

**PRO-ACTIVE PROPOSAL
HIRING DISCRIMINATION**

MAINE

LEGISLATIVE ACTION: September 27, 1990

STATE/LOCALITY: Maine

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.

SPONSOR: To be identified

INTRO DATE: Prefile

COMMITTEE: To Be Assigned

INDUSTRY ACTION

As an 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. The industry would play a supportive role in the development and passage of this legislation.

This is likely to be a very difficult year as a result of activity by the Governor's Commission on Smoking. The useful effect of this bill is to dissipate the focus of anti-tobacco forces.

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

While it maybe difficult to develop, it would be helpful to have an economic analysis of the impact of limiting job access in a difficult economy. What is the impact on employers' ability to fill openings if an entire class of employee is eliminated by a business? Also, there is a need to develop responses to the argument that smokers cost employers money. Finally, the economic impact of decreased employee morale as a result of employer intrusiveness in the private lives of employees.

TIOR 0019580

LEGAL MEMORANDUM?

YES

11/1/90

Legal memoranda supporting broad anti-discrimination statute to specifically include smokers. These should be developed from a labor perspective and should be sensitive to the interests of the ACLU and minority interests. The memoranda will be used to help develop support among these groups for this effort.

EXPERT WITNESSES?

YES

4th Qtr 1990

1st & 2nd Qtrs 1991

We need to identify either locally or nationally recognized experts in the area of civil liberties to support the labor effort and to 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. Utilization of John Fox, Esq. to discuss the personnel impact of such activities either by private or public employers would also be helpful.

COALITION ALLIES?

YES

4th Qtr 1990

1st & 2nd Qtrs 1991

The development of the State Federation AFL-CIO and other labor allies is essential to the effort. With the help of contacts at Covington & Burling, we will develop the support of the ACLU and their activists. Business support may be possible, but will not be counted on for the purpose of this plan.

TI GRASSROOTS MOBILIZATION?

YES

1st & 2nd Qtrs 1991

Smokers will be mobilized through the computer-based programs of the cigarette manufacturers. However, contact will be made by non-tobacco groups. 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

1st & 2nd Qtrs 1991

Access to member company lobbyists to meet periodically with the TI lobbyist to coordinate the industry's support of 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

TIOR 0019581