

End Discrimination Based On Sexual Orientation

The most powerful weapon in the bosses' arsenal is divide and conquer. When we are united, working people win great victories against the most powerful corporations and governments in the world. When divided by craft, race, color, national origin, sex, disability, religion, sexual orientation, gender identity or in any other way, we often suffer great defeats and our living standards suffer. Workers are always strongest when we have been most inclusive, when we have taken to heart the slogan "an injury to one is an injury to all." The UE was founded on the principle that, "we form an organization to unite all workers." Article IV of the UE Constitution grants the right of all working people, regardless of sexual orientation, to belong to and actively participate in our union. There are many gay men and lesbians who are members and leaders of our union.

Currently, it is legal to fire or refuse to hire someone for being lesbian, gay or bisexual in 29 states, while transgender workers can legally be denied or refused jobs in 35 states. Millions of workers lack basic protections against job discrimination due to their sexual orientation or gender identity and this, in turn, marginalizes and threatens existing legal protections we do have against race and gender discrimination.

Anti-discrimination laws and contract clauses are not the gifts of benevolent governments and bosses; they are won through struggle. We must fight to make sure that all of our coworkers are protected against discrimination.

According to the Government Accountability Office (GAO), civil marriage brings with it over 1,100 federal benefits and protections, including the right to take leave from work to care for a seriously ill spouse, the right to sponsor a spouse for immigration purposes, and Social Security survivor benefits that can be the difference between security and poverty. Lesser forms of partnership recognition such as civil unions and domestic partnerships, however, bring none of these protections from the federal government. In addition, the discriminatory so-called Defense of Marriage Act (DOMA) denies every federal benefit and protection to legally-married gay and lesbian couples.

In 2004, the Massachusetts Supreme Judicial Court found that denying same-sex couples the freedom to marry was unjustified discrimination and violated the state's Constitution. Since then, all workers in Massachusetts now enjoy all of the state benefits that marriage gives opposite-sex couples, and the sky has yet to fall. Vermont, Connecticut, New Hampshire, New York, Iowa, and the District of Columbia have all extended the freedom to marry to gay and lesbian couples. An estimated 35 million Americans currently live in states that have marriage equality.

However, there continue to be efforts to strip any legal protections from same-sex couples. In May 2012, voters in North Carolina will vote in a referendum which if passed will change the state's ban of same-sex marriage from statutory to constitutional.

We all should have the same rights regardless of color, gender, age, or sexual orientation. Unity and solidarity are not conditions we take for granted. We must continue to educate ourselves and our co-workers to maintain and strengthen our unity in the face of employer efforts to divide the workforce.

THEREFORE, BE IT RESOLVED THAT THIS 72nd UE CONVENTION:

1. Calls on locals to defend our members aggressively against on-the-job discrimination based on sexual orientation or gender identity;
2. Encourages all levels of the union to educate our membership and communities on the destructive nature of discrimination based on sexual orientation and gender identity, including discrimination against married gay and lesbian couples, and the true anti-worker agenda of those who try to profit politically from it;
3. Encourages locals to bargain anti-discrimination clauses that prohibit discrimination based on sexual orientation and gender identity in their contracts;
4. Encourages locals to bargain for health insurance and pension coverage for same-sex and opposite-sex domestic partners and leave-of-absence language that gives domestic partners the same rights as married employees;
5. Opposes any attempts to codify marriage discrimination by any method and at any level;
6. Calls on the Obama administration to issue an executive order expanding the nondiscrimination provision in federal contracts to prohibit discrimination based on sexual orientation or gender identity, which would have an extraordinary effect in helping to eradicate discrimination in workplaces receiving federal dollars;
7. Calls on Congress to enact the Employment Non-Discrimination Act, which would prohibit job discrimination based on sexual orientation or gender identity throughout the country;
8. Calls on Congress to pass the Respect for Marriage Act, which would repeal DOMA, as well as ensure that all married couples, regardless of where they marry, will not be treated as strangers under federal law;
9. Encourages members regardless of sexual orientation to actively support organizations fighting discrimination, including the labor-based Pride at Work, and to not patronize establishments that discriminate against gay men, lesbians, bisexuals, and transgendered persons.