

Employment Protection Act



Introduction

Virtually every employer in the United States enforces employment protection policies. It is a common belief that **all hardworking Americans should have a fair chance to earn a living and provide for their families** without fear of being fired for reasons that have nothing to do with their job performance. Most Americans share these beliefs about all hardworking employees, including gay and transgender workers. To ensure all workers are protected, however, the law must be expanded to include “sexual orientation” and “gender identity or expression.”

Americans Support Employment Protections

- Corporate America gets it. **Inclusive workplace policies are good for business.** As of 2007, 88% of the Fortune 500 companies maintain employment protection policies for gay workers. 50% of the Fortune 10 include transgender workers.¹
- Government is catching up. 20 states and the District of Columbia have laws providing employment protections to gay workers from unfair treatment, 14 of which also protect transgender workers.²
- The Cities of Flagstaff, Phoenix, Scottsdale, Tempe and Tucson maintain inclusive workplace protection policies for their employees.³
- The City of Tucson has already expanded the workplace protection law to include sexual orientation and gender identity within city limits.³
- Arizonans get it. Three-fourths (74%) of Arizonans support the expansion of employment protection laws to protect gay workers.⁴
- 90% of Americans believe employment protections should exist for gay and transgender workers.⁵

Inclusive Workplace Protections

Employment protection policies are often referred to as “Nondiscrimination” policies. *Inclusive* policies contain all protected classes, including *sexual orientation* and *gender identity or expression*. Arizona’s workplace protection law contains a loophole that leaves gay and transgender workers vulnerable to unfair treatment and harassment. The Employment Protection Act would ensure that all hardworking Arizonans can earn a living and provide for their families without worrying about losing their job or being harassed in the workplace because of who they are.

Gay and Transgender Workers Face Unfair Treatment in the Workplace

- Most people do not realize that it is still legal to fire someone in Arizona just because they are gay or transgender. That’s right—**hardworking Americans can be fired from their jobs just because someone doesn’t like who they are.**
- Unfair treatment in the workplace is a reality for gay and transgender people. Hardworking gay and transgender Arizonans often experience harassment on the job.
- In six studies conducted between 1996 and 2006, **16% to 68% of gay respondents and 20% to 57% of transgender respondents reported having experienced employment discrimination** at some point in their life. More specifically, 8%-17% were fired or denied employment, 7%-41% were harassed, and 10%-28% were denied a promotion based on their sexual orientation; 13%- 56% were fired, and 13%-47% were denied employment, 22%-31% were harassed, and 19% were denied a promotion based on their gender identity.⁶

Fiscal Impact

The costs associated with the implementation of this act will be negligible, as the infrastructure for enforcement already exists through the Civil Rights Division of the Attorney General’s Office.

1 Human Rights Campaign (2007). *State of the Workplace*.

2 National Gay and Lesbian Task Force (2008). *Issue Maps*.

3 Equality Arizona (2008). www.equalityarizona.org.

4 Wright Consulting, Inc. (June 2008). *Poll of 603 likely Arizona voters*.

5 Human Rights Campaign (2009). *Corporate Equality Index*.

6 Williams Institute-UCLA School of Law (2007). *Bias in the Workplace*.