

AN ALLY'S GUIDE TO TALKING ABOUT



Nondiscrimination Protections for LGBT People



Authors



Partners

2015 EDITION

OVERVIEW

Strong majorities of Americans support laws protecting lesbian, gay, bisexual and transgender (LGBT) people from discrimination.

However that support cannot be taken for granted, especially because most Americans mistakenly believe that LGBT people are already protected from discrimination. And when opponents of equality introduce false, fear-based attacks on nondiscrimination protections, people can often lose sight of their core values.

This *Ally's Guide to Talking About Nondiscrimination Protections for LGBT People* provides proven approaches to help build and sustain solid, lasting support for nondiscrimination laws, and also factually and effectively address concerns that might be raised when discussing the need for such laws.

TALKING ABOUT NONDISCRIMINATION PROTECTIONS FOR LGBT PEOPLE

There are four important approaches that can help build and sustain support for nondiscrimination protections. First, we need to emphasize the values that are at the heart of people's existing support for nondiscrimination. Second, because many people mistakenly believe it is already against the law to discriminate against LGBT people, we need to explain why nondiscrimination protections are important and needed. Third, we need to share stories and model people's journey toward lasting support. And fourth, we must help conflicted audiences think through and calm their own anxieties—all while avoiding missteps that can inadvertently intensify those concerns.

Emphasize Shared Values

There are three sets of shared values that innately draw people to support protecting LGBT people from discrimination. These values not only help ground our conversations in authentic and resonant ways, but they also help people work through their own sometimes-conflicted feelings in ways that are consistent with their own beliefs.

Work Values

Most Americans share a set of core values that define what work means to them. These values help evoke a sense of shared purpose in work, and they do so in ways that remind people that LGBT and straight people alike share common values and are in this together:

- Hard work
- Earning a living
- Responsibility
- Providing for oneself and one's family
- Taking pride in a job well done
- Being judged based on performance and qualifications—nothing more, and nothing less.

American Values

This second set of values reflects what people aspire to in their own lives, as well as the kind of country they want to live in:

- Opportunity
- Freedom
- Personal responsibility

Personal & Faith Values

These values are expressions of the kind of person someone wants to be, as well as the values that guide their personal relationships with others. For many, these values are rooted in faith and religious teachings; for others, they are ethical principles that can be voiced in both religious and non-religious contexts:

- Treating others like we want to be treated
- Loving your neighbor as yourself
- Not for me to judge
- We are all God's children
- Protecting others (from discrimination)
- Treating others fairly, equally and with respect

When expressing these values, it's important to speak only for oneself and from one's own faith experience, rather than in ways that generalize those values and apply them to others (e.g., "As a Christian, I believe..." rather than "Christianity teaches us"). And when we speak from a posture of humility and generosity of spirit, not aggressive moral certainty or judgment (e.g., saying "it's not for me to judge" instead of "it's not for YOU to judge"), we can open hearts and minds to deeper conversations about why these values matter in how we treat one another.

Putting It Together

Our shared values should always be the centerpiece of our discussions about nondiscrimination laws. The following are some examples of ways that Work Values, American Values and Personal & Faith Values are woven together to speak to the beliefs, conscience and aspirations of our audiences:

NOTE REGARDING THE TERMINOLOGY IN THIS GUIDE: While the abbreviation *LGBT* appears in this guide, it is not helpful—and can in fact be alienating and confusing—when it is used in conversations with people who are not fully supportive or comfortable with the issues. Talking about people who are *lesbian, gay, bisexual and transgender*—or *gay and transgender*, to avoid overwhelming people with such a long description over and over again—helps make these discussions more accessible and relatable.

1. *All hardworking people—including those who are gay or transgender—should be treated fairly and equally by the laws of our state, and should have the opportunity to earn a living to provide for themselves and their families. Nobody should have to live in fear of being legally fired for reasons that have nothing to do with their job performance.*
2. *Everyone needs to be able to earn a living—including gay and transgender people. Employees should be judged on their qualifications, experience and the job they do—nothing more, and nothing less.*
3. *Protecting people from discrimination, including people who are gay or transgender, is about treating others as we want to be treated. It's not for me to judge. Even though we may have different beliefs, what's most important is focusing on what we have in common—taking pride in our work, respecting coworkers and serving customers, and getting the job done.*
4. *Gay and transgender people are our friends, neighbors, family and coworkers. When it comes to being able to earn a living, having a place to live, or being served by a business or government office, they should be treated like anyone else and not be discriminated against.*
5. *The America I believe in is a land of opportunity and freedom—where people who work hard and meet their responsibilities have the chance to get ahead. These protections would help ensure that all people, including those who are gay or transgender, have a fair opportunity to earn a living, meet their obligations, provide for themselves and their families, and build a better life.*

Explain Why Nondiscrimination Protections Are Important and Needed

In addition to emphasizing shared values, it is also critical to establish a series of facts about the nondiscrimination law, what the law can do to help people, and what the current absence of the law means for LGBT people and their families.

Focus on Updating the Law

Nondiscrimination protections are not new or unusual. Our country's commitment to advancing fair and equal treatment for all Americans is already reflected in laws that protect people from discrimination based on their race, ethnicity, sex, religion, and other characteristics. When people are reminded that this is simply about *updating* or *modernizing* those existing protections to also include LGBT people, misconceptions about "new laws" fade away.

1. *Updating the law will help ensure that all people in our state—including people who are lesbian, gay, bisexual or transgender—have the opportunity to be judged on their job performance and qualifications, nothing more, nothing less.*

Examples: Emphasize Shared Values

Throughout this guide we will illustrate various conversation approaches through examples of people sharing their own journey stories and talking about the importance of protecting LGBT people from discrimination.

Pastor Talking About Shared Values



Pastor Ahrens: You know, when I search my heart, I believe we're called to respect the fundamental human dignity of all people and to treat others as we want to be treated, including those who may seem different from us. And when my wife and I do that, we are truly living our faith.

Family of a Transgender Person Talking About Shared Values



Mom: Family has always been important to us. Our faith and our family is really the center of our lives. Our son, Will, is transgender.

Dad: As your kids grow up and head out into the world, you want them to have the same opportunities as everyone else. They still have to work hard. Few things in life are easy or guaranteed. But you want your kids to have a fair shot.

Grandmother: I think people are too fast to judge others when they don't know a lot about them.

Dad: We need to update the law so that all of our children have the ability to work hard, earn a living, and take responsibility for their lives on the same terms as everyone else.

Grandmother: This isn't about politics. It's about family and how we as people treat one another.

Establish the Absence of Legal Protections

Polls have repeatedly shown that people do not realize that it is still legal under the laws of most states to fire, refuse to hire, deny housing, and/or deny public accommodations to LGBT people. Correcting this misconception is a crucial step in helping people understand why nondiscrimination protections are important—and why they're still so desperately needed:

2. *I believe that all people should be treated fairly and equally. That's why it's so surprising and shocking to realize that in this day and age, it is actually still legal under our state's laws to fire a hardworking employee, deny them an apartment, deny them service in a restaurant, and otherwise discriminate against people simply because they're gay or transgender.*

Example: Establish the Absence of Legal Protections



Joseph: Before our son came out, I never spent one minute thinking about discrimination in the workplace, or in society against gay or transgender people, because it wasn't part of my life. But even in this day and age, what we've learned is that people are still being discriminated against. The fact that a business could legally discriminate against a person just because of who they are was so shocking to us.

Talk About Nondiscrimination in Ways That Increase Support

Because many people don't realize that so few states bar discrimination against LGBT people, they often question whether such discrimination still occurs. When this happens, rather than talking about pervasive discrimination, talk about nondiscrimination laws as something we need to protect good workers from bad bosses (and good people from bad people generally) who won't do the right thing on their own:

3. *Most employers want to do the right thing, but there will always be a few people who only do what's right when the law requires it. For those times when good judgment breaks down, we need laws so that all employees, including those who are gay or transgender, are hired, fired or promoted based on their professionalism, qualification and job performance—nothing more, nothing less.*

Also, many people who support opportunity and fair treatment in the workplace have questions about whether it can be achieved—and whether nondiscrimination protections can help change how people treat one another. Remind people that such laws are one more tool that can help ensure fairness and opportunity for all:

4. *Changing the law won't end all unfair treatment overnight. But it provides one more tool to ensure that all people, including gay and transgender people, who want to work hard and who do their jobs well are treated fairly and equally, and judged based on their job performance.*

Describe How Discrimination Hurts Workers and Their Families

In addition to establishing that LGBT people lack legal protections under the laws of most states, we need to help people understand that discrimination is still an ongoing problem that hurts real people and their families. Stories of how LGBT people have been unfairly fired or denied a job can help build support for nondiscrimination laws. Such stories can also help people reflect on LGBT people they know, and connect to their desire to see their friends, coworkers and family members treated fairly and equally.

When possible, it is ideal to have stories shared by both the person who experienced discrimination and straight, non-transgender coworkers who can talk about their interactions with their colleague, relate how hardworking and professional they were, discuss the unfair treatment the coworker experienced, and their own shock at realizing that such discrimination could still be legal. Likewise, both the worker who experienced discrimination and their supportive coworkers can focus on their shared values, as well as on the concrete harms that the discrimination inflicted on the LGBT worker and their family.

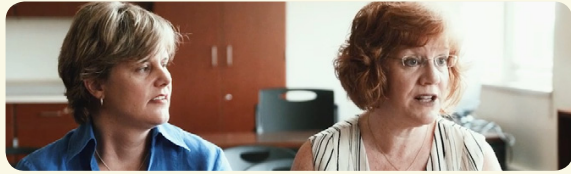
Share Stories of the Journey to Support

Americans are on a journey toward greater support for LGBT people and their families. But even some of today's strongest advocates for nondiscrimination protections covering LGBT people didn't necessarily start out being supportive.

Many people report experiencing a gradual change of heart when it comes to supporting nondiscrimination protections. They've talked about feelings of genuine conflictedness, of struggling to reconcile their belief that LGBT people are already protected from discrimination with information establishing that the opposite is true. And many wrestle with concerns—ranging from anxieties about privacy and safety in restrooms to concerns about effects on businesses—that we'll discuss in greater depth in the next section.

Stories of those whose attitudes have changed over time can provide a steady hand on the shoulder of those who

Example: Describe How Discrimination Hurts Workers & Their Families



Ms. Beall: I grew up the daughter and granddaughter and great-granddaughter of educators. I've been in 26 years. I've had a lot of students return and talk about the difference it made in their lives.

Mrs. Burrell (colleague): Ms. Beall was always considered just an exceptional teacher. And it's shown in just everything she does.

Ms. Beall: The superintendent told the board that I should be terminated because I was gay. When he told me that I would be fired, I was really shocked. I had stellar evaluations. My personal life was never a topic of discussion in the classroom or the workplace. It wasn't relevant. But we lived in the community; we went to Pizza Hut and the park as a family. Given all the evidence about my performance, I never in my wildest dreams imagined that I could lose my job.

Family is so important to me. I have two children. I have a sister who is seriously ill that I help care for. My mother is aging. So I have a family that depends on me. And that's one of the reasons it made it devastating. What do I do next? How do I take care of the people that mean so much to me if I don't have an income, if I no longer have a job?

are struggling to do the right thing. Sharing these stories, especially if the journeys are personal ones, can give people permission to embrace their own journey.

The great news is that countless people can share these stories. LGBT people can share stories of family members, friends and coworkers who became more accepting—and straight, non-transgender friends and family can share their own stories as well. In fact, these first-person stories of well-meaning people who gradually moved from a starting point of discomfort and concern about the law to greater understanding and support are vitally important. They can help others acknowledge the unfamiliarity and discomfort they might feel, ground people in their desire to be a good person and do right by others, and identify with the journey and the values of the person telling the story.

The most important thing to remember in sharing these stories is to ensure that they are authentic. People who are

on these journeys aren't "bigots" or "hateful"—they're well-meaning but conflicted people who care about their LGBT friends, family members, coworkers and neighbors. Over time and with thoughtful consideration, they've gradually come to understand how important it is to protect people they know and care about from discrimination. Telling their stories with empathy and appreciation—without dismissing their struggle or blaming them for it—can model that journey for others and provide them with support for the road ahead.

Help People Calm Their Concerns

Opponents' attacks on nondiscrimination protections can sometimes cause people to second-guess their support and lose sight of their core values. The concerns and fears opponents raise, while they may seem irrational and unfounded to people who have in-depth familiarity with the issues, can nonetheless be very real for other people.

When people are successfully able to navigate their own concerns, they can come back to their core values and support for nondiscrimination laws. The following conversations can help them do that when it comes to concerns about impacts on business owners or on bathrooms, privacy and safety.

Business Owners

In recent years, those who oppose protecting LGBT people from discrimination have aggressively claimed that nondiscrimination laws infringe on religion. They often focus on business owners who say that, because of their personal or religious beliefs, they should have the right to fire, refuse to hire, or refuse to serve people who are lesbian, gay, bisexual or transgender. While most people believe that such discrimination is wrong, they also want to provide small business owners in particular with flexibility in how they run their business. Therefore, it can be helpful to acknowledge that smaller employers and landlords are usually exempt from employment and housing nondiscrimination provisions, and that churches and religious organizations will continue to enjoy the religious freedoms granted under the Constitution:

1. *It's about striking a balance. Updating our state law would protect gay and transgender people from discrimination while including reasonable exemptions for small business employers and landlords, and protecting the constitutional rights of churches and religious organizations.*

The same approach can also help reassure people that an updated law would not prevent businesses and employers from holding all their employees to standards of professional conduct in the workplace:

2. *It's about striking a balance. We can give everyone, including gay and transgender people, the opportunity to earn a living and hold everyone to the same professional standards of conduct and appearance in the workplace.*

Elevating the Voices of Business Owners

The voices of business owners and leaders who support nondiscrimination protections not in spite of their values and beliefs, but rather because of them, can help remind people that while we may have different beliefs, we also have important values and priorities in common.



Darnell: I've heard some people say that protecting gay and transgender people from discrimination will somehow be a burden or limit our freedom as a business. What people don't often realize is that private businesses like mine already have to follow nondiscrimination laws. But the current laws don't cover gay or transgender people.

Most people in America want to do good, want to do the right things. But the current laws need to be updated so gay and transgender people can't be denied a job, evicted from their home or turned away from a place of business just because of who they are. And that doesn't change our rights as a business; it just means that when we are open for business, we're open to everyone on the same terms.

When it comes to public accommodations, opponents of nondiscrimination protections frequently latch onto claims by a tiny number of business owners who say they should be allowed to deny services to LGBT people because serving them would violate the business' religious beliefs. To address this concern, we first need to affirm what fair-minded people already believe: that businesses should serve all people equally and not discriminate:

3. *Businesses that are open to the public should be open to everyone on the same terms, including to customers who are gay or transgender. Nobody should be turned away from a business, denied service in a restaurant, or evicted from their apartment simply because of who they are or who they love.*

Pro-business voices and others who speak from personal experience can affirm the importance of serving all customers on the same terms, as well as connecting that principle back to shared personal and faith values:

4. *Protecting people from discrimination, including people who are gay or transgender, is about treating others as we*

want to be treated. It's not for me to judge. Even though we may have different beliefs, what's most important is focusing on what we have in common—taking pride in our work, respecting coworkers and serving customers, and getting the job done.

Bathrooms, Privacy and Safety

As the number of cities and states with nondiscrimination protections for LGBT people has grown, opponents of these laws have tried to mislead people into believing that these laws pose a threat to public safety. In particular, they claim that protecting transgender people from discrimination in public accommodations will lead to sexual predators targeting women and children in public bathrooms.

For those who are triggered by these claims, it's important to provide information that allows them to think through their concerns and make sense of the issue calmly and reasonably. The following few items, taken together—and mirroring this language—can help people navigate their concerns and return to their core values.

It's helpful to start these conversations with a short statement that acknowledges the shared concerns we all have about bathroom privacy and safety, and which authentically brings transgender people into that circle of shared concern:

1. *All of us, including transgender people, care about safety and privacy in bathrooms.*

One of the ways opponents stoke fears about nondiscrimination laws is by claiming that such laws will allow male sexual predators to legally follow women and girls into public bathrooms. These claims are untrue. This is why it's important to remind people that nothing in a nondiscrimination law changes existing public safety laws that already make it illegal for anyone to enter a restroom to harass or assault people, or invade their privacy:

2. *Nothing in this law changes the fact that it is illegal to enter a restroom to harm or harass people, or invade their privacy. Any predator who tries to enter a women's restroom would be subject to arrest and prosecution.*

At the same time, we can help people work through their concerns by factually establishing that LGBT nondiscrimination protections have been passed and successfully implemented in a large number of cities and states, and that no increase in public safety concerns has resulted. Mentioning some of the cities and/or states is important and helps ground people in the facts. When possible, list states or cities that are less expected or that reflect the values and geography of the city or state currently deliberating an updated nondiscrimination law.

Visit www.lgbtmap.org/cities-states for a list of cities and states with nondiscrimination laws you can use as examples.

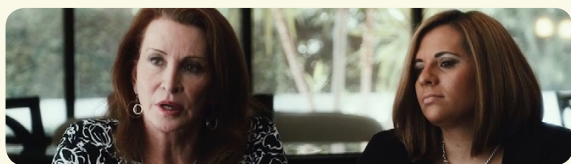
3. *It's reassuring to know that 17 states and more than 200 cities across the U.S.—including places like Kansas City, MO, Gainesville, FL and Kalamazoo, MI—have already passed and successfully implemented these kinds of laws with no increase in public safety incidents.*

It can also be helpful to remind people that the basic rules and customs involved in public restroom use are not being changed; that nondiscrimination laws do not require an end to separate restrooms for men and women; and that people who have transitioned to live every day as a particular gender will use the restroom that corresponds with that gender.

Acknowledging Unfamiliarity

Because relatively few people know a transgender person, they can often feel stuck and frustrated by that lack of familiarity and the discomfort that results. Acknowledging that unfamiliarity can be a powerful way to help calm anxieties and focus people on the importance of nondiscrimination protections.

Something as simple as *“It can be hard to understand what it's like to be transgender, especially if you've never met a transgender person”* can help people realize that the unfamiliarity they feel is normal, and that others feel the same way. This can allow them to focus less on that discomfort and more on their own values and their desire to protect transgender people from discrimination.



Rhonda: We had worked together for almost 17 years when I learned that Gina, who I'd always known as Greg, was transgender, and was going to be transitioning from male to female.

Gina: I expected people might be anxious about having a transgender coworker. We're often anxious or uncomfortable with things that we haven't experienced. That's just human nature. Because so few people personally know a transgender people, it can be hard to understand what it means to be transgender.

Rhonda: This is new for a lot of people, it's understandable that people might feel awkward or uncomfortable at first. I admit I did.

4. *This law will not change the fact that separate restrooms exist for men and women. What it would do is allow a person who has undergone or is undergoing gender transition to use the restroom that matches the gender they live every day.*

Finally, it's important to return to an emphasis on shared humanity—this time in the form of reminding people that transgender people exist, that they are part of our communities and workplaces, and that they need to use the restroom like anyone else.

5. *Transgender people are part of our workplaces and our neighborhoods, and they need to be able to use the restroom just like everyone else.*

Make sure that conversations necessary to calm these concerns do not stay fixated on bathrooms. While calming concerns is important, doing so doesn't necessarily build a case for why the law is needed, or remind people why they support nondiscrimination in the first place. Instead, calm bathroom-related concerns quickly, beginning with and always returning to an emphasis on shared values and explaining why nondiscrimination protections are important and needed.

THINGS TO AVOID

Don't descend into name-calling. Calling anti-LGBT opponents “bigoted” or “hateful” can alienate those who are honestly wrestling with the issues. Using measured, relatable language does more to create empathy and a sense of how opponents' efforts to thwart nondiscrimination protections hurt LGBT people and their families.

Avoid Civil Rights comparisons. African Americans tend to be strongly supportive of nondiscrimination laws, and understand how important it is to ensure that all people, including LGBT people, are treated fairly and equally. Comparisons of discrimination based on race with discrimination based on sexual orientation and/or gender identity—and also direct or indirect comparisons to the Civil Rights Movement—can alienate many African Americans. While some in the African American community (including some black clergy) embrace Civil Rights language in talking about equality for LGBT people, there is still resistance to such comparisons among many African Americans. It's important to talk about the issues in ways that continue to build common ground, rather than in ways that create distance.



MAP'S ALLY'S GUIDES TO TALKING ABOUT LGBT ISSUES

This is one in a series of documents on effectively talking about LGBT issues, also including: Overall Approaches, an Ally's Guide to Terminology, an Ally's Guide to Talking About Marriage, an Ally's Guide to Talking About Adoption by LGBT Parents, Talking About LGBT Equality with African Americans, Talking About LGBT Equality with Latinos & Hispanics, Talking About Suicide & LGBT Populations, and more. For downloadable versions, visit www.lgbtmap.org/talkingaboutseries. MAP and the Equality Federation gratefully acknowledge the contributions of our Partners to this guide; the recommendations in this guide are those of the Authors. © 2014, 2015 Movement Advancement Project (MAP).

Talking About Nondiscrimination Protections for LGBT People

Emphasize Shared Values

1. All hardworking people—including those who are gay or transgender—should be treated fairly and equally by the laws of our state, and should have the opportunity to earn a living to provide for themselves and their families. Nobody should have to live in fear of being legally fired for reasons that have nothing to do with their job performance.
2. Everyone needs to be able to earn a living—including gay and transgender people. Employees should be judged on their qualifications, experience and the job they do—nothing more, nothing less.
3. Protecting people from discrimination, including people who are gay or transgender, is about treating others as we want to be treated. It's not for me to judge. Even though we may have different beliefs, what's most important is focusing on what we have in common—taking pride in our work, respecting coworkers and serving customers, and getting the job done.
4. Gay and transgender people are our friends, neighbors, family and coworkers. When it comes to being able to earn a living, having a place to live, or being served by a business or government office, they should be treated like anyone else and not be discriminated against.
5. The America I believe in is a land of opportunity and freedom—where people who work hard and meet their responsibilities have the chance to get ahead. These protections would help ensure that all people, including those who are gay or transgender, have a fair opportunity to earn a living, meet their obligations, provide for themselves and their families, and build a better life.

Explain Why Nondiscrimination Protections Are Important and Needed

1. Updating the law will help ensure that all people in our state—including people who are lesbian, gay, bisexual or transgender—have the opportunity to be judged on their job performance and qualifications, nothing more, nothing less.
2. I believe that all people should be treated fairly and equally. That's why it's so surprising and shocking to realize that in this day and age, it is actually still legal under our state's laws to fire a hardworking employee, deny them an apartment, deny them service in a restaurant, and otherwise discriminate against people simply because they're gay or transgender.
3. Most employers want to do the right thing, but there will always be a few people who only do what's right when the law requires it. For those times when good judgment breaks down, we need laws so that all employees, including those who are gay or transgender, are hired, fired or promoted based on their professionalism, qualification and job performance—nothing more, nothing less.
4. Changing the law won't end all unfair treatment overnight. But it provides one more tool to ensure that all people, including gay and transgender people, who want to work hard and who do their jobs well are treated fairly and equally, and judged based on their job performance.

Help People Calm Their Concerns Re: Business Owners

1. It's about striking a balance. Updating our state law would protect gay and transgender people from discrimination while including reasonable exemptions for small business employers and landlords, and protecting the constitutional rights of churches and religious organizations.
2. It's about striking a balance. We can give everyone, including gay and transgender people, the opportunity to earn a living and hold everyone to the same professional standards of conduct and appearance in the workplace.
3. Businesses that are open to the public should be open to everyone on the same terms, including to customers who are gay or transgender. Nobody should be turned away from a business, denied service in a restaurant, or evicted from their apartment simply because of who they are or who they love.
4. Protecting people from discrimination, including people who are gay or transgender, is about treating others as we want to be treated. It's not for me to judge. Even though we may have different beliefs, what's most important is focusing on what we have in common—taking pride in our work, respecting coworkers and serving customers, and getting the job done.

Help People Calm Their Concerns Re: Bathrooms, Privacy and Safety

1. All of us, including transgender people, care about safety and privacy in bathrooms.
2. Nothing in this law changes the fact that it is illegal to enter a restroom to harm or harass people, or invade their privacy. Any predator who tries to enter a women's restroom would be subject to arrest and prosecution.
3. It's reassuring to know that 17 states and more than 200 cities across the U.S.—including places like Kansas City, MO, Gainesville, FL and Kalamazoo, MI—have already passed and successfully implemented these kinds of laws with no increase in public safety incidents. *[See page 5 for more information on identifying cities/states that can provide helpful illustrations.]*
4. This law will not change the fact that separate restrooms exist for men and women. What it would do is allow a person who has undergone or is undergoing gender transition to use the restroom that matches the gender they live every day.
5. Transgender people are part of our workplaces and our neighborhoods, and they need to be able to use the restroom just like everyone else.