

CONCERNED
WOMEN *for* **AMERICA**

The Inequality of the Equality Act

An “Equality Act” sounds fair — so why isn’t it — especially for women and girls?

- I. **The Equality Act would amend the Civil Rights Act of 1964 by replacing “sex” with “sex, sexual orientation, and gender identity,” placing “gender identity” among the protected categories of discrimination and segregation in places of public accommodation.** The word “sex” would no longer be understood as “biologically male and female” in civil rights law. All federally funded entities would be forced to interpret “sex” as including multiple and fluid gender identities, or “the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individuals designated sex at birth.” The act mentions no medical or legal conditions required, but rather “gender identity” is reliant on self-identification and subject to no limitations.
- II. **The Equality Act would force public facilities to allow men and boys who identify as women or girls to use the same bathrooms, locker rooms, showers, domestic violence shelters, and prisons as women or girls.** The act states, “With respect to gender identity an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual’s gender identity.”
- III. **The Equality Act would force employers to hire or assign men who identify as women to jobs requiring sensitivity to the physical privacy rights of women and girls such as intimate medical examinations, supervision of domestic violence shelters or prisons, airport security pat downs, strip searches, or supervision of overnight school field trips.** The act states: “Employers must recognize individuals in accordance with their gender identity if sex is a bona fide occupational qualification that is reasonably necessary to the normal operation of that particular business or enterprise.”
- IV. **The Equality Act would deny female athletes a fair playing field in sports competitions.** Title IX, which bans discrimination for women and girls on the basis of sex, would be negated, forcing female athletes to compete against biological males. Any male self-identifying as a woman could claim women’s athletic scholarships and positions on sports teams. In fact, any current law or policy gains traditionally and specifically aimed at benefiting women could legally be used by men identifying as women.
- V. **The Equality Act elevates “gender identity” over the protected class of “sex,” threatening gains women have made in law, programs, and policy reforms over the past decades.** For over 50 years, the original intent of civil rights law in regard to “sex” and “sex discrimination” has referred to prohibiting legally imposed and culturally prevalent overt discrimination against biological women and girls and to promoting their equality. This discrimination has been statistically and scientifically documented for decades. Discrimination based on “gender identity” has not.
- VI. **We don’t need The Equality Act.** Nothing prevents any person, regardless of sexual orientation or gender identity, from receiving equal protection of the laws under the 14th Amendment of the Constitution and the Civil Rights Act of 1964. Rather, this act will be used, as other gender identity policies have, to impede upon the rights, privacy, and safety of women and girls.