



## Barry to push for update to nondiscrimination policy

By Nate Rau  
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Five years have passed since Metro Council's failed attempt to add "sexual orientation" to the city's employment and housing nondiscrimination policy.

Since then 13 states and dozens of cities have joined the list of municipalities where one can't be harassed or fired because of their sexual orientation. **According to the National Gay and Lesbian Task Force, 13 states protect workers based on sexual orientation and gender identity while seven offer just nondiscrimination protection based on orientation.**

Tennessee has made efforts to include sexual orientation as a protected class as well. The Tennessee Board of Regents passed a nondiscrimination and harassment policy in April.

Despite progress elsewhere, Council has not taken another attempt at protecting gay, lesbian, bisexual and transgender employees, but that could change in the coming months.

At-large Councilwoman Megan Barry said she intends to put the issue back on the table.

"At some point over the next term, we will look to file a resolution that will protect all our brothers and sisters in Metro," Barry said. "I want equal protection for all Metro employees because it's the right thing to do."

Council has shifted to the left

Barry cautioned that no resolution was being drafted and said the process was in the very early planning stages. But she added her belief that extending nondiscrimination protection was not a radical idea.

There's reason to believe extending nondiscrimination protection to gay Metro employees has a better chance than it did in 2003. Whereas Council first watered down and eventually voted against the resolution five years ago, the landscape has changed since then.

Several key votes since the new Council was elected last year indicate Davidson County's legislative body has shifted to the left. Councilman Jason Holleman's bill to apply a historic zoning overlay to the Charlotte Avenue Church of Christ, which was in danger of being converted into a chain pharmacy by a developer, passed with a 22-15 vote.

At-large Councilman Ronnie Steine's memorializing resolution condemning the English Only movement passed with a 25-8 vote.

In general, left-leaning Council members seem to have a voting advantage of at least four votes, which makes Barry's path towards passing a resolution easier than previous efforts.

Fellow at-large Councilman Charlie Tygard was on the Council in 2003 when the issue exploded and received coverage nationally. Aware of the fact a nondiscrimination protection for gay Metro employees has been a hot button issue, Tygard said he'd have to see how comprehensive Barry's resolution was before he formed an opinion.

"It was very controversial and divisive back in those days," Tygard said. "It would be about the only thing I'd say on the record. I'd have to see what they're proposing."

When he was on the campaign trail in the summer of 2007, Mayor Karl Dean said he would be open to extending the nondiscrimination policy and would also consider partner benefits for gay, lesbian, bisexual and transgender Metro employees.

Some Council members say privately they would like to see data about whether discrimination and harassment was a real problem. While Metro law does not recognize GLBT workers as a protected class, the Metro Human Relations Commission does track complaints filed by workers.

At this point, the Human Relations Commission can do little besides gather the data, according to Executive Director Kelvin Jones. He said there have been fewer than 20 registered complaints from GLBT workers in the last four years.

"We believe that discrimination in any form is wrong and are here to promote the protection of all civil and human rights,"

Jones acknowledged that some Metro employees might find it pointless to register a complaint if there's nothing the commission can do about it.

Chris Sanders, president of the Tennessee Equality Project, said he knew of a Metro employee who recently endured regular harassment from a co-worker. Sanders said that employee never registered a complaint.

"He ended up taking it over with the supervisor and they valued his work so the problem was fixed," Sanders said. "The point is, it shouldn't be an arbitrary, 'Well do I have a good supervisor or a supervisor who doesn't understand?' That should never be part of the calculation."

GLBT community moving dialogue forward

Besides the pendulum swinging to the left on Council, Nashville's GLBT community is more organized than it was five years ago as well, according to Sanders. In fact, he said the fate of nondiscrimination reform in Metro and how comprehensive it will be, hinges not on Council but on the GLBT community.

"I think it depends on how much our own community will support it," Sanders said. "I think it's up to us really. It has to come from us and we have to make the case to Council."

Sanders said he expected it to take time and careful planning before a case would be ready to make before Council.

That same sentiment was expressed by District 18 Councilman Keith Durbin, the first openly gay elected official in the history of Tennessee. Durbin said supporting a nondiscrimination policy was an easy choice, but sounded a note of caution because of the initiative's sensitive recent history.

"I certainly support that kind of initiative," Durbin said. "I'm certainly against discrimination in any form, not just that one. I think the date and time will come."

According to Sanders, the Tennessee Equality Project's priorities extend beyond Metro issues.

He pointed to the federal Employment Nondiscrimination Act and the Matthew Shepard Act, which would make hate crimes against gays a federal offense, as legislation the organization wants to move forward at a national level.

“There are ongoing conversations within the community to talk about our goals,” Sanders said. “A good bit of the community’s energy is involved in federal legislation.”

Nationally, the public support has grown on the issue. A 2007 poll conducted by Gallup found that 89 percent of Americans believe gays and lesbians should equal protection in the work place.

“The support is there, I don’t think anybody likes the idea of someone getting discriminated against,” Sanders said. “It’s encouraging to hear Council lady Barry talk about moving this forward.”