



***BEFORE THE HOUSE CIVIL JUSTICE COMMITTEE
OPPONENT TESTIMONY ON HOUSE BILL 178***

Chairman Hillyer, Vice Chair Mathews, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to provide opponent testimony on House Bill 178. My name is Kevin Shimp and I am an associate attorney at the law firm Dickinson Wright testifying on behalf of the Ohio Chamber of Commerce.

The Ohio Chamber is the state's leading business advocate. The organization represents over 8,000 companies that do business in Ohio and their mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

In the Ohio Chamber's efforts to champion economic competitiveness, the Ohio Chamber opposes HB 178 because it increases potential civil liability for employers, limits at-will employment, and restricts an employer's ability to set their own workplace policies that aim to keep customers and employees healthy.

Under the legislation, Ohio's employment laws are modified to include "hair texture and protective hair styles, such as braids, locks, and twits" as a basis for filing an employment discrimination lawsuit. This new statutory provision expands an employer's potential civil liability when they seek to establish certain workplace policies that employees must meet because HB 178 makes it an unlawful discriminatory practice in many instances to dictate what types of hair styles are appropriate at their workplace.

HB 178 also limits at-will employment in the state. Ohio's at-will employment doctrine allows for employees and employers alike to terminate employment at any time and for any reason unless the reason is unlawful. Under HB 178, using hair styles as the basis for ending an employment relationship becomes unlawful. This new provision diminishes the at-will employment relationship between an employer and employee because it supplants the employer's ability to set their own workplace policies on hair styles that are designed to protect the health and safety of employees and customers for a government mandate that fails to consider the circumstances of individual employers.

Additionally, HB 178 can curtail the benefits of the reforms included in the Employment Law Uniformity Act (House Bill 352 – 133rd General Assembly). This bi-partisan legislation made numerous changes to Ohio's employment laws such as requiring employment

discrimination claims to begin at the Ohio Civil Rights Commission and shrinking the statute of limitation from six years to two years. These reforms to Ohio's employment laws had been sought for more than 20 years by Ohio's business community because our employment laws did not align with federal law or the laws of other states. In this instance, HB 178 would create a statutory scheme that only a handful of states have adopted and would once again make Ohio's employment laws an outlier.

In closing, the Ohio Chamber opposes HB 178 because it increases civil liability for employers, limits at-will employment in our state, and hampers the ability for businesses to set their own workplace policies. However, the Ohio Chamber stands ready to work with this committee to discuss potential amendments to the bill and we trust the legislative process will address the issues raised in our testimony.