



Oregon

Bureau of Labor and Industries

Brad Avakian
Commissioner

Office of the Speaker
H-232 The Capitol
Washington, DC 20515

November 21, 2013

Dear Speaker Boehner,

I am writing to share Oregon's experience with workplace protections for sexual orientation and gender identity and urge passage of the Employment Non-Discrimination Act (SB 815).

Passed by a broad, bipartisan coalition, the Oregon Equality Act of 2007 says that no qualified Oregonian may be denied a job or shot at a better life just because they are lesbian, gay, bisexual or transgender (LGBT). Today as Oregon's labor commissioner, it's my job to vigorously and equitably enforce Oregon's civil rights laws so that LGBT Oregonians are treated fairly as they go about their daily lives.

Recent comments from your office about SB 815 express concerns not grounded in the experience of the states:

"The speaker believes this legislation will increase frivolous lawsuits and cost Americans jobs, especially small business jobs," said Boehner spokesman Michael Steel.

-- "Will Protections for Gay Workers Lead to a Wave of Lawsuits?" Wall Street Journal, Nov. 4, 2013

Oregon's experience since the law's passage six years ago demonstrates that fears about **employment discrimination complaints based on sexual orientation causing** increased litigation and costs to business are unfounded.

In every year since Oregon's equality law's passage, employment complaints based on sexual orientation and gender identity have represented less than 2.5 percent of the total number of employment discrimination complaints received by our agency.

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Total number of employment discrimination complaints filed with the Bureau of Labor and Industries between 2007 and 2012	FY 2012: 1,676 FY 2011: 1,825 FY 2010: 1,811 FY 2009: 1,920 FY 2008: 2,009 FY 2007: 1,862
Total number of employment discrimination complaints filed with the Bureau of Labor and Industries between 2007 and 2012 where at least one of the claimed bases for discrimination is sexual orientation	FY 2012: 30 (1.7 percent) FY 2011: 35 (1.9 percent) FY 2010: 31 (1.7 percent) FY 2009: 46 (2.3 percent) FY 2008: 22 (1 percent) FY 2007: 32 (1.7 percent)

Each complaint filed with our agency is different. We pursue each investigation not with an inherent bias for or against the complainant, but with a duty to find the truth and unique set of facts surrounding each complaint. We also provide assistance for Oregon employers so that they can avoid potential violations in the first place. In short, the law is working – for both employees and employers.

After more than six years of experience with our non-discrimination law, it's clear that businesses have not faced a significant number of complaints. Further, the state of Oregon has been able to process the modest number of cases filed with our agency with no significant impact on our budget. Oregon is now a more equitable state – at no additional cost to taxpayers.

Oregon's protection is guided by a basic sense of fairness and understanding that everyone deserves the opportunity for professional success and advancement based on his or her own merit and hard work. I urge the US House of Representatives to follow Oregon's lead and pass this critical workplace protection.

Thank you in advance for your consideration of this important issue.

Sincerely,

Brad Avakian
Commissioner, Oregon Bureau of Labor and Industries

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