



# Representative Beth Kerttula

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House Democratic Leader

**Center for American Progress and the Williams Institute**

**An Executive order to Prevent Discrimination**

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*This research can be accessed in full at the following link:*

<http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTExecutiveOrder-Feb-2013.pdf>

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The majority of companies believe that nondiscrimination policies will improve their bottom line

A Williams Institute analysis of corporate statements addressing nondiscrimination policies indicates that companies often adopt these policies as a sound business decision.<sup>36</sup> Of the top 50 federal government contractors and the top 50 Fortune 500 companies, the majority specifically link policies that prohibit sexual-orientation and gender-identity discrimination to improving their bottom line. Companies most often cited the following economic benefits garnered from these policies:

- Recruiting and retaining the best talent, giving their company a competitive advantage in the marketplace
- Generating the best ideas and innovations by drawing on a workforce with a wide range of characteristics and experiences
- Increasing productivity among employees by making them feel valued and comfortable at work
- Attracting and better serving a diverse customer base through a diverse workforce
- Securing business by responding favorably to specific policy requests or requirements from clients
- Maintaining positive employee morale and relations by responding favorably to specific policy requests from employees and unions<sup>37</sup>

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A majority of small businesses already prohibit discrimination against LGBT employees at little to no cost to employers

In September 2011 the Center for American Progress fielded a survey of small businesses—defined as having between 3 and 100 employees—that revealed that a majority of them already prohibit discrimination on the basis of sexual orientation and gender identity. Sixty-nine percent of small businesses prohibit discrimination on the basis of sexual orientation, and 62 percent do so on the basis of gender identity.<sup>38</sup>

Furthermore, a majority of those businesses report experiencing few to no costs associated with these policies. Looking at the majority of small businesses that already prohibit discrimination against gay employees, 67 percent said that there were zero costs associated with the initial inclusion of sexual orientation within their nondiscrimination policies. Of the 25 percent of companies that said there were costs associated with implementation, 65 percent said those costs represented less than 1 percent of annual

operating costs.<sup>39</sup> Even fewer of these small businesses cited costs associated with maintaining their company's sexual-orientation nondiscrimination policy in the medium and long term. Eighty percent said that there were no costs associated with maintaining their policy prohibiting discrimination against gay workers.<sup>40</sup>

Transgender-inclusive policies are similarly inexpensive. Looking at the 62 percent of small businesses that already prohibit discrimination against transgender employees, 68 percent said there were no costs associated with the implementation of this policy. Of the minority of businesses—22 percent—that said there were costs, 76 percent said that those costs represented less than 1 percent of annual operating costs.<sup>41</sup> Small business owners also report zero or insignificant costs associated with maintaining their policy against gender-identity discrimination. Seventy-six percent said that there were no costs associated with maintaining their policy prohibiting discrimination against transgender workers.<sup>42</sup>

Of those small businesses that do not prohibit discrimination based on sexual orientation, only 2 percent said costs deterred them from offering protections to LGB employees. Only 4 percent cited costs as a deterrent to prohibiting discrimination on the basis of gender identity. Most businesses, however, said that they simply never thought to adopt these policies, or that they did not have LGBT employees currently in their workplace. Costs were not a factor.<sup>43</sup>

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### Americans support an executive order that expands existing nondiscrimination requirements for federal contractors

Nearly three-fourths—73 percent—of voters in a poll commissioned by the Center for American Progress supported protecting LGBT people from workplace discrimination.<sup>44</sup> This support cuts across political party affiliation, with 81 percent of Democrats, 74 percent of Independents, and 66 percent of Republicans supporting nondiscrimination laws for LGBT people in the workplace. Looking at key demographic groups, 74 percent of Catholics and 61 percent of senior voters solidly favored employment protections for LGBT people. Even among voters who identify themselves as feeling generally unfavorable toward gay people, a full 50 percent supported workplace nondiscrimination protections for the LGBT population.

In addition to supporting the Employment Non-Discrimination Act, a significant majority of voters specifically favor extending workplace protections to LGBT workers through an executive order. Seventy-three percent of likely 2012 voters supported the idea of President Obama issuing an executive order that would require all companies doing business with the federal government to adopt policies that protect LGBT workers from discrimination. A majority of voters across party affiliations supports such an order: 86 percent of Democrats, 70 percent of Independents, and 61 percent of Republicans would favor this action. Only 9 percent of voters opposed the policy.<sup>45</sup>