

**PRO-ACTIVE PROPOSAL
HIRING DISCRIMINATION**

CONNECTICUT

LEGISLATIVE ACTION: September 27, 1990

STATE/LOCALITY: Connecticut

ISSUE: Prohibit private employers from discriminating against smokers in hiring practices.

SUMMARY: Legislation would attempt to prohibit employers from using non-job-related personal behaviors as a criteria for employment or promotions.

SPONSOR: Connecticut Federation AFL-CIO (legislative sponsors to be determined later - Rep. Adamo possible).

INTRO DATE: Prefile

COMMITTEE: Joint Committee on Labor and Public Employees

INDUSTRY ACTION

The purpose of the legislation is to restrict the ability of a private employer to discriminate against smokers. The primary proponent of the legislation will be the Connecticut State Federation AFL-CIO. We will seek the support of the Connecticut ACLU. Preliminary action will include the adoption of a resolution opposing employer discrimination by the convention delegates in September 1990.

This legislation would be postured as a labor and not a tobacco issue. Other non-job-related activities would also be protected by the legislation. The industry would play a supportive role in the development and passage of this legislation. At no time would it be appropriate for direct or overt industry support for the legislation.

There are a variety of strategies for achieving passage of an anti-discrimination bill which are more or less indirect and "covert." The most direct method would be to introduce an individual bill which deals solely with this issue. Introduction would be made by the Connecticut ACLU and the bill would be shepherded through the process by the ACLU and labor. A vote would be a clear up or down proposition on anti-discrimination. A second strategy would be to attach an anti-discrimination clause to a workplace bill modeled on the Massachusetts proposal. This method contains an inherent risk that the anti's might succeed in deleting the anti-discrimination clause and/or amend the bill to our detriment. A third possibility would be to attach the anti-discrimination clause to an air quality bill introduced and supported by the labor community. Careful analysis will be necessary of the immediate political currents existing at the moment.

RESOURCES NEEDED	YES/NO	DATE NEEDED
ECONOMIC ANALYSIS/FACTSHEET?	YES	10/30/90

We need four economic fact sheets based on good, tough analyses:

1. the impact of limiting job access in a difficult economy, i.e. elimination of an entire class of employee;
2. response to the argument that smokers cost employers money;
3. impact of decreased employee morale as result of employer intrusion into private lives;
4. impact of this discrimination on minorities and low income workers.

LEGAL MEMORANDUM?	YES	10/30/90
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Legal memoranda supporting broad anti-discrimination statute to specifically include smokers. These should be developed from a labor perspective, and also be sensitive to the interests of the ACLU and minority interests. These will be used to help develop support among these groups for this effort.

EXPERT WITNESSES?	YES	4th Qtr. 1990
		1st & 2nd Qtrs 1991

The development of either local or nationally recognized experts in the area of civil liberties to support the labor effort or assist in the development of the local ACLU as an ally in this effort. This individual could be called upon to meet with unions, the ACLU, minority groups or members of the legislature. In addition, one or two "Op-ed" articles may be required of this expert. If there is a plausible economic argument to be made, then a local "liberal" economist for presentations to allied groups and members of the legislature would be helpful. Utilization of John Fox, Esq. to discuss the personnel impact of such activities either by private or public employers.

COALITION ALLIES?	YES	3rd & 4th Qtrs 1990
		1st & 2nd Qtrs 1991

The development of the State Federation AFL-CIO and other labor allies. With the help of contacts at Covington & Burling, develop the support of the ACLU and their activists. Business support may be possible if we opt for an overall workplace bill approach, but cannot be counted on for the purpose of this plan.

TI GRASSROOTS MOBILIZATION?	NO
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COMPANY RESOURCES?	YES	1st & 2nd Qtrs 1991
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Access to company legislative counsel for periodic meetings with TI counsel to coordinate the industry's quiet support for the efforts of organized labor and other groups. This lobbying support will be developed in a way that does not identify the industry as the primary sponsor of this legislation.

PUBLIC AFFAIRS/MEDIA RESOURCES? YES

4th Qtr 1990

1st & 2nd Qtrs 1991

It may be necessary to provide local labor leaders with an opportunity to consult with either local public/media relations counsel or TI's "in-house" experts regarding the need and substance for a local print, radio or TV campaign. If this legislation develops to the point where industry involvement would appear natural, and our absence suspicious, then it may be reasonable to utilize the talents of our spokespersons in the state on this issue.

ADDITIONAL NEEDS?

To Be Determined