

## ENDA Takes It To The House

November 8, 2013 | [Employment Discrimination, Currents - Employment Law](#)

As predicted earlier this week, the Senate, for the first time ever, passed the Employment Non-Discrimination Act (ENDA), which would prohibit discrimination and harassment based on sexual orientation or gender identity. The final vote was 64-32, with all Senate Democrats (save one who did not vote) and 10 Republican senators (including influential members Orrin Hatch, John McCain, and Susan Collins) supporting the bill.

Earlier in the week, an amendment passed barring retaliation by the federal government against any religious organizations that exercise their exemption from the legislation. Another proposed amendment that would have broadened the religious exemption to employers “officially affiliated” with religions or religious entities was voted down 43-55 before the final vote was taken on ENDA.

Backers of the bill know that the hard part begins now, however, as ENDA’s chances for passage in the House of Representatives – especially in light of Speaker of the House John Boehner’s well-known opposition to the bill – are much dimmer. Boehner went on record this week regarding his concerns about ENDA, saying the provisions might engender “frivolous lawsuits” and stating that the LGBT community is already protected by other non-discrimination laws.

More debate from both sides is sure to follow, and BT Currents will keep you updated with our analysis and insights on this hot button issue.

### RELATED PRACTICE AREAS

Arbitration and Grievances  
EEO Compliance  
Labor and Employment  
Workplace Culture 2.0

### RELATED TOPICS

employment nondiscrimination act  
ENDA