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Workforce Development and Workplace Safety Committee
In Opposition to House Bill 205
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Thank you for your time today.

The changes to the Missouri Human Rights Act proposed by this legislation will adversely effect the aspirations and economic advance of people with disabilities. Like the immigrants of the 1880's (the Irish, the Italians, Slavs, etc.) and the African Americans since the birth of this nation, the economic, political, and civil destinies of peoples entering the mainstream of the life of the nation have be encouraged, promoted and protected by just laws.

While people and the institutions we create are capable and responsible for great good, men are not angels and earth is not Eden. We are a nation of laws and those laws should protect and defend the best interests of its citizens and create a environment where each person, through hard work and initiative, can move down field on an equal playing field.

The Rehabilitation Act of 1973 and the American's with Disabilities Act are examples of such laws. They have not only opened doors, but widened them making helping to make voting and courtrooms and housing and grocery stores and government accessible to all. But these laws and others like them are relatively new and focused on creating and sustaining basic accessibility for people with disabilities.

This basic accessibility is crucial for creating and sustaining economic independence. Fairness on the basis of ability is not maintained, encouraged or enforced by good will but by the rule of law. And those rules, in order to have any deterrent effect upon behavior, must visit upon violators serious consequences.

HB205 so weakens the Human Rights Act and the Commission responsible for its enforcement, that there will be no practical, effectual protection of the economic rights of people with disabilities in the workplace. It does this by:

- requiring individuals with disabilities to prove that their disability was a motivating factor of their employer's adverse employment action.
- making it legal for employers to commit adverse employment actions even if a person's disability is a contributing factor in that action.
- excluding individuals acting on behalf of an employer from the definition of employer therefore eliminating individual liability for discrimination.

- imposing damage caps which will allow defendants to know exactly what it will cost them to discriminate against someone because of their disability.
- threatening current federal funding (approximately \$1,000,000) for the Missouri Commission on Human Rights.
- weakening the civil rights of many people including individuals with disabilities.
- directing Missouri State Courts to base their decisions heavily on interpretation of the Americans with Disabilities Act made by Federal Courts. This will likely be problematic because different Federal Courts often rule differently on the same exact issue. It will be unclear which decision State Courts should rely on.

The purpose of the MHRA is to discourage discrimination and eliminating individual liability will likely result in more discrimination because individuals will no longer have to worry about being accountable for their discriminatory actions.

Isn't the supreme law of Missouri the welfare of the people? Why then are we lowering the standard of protection to accommodate the interests of outsiders? We are being promised the outpouring of many jobs if our laws are weakened. But what good is employment without security or money without virtue?

If the citizen has no viable, practical recourse in the instances of discrimination then how long will they be able to keep that job?

And how safe will that job be if HB205 passes this committee. The whistleblower provisions of this bill violate the rights of conscience by making it contrary the economic interests of employees to ever report illegal activity. It sets the threshold of difficulty to do the right thing alarmingly high, making it easier and safer to remain quiet if you are a witness to injustice or improper conduct.

This bill also threatens the religious liberty of citizens, making it harder for people to follow the dictates of their own consciences without unfair, undue and unjust consequences. It makes it easier to harass or inconvenience or fire someone who keeps the Bible Sabbath or those who a supervisor believes to be too pious or insufficiently Christian. This may be an unintended consequence but it is a consequence all the same.

To fund economic development at the cost of our freedoms is too expensive a venture. There can be no return on an investment in injustice except a harvest of shame, of strife and ironically, economic progress.

Though this is a caucus position, I ask that you exhibit the same courage that will be required of those who will suffer under these provisions and reject this proposal in its current form.

By passing this law you will be breaking Missouri's supreme law and the welfare of the people will never be the same.

Thank you.