



*BEFORE THE HOUSE CIVIL JUSTICE COMMITTEE  
OPPONENT TESTIMONY ON HOUSE BILL 221*

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, thank you for the opportunity to provide testimony on House Bill 221 (HB 221). My name is Kevin Shimp 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 over 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.

In our efforts to champion economic competitiveness, the Ohio Chamber opposes HB 221.

Under HB 221, the Ohio Civil Rights Commission is charged with creating a system that allows individuals to make anonymous complaints of wage discrimination through the Commission's website or toll-free telephone number. Moreover, once a complaint is received the Commission must investigate every complaint in a timely manner.

The new reporting system for wage discrepancies represents a significant change from current law by mandating an investigation of an employer by the Ohio Civil Rights Commission without a charge being filed with the Commission first. The Ohio Chamber believes the current reporting system within the Ohio Civil Rights Commission is the proper procedure for reporting wage discrimination because it's an open process where a respondent has knowledge of the charge filed and has an opportunity to respond. The current reporting system also requires the charging party to sign the charge under oath, which should prevent any charges going forward that have no basis in fact.

The bill before the committee does not have these guardrails in place nor does it provide any procedures that would prevent baseless claims from being investigated. The bill also does not provide any limitations on who can submit the anonymous complaints or on the number of claims one individual can submit. Thus, it is easy to foresee the filing of countless complaints against a business for no other reason except to disrupt the operations of a business.

In fact, according to Ohio's Legislative Budget Office, a similar reporting system established in Rhode Island resulted in the full investigation of only 1 in every 500 complaints. Put another way, that means for every 500 anonymous complaints there were 499 Rhode Island businesses that likely spent time and resources defending their lawful business practices.

The Ohio Chamber of Commerce supports Ohio law that prohibits wage discrimination and businesses that violate Ohio law should be held accountable. Likewise, we support the work of the Ohio Civil Rights Commission and have partnered with them on legislation to update Ohio's workplace discrimination laws. However, we oppose HB 221 because we believe it would lead to Ohio businesses diverting energy and resources to defend lawful business practices.

In conclusion, the Ohio Chamber of Commerce opposes HB 221 because the legislation would mandate the Ohio Civil Rights Commission to investigate an allegation without a charge being filed first which will likely lead to frivolous allegations against Ohio businesses.

Thank you for the opportunity to provide testimony today and I will be happy to answer any questions from the committee.