

November 6, 2013

Re: Toomey amendment to Employment Non-Discrimination Act of 2013 (S. 815)

Dear Senator:

We, the undersigned organizations who work on behalf of women, are writing to you to thank you for your vote on behalf of the Employment Non-Discrimination Act of 2013 (S. 815) (“ENDA”) on Monday and to urge you to continue your work on behalf of lesbian, gay, bisexual and transgender Americans by opposing the Toomey amendment to the bill.

As you know, right now, no federal law explicitly protects lesbian, gay, bisexual and transgender Americans from being fired because of who they are or who they love. The Senate’s vote to move forward with ENDA is a crucial step toward changing that, advancing the principle that every worker be judged solely on her or his merits, and not on characteristics unrelated to job performance.

We urge you not to weaken this important bill by adopting the Toomey amendment, which would broaden the religious exemption that is already in ENDA. ENDA’s current exemption is already compromise language that provides LGBT individuals with less protection than other protected groups. The Toomey amendment goes even further – using ambiguous and undefined language that could allow even private employers to discriminate against their LGBT employees. It even could allow them to discriminate based on any reason or bias, not just on religious beliefs. The Toomey amendment is just another step in a long-term strategy to normalize using religion as a shield for discrimination in a variety of arenas.

In recent years, there has been a sustained and multi-pronged effort to use religion to discriminate against both LGBT individuals and women. These efforts have ranged from federal lawsuits being brought by bosses refusing to cover birth control in company health insurance plans, to medical providers refusing to treat LGBT individuals, to private organizations refusing to allow LGBT individuals to adopt or serve as a foster family, to bosses discriminating against single mothers. The Toomey amendment is just another attempt to allow bosses to impose their beliefs on their employees and to discriminate against those who do not comply.

If ENDA is enacted, it would establish long-awaited protections for LGBT individuals. The Toomey amendment, by potentially allowing even for-profit employers to discriminate against LGBT individuals for any reason, would gut these new protections. In addition, it would further the agenda of those who would legitimize discrimination under the guise of religion. We urge you to oppose the Toomey amendment.

Sincerely,

National Women’s Law Center
Abortion Care Network
Advocates for Youth
American Association of University Women (AAUW)
American Civil Liberties Union

Catholics for Choice
Choice USA
Feminist Majority
Hadassah, The Women's Zionist Organization of America, Inc.
International Women's Health Coalition
Legal Momentum
NARAL Pro-Choice America
National Abortion Federation
National Asian Pacific American Women's Forum
National Center for Lesbian Rights
National Council of Jewish Women
National Family Planning & Reproductive Health Association
National Health Law Program
National Latina Institute for Reproductive Health
National Partnership for Women & Families
National Women's Health Network
Physicians for Reproductive Health
Planned Parenthood Federation of America
Population Connection
Religious Coalition for Reproductive Choice
Secular Coalition for America
Sexuality Information and Education Council of the U.S. (SIECUS)