



Testimony Before the Ohio House Civil Justice Committee  
November 18, 2020  
Sub. H.B. 396

Chair Hambley, Vice Chair Patton, Ranking Minority Member Brown, and members of the House Civil Justice Committee, thank you for the opportunity to provide written testimony in support of Substitute House Bill 396 (Sub. H.B. 369). I have submitted testimony in support of the as-introduced legislation previously, so will focus today on the changes in the proposed sub. bill.

Founded in 1884, the Columbus Chamber (Chamber) is the leading voice of business within the 11- county Columbus Region (Franklin, Delaware, Union, Fairfield, Licking, Knox, Logan, Madison, Morrow, Marion, Pickaway), representing more than 2,000 members employing over 500,000 workers across all sizes and industry sectors.

This legislation is simple, straightforward, and critically important to the state's business community. It is important not only from an economic competitiveness standpoint, but also because it provides consistency in law.

Sub. H.B. 369 codifies federal law under the *Bostock v. Clayton County, Georgia* ruling issued by the United States Supreme Court in June of this year. Title VII makes it unlawful for an employer to discriminate against an individual on the basis of sex. This case held that an employer who fires an individual merely for being gay or transgender constitutes sex discrimination under Title VII. In the majority opinion, Justice Neil Gorsuch states, "An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids." 590 U.S. \_\_ (2020). As in that case, Sub. H.B. 369 would define discrimination on the basis of sex in the same manner, to include sexual orientation or gender identify or expression.

While *Bostock* applies only to Title VII, which covers about half of the nation's employees and is limited to discrimination in employment, we believe its definition for discrimination on the basis of sex offers a clear and consistent rule to follow and adhere to here in Ohio. The *Bostock* ruling was welcomed by many employers not only because it aligned the law with their values and practices, but also because it settled contradictory rulings across the circuit courts on this issue. Similarly, the Columbus Chamber opposes varied local ordinances that create a patchwork of regulations that are complicated and difficult for businesses operating in multiple jurisdictions to comply with. While the City of Columbus is one of 28 municipalities that have already enacted these nondiscrimination protections, we support one uniform statewide statute.

As with the as-introduced legislation, the sub. bill does not infringe upon the First Amendment of the U.S. Constitution or the Ohio Constitution, and all existing religious protections remain intact.

This legislation is a "simple but momentous" step for the Ohio Legislature that will meaningfully impact the lives of many Ohioans, help businesses attract and retain top talent, and improve the state's economic development and economic competitiveness efforts.

Therefore, the Columbus Chamber urges your support of the legislation and encourages this committee to advance Sub. H.B. 369.

Thank you for your consideration.

Sincerely,  
Holly Gross  
Vice President, Government Relations