

**Congresswoman Tammy Baldwin  
ENDA Testimony  
Ed & Labor Hearing  
9.5.07**

Thank you Chairman Andrews, Ranking Member Kline and members of the Committee for allowing me the opportunity to testify today.

I am a strong supporter of H.R. 2015, the *Employment Non-Discrimination Act of 2007*.

As my colleagues know, more than 40 years ago, we enacted the *Civil Rights Act of 1964* that banned employment discrimination in certain circumstances. We did so based on a clear record demonstrating that some employers were judging employees by factors wholly unrelated to their work performance, skills and abilities.

We found—as a nation—that when employer judgments were based upon race, color, religion, sex, or national origin, these discriminatory decisions should be unlawful.

Today, we can point to a clear record demonstrating further employment discrimination based upon sexual orientation and gender identity, and it is high time that we as a nation declare this sort of discrimination unlawful, as well.

Twenty-five years ago, my own state of Wisconsin was the first in the nation to add sexual orientation to its anti-discrimination statutes. At the time, and this was in 1982, only 41 municipalities and 8 counties in the entire United States offered limited protections against discrimination based on sexual orientation.

Wisconsin's efforts to pass the nation's first sexual orientation anti-discrimination statute were supported by a broad, bipartisan coalition, including members of the clergy, various religious denominations, medical, and professional groups. The measure was signed into law by a Republican Governor, who based his decision to support the measure on the success of municipal ordinances providing similar protections.

Prior to my election to the Wisconsin Assembly in 1992, I practiced law at a small general practice law firm. On occasion, I represented clients in employment discrimination cases. Through this work, I was able to see first-hand the importance of Wisconsin's sexual orientation anti-discrimination statute and the positive effect it had on our state. I represented a number of clients who were fired because of their sexual orientation and Wisconsin's sexual orientation anti-discrimination statute was vital in affording them the employment protection that all Americans deserve.

Since Wisconsin passed its statute in 1982, nineteen additional states and the District of Columbia have passed similar protective measures. And we now have a chance to set a higher standard for our nation by passing H.R. 2015.

As my colleagues know, the *Employment Nondiscrimination Act*, or ENDA, will provide basic protections against workplace discrimination on the basis of sexual orientation or gender identity. ENDA does not create “special rights.” It simply affords to all Americans basic employment protection from discrimination based on irrational prejudice.

I’d like to take one moment to focus on the protections in ENDA that prohibit workplace discrimination on the basis of gender identity, because I’ve found that there is a great deal of confusion about this term.

Gender identity is a person’s internal sense of his or her gender. In the vast majority of the population, an individual’s gender identity and his or her birth sex “match.” But for a small minority of people, gender identity and anatomical sex conflict. Because an individual was born one sex and presents themselves to the world as another—or in a way that other people may think is inconsistent with how a man or a woman should present themselves—he or she can face many forms of discrimination.

ENDA contains language that makes it clear that an employer may establish and enforce reasonable and otherwise lawful dress and grooming standards for employees. But it also provides assurances that aspects of a person’s gender identity and gender expression cannot be the basis for workplace discrimination. ENDA ensures that an employer cannot fire an employee solely because she is a woman with a “masculine” walk or a man with an “effeminate” voice.

In conclusion, I want to underscore that the purpose of ENDA is to ensure that hard-working Americans cannot be denied job opportunities, fired or otherwise be discriminated against just because of their sexual orientation or gender identity. There is nothing more American than ensuring that people should have equal job opportunities.

I want to thank Congressman Frank for his leadership on this issue. I also want to thank Congresswoman Pryce and Congressman Shays for their commitment to this issue.

Once again, I sincerely appreciate the opportunity to testify today and look forward to the discussion.

Thank you.