

# The Equality Act (H.R. 5/S. 788): Providing Critical Protection Against Discrimination for LGBTQ People and Women

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Despite significant progress, lesbian, gay, bisexual, transgender and queer (LGBTQ) people still face considerable discrimination and lack necessary protections across the country. While some states have enacted laws that protect against discrimination, the patchwork nature of these protections means that millions of people continue to face harassment, exclusion and uncertainty that negatively impact their safety, their day-to-day lives, their families and their ability to participate fully in society.

Part of achieving our nation's promise of equality, dignity and fairness is ensuring that all people, regardless of gender identity, have equal opportunity to succeed. No one should have access to services or doors to opportunity closed because of outdated gender stereotypes about how people should act, look or behave. This requires stronger national nondiscrimination protections based on sex, sexual orientation and gender identity.

**The Equality Act (H.R. 5/S. 788)** is groundbreaking civil rights legislation that would amend and supplement the Civil Rights Act of 1964 and other key federal nondiscrimination laws that provide protection from discrimination on the basis of race, color, national origin or religion. This legislation would strengthen protections from discrimination on the basis of sex, and add critical new protections from discrimination on the basis of sexual orientation and gender identity. Specifically, it would provide clear, explicit protection against discrimination based on sexual orientation and gender identity in education, employment, housing, credit, federally funded programs and federal jury services. These protections are essential in ensuring that LGBTQ people have the right to live with dignity and equality.

## The Equality Act's Impact on Women

While the primary focus of the Equality Act is on anti-discrimination protections for LGBTQ people, the Act would also add protections against discrimination on the basis of sex to two sections of our civil rights laws. These provisions close longstanding gaps in federal law and provide important new legal protections for all women by, for the first time, prohibiting discrimination on the basis of sex in public spaces and services and in all federally-funded activities.

The Equality Act would update federal law to provide protections against sex discrimination in places of public accommodation like restaurants, stores, buses and trains, theaters or arenas, and other public spaces. This means that:

- When women experience harassment as customers in stores, hotels, taxis or airports, there will now be a remedy.
- The law will now be clear that car dealers, contractors and mechanics can't charge the woman who comes through their doors in the morning more than the man who comes by in the afternoon.
- The law will ensure that breastfeeding parents aren't excluded from or treated less favorably in public places just for feeding their children.
- It will make clear that pharmacies can't refuse to fill a woman's birth control prescription.

The bill would also, for the first time, prohibit recipients of federal funding from discrimination on the basis of sex, ensuring that sex does not stand as a barrier to full participation in federally funded programs or activities. For example:

- A developer with a federal grant couldn't discriminate against women-owned businesses in its contracting.
- Women would have new tools to challenge a police department's systematically inadequate response to sexual violence and intimate partner violence, if the police department received federal funds.
- Women would also be able to challenge denials of reproductive health care where a federally-funded entity otherwise provides comparable or comprehensive health care.

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**We know that women exist and live their lives at the intersection of multiple identities. Trans women, for example, experience discrimination based on both their sex and gender identity, as well as based on their particular identity as trans women. Black women experience discrimination based on both their sex and race, as well as based on their particular identity as Black women. Combatting these various and intersectional forms of discrimination and oppression is complex, and the Equality Act is essential in moving that work forward.**

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## **It's Time for the Equality Act**

The Equality Act is a long-overdue step forward in extending civil rights protections to millions of women and LGBTQ people. Establishing clear protections is critical at a time when vulnerable communities are under attack from the current administration. The Equality Act would provide a consistent, national standard and ensure that everyone has the opportunity to live safely and with dignity, to advance at work, provide for one's family and to thrive economically.

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The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at [NationalPartnership.org](http://NationalPartnership.org).

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