

local news

We like it like this

Wording for Oregon's proactive job discrimination measure could give voters the wrong impression, critics say

by Inga Sorensen

Backers of a proposed initiative to prohibit employment discrimination based on sexual orientation in Oregon have sent state officials alternative wording to the draft ballot title for Initiative Petition No. 50.

That draft ballot title, issued Sept. 9, was described as "mushy and vague" by American Civil Liberties Union attorney Charles Hinkle, who also argued the draft did not "make clear that under current law, it is perfectly legal for employers to fire people based on their sexual orientation."

Critics had until Sept. 23 to submit their written comments highlighting concerns to the secretary of state's office.

Hinkle did so on behalf of chief petitioners Cheryl Perrin, senior vice president of public affairs for Fred Meyer Inc., Ron Fortune, executive secretary treasurer of the Northwest Labor Council/AFL-CIO, and Basic Rights Oregon co-chair McKinley Williams.

The initial draft, issued via the attorney general's office, reads: "Prohibits employment discrimination on the basis of sexual orientation."

"Result of 'Yes' Vote: 'Yes' vote prohibits discrimination on the basis of sexual orientation in employment decisions, opportunities, and membership."

"Result of 'No' Vote: 'No' vote keeps current, more general, prohibition on discrimination in employment."

The summary reads: "Adopts statute prohibiting employers, employment agencies, labor unions from discriminating on the basis of sexual orientation in connection with employment opportunities, employment decisions, membership, or membership privileges. Prohibits interfering in exercise of rights protected by measure. Prohibits retaliation for opposition to practice prohibited by measure or assisting in action brought under measure. Does not require provision of partner benefits, preferential treatment on basis of sexual orientation. Allows regulation of employee workplace conduct. Certain religious organizations may discriminate. Enforceable under current procedures for challenging employment discrimination."



Among his criticisms, Hinkle said the portion reading " 'No' vote keeps current, more general, prohibition on discrimination in employment" could lead one to believe that sexual orientation employment protections are currently in place statewide.

In his letter of proposed changes, Hinkle wrote,

in part: "The statement of 'Result of 'No' Vote' should inform voters that a 'no' vote would retain the current law, under which persons have protection from discrimination on the job on the basis of several characteristics, but not on the basis of their sexual orientation."

Hinkle then served up two alternative sugges-

tions for the "yes" statement, and one suggestion for the "no" statement:

"Result of 'Yes' Vote: 'Yes' vote changes current law and will prohibit discrimination in employment based on sexual orientation."

"Result of 'Yes' Vote: 'Yes' vote will change current law by prohibiting discrimination in employment based on sexual orientation."

"Result of 'No' Vote: 'No' vote keeps current law, which allows discrimination in employment based on sexual orientation."

Hinkle also argued that the draft title summary was flawed, in part because it included no definition of sexual orientation.

He wrote: "The summary should include the definition, both because opponents... may try to persuade voters to think (wrongly) that this measure protects pedophiles (you may recall that the OCA tried to link pedophilia with homosexuality in its 1992 ballot measure), and because voters should understand that this is not merely a 'gay rights' bill, and that heterosexual persons as well as homosexual and bisexual persons are protected by the measure."

Hinkle added, "Furthermore, it is important that the definition include the notion of 'perceived' sexual orientation, for it often happens that heterosexual persons suffer discrimination on the job if they are perceived to be homosexual."

He concluded with a proposed summary that reads, in part: "Changes state law which currently allows workplace discrimination based on sexual orientation... 'sexual orientation' means actual or perceived heterosexuality, homosexuality, and bisexuality."

The attorney general will certify either the draft ballot title or a revised ballot title.

Backers of the nondiscrimination initiative, which is poised for the November 1998 general election ballot, must submit 73,261 valid voter signatures by July 2, 1998.

The prospective initiative petition was submitted on behalf of Basic Rights Oregon, an Oregon human rights group, on Aug. 29. For more information, contact Basic Rights Oregon at 222-6151.

Meanwhile, in Washington, a city council gives support to ENDA

Jim Moeller knows right from wrong. "Discrimination is wrong, there's no two ways about it," says Moeller, an openly gay member of the Vancouver City Council.

What's right, he adds, is taking action to promote equality, which is exactly what Moeller did when he placed an item on the council's Sept. 22 agenda that called upon members to endorse a proposed initiative that would ban employment discrimination based on sexual orientation in Washington.

Though Moeller was hoping for a clean sweep (read unanimous approval), he instead nabbed a 5-1 vote favoring the resolution, which endorses the Employment Non-Discrimination Act of Washington, a.k.a Initiative 677, which will be on the general election ballot in November.

Mayor Royce Pollard levied the dissenting vote, and another member was absent.

Pollard says he voted against the proposal because he believes the city should not take stands



Jim Moeller

on statewide initiatives.

The City of Seattle and King County have already endorsed I-677.

Vernon Stoner, Vancouver's city manager, meanwhile, sent a memo to the mayor highlighting the fact that the city has adopted a Workforce

Diversity Program, which prohibits discrimination based on many factors, including sexual orientation.

"The passage of Initiative 677 is consistent with... Vancouver's Workforce Diversity Program," he wrote.

Though the council chambers were jammed, just six people spoke—all in favor.

"I'm delighted," Moeller tells *Just Out*. "I had thought there would be some opposition present, but they were a no-show. I don't know whether that's a particular strategy, or whether they just don't have support for what they're doing. I hope it's the latter."

Moeller says he hopes the council's action will light a fire under initiative supporters.

"It's definitely been more difficult motivating people on this proactive initiative than it was when we were facing a direct threat," he says.

Moeller has also proposed extending benefits to the domestic partners of city employees.

"I think that's going to be a slightly tougher battle [than garnering support for the resolution], but I'm hopeful," he says.

Inga Sorensen