

Florida Needs a Commonsense Competitive Workforce Law

Florida is one of 32 states without a comprehensive nondiscrimination law that protects the [more than 536,000](#) lesbian, gay, bisexual and transgender (LGBT) people who live and work in Florida. Businesses are on the forefront of advocating for these commonsense policies, which strengthen our state's economy and brand, and make Florida an even better place to live, work and raise a family.

Florida Competes is a coalition of Florida businesses, big and small, committed to continuing to strengthen Florida's economy by supporting the Competitive Workforce Act, which would extend nondiscrimination protections to LGBT people. Members of Florida Competes include Disney World, CSX, Wells Fargo, Darden Restaurants and many others.

But support for nondiscrimination is by no means confined to the business community – in fact, 73 percent of Floridians [support](#) such legislation. County and city governments across the state have adopted legislation protecting LGBT people from discrimination – in fact, 56 percent of LGBT Floridians [now live](#) in areas with such protections on the books. But this creates an inconsistent patchwork for employers all across our state – and all Floridians deserve to be treated fairly and equally under the law.

Competitive Workforce Laws Benefit Businesses and Employees

We all know that employers across the nation compete to recruit the best-trained, most innovative workforce. Today's top workers—especially the youngest and best-educated new recruits—seek to live in diverse, creative and cutting-edge communities. Florida's businesses will benefit from reducing discrimination based on sexual orientation and gender identity.

Workplace discrimination is economically detrimental, resulting in lower profits. For example, a recent analysis of the overall costs of employee turnover due to various forms of workplace discrimination found an annual cost to employers of \$64 billion.^{iv} Additionally, employee discrimination lowers job performance and productivity. Recent studies show that employees who fear discrimination exhibit higher rates of absenteeism, are less committed to their current employer, receive fewer promotions, and report more physical and mental health problems than those who are less fearful of discrimination.^{vi} And one only has to look to North Carolina – where a discriminatory law has cost the state more than a half-billion dollars in lost revenue and jobs – to see the direct connection between nondiscrimination policies and economic health.

It's not surprising, then, that [well over 90 percent](#) of the nation's leading Fortune 500s have nondiscrimination policies covering sexual orientation, and more than 75 percent have similar policies in place for gender identity.



Florida Competes believes the Florida Competitive Workforce Act will better position the state in the national and global marketplace in much the same way that numerous companies have benefitted from adopting anti-discrimination policies.

**Statewide Competitive Workforce Laws Eliminate Legal Confusion
& Simplify Compliance for Employers**

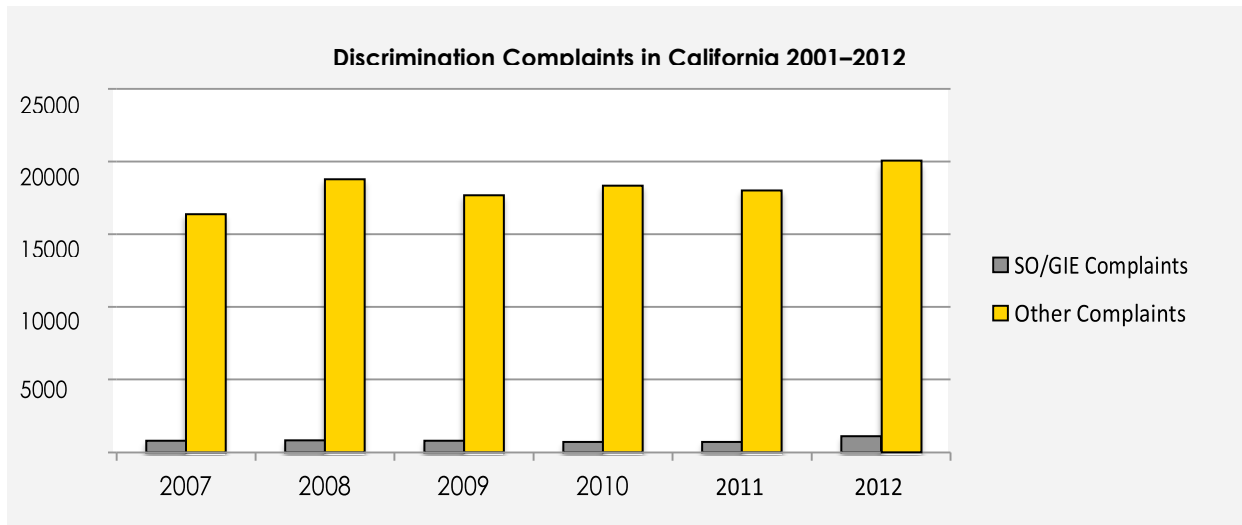
Florida's existing sexual orientation and gender identity discrimination laws are inconsistent, and vary greatly in their scope and liability. In many cases, local ordinances do not fully cover public and private employment, housing, public accommodations, and government services. Therefore, even some residents who live in localities with local ordinances are not as protected as they would be by statewide legislation. These inconsistencies can be eliminated with the adoption of the uniform, statewide Competitive Workforce Act. Employers will benefit from a single, statewide law with one consistent, streamlined legal process to address all complaints of workplace discrimination.

Competitive Workforce Laws Do Not Increase Frivolous Litigation

Despite charges by its opponents, the Florida Competitive Workforce Act will not increase frivolous litigation based on sexual orientation and gender identity discrimination. In fact, a 2009 study from the Government Accountability Office (GAO) found “relatively few employment discrimination complaints based on sexual orientation and gender identity” based on states with nondiscrimination laws in place at that time.” Another study in 2013 again found [no uptick](#) in lawsuits.

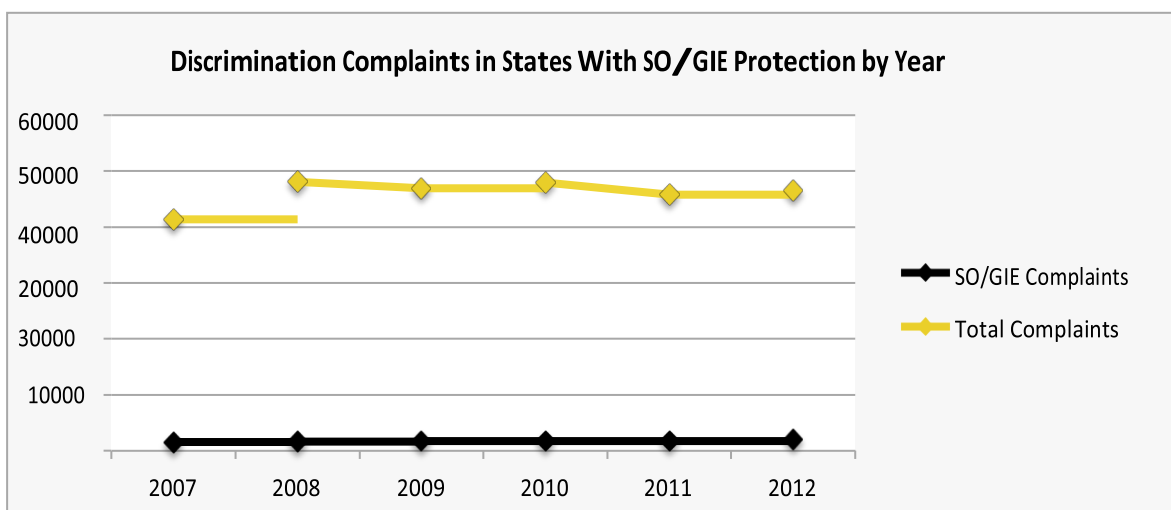
Top business executives themselves also flatly refute this notion of frivolous lawsuits. A General Mills executive [told](#) a Congressional hearing in 2012: “Not at all. Again, it’s absolutely not been an issue for us. You know, frequently, we talk about the cost of this legislation in terms of accommodations and potential litigation. There is a real cost that all U.S. companies are paying right now in terms of loss of engagement when employees are in fear, loss of productivity when they can’t concentrate on bringing their whole self to their work every day, and loss of talent because of these artificial barriers to entry.”

After examining the 18 states that have adopted sexual orientation and gender identity anti-discrimination laws, it is clear that these laws have not significantly increased litigation. The graph below provides a look at discrimination complaints filed between 2007 - 2012 in California - a state that, like Florida, has a large population.



State	Years	SO/GIE Complaints	Other Complaints	Percent SO/GIE
California	2007-2012	4,991	109,048	4.4%
Colorado	2008-2012	173	3,037	5.4%
Connecticut	2007-2012	332	12,186	2.7%
DC	2007-2012	127	2,160	5.6%
Delaware	2010-2012	60	1,684	3.4%
Hawaii	2007-2012	56	3,463	1.6%
Illinois	2007-2012	680	21,637	3.1%
Iowa	2008-2012	307	7,467	4.1%
Maine	2007-2012	124	3,317	3.6%
Maryland	2007-2012	147	3,707	3.8%
Massachusetts	2007-2012	486	16,841	2.8%
Minnesota	2007-2012	137	3,706	3.6%
Nevada	2007-2012	224	5,105	4.2%
New Hampshire (SO only)	2007-2012	50	1,507	3.2%
New Jersey	2007-2012	168	3,584	4.5%
New Mexico	2007-2012	236	3,648	6.1%
New York (SO only)	2007-2012	1,330	33,937	3.8%

According to the GAO report, of the 276,656 complaints filed between 2007 and 2012 in the states listed in the above table and Washington, D.C., a mere 3.8% were based on either sexual orientation or gender identity, with one state reporting an average as low as 1.6%.^{VIII}



As of 2015, 10 Florida counties (Alachua, Broward, Hillsborough, Leon, Miami-Dade, Monroe, Orange, Palm Beach, Pinellas and Volusia) prohibit discrimination in employment for sexual orientation and gender identity.

The chart below shows a sample of these Florida counties, comparing the number of sexual orientation and gender identity complaints filed in each county relative to the total number of complaints.

County	Year	SO/GIE Complaints	Total Complaints	Percent SO/GIE
Alachua ^{IX}	2014*	1	69	1.4%
Pinellas ^X	2009-2014*	37	1,054	3.5%
Palm Beach ^{XI}	2012	3	264	1.1%
Broward ^{XII}	1995-2014*	167	6,266	2.6%

*Data through July 18, 2014

As the chart indicates, the number of complaints based on either sexual orientation or gender identity is minimal and represents a very small portion of the total number of complaints filed. For example, over the last 20 years, Broward County, home to the state's largest LGBT community, has received only 167 complaints based on sexual orientation or gender identity, representing a mere 2.6% of the total complaints filed.

While updating Florida's discrimination laws will not end discrimination overnight, it will ensure that Florida attracts and retains the skilled employees it needs to compete in the global marketplace, all while treating its workforce fairly and equally.

ⁱ Bob Graham Center for Public Service. "Floridians support ban on sexual orientation discrimination, split on in-state tuition for undocumented students." April 18, 2013. http://www.bobgrahamcenter.ufl.edu/sites/default/files/press_release_legislative_issues_final.pdf

ⁱⁱ Movement Advance Project. "Local Municipalities & Counties with Non-Discrimination Ordinances." Jan. 12, 2015. http://lgbtmap.org/equality_maps/profile_state/10

Id.

^{iv} The Level Playing Field Institute, "The Corporate Leavers Survey." January 2007. <http://www.lpfi.org/sites/default/files/cl-executive-summary.pdf>

^v Mallory, Christy and Brad Sears, "Economic Motives for Adopting LGBT-Related Workplace Policies," The Williams Institute, October 2011. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corp-Statements-Oct2011.pdf>

^{vi} Center for American Progress, "The Costly Business of Discrimination," March 2012. <https://www.americanprogress.org/issues/lgbt/report/2012/03/22/11234/the-costly-business-of-discrimination/>

^{vii} U.S. Government Accountability Office, "Update on State Statutes and Administrative Complaint Data on Employment Discrimination Based on Sexual Orientation and Gender Identity." July 31, 2013. <http://www.gao.gov/assets/660/656443.pdf>

Id.

^{ix} Alachua County Board of County Commissioners. Equal Opportunity Office. Public Records Request (received July 18, 2014).

^x Pinellas County Office of Human Rights. Public Records Request (received July 18, 2014).

^{xi} Palm Beach County Office of Equal Opportunity. Public Records Request (received August 1, 2014).

^{xii} Broward County Office of Intergovernmental Affairs and Professional Standards. Human Rights Section. Public Records Request (received July 31, 2014).