

**Senate Bill 305  
Proponent Testimony  
Senate Judiciary -- Civil Justice Committee  
Wednesday, May 13, 2008**

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Mr. Chairman, Ranking Member Kearney, members of the committee, thank you for the opportunity to appear before you today. My name is Lynne Bowman and I am the Executive Director of Equality Ohio, Ohio's statewide organization of people who support equality for lesbian, gay, bisexual and transgender people. On behalf of our nearly 25,000 person Ohio membership, I am pleased to speak to you and seek your support for Senate Bill 305. And Mr. Chairman, Senators Fedor and Kearney, thank you for your sponsorship of this important bill.

Nearly fifteen years ago I told my mother I was in love with a woman. Unlike other people's experiences, I was lucky. She wasn't angry. She didn't disown me. She didn't throw words of hate at her only daughter. Rather, her immediate response was that she feared I would have to live my life as a lie; that if I stayed in Ohio I would have to keep secrets that would prevent me from fully reaching my potential and living a successful life. She feared for me because she knew the type of discrimination that existed in Ohio in 1993, *and* she knew there was nothing that she could do to protect me. And what parent doesn't long to protect their child from harm?

Fortunately, I have been blessed to be able to live my life honestly. I have not experienced overt discrimination in any of my jobs. I've never been denied an apartment lease. I've never been asked to leave a restaurant or theatre. And, as the Executive Director for my organization, I really *can* tell

you that I truly am blessed; because my experience isn't everyone's experience in this state. Discrimination based on a person's sexual orientation or gender identity does occur. And in most cases, it is perfectly legal. Just ask people like Jimmie – who lost her job as a teacher because the superintendent thought she might be a lesbian. Or James – who lost his job at an auto-repair shop when the boss found out he was gay. Or ask Sarah, or Philliecia, or Keith or the many other people across Ohio who have lived this reality. Mr. Chairman, members of the committee – this is wrong and you have before you the opportunity to change it by passing Senate Bill 305.

When passed, Senate Bill 305 will add sexual orientation and gender identity to the list of reasons for which a person may not be discriminated against in employment, housing and public accommodations. These are the same rights we already guarantee in Ohio no matter someone's religion, race, military status, or age to name just a few examples. It is a simple concept, really – and one that has been part of the fabric of our nation since inception. *All persons are created equal and endowed by their Creator with certain inalienable rights.* And yet in Ohio, a person can lose their job not based on any factor other than their boss's perception of their sexual orientation. What message does that send to our fellow Ohioans?

Those who oppose this bill may tell you that it is bad for business. What I can tell you is that the largest *Fortune 500* company headquartered in Ohio, Cardinal Health, supports the passage of this bill. The second largest private employer in Ohio, the Cleveland Clinic, also supports the passage of this bill and they have sent a representative to testify today. These companies, and 26 of Ohio's 28 *Fortune 500* companies, join the 98% of *Fortune 500* companies who have similar policies. In my experience businesses don't

typically do something that is counter to their business interests. They know this is the right thing to do for their business...and it is the right thing to do for Ohio.

Those who oppose this bill may tell you that because so many companies already offer these protections in policy and so many local jurisdictions in Ohio already have similar laws, doing so at the state level is simply redundant. We believe basic protections shouldn't depend on where you live or for what company you work. As a legislative body, this bill gives you the chance to say we value the contributions of all people in Ohio and as a matter of statewide public policy we will not put up with discrimination for any reason, including sexual orientation and gender identity.

You may also be told that if passed, this legislation will result in an increase in lawsuits and that those legal costs will hurt small businesses. As a simple matter of fact – small business owners already have exposure to the cost of a lawsuit associated with this type of discrimination. What this legislation *would* do is create an option for an administrative determination to be made before a lawsuit is filed, thus hopefully saving both employee and employer time and money. For small businesses, for any business, and for Ohio, this bill makes good economic sense.

Some will say that we don't need this legislation because this type of discrimination doesn't exist. Later this morning, you will hear from Karen Days about the results of a national study conducted in 2007 by the Williams Institute as well as a survey conducted by the Central Ohio United Way that shows, though we may wish it to be otherwise, this discrimination does exist.

Granted, we're not talking about a huge number of cases. Based on a study conducted by the General Accounting Office of the United States, given the experience of other states, the Ohio Civil Rights Commission estimates that between 126 and 149 allegations of discrimination would be filed annually as a result of this new law, with only 25 – 30% of cases resulting in a finding of probable cause. While this may not appear to be a number significant enough to necessitate a change in our laws, for every person who loses their job because of their sexual orientation, the ability to finally seek redress without a lawsuit is very significant. Honestly, isn't even one case one too many.

You will certainly hear other reasons why you *shouldn't* pass this bill. The experiences of 20 other states and the District of Columbia, a large part of Ohio's business community, 16 local jurisdictions across Ohio, 11 of Ohio's 13 public 4-year universities, and the support of over two-thirds of Ohioans, show that the concerns you will hear are simply red herrings meant to convince you that Ohioans should be given permission by this legislature to continue to discriminate against people simply because of their sexual orientation or gender identity.

And make no mistake - a decision by this body to not pass this bill *would be* explicit permission to discriminate. To Ohioans, to people who are looking to move to Ohio, for businesses who are considering bringing their operations here, and particularly to the younger generation of workers that we are so focused on keeping in our state, not passing this bill is a statement that in Ohio, our lawmakers don't believe everyone should be judged based on the strength of their character, the performance of their work, or their contribution to their community. Rather, you would be saying that in Ohio, the thing that trumps everything, the thing that will legally allow you to lose

your job, permit you to be kicked out of restaurants, or deny you a place to live, is the gender of the person you love. I don't believe that is the message of Ohio we want to send.

A little over a month ago, my mother passed away. She was lucky to have been able to see her child dare to live her life in Ohio in an open and honest fashion without experiencing the negative repercussions that still come with being lesbian, gay, bisexual or transgender in this state 15 years after my first conversation with her. Your support of Senate Bill 305 has the ability to move Ohio closer to the reality that all mothers, and all fathers, will have the same experience mine did of their children's life, regardless of that child's sexual orientation or gender identity. You have the opportunity before you to do the right thing. On behalf of a majority of Ohioans, I hope you will choose to do so.

Thank you for your time. I will now take any questions.