

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and the members of the House Civil Justice Committee, my name is Alex Granovsky, and my wife and I are the co-founders of Granovsky & Sundaresh PLLC, an employment law firm with offices in two states, Ohio and New York. I am submitting this testimony in support of House Bill 369, the Ohio Fairness Act.

Every year, our firm represents scores of employees in both those states, touching on every aspect of their working lives, from reviewing their initial employment contracts to negotiating their final severance agreements. Our firm also spends a fair amount of time in court, including litigating discrimination claims.

New York State has a statute called the Human Rights Law, which prohibits certain forms of discrimination in employment, including discrimination based upon sexual orientation. (New York State regulations extend those protections to gender identity as well.) Ohio, of course, has no such statute or regulations. I hope, by submitting this testimony, to share our firm's impression of the important difference that New York's Human Rights Law makes in the lives of New Yorkers, gay and straight, and how beneficial it would be for Ohio to adopt HB369.

It is rare for a client to come to us with a clear-cut story of discrimination. It is rare for a client to say that he told his boss he was gay at 12:00pm and was told at 12:01pm to leave and to not come back. What is more common are stories where, say, a lesbian client suffers years of what feels like unequal treatment from one particular supervisor, hears rumors that the supervisor feels uncomfortable with the way our client talks and dresses—and that supervisor finally fires our client over what should have been a trivial slip-up. Or stories where, say, a gay client occasionally hears one co-worker tell homophobic jokes, and never gets put on a work crew with that co-worker—and as a result, gets less overtime than everyone else.

In other words, in many of the stories we hear, the evidence is equivocal. We often wish that such clients had come to our firm earlier, when a lawsuit would not be the client's only option for redress, when the client could still try to get help from their employer's owners or HR Department. When we ask those clients, "Why didn't you go to HR? Why didn't you tell the owner?" the answer is often, "I knew it would be ignored; I knew I would get fired; I thought I would get the reputation as a trouble-maker."

And this is the fundamental difference our firm sees between how LGBT New Yorkers and LGBT Ohioans are treated at work. It isn't that there is more or less workplace discrimination in Ohio or New York. It's that LGBT workers in New York are more likely to ask their employers for help with offensive behavior from or unequal treatment by co-workers than are LGBT workers in Ohio.

And we think this is because in New York, LGBT workers are protected by the Human Rights Law from retaliation for objecting to unequal treatment on the basis of sexual orientation or gender identity. In Ohio, they are not. Put simply, New York's Human Rights Law presents LGBT workers with a safe, fast and inexpensive way to address problems at work: just telling their employers about it. Ohio law does not present that option.

And so, in Ohio, LGBT workers are, in fact, more likely to need a lawyer, and more likely to ask that lawyer to bring more dubious and more difficult claims. I think I speak for many employment lawyers in Ohio when I say that, under current laws, presented with an LGBT client who was fired for being LGBT, I am more likely, not less, to bring a lawsuit—exactly because the Ohio legislature hasn't made clear that discrimination against LGBT workers is illegal. My clients are entitled to a zealous advocate. I am not going to settle for a worse outcome for my LGBT clients in Ohio just because Ohio has no law protecting LGBT workers; I am going to fight harder and longer for them.

I urge you to pass HB369, the Ohio Fairness Act. It would make Ohio not only a fairer, but also a less litigious state. Thank you for your time and consideration.

Alex Granovsky, Esq.
Founding Member, Granovsky & Sundaresh PLLC