

that reflect the sex opposite of the true, biological sex of the individual in question) when describing co-workers or any other individuals;

- that employers are instructed to maintain accurate records, in employees' Official Personnel Folders and elsewhere, in regard to the sex (not "gender identity") of each employee; and
- that all records and statistics maintained by the Department of Labor accurately record the sex (not "gender identity") of workers in all fields.

Any interpretation of the aforementioned executive order that did not hold, as a necessity, the protection of women's and girls' sex-based rights would essentially remove said rights from all women employed by the Department of Labor, and from all women employed anywhere in the United States. WHRC USA appreciates the opportunity to share with you our concerns, and I would be happy to answer any questions you might have about the necessity of protecting the sex-based rights of women and girls. Please contact me at info@womensdeclaration-usa.com if I can be of further assistance.

Sincerely,

Vajra Ma
Chair, Women's Human Rights Campaign USA

According to the United Nations, the word “gender” refers to “the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women.” For women, who have suffered for millennia from the constraints society has imposed upon us, gender is hardly something to be preserved or protected. Further, “gender identity” is a concept that has no coherent meaning. By definition, the only “identity” that can be conferred by “gender” is a stereotype.

We observe an alarming trend in which the term “gender identity” has come to be used as the basis of the claim that some men are, in fact, women, either because they outwardly conform to feminine stereotypes or because they claim an inner conformity to such stereotypes. Neither of these standards in any way demonstrates that any man is actually a woman, and so the claim of “gender identity” lacks any basis in reality.

We observe, again with alarm, that entities both public and private are in the process of eroding women’s sex-based rights, and, particularly, in eliminating women’s single-sex spaces, in deference to men’s desire to “identify” as women and to enter spaces that were intended for the exclusive use of women and girls in order to protect their bodily privacy and safety. Examples of this include the opening of women’s restrooms, locker rooms, changing rooms, and other previously single-sex spaces to men.

President Biden’s executive order contains an important constraint: The mandate for federal agencies is to include coverage of “gender identity” only *“so long as the laws do not contain sufficient indications to the contrary.”* We urge you to consider that most, if not all, of the policies, rules, guidance, etc. developed by federal agencies relating to legal protections based on sex were developed to ensure that women and girls could fully participate in a society that has often denied us opportunities on the very basis *of our sex*. Inclusion of undefined, unknowable, subjective “gender identity” more often than not will undermine the goals of these laws.

In implementing President Biden’s executive order, we urge you to ensure:

- that all employees of the Department of Labor have access to single-sex (not single-“gender identity”) facilities, including, as applicable, restrooms and locker rooms;
- that guidelines written for employers under the jurisdiction of the Department of Labor specify that all workers be given access to single-sex (not single-“gender identity”) facilities, including, as applicable, restrooms and locker rooms;
- that employees of the Department of Labor are not compelled to use inaccurate pronouns (that is, pronouns that reflect the sex opposite of the true, biological sex of the individual in question) when describing co-workers or any other individuals;
- that guidelines written for employers under the jurisdiction of the Department of Labor do not instruct employers to compel workers to use inaccurate pronouns (that is, pronouns



Women's Human Rights Campaign

1 West 6th St., #102
Medford, OR 97501

March 8, 2021

The Honorable AI Stewart
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Acting Secretary Stewart:

As Chair of the Women's Human Rights Campaign USA, I am writing to express my organization's concerns regarding President Biden's Executive Order 13988, 86 C.F.R. 7023 (2021), on Preventing and Combatting Discrimination on the Basis of Gender Identity or Sexual Orientation, and to ask that it be implemented in such a way that does not conflict with the sex-based rights of women and girls. We have not, as a country, taken the time to carefully evaluate exactly what the impact will be on women and girls of defining the word sex to include "gender identity." We must now take the opportunity to have this important conversation.

The Women's Human Rights Campaign (WHRC) is a global nonpartisan group of volunteer women dedicated to protecting women's sex-based rights, and WHRC USA is the U.S. chapter of WHRC. Our volunteers include academics, writers, organizers, activists, lawyers, and health practitioners. The Declaration on Women's Sex-Based Rights was created by the founders of WHRC to lobby nations to maintain language protecting women and girls on the basis of sex rather than "gender" or "gender identity." The Declaration, which has more than 2,000 signatories in the United States and more than 15,000 worldwide, re-affirms women and girls' sex-based rights and challenges the discrimination we experience from the replacement of the category of sex with that of "gender identity."

As an organization concerned with the sex-based rights of women, WHRC USA advocates for the rights of lesbians alongside the rights of all other women. We are, therefore, supportive of efforts to end discrimination on the basis of sexual orientation. We are, however, opposed to the concept of "gender identity," and particularly to the conflation of "gender identity" with sex. Since sexual orientation means same sex attraction, not same "gender identity" attraction, such a conflation essentially erases sexual orientation as a discrete category. This is profoundly homophobic.