

Talking Points - HB 4192

Amending Michigan's Civil Rights Laws to Include Sexual Orientation and Gender Identity

Equal rights, not special rights.

Gay and lesbian people want the same rights guaranteed to all Michigan residents. However, without civil rights laws which specifically protect a person from being fired or denied housing because they are or appear to be gay, Michigan citizens can lose their jobs, their homes, and their families— with no legal recourse.

Workplace fairness is a basic American value.

Polls consistently show that a vast majority of Americans support workplace protections for all people. Since Gallup started measuring public opinion on workplace protections for gay people, support has risen from 56 percent in the 1970s to 89 percent today. In Michigan, public support for expanding our civil rights laws to include protection for LGBT citizens stands at 77percent. Across the board, the majority of Americans believe employment decisions should be based on a person's qualifications and work ethic. And it goes inherently against our American values to fire someone based solely upon who they are or whom they love.

Inclusive states and cities attract more business and talent.

States and cities that restrict rights for gay and lesbian people tend to rank at the bottom for attracting high-tech businesses. Regions and companies that are open, inclusive, and tolerant are economic powerhouses. Of the 519 Fortune 1000 companies surveyed by the Human Rights Campaign, 98 percent prohibit unfair employment practices for gay employees. In addition, there are no compliance costs because it doesn't cost a thing to make employment decisions based on merit.

Michigan can use the boost.

Since 2001, migration has cost Michigan 465,000 citizens. In 2007 alone, Michigan suffered a net loss migration of 18,000 adults with bachelor's degree or higher. Those leaving Michigan had an annual income 20 percent higher than those who moved in.

Legislation rewards hard work.

The legislation explicitly prohibits quotas or other employment practices that could result in preferential treatment based on sexual orientation or gender identity. It simply gives all Michiganders a fair shake at working hard to get ahead.

Religious Institutions are not affected by this legislation.

The legislation also exempts religious activities including marriages and religious organizations, including schools and institutions of higher learning owned or operated by a religious organization. Therefore a religious institution could limit employment opportunities, housing facilities or accommodations that are operated as a direct part of the religious activities to persons who are members of or who conform to the moral tenets of that religious institution.

Sexual Orientation and Housing Discrimination in Michigan

A Report of Michigan's Fair Housing Centers - 2007

- 120 tests were completed in 39 cities in and around Ann Arbor, Detroit, Grand Rapids and Kalamazoo.
- Each test compared the treatment of a same-sex couple to a married male/female couple.
- 27% of the Michigan tests showed evidence of discrimination based on sexual orientation.
- In Michigan cities without a non-discrimination ordinance, 30% of tests showed discrimination against same-sex couples.
- In Michigan cities with a non-discrimination ordinance, discrimination dropped to 22%.
- 33% of the rental properties tested showed evidence of discrimination against same-sex couples.
- 25% of 'homes for sale' tests showed bias against same-sex couples.
- 20% of mortgage tests showed less favorable treatment of same-sex couples.
- 16 Michigan cities ban discrimination based on sexual orientation: Ann Arbor, Birmingham (limited to housing), Dearborn Heights, Detroit, Village of Douglas (sexual orientation), East Lansing (sexual orientation), Ferndale, Flint (sexual orientation), Grand Ledge (sexual orientation), Grand Rapids, Huntington Woods, Lansing, Saginaw (housing only sexual orientation), City of Saugatuck, Township of Saugatuck and Ypsilanti.
- 20 states ban housing discrimination based on sexual orientation. Michigan is not one of them.

FAQ's - HB 4192

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Civil rights laws work not because we are able to haul those who disobey them to court but because when we say as a society that no one should lose a job because of religion, decent and law abiding people accept that. People accept it because our laws are, above all, a statement of what we believe as a people. So too with a law against sexual orientation discrimination. And what we say with a civil rights law banning discrimination based on sexual orientation is not that we endorse being gay or being heterosexual, any more than our civil rights laws against religious discrimination endorse being Christian, or Jewish or Muslim or agnostic. A law against sexual orientation discrimination says that we really believe the American promise that every one should have a fair chance to go where their brains and guts and grit can take them. A law against sexual orientation discrimination says that we really believe in that promise, and that we want it to be real.

Still, there are many questions and a high level of confusion and distrust when we talk about civil rights protections for our LGBT citizens. The FAQ's below can help you address those who have such concerns.

1. DON'T FEDERAL AND STATE LAWS ALREADY PROVIDE PROTECTION TO GAYS AND LESBIANS?

No. Federal protection against sexual orientation and gender identity discrimination does not exist. In Michigan, there is no state law that protects against sexual orientation and gender identity discrimination.

2. ARE THESE SPECIAL RIGHTS?

No. The right to get and keep a job based on merit is not a special right. Equal access to housing is not a special right. Renting a hotel room and being served food in a restaurant are not special rights. The right to have and raise children without the state seizing them is not a special right. The right to walk down a street and not get attacked because of who you are and whom you love is not a special right. Gay and lesbian people want the same rights guaranteed to all American citizens. However, without civil rights laws which specifically ban discrimination based on sexual orientation, gay people can lose their jobs, their homes, and their families and be refused service at public accommodations simply because they are gay — with no legal recourse.

3. WILL THIS LEGISLATION LEAD TO PREFERENTIAL TREATMENT FOR GAYS AND LESBIANS IN THE WORKPLACE?

No. This legislation does not indicate quotas or other employment practices that could result in preferential treatment based on sexual orientation or gender identity.

4. IF SOME BELIEVE THAT BEING GAY OR LESBIAN IS A CHOICE, IS CIVIL RIGHTS PROTECTION APPROPRIATE?

We have an extensive body of civil rights law which protects people from discrimination based on decisions that stem from important parts of who they are. For example, we prohibit discrimination based on religion, and in most states we prohibit discrimination based on marital status, both of which typically involve change and choice.

The truth, at least right now, is that nobody knows why an individual has a particular sexual orientation or gender identity, so there is no way to settle an argument about it. Moreover, many people have very strong emotional commitments to their personal views about the origins of sexual orientation and gender identity.

5. HOW WILL THIS LEGISLATION AFFECT MICHIGAN BUSINESSES?

It may help Michigan businesses by creating a more inclusive and tolerant environment, which is the environment preferred by our up and coming high-tech workforce. In Michigan, Borders, General Motors, Ford, Chrysler, Compuware, Kellogg's, Dykema Gosset, Meijer's, Herman Miller, Inc., Steeekase and Whirlpool are among those companies that have LGBT inclusive policies.

Half of the Fortune 500 companies have LGBT inclusive policies. And, of the 519 Fortune 1000 companies surveyed by the Human Rights Campaign, 98 percent prohibit unfair employment practices for gay employees.

Additionally, there is virtually nothing a business must do to be in compliance with the legislation except not discriminate. The cost of lawsuits is also not an issue that should cause problems. If the law is enforced outside of court, it probably isn't expensive. Some claim that it would force businesses to hire LGBT employees to avoid appearing discriminatory. Companies surveyed that have anti-discrimination policies state that this is not the case.

6. HOW WILL THIS LAW AFFECT RELIGIOUS INSTITUTIONS?

It will not. Our United States constitution provides for separation of church and state and this legislation would not apply to religious activities (including marriages) of religious institutions. A religious institution could limit employment opportunities, housing facilities or accommodations that are operated as a direct part of the religious activities to persons who are members of or who conform to the moral tenets of that religious institution.

7. DOES THIS PROHIBIT ME FROM EXPRESSING MY OPINION THAT I BELIEVE HOMOSEXUALITY IS MORALLY WRONG?

No. A person's freedom of speech is constitutionality protected and the legislation would not prohibit a person from expressing his/her opinion regarding homosexuality.

8. ISN'T THIS LAW UNFAIR TO OTHERS WHO THINK BEING LGBT IS WRONG?

This argument is often put in a religious framework: It is unfair to make people who think being gay is sinful to work with or hire LGBT people.

It's first important to note that the law does not say that people have to change their views, or that they have to ask LGBT people over to dinner. It says LGBT people can't lose their jobs or homes, or be discriminated against simply because someone disapproves of them.

Lots of sincere, mainstream people think all non-Christians are wrong, sinful and condemned. Yet we don't, as a society, condone or allow someone to lose their job because they are not a Christian. Like all civil rights policies, its idea is that in a nation as diverse as ours, in which people need to work to live, a person's ability and right to earn a living and provide for their family should not depend on another person's dislike or disapproval.

9. WOULDN'T THIS CHANGE IN THE LAW MEAN THAT THE GLBT COMMUNITY COULD BE CONSIDERED A MINORITY, LIKE AN ETHNIC MINORITY? THE SUPREME COURT HAS ALREADY SAID THEY'RE NOT.

Gay men and lesbians are a numerical minority in American society. Like ethnic minorities, they face job loss, evictions, non-service at public accommodations, and the loss of their children simply because of who they are. And like other minorities, gay people face harassment, physical assault, and murder based on an assailant's hatred toward the entire group. A Department of Justice study reported that "homosexuals are the most frequent victims" of hate crime. "Minority status" affords no benefits to anyone; rather it provides guidelines to attempt to redress the inequalities that impair the exercise of constitutionally guaranteed freedoms, including equal protection under the law. Our constitution says that all people are created equal — that must include gay and lesbian people as well.

10. HOW MANY STATES HAVE LAWS THAT PROHIBIT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY?

- 20 States and DC prohibit discrimination based on sexual orientation: *California, Colorado, Connecticut, D.C., Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington and Wisconsin.*
- 13 States and DC prohibit discrimination based on sexual orientation and gender identity: *California, Colorado, D.C., Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.*

11. HOW MANY MICHIGAN CITIES HAVE HUMAN RIGHTS ORDINANCES THAT COVER SEXUAL ORIENTATION AND/OR GENDER IDENTITY AND GENDER EXPRESSION?

- 16 - Ann Arbor, Birmingham (limited to housing), Dearborn Heights, Detroit, Village of Douglas (sexual orientation), East Lansing (sexual orientation), Ferndale, Flint (sexual orientation), Grand Ledge (sexual orientation), Grand Rapids, Huntington Woods, Lansing, Saginaw (housing only sexual orientation), City of Saugatuck, Township of Saugatuck and Ypsilanti.