

**Testimony of Pamela Gwaltney, Esq., Deputy Director
Philadelphia Commission on Human Relations**

**Before the
Senate Committee on Labor and Industry
Hon. Lisa Baker, Chair
Hon. Christine M. Tartaglione, Democratic Chair**

**S.B. 1306 (Hon. Patrick M. Browne)
August 30, 2016**

Good afternoon Committee Chair Baker, Democratic Chair Tartaglione and members of the Committee on Labor and Industry. I am Pamela Gwaltney, Deputy Director of the Philadelphia Commission on Human Relations (PCHR), and I am here to express the Commission's support for Senate Bill 1306, which seeks to add protections from discrimination in employment based on sexual orientation and gender identity or expression to the Pennsylvania Human Relations Act. I would like to begin by expressing the Commission's appreciation to Chair Baker for holding this hearing and to Senator Browne for advancing this important legislation.

Rue Landau, the Executive Director of the PCHR regrets that she is unable to be here today. If you know Rue, you know that she is a proud "out" Lesbian. She is married and has a son. While this is a hearing on employment protections for the lesbian, gay, bisexual and transgender (LGBT) community, it is important to take a moment to acknowledge that the current reality that in most parts of our state, Rue and her family could be refused a hotel room, denied service in a restaurant, or kicked out of a park, simply due to their family makeup. In most parts of Pennsylvania, LGBT people can be fired from their jobs simply for who they are or who they love. This is why we are here today. Pennsylvania has the dreadful distinction of being the only state in the northeast that does not offer LGBT nondiscrimination protections. As a Commonwealth, we can and must do better.

I am an African-American, heterosexual, cisgender, Christian woman. I have no conflicts of faith, conscience or values when I say that LGBT individuals deserve equal protections under the law. As a former Public Defender in Philadelphia, and now a civil rights attorney, I have gone from protecting the constitutional rights of the underserved, to protecting the civil rights of all. I like to remind groups I speak to that each and every one of them, regardless of how they look, who they love, or their stations in life, are protected by our civil rights laws. I am proud to work at a

civil rights organization in a city that honors and protects all people from discrimination.

The PCHR is the City agency charged with administering and enforcing Philadelphia's Fair Practices Ordinance, the law that protects people from unlawful discrimination in employment, housing, and public accommodations. Our agency also resolves issues of intergroup conflicts in communities and neighborhoods throughout the city.

In 1963, when the Fair Practices Ordinance was first included in the Philadelphia Code, the law covered only race, color, religion, national origin and ancestry. Over the years, the Ordinance was amended many times to cover a number of additional categories that weren't contemplated over 50 years ago, such as sex, age, disability, as well as, sexual orientation and gender identity or expression. We have come a long way since then, and Philadelphia's lawmakers continue to add protections as needed to combat the current realities of discrimination in the city.

Philadelphia always has been at the forefront of passing laws to protect members of the LGBT community from discrimination. Since 1982, when sexual orientation was first added to the Fair Practices Ordinance (FPO), Philadelphia has continued to extend numerous additional protections, including Life Partnership benefits in 1998 and protections against gender identity discrimination in 2002. In 2011, the law was amended again to strengthen all of the LGBT protections, including adding increased fines and penalties for violating the ordinance. In 2013, additional measures were added to codify LGBT- specific City administrative practices that had not been written into law, and also to create new protections for transgender individuals, including the historic offering of transgender-inclusive health benefits to city employees. In 2015, the City enacted a gender neutral bathroom law, so that any single stall bathroom is simply called "restroom" and open for anyone to use. And that same year, Philadelphia voters approved the establishment of the Mayor's Office of LGBT Affairs as a permanent part of City government.

Indeed, Philadelphia has made great progress throughout all areas of government on LGBT issues, despite not having similar protections at the state and federal levels. In fact, for three years in a row, Philadelphia gained national recognition for its LGBT laws and policies, earning perfect scores on the Human Rights Campaign's Municipal Equality Index. Philadelphia is ranked one of the highest scoring big cities that does not have statewide LGBT protections.

Providing equal protection under the law for our LGBT community has created safer and stronger communities in Philadelphia and a stronger economy.

Laws prohibiting discrimination based on sexual orientation and gender identity in the workplace are extremely valuable. These laws act as a roadmap for businesses and a deterrent for acts of discrimination. While these cases are only 8% of our agency's caseload, using solely the number of cases filed to gauge the problem of LGBT discrimination is unsound. The cases filed are not illustrative of the discrimination that occurs in workplaces in Philadelphia, through the state, and in the United States for LGBT individuals. Members of the LGBT community utilize the filing of complaints per population as much as other protected classes. In a 2008 report on complaints filed with State Enforcement Agencies from 1999-2007, the Williams Institute, UCLA's think-tank on gender identity and sexual orientation, revealed that sexual orientation discrimination laws are used at similar frequencies by Lesbian, Gay and Bisexual workers as sex discrimination laws by female workers, both at 5 complaints per every 10,000 workers. Race complaints are filed at the higher rate of 7 per 10,000 workers. The same report indicates that surveys of the transgender population reveal extremely high levels of employment discrimination.

Many of our sexual orientation and gender identity cases involve harassment/hostile environment in the workplace setting. In Philadelphia, we have had employment cases filed in which once it is discovered that an individual is gay, they are harassed in the workplace with lude comments by co-workers, referred to by embarrassing nicknames, and in some instances, wrongfully terminated.

Pennsylvania, the "Keystone State" has strong history in promoting and defending freedom and civil rights: The Declaration of Independence, the Bill of Rights, the first state human relations commission, the first municipal human relations commission...this is our legacy as a state.

According to "State Symbols USA," Pennsylvania got its nickname because it was the middle colony of the original 13 colonies and because Pennsylvania has held a key position in the economic, social, and political development of the United States. The state song of Pennsylvania also mentions the state nickname in the second verse, referring to Pennsylvania as: "Birthplace of a mighty nation, Keystone of the land." As birthplace of our nation and a Keystone in these United States, it is imperative that we protect the civil rights of the LGBT community not only in employment, but in housing, and public accommodations. The Philadelphia Commission on Human Relations strongly supports comprehensive

statewide nondiscrimination protections for the LGBT community and believes that the time is *now* to pass comprehensive statewide nondiscrimination laws.

Thank you for allowing me to testify on Senate Bill 1306. If there are questions, I am happy to respond to them at this time.