



**Virginia Nguyen, Diversity & Inclusion,
Nike Testimony before
The Senate Committee on Health, Education, Labor and
Pensions
on
The Employment Non-Discrimination Act: Ensuring Opportunity
for All Americans
November 5, 2009**

CHAIRPERSON **TOM HARKIN**, AND HONORABLE MEMBERS OF THE COMMITTEE:

My name is Virginia Nguyen, I am part of Nike Inc's Diversity & Inclusion team in Beaverton, Oregon, and it is an honor and pleasure to speak on Nike's behalf today. Thank you for the opportunity to address this important and vital hearing. Thank you, especially, Senator Merkley, for this invitation and for your continued commitment to workplace protections. It was a proud moment in Nike's home state, Oregon, when in 2007, Governor Ted Kulongoski signed into law Senate Bill 2 -- the Oregon Equality Act -- a bill strongly championed by you, Senator Merkley. This law prohibits discrimination based on sexual orientation in employment, housing, public accommodations and other areas. This law passed with strong bi-partisan support and Nike led the effort to build support within the Oregon business community to pass the bill. Once again, we are proud to testify our support behind the long-overdue Employment Non-Discrimination Act and are very encouraged that with your and the committee's leadership, we are moving a step closer toward passage of this essential piece of legislation.

Nike's Approach

Nike brand's mission is to bring inspiration & innovation to every athlete in the world. And if you have a body, you are an athlete. For us, that is the ultimate statement of inclusion and it speaks to what we at Nike prioritize as our work, and that is to unleash human potential. Not only for our athletes, but also for ourselves. Diversity and Inclusion at Nike is about respecting our differences, mining the skills and talents that exist, leveraging our strengths and maximizing opportunity for all. These values are our competitive advantage and make Nike a better company, passionately supportive of our employees, respectful of our

consumers and more competitive in our industry. Our ability to continually innovate and positively influence as a global corporate citizen hinges on our ability to welcome diverse perspectives and ideas and to make an investment in all of our employees.

Nike's support of this bill is a reflection of our employment policies, practices, and training programs, which have been in place for decades. These are designed to reinforce a culture of inclusion and respect where each employee can reach their full potential. This can only happen in an environment that is free from discrimination **of all types**. To that end, Nike's policy prohibits discrimination and harassment, and provides employees with an effective complaint process. This policy applies to all of Nike's employees worldwide, which total over 30,000 across six continents, and is consistently enforced.

From our perspective, ENDA is good for business, for our employees and our community. Here's why:

- Nike firmly believes that diversity drives innovation, which is a cornerstone of our business.
- High performing teams grow and thrive in an open and welcoming work environment, where individuals are bringing their full selves to work.
- An inclusive work environment and community enables us to attract and retain the best and the brightest people around the world.

Doing the Right Thing

We support the active involvement of our Nike teammates in a variety of employee networks, including the Lesbian, Gay, Bisexual, Transgender and Friends Network (LGBT&F). Employee networks influence Nike on a variety of issues impacting the lives of our employees and communities where we live and work.

In **2009**, for the **seventh** year in a row, Nike received a perfect score on the Human Rights Campaign Foundation's Corporate Equality Index. The Index rates corporations' treatment of gay, lesbian, bisexual and transgender employees through their non-discrimination policies, partner benefits, affinity group support, and engagement of the LGBT community. In 2002, Nike was one of only 13 companies to be given a perfect score. **Seven** years later, Nike and its employees are proud to share the recognition with **259** other companies—a **twenty**-fold increase.

The Business Community

Clearly, Nike isn't the only company that is having this conversation and ensuring workplace equality through policy and practice. Currently, 85% of Fortune 500 companies include sexual orientation in their equal employment policies, and

more than one-third also include gender identity. While this celebrates the strides made in workplace fairness, it is also a clear indicator that federal legislation is lagging and that we need a federal standard that protects everyone's right to earn a living. That's why Nike is part of the Business Coalition for Workplace Fairness, a group of over 80 leading companies that support passage of the Employment Non-Discrimination Act.

In supporting ENDA, you support the conviction that every American deserves a chance to compete and prosper on a level playing field; that fairness is fundamental to our country's core.

Unfortunately, not all Americans experience this basic protection. In **29** states, it is still legal to fire or refuse to hire or promote someone because of their sexual orientation. In **38** states, it is still legal to do so based on gender identify or expression. The federal government and the private sector have an obligation to act upon and to uphold the principles of equality and fairness that are the foundation of the Constitution.

Conclusion

One of Nike's corporate Maxims is Do the Right Thing. This maxim strives to challenge our employees to embrace the truth, offer transparency and help shape Nike's evolution as a global citizen. I am very proud and fortunate to work for a company that consistently strives to uphold this core value.

On behalf of Nike, we urge you to support this legislation and do the right thing. Both government and the private sector have a basic obligation to uphold the principles of equality and fairness. Act swiftly and pass the Employment Non-Discrimination Act into law. Thank you for the opportunity to share our testimony.