

November 1, 2007

## NEW GAY BIAS BILL WOULD BROADEN WORKPLACE PROTECTIONS

Congress continues to be active in introducing legislation affecting the employer/employee relationship. On November 7, 2007, the United States House passed the Employment Non-Discrimination Act (H.R. 3685) ("ENDA") with a 235-184 vote. The Senate has not yet addressed the legislation, and President Bush has threatened to veto it. The legislation would create protection from employment bias based on sexual orientation or perceived sexual orientation.

The legislation would prohibit businesses with 15 or more employees, and public sector employers, from basing employment decisions such as hiring, firing, compensation, or promotions on an individual's sexual orientation. The bill's language would exempt religious schools, colleges, and universities from the bill's provisions, but only if those entities are controlled, managed, owned, or supported by a particular religion, religious corporation, association, or society, or if their curriculum is directed toward the propagation of a particular religion. Some members of Congress think that the bill does not go far enough; they would like to see it also protect transgender employees.

As with the other pending legislation that could affect your business, the Moore & Van Allen employment group will continue to monitor this bill. If you have any questions, please do not hesitate to contact any member of our team.