



JENNIFER C. PIZER
SENIOR COUNSEL and DIRECTOR,
LAW & POLICY PROJECT
jpizer@lambdalegal.org

January 8, 2014

Hon. Mark W. Mitchell, Mayor
Onnie Shekerjian, Vice Mayor
Robin Arredondo-Savage, Councilmember
Shana Ellis, Councilmember
Kolby Granville, Councilmember
Joel Navarro, Councilmember
Corey Woods, Councilmember
City Hall
31 E. 5th Street
Tempe, Arizona 85281

Re: Proposed amendments to the Tempe City Code to add Human Relations Protections – SUPPORT

Dear Mayor Mitchell and Members of the City Council,

I write on behalf of Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”) to offer our strong support for the proposed amendments to the Tempe City Code to provide human relations protections. Lambda Legal can attest to the urgent need for these protections and the role they would play to deter and facilitate the resolution of discrimination problems within the City of Tempe. As the oldest and largest nonprofit legal organization working through policy advocacy, education, and impact litigation to achieve full civil rights for lesbian, gay, bisexual, and transgender (“LGBT”) people and those living with HIV, Lambda Legal is dedicated to this same goal. We have conducted public education and advocated on behalf of LGBT Arizonans for more than twenty years through our Western Regional Office and we heartily commend Tempe leadership for taking this proactive step.

A review of our Legal Help Desk records for the past four years (the period covered by the non-archived database), reflects that we received just under 500 calls from Arizona concerning a broad range of anti-LGBT discrimination issues – from harassment and violence, to workplace problems, to family law disputes. The number of calls from Arizona has been steadily increasing each year and approximately half have come from the greater Phoenix metropolitan area. It appears there is a compelling need for a strong policy statement against anti-LGBT

Lambda Legal Defense and Education Fund, Inc.
Western Regional Office

4421 Wilshire Boulevard, Suite 280 · Los Angeles, CA 90010-3703
t. 213/590-5903 · f. 213/351-6050 · www.lambdalegal.org

bias and in favor of equal opportunity and respect for everyone, regardless of sexual orientation, gender identity, and other personal characteristics. Your leadership in this area is timely and important.

We support the proposed amendments to City law because they will establish a practical, balanced approach to the problem of bias and discrimination. As many leading businesses and researchers have confirmed, discrimination against customers, co-workers, tenants, students and others often is harmful and costly. Inappropriate harassment and other bias-based abuse means skilled workers are driven from their jobs. Patients are deterred from medical care. Students are unable to learn. Families cannot find appropriate housing.

Anti-discrimination standards such as the ones proposed here are a reasonable, proven way to reduce such unjust treatment through investigation and conciliation that de-escalates tensions, weeds out unsubstantiated complaints, and identifies bad actors who create liability through unprofessional conduct, often in violation of company policies. A human relations framework in city law can provide guidance and support for civic and business leaders who see discrimination as inconsistent with their values and goals, and intend their community to benefit from everyone's talents and participation.

Social science research confirms this is a strategy for success. According to the Williams Institute, an independent research center at UCLA School of Law:

LGBT-supportive policies are linked to positive business-related outcomes. LGBT-supportive policies are also linked to greater job commitment, improved workplace relationships, increased job satisfaction, and improved health outcomes among LGBT employees. LGBT employees are also less likely to face discrimination in such environments and are more comfortable being open about their sexual orientation.

M.V. Lee Badgett, et al., *The Business Impact of LGBT-Supportive Workplace Policies* (The Williams Institute, UCLA School of Law, May 2013), available at <http://williamsinstitute.law.ucla.edu/research/workplace/business-impact-of-lgbt-policies-may-2013/>.

Another widely cited Williams Institute report further confirms these workplace dynamics:

Over ninety percent of the 100 top companies in the U.S.—the top 50 federal contractors and the top 50 Fortune 500 companies—have policies

prohibiting discrimination based on sexual orientation, and 78% of the companies have policies prohibiting discrimination based on gender identity. In comparison to a 2011 study, based on 2010 data, there has been a 50% increase in the number of top federal contractors with gender identity non-discrimination policies and a 26% increase in the number of top Fortune 500 companies with gender identity non-discrimination policies.

Brad Sears and Christy Mallory, *Economic Motives for Adopting LGBT-Related Workplace Policies* (The Williams Institute, UCLA School of Law, originally published October 2011 and updated April 2013), available at <http://williamsinstitute.law.ucla.edu/research/workplace/economic-motives-for-adopting-lgbt-related-workplace-policies/>.

Because the proposed human relations protections and dispute resolution process will provide policy guidance, a sensible investigation and conciliation procedure, and reasonable remedies for proven misconduct, Lambda Legal strongly urges you to adopt the proposal.

Very truly yours,

Jennifer C. Pizer

Jennifer C. Pizer
Senior Counsel and
Director, Law and Policy Project