

**PRO-ACTIVE PROPOSAL
HIRING DISCRIMINATION**

PENNSYLVANIA

LEGISLATIVE ACTION: September 30, 1990
STATE/LOCAL: Pennsylvania
ISSUE: Discrimination
SUMMARY: Legislation would prevent Pennsylvania employers from hiring or firing individuals because of smoking/nonsmoking preferences

INDUSTRY ACTION:

The first attempt to introduce a tobacco specific anti-discrimination bill occurred in the 1990 legislative session (House Bill #2670 - Taylor). The bill was referred to the House Labor Committee where it is expected to remain for the duration of 1990.

The lobbying efforts for the bill were curtailed because of pending product liability legislation involving tobacco industry concerns. The political climate during 1990 was not advantageous to supporting an industry specific issue such as smoker discrimination.

The anti-discrimination language proposed would place smokers in the same status of prohibiting employment discrimination on the basis of race, color, creed, ancestry, handicap or disability. It also protects those covered under the existing act from discrimination in housing or public accommodation.

The bill will be reintroduced and will follow this same path.

Our strategy will show that discrimination of smokers in hiring is an unfair labor practice, and refusal to employ smokers bear no reasonable relationship to performance of duties.

RESOURCES NEEDED	YES/NO	DATE NEEDED
ECONOMIC ANALYSIS/FACTSHEETS?	NO	
LEGAL MEMORANDUM?	YES	1st Qtr. 1991

A memorandum should focus on any constitutional issues of discrimination against an employee or applicant because of personal preference.

A variation of the memorandum will be used to solicit labor support.

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EXPERT WITNESSES?**POSSIBLE**

The feasibility of undertaking seminars on this subject has merit. In order for this to be accomplished, we must solicit third-party support. The most likely organization to spearhead these seminars would be labor unions at both the state and local level. This strategy needs direction from TI labor consultants.

COALITION ALLIES?**YES****To Be Determined**

Because the emphasis will be on tobacco rather than a strict labor issue, tobacco industry government affairs representatives must take the lead in the lobbying. However, certain groups will be sought to provide support for the issue. The following will be considered:

- ACLU
- State Employees Union
- other elements of Organized Labor
- Civil Rights Groups
- Tobacco and Candy Distributors Association of New Jersey

Member companies have already planned meetings and other functions with some coalition organizations. TI will assist the companies' organization and coordination of coalition allies.

TI GRASSROOTS MOBILIZATION?**YES****October 1990**

TAN grassroots mobilization will be undertaken on the discrimination issue.

COMPANY RESOURCES?**YES****1st Qtr. 1991**

The legislative strategy will focus on one-on-one lobbying because this is a tobacco specific proposal. TI will assist and coordinate lobbying activities through our legislative counsel.

Smokers' Rights Groups will be activated to assist in contacting legislators.

PUBLIC AFFAIRS/MEDIA RESOURCES?**YES****1st Qtr. 1991**

Public Affairs should be called upon to assist in the development of labor contacts and support for coalition building.

ADDITIONAL NEEDS?**NO**