

VALUE ALL FAMILIES COALITION

Amending the Pennsylvania Human Relations Act to include “sexual orientation” and “gender identity or expression”

Current Pennsylvania law provides basic legal protection against discrimination on the basis of race, color, religion, ancestry, age, national origin, handicap or disability, education and the use of a guide dog, but not sexual orientation, or gender identity or expression.

- Amending the Pennsylvania Human Relations Act (PHRA) to prohibit discrimination on the basis of sexual orientation and gender identity or expression would provide basic protection to ensure fairness for lesbian, gay, bisexual and transgender Pennsylvanians.

Many states have already amended their state civil rights laws to protect against this kind of discrimination.

- Twenty states: California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia have laws protecting gay, lesbian, bisexual people from discrimination. Thirteen states also prohibit discrimination against transgender people through legislation or case law. Almost 300 municipalities in the United States, including 14 in Pennsylvania, have civil rights protections based upon sexual orientation, gender identity, or both.

Many major employers in Pennsylvania have policies prohibiting such discrimination.

- More than 100 employers, including some of the largest corporations, in Pennsylvania have non-discrimination policies including sexual orientation and/or gender identity. 462 Fortune 500 companies, including all 27 Fortune 500 companies headquartered in Pennsylvania, prohibit discrimination based upon sexual orientation. These companies recognize that attracting and retaining the best workers is critical, and that employers with a reputation for respecting diversity are at a competitive advantage with these protections.

This change will make Pennsylvania competitive with many of our neighbors.

- Our neighboring states of Maryland, New Jersey, and New York already have laws prohibiting discrimination on the basis of sexual orientation.

Pennsylvania has already taken steps in this direction.

- In 1975, Pennsylvania Governor Milton Shapp issued the first state executive order banning discrimination in state employment on the basis of sexual orientation. This executive order has been reissued by each of Governor Shapp’s successors and now also includes gender identity or expression. The following Pennsylvania municipalities prohibit discrimination on the basis of sexual orientation, gender identity or both: Allentown; Easton; Erie County; Harrisburg; Lancaster; Lansdowne; New Hope; Philadelphia; Pittsburgh; Scranton; State College; Swarthmore; West Chester and York.

Yet, too many of our citizens are not covered by their employer’s policies or their municipality’s laws.

- Discrimination based on actual or perceived sexual orientation and gender identity or expression, effectively denies qualified individuals equality and opportunity. The lack of uniform policy across the state leads to confusion for employers and employees and protects only those Pennsylvanians who work in one of the municipalities that prohibits these types of discrimination.

The Pennsylvania Human Relations Commission (PHRC) enforces the Pennsylvania Human Relations Act.

- The Pennsylvania Human Relations Act prohibits discrimination in employment, housing, public accommodations, and education. The PHRC opposes discriminatory acts against all individuals, including those who belong to classes not currently protected under the Pennsylvania Human Relations Act or the Pennsylvania Fair Education Opportunities Act.

The PHRC supports amending the PHRA to include protections on the basis of sexual orientation and gender identity or expression.