

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 120663)

RESOLUTION

Authorizing the Committee on Labor and Civil Service to hold public hearings reviewing the positive economic impact of workplace non-discrimination and equal benefits policies, which protect all employees, regardless of their sexual orientation, gender identity, or gender expression.

WHEREAS, Philadelphia, the City of Brotherly Love and Sisterly Affection, is a City that embraces and celebrates diversity, including members of the lesbian, gay, bisexual and transgender (LGBT) community; and

WHEREAS, LGBT people are an important part of the American workforce. As such, ensuring equal workplace benefits and non-discrimination protections for LGBT employees is critical for keeping Philadelphia's workforce competitive and is crucial to the health of our community as it continues to work towards full inclusion; and

WHEREAS, The people of Pennsylvania have already witnessed significant improvement in the number of public and private workplaces that have instituted such policies. According to survey data from Equality Pennsylvania, the leading advocate for the rights of LGBT Pennsylvanians, 74 percent of registered voters in Philadelphia and 69 percent of registered voters statewide support legislation banning discrimination against individuals on the basis of their sexual orientation, gender identity, or gender expression on matters dealing with the workplace, public housing and public accommodations; and

WHEREAS, The Philadelphia City Council has been amending its laws accordingly since 1982 to include non-discrimination protections on the basis of sexual orientation, marital status, and gender identity in the areas of employment, housing and accommodation. Specifically, the Philadelphia Fair Practices Ordinance addresses fair practices in employment, housing, and accommodations; and

WHEREAS, A growing chorus of our nation's top corporate leaders have publicly stated that improvements in such workplace policies are not only morally imperative but also

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create jobs, attract a high caliber workforce, improve employee retention rates, foster ideas and innovation, satisfy eligibility for some public sector contracts, and can improve employee relations and morale. According to an October 2011 study by UCLA's Williams Institute, over 90 percent of the country's largest companies assert that "diversity policies and generous benefits packages are good for their corporate bottom line." As such, our corporate leadership are the nation's critical change agents who must demand and create workplace equality; and

WHEREAS, The same UCLA study reports that the past decade has seen a large increase in the number of corporations adopting such workplace policies, including protections of gender identity and domestic partner benefits. A 2010 report by the Value All Families Coalition confirms that all 27 Pennsylvania-based Fortune 500 Companies have non-discrimination policies that include sexual orientation. The Human Rights Campaign, our nation's largest LGBT civil rights organization, uses a Corporate Equality Index (CEI) to rank private sector companies across the nation based on how completely they provide LGBT employees with equal benefits and an inclusive workplace. In 2002, only 13 companies in the Fortune 500 received a 100 percent CEI rating. According to Dr. David M. Hall, a Pennsylvania-based workplace diversity expert, 190 companies received a 100 percent rating in 2012, including Philadelphia-headquartered GlaxoSmithKline. Philadelphia companies and firms that have received an 70 percent CEI rating or higher include Aramark, Ballard Spahr, CIGNA, Comcast, Duane Morris, Pep Boys, and Pepper Hamilton; and

WHEREAS, Across the nation, there is a growing trend of corporations and corporate executives going well beyond codifying inclusive workplace policies. In fact, many have begun taking public positions in support of same-sex marriage. This was made evident in 2011 when the Defense of Marriage Act (DOMA), which defines marriage as the legal union of one man and one woman, was ruled unconstitutional by a federal appeals court. Forty-eight companies and nearly two dozen other employer organizations—including major national brands such as CBS Corporation, Google Inc., Levi Strauss & Co., Microsoft Corp., NIKE, Inc., Starbucks Corp., and Xerox Corp.—signed a brief in support of DOMA's repeal, arguing that the law negatively affected their businesses; and

WHEREAS, Corporations and corporate leaders do a disservice to their company's reputation, employee dignity and safety, and the communities within which they operate when they use their influence to actively discriminate or condone inequality in our society; and

WHEREAS, Chick-fil-A is a major restaurant chain which reported \$4.1 billion in revenue in 2011 and operates over 1,600 locations nationwide, including several locations in Philadelphia. Chick-fil-A President and COO Dan T. Cathy's recent outspoken opposition to marriage equality has harmed the company's brand significantly; according to YouGov's BrandIndex, which tracks brand favorability and public opinion of various companies and industries, "Chick-fil-A's perception with fast food customers

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nationwide has taken a significant hit in most regions of the nation, including the South where most of its restaurants are located.” Prior to Cathy’s July 16, 2012 interview with Baptist Press news service, in which he endorsed using “the biblical definition of the family” in Chick-fil-A’s corporate policies, the company was one of the top five best-perceived fast food restaurant chains in the country. On July 16, Chick-fil-A’s YouGov BrandIndex score was 65, “a very substantial 19 points above the Top National Quick Serve Restaurant Sector average score that day of 46 ... [Two weeks after Cathy’s remarks,] Chick-fil-A had a 39 score compared to the Top National Quick Serve Restaurant Sector average score of 43,” with the largest decline in the Northeast; and

WHEREAS, While free speech is a bedrock principle of our nation’s freedoms, it can be used, as it has been by Dan Cathy, to espouse sentiments that condemn future generations to continue traditions of injustice, inequality and intolerance. There should be no place for that type of intolerance towards members of any community in the City of Philadelphia, and our corporate leaders should aspire to more than the lowest common denominator. Moreover, Philadelphia cannot afford to be left behind other cities that are centers for job creation and workplace equality. Our corporations must continue to demonstrate how celebrating diversity and encouraging inclusion creates strong communities, strengthens the workforce, and boosts their own bottom lines; and

WHEREAS, Chick-fil-A is to be applauded for subsequently stating that the, “[c]ulture and service tradition in our restaurants is to treat every person with honor, dignity and respect—regardless of their belief, race, creed, sexual orientation or gender.” Chick-fil-A should honor the spirit of this statement in its internal employee non-discrimination policies, which it has yet to make public; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Committee on Labor and Civil Service is authorized to hold public hearings reviewing the positive economic impact of workplace non-discrimination and equal benefits policies, which protect all workers, regardless of their sexual orientation, gender identity, or gender expression.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the thirteenth of September, 2012.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Kenney

Sponsored by: Councilmembers Kenney, Oh, Johnson, Quiñones Sánchez, Goode, Greenlee, Reynolds Brown, O'Brien, Henon and Blackwell