and performance, not prejudice. Federal law and the laws of thirty states permit employers to discriminate against employees based solely on their sexual orientation. In those 30 states, employers can fire, refuse to hire, demote, or refuse to promote employees on the basis of sexual orientation alone.

Earlier this year, under Chairman Andrews, the Health, Employment, Labor and Pensions Subcommittee heard testimony from Michael Carney, a highly decorated police officer. Officer Carney was initially denied the opportunity to return to his job with the Springfield, Massachusetts Police Department because he is gay. Fortunately, Massachusetts is not one of the 30 states to deny these basic rights to gay workers, and Officer Carney was eventually able to return to his job.

That was not the case for Brooke Waits, who also testified at the hearing. Ms. Waits was fired from her job in telecommunications after her employer discovered that she is a lesbian. Since the state of Texas allows employers to fire workers based on sexual orientation, Ms. Waits had no recourse. She could not get her job back.

It is hard to believe that fully qualified, capable individuals are being denied employment or fired from their jobs for these completely non-work related reasons. This is profoundly unfair and certainly un-American.

Yet this kind of invidious discrimination is happening everyday in this country. A recent study published in the Journal of Applied Psychology found that 37 percent of gay and lesbian workers

surveyed had faced sexual orientation discrimination. Ten percent said they had been physically harassed at work. More than 22 percent had been verbally harassed at work.

Unless we act to outlaw this discrimination, millions of American workers will continue to live with the legitimate fear that they could be fired or denied a job and wind up unable to provide for themselves and their families. That is why it is essential that Congress act to protect the rights of all workers, regardless of sexual orientation.

The Employment Non-Discrimination Act extends employment nondiscrimination protections to gay, lesbian, bisexual and heterosexual people. It prohibits employers, employment agencies and labor unions from using an individual's sexual orientation as the basis for employment decisions, such as hiring, firing, promotion, or compensation.

The bill prohibits employers from subjecting an individual to different standards or treatment based on that individual's sexual orientation. The bill does not apply to businesses with fewer than 15 workers, private membership clubs, or the U.S. Armed Forces. It also does not apply to religious schools or any other religious organizations.

It provides similar procedures for grievances as those that have existed under the law for over four decades in Title VII of the 1964 Civil Rights Act and in the Americans with Disabilities Act. The bill does not allow for quotas or preferential treatment and does not allow the Equal Employment Opportunity Commission to collect statistics on sexual orientation or compel employers to collect such statistics.

A 2007 Human Rights Campaign survey found that 90 percent of Fortune 500 Companies have already adopted sexual orientation non-discrimination policies. Indeed, many major American companies – including General Mills, Cisco Systems, Kaiser Permanente, Microsoft, Citibank, Morgan Stanley, and Time Warner – have expressed their strong support for legislation that outlaws discrimination on the basis of sexual orientation.

I am encouraged to see that these businesses have proactively adopted policies to ensure they are able to attract and retain the best, most-qualified employees. While this is an encouraging trend, our entire workforce and our nation's competitiveness will benefit from making sure that workers in every state and all large workplaces are covered.

I would like to recognize the leadership of Representatives Barney Frank and Tammy Baldwin over these many years on the Employment Non-Discrimination Act. It is because of their tireless efforts that we are finally here today.

Finally, I would like to express my deep gratitude to the individuals and organizations around the country who have long advocated for legislation to prohibit discrimination on the basis of sexual orientation.

Workplace discrimination based on sexual orientation has been permitted to go on for far too long. It's well past time we put a stop to it. I strongly support the legislation we are considering today and I urge my colleagues to vote for it.

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