



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Hasan Kwame Jeffries
President

J. Bennett Guess
Executive Director

TO: House Civil Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: November 19, 2020
RE: Sub. House Bill 369 – Proponent Testimony

To Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, thank you for this opportunity to present proponent testimony on Substitute House Bill 369.

The chair has designated today's proponent testimony for only the change made by the substitute bill and so I appear today in the event I can be of any assistance to the committee.

Six months ago, in *Bostock v. Clayton County*, the Supreme Court of the United States ruled in plain language that sex discrimination in employment, forbidden by Title VII of the Civil Rights Act of 1964, most certainly includes when someone experiences such discrimination because of their sexual orientation or because they are transgender.

As a result of that 6-3 Opinion authored by Justice Gorsuch, policy makers around the country are preparing for the inevitable; that the *Bostock* decision will soon apply beyond Title VII and not only to employment contexts. For many states (and cities and counties), *Bostock* has no practical effect as their laws already protect their LGBT residents. Still, as you know, Ohioans enjoy no such statewide protections.

The ACLU of Ohio's preference is for the full language of the Ohio Fairness Act. But, that does not prevent us from endorsing and supporting other approaches, like the language in the substitute version, that provide the same essential protections. As you see, the language/change via the sub bill is simple, efficient, and, after *Bostock*, represents the current and future impact on this area of law and policy.