

# Human Rights Ordinance

To assure equality and attract a diverse workforce for  
economic development

# Can it be done?

- YES!
  - City and county governments are at the forefront of eliminating discrimination often ahead of state and Federal governments
  - Local government has recognized the economic and social benefits of eliminating discrimination
  - Local government has recognized the need to protect additional classes of people not protected at the state and Federal levels.
  - Local government is often better suited to rapid processing and resolution of discrimination complaints than state or Federal agencies.

# Why should it be done?

- Prejudice, intolerance, bigotry and discrimination threaten the rights and proper privileges of citizens and menace the foundation of a free and democratic society.
- Civil order is undermined by unequal treatment of various classes of people and deprives citizens of the benefits of a free and open society.
- Because equality is promised by the United States Constitution.

# What classes should be included?

- Race
- Color
- Sex,
- Gender identity and expression
- Religion
- Disability
- National origin and ancestry
- Sexual orientation
- Marital status and parental status
- Veterans status

# Areas needing protection

- Critical
  - Employment
  - Housing
  - Public accommodations
- Also consider
  - Education
  - Military Service – dishonorable discharge
  - Consumer credit
  - Aiding and Abetting, Retaliation, Intimidation

# Employment

- Prohibit employers, employment agencies, labor organizations to refuse hiring or admission to membership of any person simply because they are a member of a protected class.
- Unlawful to directly or indirectly advertise or in any other manner convey that individuals are unwelcome or objectionable for employment simply because of being a member of a protected class.
- Pregnancy is included under disability.

# Housing

- Prohibit
  - Advertising or making any statement that indicates a limit or preference based on any protected class
  - Falsely deny that a residential property is available whether for rental or sale
  - Setting of restrictive standards or refusing to rent or sell to members of protected class(es)
  - Inconsistent policies with respect to rents or purchase prices based on a protected class
  - Termination of a tenancy or sale for a discriminatory reason

# Public Accommodations

- Government and privately owned facilities including –
  - Courthouses
  - Jails
  - Hospitals
  - Parks
  - Restaurants, hotels/motels etc.
  - Gas stations
  - Places of entertainment
  - Businesses open to the public regardless of type

# Possible Exemptions

- Bona Fide religious entity where qualifications serve a bona fide religious purpose
- Employer or agency designated to serve disabled or elderly
- Employment based on sex where sex is a bona fide qualification necessary to business operation
- Government program designed to benefit a specific age classification and serving a bona fide public purpose
- Employment on basis of disability where it is a bona fide qualification reasonably necessary to business operation

# Complaint Handling

- Whether internal management or public board
  - Listen to accuser
  - Take complaint seriously
  - Don't retaliate against accuser
  - Keep confidential
  - Conduct thorough investigation
  - Document investigation
  - Hire third party if necessary
  - Discipline guilty party

# Enforcement

- Possibilities
  - Creation of a local Human Relations Board with investigative, resolution and punitive powers
  - Referrals to cooperating jurisdictions having investigative powers at local, regional or national level
  - Use of an existing local code enforcement board.

# Economic Benefits

- Encourages a diverse population which is needed because:
  - Competition for investment has been replaced by competition for talent – investment follows inventions
  - Diversity means more innovation
  - Tolerance and openness brings start-ups, Venture Capitalists, growth and prosperity
  - Diversity leads to richer idea exchange, different perceptions of reality and flexibility in problem solving and arriving at solutions
  - Talent is key factor in knowledge economy and openness is crucial to attracting diverse talents
  - People exposed to ideas of others and different points of view learn to think outside the box – such people are more likely to practice tolerance

# Economic Benefits con't

- There is a strong link between diversity and entrepreneurship and progress
- Creative core includes scientists, engineers, professors, poets, novelists, entertainers, actors, designers and architects. Creative professionals work in knowledge-intensive industries such as high tech, financial services, legal, healthcare and business management
- Being open to diversity is more effective in attracting creative talent than financial incentives

# Sources for Benefits

- Council of Europe Conference, San Sebastian, 18-19 October 2012
- Advantages of Multiculturalism in the Workplace – Jared Lewis, Demand Media
- Rise of the Creative Class – Richard Florida

# Request

- Request the City/County Attorney to draft a Human Rights ordinance prohibiting discrimination against protected classes in housing, employment and public accommodations to be set for public hearing and adoption
  
- Kcshelin 11/21/2014