



EQUAL HOUSING AND EMPLOYMENT ACT: FREQUENTLY ASKED QUESTIONS 2009/2010

Does this legislation offer “special rights” in any way?

Absolutely not. It simply ensures that people cannot be discriminated in housing, employment or other “public accommodations” simply because of their sexual orientation – the same way Ohio law already prohibits discrimination based up race, gender, religion, ancestry, national origin or disability (ORC 4112). This is about doing what’s right and protecting people’s basic constitutional rights.

What twenty one other states have enacted similar legislation? See HRC.org. The list includes Colorado; Connecticut; Hawaii; Illinois; Iowa; Maine; Maryland; California, Massachusetts; Minnesota; Nevada; New Hampshire; New Jersey; New Mexico; New York; Oregon; Rhode Island; Vermont; Washington; Wisconsin; and the District of Columbia.

Where can I find the list of 433 Fortune 500 companies who have adopted similar workplace policies? All of them, including WalMart, can be found at www.HRC.org in a report titled *The State of the Workplace for Gay, Lesbian, Bisexual and Transgender Americans 2006 – 2007*.

Which of Ohio’s thirteen four-year universities have similar policies? Youngstown State University, University of Toledo, Miami University, Kent State University, Wright State University, The Ohio State University, Cleveland State University, University of Cincinnati, Bowling Green State University, University of Akron and Ohio University .

Why do we need this legislation? I don’t believe such discrimination occurs.

A study completed by The Williams Institute in June 2007 found that up to 17% of gay, lesbian or bisexual people were fired or denied employment based on their sexual orientation; up to 28% were denied a promotion or given negative performance evaluations based upon sexual orientation; and, up to more than 40% were verbally or physically abused or had their workplace vandalized. The report can be found at <http://www.law.ucla.edu/WilliamsInstitute/publications/Bias%20in%20the%20Workplace.pdf> Unfortunately, the real life experiences reported by gay, lesbian, bi-sexual and transgender folks and heterosexual friends, family, co-workers and colleagues tell a different story. And, frankly, since when is any amount of discrimination truly acceptable in America?

Won’t this law just result in more frivolous lawsuits/complaints against employers and people in the housing industry?

The federal General Accounting Office researched that exact question by reviewing the experiences of other states that have amended anti-discrimination laws to include sexual orientation. This research, completed in 2002 and available through <http://64.233.167.104/search?q=cache:UojivQvmNigJ:www.gao.gov/new.items/d02878r.pdf+%22james+ebbe%22+gao+discrimination&hl=en&ct=clnk&cd=1&gl=us>, concluded: “For those states where the law has taken effect, relatively few formal complaints of employment discrimination on the basis of sexual orientation have been filed, either in absolute numbers or as a percentage of all employment discrimination cases in the state. Moreover, the state statistics generally do not show any trend in the volume of employment discrimination cases based on sexual orientation over the periods we examined.”

Additionally, Ohio’s existing nondiscrimination law (ORC Section 4112) explicitly bars a person from instituting a civil action once they have filed a complaint with the Ohio Civil Rights Commission.

Homosexuality is a choice. Why should we protect it?

Opinions and scientific research vary on whether or not homosexuality is a choice. But, this isn't a debate about those issues. It's simply about protecting basic constitutional rights when it comes to housing, employment and public accommodation – just as we prevent discrimination based on a number of factors such as religious affiliation.

Isn't it already illegal to fire someone for this in Ohio?

Ohio law does not make it illegal to fire someone based solely on sexual orientation, although many people think it does. Further 68% of Ohioans believe the law should include this prohibition. (Equality Ohio Education Fund Statewide Survey, November 13-16, 2006 of 800 registered Ohio voters, margin of error +/-3.5%, conducted by Glengariff Group, Inc.)

While 16 Ohio municipalities do provide some sort of protections for people in employment, housing or public accommodations, this only covers 2.2 million of Ohio's 11.5 million people. This amounts to less than 20% of the state's population.

Will this law force churches to hire lesbian, gay, bisexual or transgender people?

No. Adding sexual orientation to Ohio's existing nondiscrimination laws will not force anyone, let alone churches, to hire anyone. Rather, the law will simply level the playing field when it comes to candidate selection and interview practices. Additionally, the bill as drafted in the 126th General Assembly contains an exemption that allows religious institutions to explicitly discriminate in their hiring practices when it comes to issues of sexual orientation and gender identity.

The federal Employment Nondiscrimination Act is likely to be signed into law in the next couple of years, why do we still need a state law? State-level human rights enforcement agencies can often settle discrimination disputes quickly and inexpensively through mediation, avoiding a long and costly federal lawsuit. The mediation procedures in Ohio's Civil Rights Code are designed to *quickly* and *constructively* settle disputes so that they never have to go to court. Victims of discrimination who do not have the funds to hire an attorney are often unable to exercise their rights through a lawsuit. In the long run, the EHEA will decrease both the economic and the human cost of discrimination, even with a federal law.

Does the EHEA create affirmative action programs?

No. Ohio's law doesn't currently require affirmative action programs of private employers and the addition of sexual orientation and gender identity wouldn't change that. There are a number of government employers who are already required by law to have affirmative action programs, the EHEA will add sexual orientation and gender identity to those existing laws applicable to government employers.

Does the EHEA create a quota system in Ohio?

No. Section 4112.05 currently explicitly says that nothing in section 4112 of the ORC can be or should be construed to require quotas – for any protected class.

To which employers does this apply?

Existing nondiscrimination laws in Ohio apply to a multitude of government employers. ORC Section 4112 applies directly to private employers who have 5 or more employees. The Equal Housing and Employment Act, as drafted, contains an exemption which will allow business with 15 or fewer employees to continue to discriminate on the basis of sexual orientation and gender identity. This change does not apply to any other protected class but does match the small business exemption as drafted in the federal Employment Nondiscrimination Act.