



*BEFORE THE HOUSE GOVERNMENT ACCOUNTABILITY & OVERSIGHT COMMITTEE
PROPONENT TESTIMONY ON HB 160
Wednesday, January 31st, 2018*

Chair Blessing, Vice Chair Reineke, Ranking Member Clyde, and members of the House Government Accountability and Oversight Committee, thank you for the opportunity to provide testimony in support of House Bill 160 (HB160). My name is Don Boyd and I am the Director of Labor and Legal Affairs for the Ohio Chamber of Commerce.

The Ohio Chamber is the state's leading business advocate, and we represent nearly 8,000 companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans. The Ohio Chamber of Commerce is a champion for Ohio business so our state enjoys economic growth and prosperity.

Our goal is to make sure Ohio is not at a disadvantage in the recruitment, attraction and retention of top talent and investment. In order to compete, Ohio businesses need the best and brightest talent from all walks of life to feel welcome and to call Ohio home. Ensuring that Ohio's future business competitiveness is good for all of Ohio and enhances respect for all employers and employees is key. These protections will further show that Ohio is a hospitable and welcoming place to live, work, and start a business.

In advancing Ohio's business climate, the Ohio Chamber recognizes the value and power of diversity. We believe that employees deserve robust protections from discrimination and that discrimination of any type has no place in the workplace. Everyone deserves the right to do their job without fear of being discriminated against and every person, regardless of their race, color, religion, sex, military status, national origin, disability, age, ancestry, sexual orientation, or gender identity, deserves equal opportunity and equal protection under the law.

Twenty-one states and the District of Columbia currently have laws on the books outlawing discrimination based on sexual orientation and/or gender identity. Further, nineteen municipalities in Ohio currently have similar anti-discrimination laws on the books including Akron, Athens, Bexley, Bowling Green, Cincinnati, Cleveland, Cleveland Heights, Columbus, Coshocton, Dayton, East Cleveland, Lakewood, Kent, Newark, Olmsted Falls, Oxford, Toledo, Yellow Springs, and Youngstown. As with other areas of labor and employment law, a patchwork of local labor ordinances can create a compliance nightmare for Ohio's employers. HB 160 would provide a uniform statewide anti-

discrimination standard and process for Ohio's businesses and workers. This is consistent with our position on many other issues and would allow for simpler compliance and knowledge of the law.

Contrary to popular belief, this is not the first time the Ohio Chamber has supported such legislation. Previously, in 2009, one of my predecessors testified on HB 176 in the 128th General Assembly which would have also added discrimination protections for sexual orientation and gender identity. As we did then, we believe that employment decisions should be made based on an individual's qualifications, not on the basis of non-job-related characteristics. At that time the Ohio Chamber voiced its support for these additional protections while also recognizing that other changes are needed to bring balance and predictability to Ohio's discrimination laws. Changes that also still need to be made today.

While we believe that Ohio's employees deserve workplaces free of discrimination, let me remind you that the Ohio Chamber also believes that there are other improvements that must also be made to Ohio's discrimination laws. Ohio currently has the longest statute of limitations in the country for these types of claims, six years, creating logistical burdens for employers. Most states are in the one to two-year range. Employers are also forced to defend claims in both the Ohio Civil Rights Commission and in court simultaneously which is costly and inefficient for both businesses and the state. Lastly, Ohio's age discrimination statutes are confusing even to the most trained attorneys and HR practitioners. These pieces of Ohio's anti-discrimination laws differ greatly from the analogous federal law and anti-discrimination laws of other states. Simply put, Ohio is an outlier in many of these areas and, as stated previously, uniform, or at least similar, standards ease compliance burdens for employers and allow for greater compliance. House Bill 2, which is a bill that was negotiated between the Ohio Chamber, the Ohio Civil Rights Commission, and the trial bar addresses many of these issues while still protecting employees from discrimination. House Bill 2 was favorably reported by the House Economic Development, Commerce, and Labor Committee and is awaiting action by the full House.

Getting back to HB 160, one language change we believe would improve the bill is the elimination lines 2058 through 2065 as it is redundant with ORC 4112.02(A). This section prohibits employers from limiting, segregating, or classifying "its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee because of the individual's sexual orientation or gender identity or expression." We believe that any item or action contemplated by this section is already covered by adding sexual orientation and gender identity to ORC 4112.02(A) which generally prohibits employers from discharging without just cause, refusing to hire, or discriminating against a person with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.

In conclusion, adding protections against discrimination on the basis of sexual orientation and gender identity will help businesses attract the best and brightest talent from all walks of life and ensure that Ohio is viewed as a welcome and hospitable place to do business. It will also provide a statewide standard where there has not previously been one eliminating the need for a patchwork of local labor laws, easing the compliance burdens on businesses. We urge support for HB 160 with the change mentioned above to further advance Ohio's image as an open and welcome place to work and do business. Nevertheless, we also urge passage of HB 2 to address the technical problems and administrative burdens of complying with Ohio's anti-discrimination laws. Thank you for the opportunity to provide testimony and I would be happy to answer any questions you may have at this time.