



Eastern Region Office
PO Box 40008
Philadelphia, PA 19106
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
313 Atwood St.
Pittsburgh, PA 15213
412-681-7736 T
412-681-8707 F

September 19, 2011

The Honorable P. Michael Sturla
414 Main Capitol Building
PO Box 202096
Harrisburg, PA 17120-2096

Dear Chairman Sturla,

Thank you for the opportunity to submit written testimony for the House Democratic Policy Committee on House Bill 300. I submit these comments on behalf of the American Civil Liberties Union of Pennsylvania and its members. Founded in 1920, the ACLU is one of the nation's oldest civil rights organizations. Half a million Americans are members of the ACLU, including 19,000 in Pennsylvania.

House Bill 300 would amend the Pennsylvania Human Relations Act (PHRA), the commonwealth's non-discrimination law, to include "sexual orientation" and "gender identity or expression" as protected classes. The bill would outlaw discrimination against lesbian, gay, bisexual, and transgender (LGBT) people in employment, housing, and public accommodation. The ACLU of Pennsylvania supports House Bill 300 and respectfully urges the members of the committee to support the bill.

Pennsylvanians can be proud of our long journey towards promoting equality, and House Bill 300 is a critical next step in continuing that journey. Our state passed its first law barring certain kinds of employment discrimination in 1955 with the Pennsylvania Fair Employment Act.¹ Through the last half-century, Pennsylvania's legislators have steadily amended the anti-discrimination law to protect equality for ever greater numbers of Pennsylvanians. For example, in 1969, the legislature added protection against discrimination on the basis of sex. In 1974, the law banned discrimination on the basis of "handicap" or disability. Through the decades, the law has changed to better meet its goal of promoting equality for all. It is time to

¹ Retrieved September 16, 2011, from http://www.portal.state.pa.us/portal/server.pt/community/law_legal_resources/18980/legal_timeline/707253

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take the next step- amending the PHRA to bar discrimination on the basis of sexual orientation and gender identity or expression.

Pennsylvania's residents already strongly support House Bill 300. In February of this year, Susquehanna Polling and Research asked Pennsylvanians if they would support a law banning discrimination on the basis of sexual orientation and gender identity. Approximately 70% of Pennsylvanians said yes. When the polling data is analyzed by region, significant majorities approve of amending the PHRA to protect LGBT people from discrimination in every region of the state.² And according to their research, the high level of support for the law has remained constant for the last eight years.

Many local governments in Pennsylvania have already decided that we need to end discrimination on the basis of sexual orientation and gender identity. Twenty two municipalities have passed comprehensive ordinances barring discrimination, covering approximately 30 percent of the population of the commonwealth. On September 14, Springfield Township in Montgomery County became the latest local government to ban discrimination on the basis of sexual orientation and gender identity³. Other local governments with comprehensive non-discrimination ordinances include Philadelphia, Allegheny County,⁴ Doylestown,⁵ Scranton⁶, Harrisburg, Lancaster, and York, among others.⁷ Their message is clear. Discriminating against LGBT individuals has no place in our communities.

House Bill 300 follows the commitment to equality that many of our largest businesses have already made. Pennsylvania's largest businesses have already adopted their own policies barring discrimination. All 27 Fortune 500 companies based in Pennsylvania have non-discrimination policies that include sexual orientation.⁸ Leading companies adopt non-discrimination policies to attract and retain the best employees. If House Bill 300 is enacted, it will help Pennsylvania attract the best employers.

² Equality Pennsylvania. "Equality Pennsylvania releases 2011 polling data showing statewide support (AGAIN) for LGBT-inclusive non-discrimination legislation." April 27, 2011.

³ <http://www.hellerspringfield.com/issues/anti-discrimination.htm>;
http://www.montgomerynews.com/articles/2011/09/16/springfield_sun/news/doc4e7375b891b40979273481.txt. Text of the ordinance is available at

<http://www.springfieldmontco.org/usr/HR%20Commission20110810.pdf>

⁴ <http://www.county.allegheny.pa.us/council/index.aspx>

⁵ Chapter 1, Section 358 of the Doylestown Ordinances (defining "Discrimination")

⁶ <http://ecode360.com/11605786>

⁷ Retrieved September 16, 2011, from <http://afaofpa.org/archives/municipalities-and-sexual-orientation-laws/>.

⁸ Retrieved September 16, 2011, from <http://www.endlegaldiscrimination.org/toolkit/businessperspective.htm>.

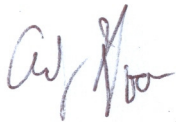
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Passing House Bill 300 would ensure that Pennsylvania does not fall behind other states in its protection for the rights of its residents. Our neighboring states of New Jersey, New York, Delaware, and Maryland already offer protection against discrimination on the basis of sexual orientation.⁹ Pennsylvania is an aging state that must find ways to keep and attract workers. Our K-12 enrollment has been flat for 20 years, and our growth rate is well below the national average. Failing to pass House Bill 300 would isolate Pennsylvania from its neighbors, and isolation could keep out new businesses and new residents.

HB 300 presents the commonwealth with an opportunity for progress. Adding sexual orientation and gender identity and expression to the PHRA is the next step in a process that has been ongoing for over fifty years. Pennsylvania's residents want to take that step. Pennsylvania's local governments want to take that step. Pennsylvania's businesses want to take that step. Pennsylvania's neighbors have taken that step. Now it is time for the legislature to join the rest of us and pass House Bill 300.

Thank you for the opportunity to present the views of the ACLU of Pennsylvania. You and the committee members are always welcome to contact me on this or any civil liberties issue.

Sincerely,



Andy Hoover
Legislative Director, American Civil Liberties Union of Pennsylvania

⁹ A state-by-state list of non-discrimination laws, and the lack thereof, is available at http://www.hrc.org/issues/workplace/workplace_laws.asp.