ENDA offers Congress and American employers the opportunity to ensure workplace equality for everyone by protecting lesbian, gay, bisexual, and transgender employees and their co-workers from discrimination in employment.

Under the patchwork of state and local employment law that prohibits employment discrimination based on gender identity and sexual orientation, all told, 172 million of the 281 million citizens in the U.S.—more than three of every five citizens—live in jurisdictions that do not provide such protections.

Without ENDA, many hard-working men and women do not have basic protections against discrimination. According to the Kaiser Family Foundation, employees are the primary source of health insurance in the United States, providing health benefits to 138 million people under ERISA Employee-sponsored health insurance statistics, on average, supply only 68% of an employee’s total compensation, including wages and salary. For those LGBT employees with partners and children not eligible for these benefits, or for transgender workers and workers with transgender dependents who have discriminatory insurance coverage, the resulting disparity in compensation and perceived value is profound.

The law referenced above applies to public and private employees (with some limitations) in the respective states. Additionally, there are states (Alaska, Hawaii, Massachusetts, and Washington D.C.) that have an executive order, administrative order or executive regulation prohibiting discrimination against public employees based on sexual orientation and gender identity and 3 states (Arizona, Minnesota, and Washington D.C.) that prohibit discrimination against public employees based on sexual orientation only.

ENDA has been introduced in every Congress, except the 109th, since 1994, albeit without gender identity protections, but gained its best chance at passing after the Democratic Party broke twelve years of Republican Congressional rule in the 2006 midterm elections. However, some sponsors believed that even with a Democratic majority, ENDA did not have enough votes to pass the House of Representatives with transgender inclusion, and dropped it from the bill, which passed and subsequently died in the Senate. LGBT advocacy organizations were divided over support of the changed bill. In 2009, a transgender-inclusive ENDA (HR 3017) has been introduced by House Representative Barney Frank. Also in 2009, Sen. Jeff Merkley introduced the Senate version of the bill (S. 1584). President Barack Obama supports the bill’s passage.

The flowchart above applies to public and private employees (with some limitations) in the respective states. Additionally, there are states (Alaska, Hawaii, Massachusetts, and Washington D.C.) that have an executive order, administrative order or executive regulation prohibiting discrimination against public employees based on sexual orientation and gender identity and 3 states (Arizona, Minnesota, and Washington D.C.) that prohibit discrimination against public employees based on sexual orientation only.

Get involved
There are over 400 of organizations which are working to help to get the Employment Non Discrimination Act passed into law. Get engaged with local organizations where you can get more information on the bill as well as learn how you can get involved in the movement that is working for gender equality in the United States.

For a comprehensive list of organizations working to get the Employment Non Discrimination Act (ENDA) passed please visit unitedenda.org