



Testimony of Jocelyn Young, Executive Director of The LGBT Center of Greater Reading against HB 861.

This is directed to the Honorable Members of the PA House of Representatives Committee on Labor and Industry.

My name is Jocelyn Young and I am the Executive Director of The LGBT Center of Greater Reading. This Committee is holding hearings on HB861, regarding pre-emptions dealing with employer mandates by municipalities.

The proposed Bill would invalidate any, and all, municipal ordinances that impact employer policies or practices. In other words, this Bill would invalidate any municipal anti-discrimination ordinances protecting the LGBT community that have been passed since January 1, 2015.

The memorandum that was issued on January 26, 2017, to create support for this Bill, states that these ordinances create an “uneven playing field for the businesses located inside Pennsylvania while raising the cost of compliance.”

Municipalities have seen the need to pass anti-discrimination ordinances to protect the local LGBT community. There are positive collateral effects to these ordinances as well. Economic benefits can be realized by the passage of these ordinances.

An article in the *Indiana Law Review*¹ argues that states should enact pro-LGBT legislation to attract “[c]reative class” jobs [which] generate significantly more wealth than traditional manufacturing or service class jobs.”² This Note points out pro-LGBT legislation does create potentially positive economic benefits.

A study was done by Richard Florida, *The Rise of the Creative Class*, (paperback ed. 2004). Florida “does not limit his definition of diversity solely to LGBT persons, he does believe LGBT inclusiveness is a strong measure of diversity

¹ Lauren Box, Note, *It's Not Personal, It's Just Business: The Economic Impact of LGBT Legislation*, 48 Ind. L. Rev. 995, 998 Vol 3 2015.

² *Ibid.*



because “lack of societal acceptance of gays is the most significant remaining bastion of intolerance and discrimination around the world. Accordingly, places that accept gays are also likely to be accepting of all different types of people.”³

This matter should not have to be a discussion at all. The General Assembly’s refusal to pass anti-discrimination laws have forced municipalities to protect their citizens. The “cost of compliance” for these ordinances is negligible at best. Nothing has to be done with these anti-discrimination ordinances unless an employer discharges an employee for being who they are. Only then are costs incurred by the employer.

Delaware, Maryland, New Jersey, New York and Ohio have passed non-discrimination laws protecting the LGBT community. Pennsylvania and West Virginia are left standing alone in an ever-changing world.

It should not be up to the municipalities to do the General Assembly’s work. A non-discrimination ordinance should be at the state level in order to have the most impact. As was previously mentioned, state level non-discrimination laws can attract not only employers, they can also attract talent that would have a significant impact on the state and local economies through higher wages. These higher wages for the employer and the employee, as well as newly generated business can have significant impacts on the local and state economies. However, the General Assembly, for whatever reason, continues to ignore LGBT protections in the hopes that they go away. These issues will not go away.

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³ Richard Florida, *Class-Divided Cities: Atlanta Edition*, ATLANTIC (Feb. 21, 2013)



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