

**PRO-ACTIVE PROPOSAL  
HIRING DISCRIMINATION**

**MASSACHUSETTS**

**LEGISLATIVE ACTION:** September 27, 1990

**STATE/LOCALITY:** Massachusetts

**ISSUE:** Hiring discrimination against smokers in private workplaces.

**SUMMARY:** Prohibits private employers from using off-the-job personal activities as considerations for hiring, firing, or promotion decisions. (Section of workplace legislation.)

**SPONSOR:** Massachusetts AFL-CIO; legislative sponsor to be selected.

**INTRO DATE:** Prefile

**COMMITTEE:** To be assigned, possibly Commerce & Labor

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**INDUSTRY ACTION**

As adjunct to labor resolutions recommending legislation, this effort will attempt to enact civil rights legislation to protect workers from discrimination on the basis of off-the-job personal practices. This legislation would be postured as a labor and not a tobacco issue. Through the efforts of the Firefighters union and the Rhode Island ACLU we would attempt to develop ACLU support.

The industry would play a supportive role in the development and passage of this legislation. This legislation may be drafted as a section of a more comprehensive piece of workplace smoking legislation.

<b>RESOURCES NEEDED</b>	<b>YES/NO</b>	<b>DATE NEEDED</b>
<b>ECONOMIC ANALYSIS/FACTSHEET?</b>	YES	11/1/90

While it may be difficult to develop, it would be helpful to have an economic analysis of the impact of limiting job access in a declining economy. If an entire class of employee is eliminated by a business, what is the impact on the employers' ability to fill openings? Also, there is a need to develop "labor credible" responses to the argument that smokers cost employers money.

**TIOR 0019599**

**LEGAL MEMORANDUM?****YES**

10/17/90

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 &amp; 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. 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.

**COALITION ALLIES?****YES**

4th Qtr 1990

1st &amp; 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 through the Associated Industries of Massachusetts may be possible, but will not be counted on for the purpose of this plan.

**TI GRASSROOTS MOBILIZATION?****YES**

1st &amp; 2nd Qtrs 1991

Smokers will be mobilized by non-tobacco organizations using the computer-based program of the cigarette manufacturers. Additional grassroots activities will be developed through our identified allies. These groups will be responsible for motivating their members in a timely fashion.

**COMPANY RESOURCES?****YES**

4th Qtr 1990

1st &amp; 2nd Qtrs 1991

Access to member company lobbyists to meet periodically with the TI lobbyist to coordinate the industry's 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 &amp; 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

TIOR 0019600