

## **MOVING WEST VIRGINIA FORWARD: Why Inclusion and Opportunity Are Essential to the State's Future**

Incorporating sexual orientation to the existing language in West Virginia's Human Rights Act will help ensure that gay and lesbian people have equal access to the same opportunities, benefits, and protections granted to everyone else, such as the ability to work in an environment where people are judged by their job performance, not their sexual orientation.

Cities like Louisville, Indianapolis, Atlanta, Cincinnati, Cleveland, Columbus and Charleston, WV have lead the way to greater inclusion and economic opportunity by passing employment ordinances that prohibit discrimination based on sexual orientation.

While protecting residents from unfair discrimination governments also create a more competitive business environment. Louisville, for example, boasts a steadily growing number of workers, outpacing the national employment growth rate.<sup>1</sup> In addition to being the headquarters for *Fortune 500* companies, the city also boasts a strong small business climate. "In 2003, Entrepreneur magazine ranked Louisville #1 for 'Best City for Small Business Growth. The same magazine also ranked the city #15 nationally and 2<sup>nd</sup> in the Midwest in a list of the 'Top 25 Best Cities for Entrepreneurs.'"<sup>2</sup>

A 2006 report based on surveys of employers from the Fortune 1000, Standard & Poor's 500, Forbes' list of the 200 largest privately held firms, and the American Lawyer 100, showed that 98 % had non-discrimination policies covering sexual orientation and/or gender identity.<sup>3</sup> A number of leading corporations<sup>4</sup> doing business in West Virginia have similarly adopted policies prohibiting sexual orientation discrimination, including:

- Toyota Motor Manufacturing
- Verizon
- Acordia
- The Dow Chemical Company
- Wal-Mart

Indeed, top executives from Fortune 50 and Fortune 100 companies have publicly acknowledged the benefits of inclusive policies:

*"One word: competitiveness. It's not just a nice-to-do thing. It's a requirement to be successful in the private sector."*—John Hassell, director for federal and

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<sup>1</sup> Available at <http://www.city-data.com/us-cities/The-South/Louisville-Economy.html>

<sup>2</sup> *Id.*

<sup>3</sup> See "NEW REPORT SHOWS CORPORATE AMERICA COMPETING TO BE THE MOST GLBT-FRIENDLY: Industry Trends Show Fierce Competition; Benefits Ranging from Domestic Partner Health Plans to Transgender Protections," available at: [www.hrc.org/Template.cfm?Section=Get\\_Informed2&CONTENTID=33911&TEMPLATE=/ContentManagement/ContentDisplay.cfm](http://www.hrc.org/Template.cfm?Section=Get_Informed2&CONTENTID=33911&TEMPLATE=/ContentManagement/ContentDisplay.cfm).

<sup>4</sup> Information obtained from the "Workplace Project" of the Human Rights Campaign, available at: [www.hrc.org/Template.cfm?Section=About\\_HRC\\_WorkNet](http://www.hrc.org/Template.cfm?Section=About_HRC_WorkNet).

state government affairs, Hewlett-Packard Co., when asked why his company supported gay and lesbian inclusive workplaces.

*“Gay and Lesbian inclusiveness is a critical component of our objective to be the employer of choice, service provider of choice, business partner of choice and neighbor of choice globally.”—Ana Duarte McCarthy, chief diversity officer, Citigroup.*

*“Microsoft is proud to be recognized . . . for its achievements toward an equitable workplace. We value the ideas and leadership all our employees provide, no matter who they are. This inclusive approach is crucial to our business, and we are working to be an industry leader in diversity.”—Steve Ballmer, CEO, Microsoft Corporation.*

These corporate leaders recognize that employee morale and productivity improve in environments where employers show that they value and treat their employees fairly. Indeed, according to a November 2005 Gallup poll, an employee’s satisfaction with his or her employer, willingness to stay with the employer, and inclination to recommend the employer to others are all strongly and positively related to the company’s diversity policies.

- **Diversity and Inclusion Are Key Components to Attracting The Next Generation of Educated Workers.**

West Virginia’s success at bringing in jobs has been mediocre at best. According to the US Census, West Virginia has the fourth worst domestic net migration rate of people who are young, single, and college educated in the country.<sup>5</sup> As pronounced by Matt Ballard upon being named President of the Charleston Area Alliance, “We’re going to continue to bring jobs into West Virginia. And we have to market ourselves aggressively because we come to the table with fewer chips than everyone else.”<sup>6</sup>

Government and business leaders in West Virginia, as well as in peer cities, have consistently identified attracting young, highly educated, and upwardly mobile workers as essential to economic development in this new technology and an information-based economy.<sup>7</sup> Leading demographers have found that the new generation of highly

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<sup>5</sup> Available at <http://www.census.gov/prod/2003pubs/censr-12.pdf>

<sup>6</sup> Available at [http://www.charlestonareaalliance.org/shared/content/pdf\\_files/New%20Agency%20Chief.pdf](http://www.charlestonareaalliance.org/shared/content/pdf_files/New%20Agency%20Chief.pdf)

<sup>7</sup> See “5 goals set towards making Memphis ‘choice’ city,” *Commercial Appeal* (June 3, 2007), available at: [www.commercialappeal.com/mca/business/article/0,1426,MCA\\_440\\_5568073.00.html](http://www.commercialappeal.com/mca/business/article/0,1426,MCA_440_5568073.00.html); see also “Cities compete in hipness to attract young,” *New York Times* (Nov. 26, 2006), available at: [www.nytimes.com/2006/11/25/us/25young.html?ex=1322110800&en=c8721783f4c9dd61&ei=5088&partner=rssnyt&emc=rss](http://www.nytimes.com/2006/11/25/us/25young.html?ex=1322110800&en=c8721783f4c9dd61&ei=5088&partner=rssnyt&emc=rss); see also “Plugging the drain: Encouraging creative young Kentuckians to stay, return home,” *City Magazine* (Summer 2006), available at: [www.politicstkentucky.com/CITYSUM06.pdf](http://www.politicstkentucky.com/CITYSUM06.pdf).

desirable workers are likely to choose where they want to live before looking for a job.<sup>8</sup> Along with downtown living, public transportation, and entertainment options, demographers cite *diversity and inclusion* as one of the key magnets for attracting young workers.<sup>9</sup> As the New York Times reported, “They view diversity and tolerance as marks of sophistication.”<sup>10</sup> Indeed, according to a recent study by an economist and public policy professor at George Mason University, a culture of intolerance hampers economic growth.<sup>11</sup>

- **Bringing About Inclusion and Opportunity Requires Local Leadership and Vision**

Neither West Virginia state law nor federal law prohibits sexual orientation discrimination in employment, housing, or public accommodations. Accordingly, neither the West Virginia Human Rights Commission nor the United States EEOC has jurisdiction to investigate or prohibit sexual orientation discrimination.

While the business community can take a lead in protecting workers, not all West Virginians have the privilege of working for a company that bans workplace discrimination based on sexual orientation. And while workplace non-discrimination policies are good, they do not have the force of law in guaranteeing that our citizens have an equal opportunity to make a living and participate fully in the economy of our state.

Thus, West Virginia has the opportunity to distinguish itself as a place of inclusion that will attract tomorrow’s workers. Making that vision a reality depends on leadership from forward-thinking and fair-minded government, business, and community leaders.

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<sup>8</sup> See “Cities compete in hipness to attract young,” *New York Times* (Nov. 26, 2006), available at: [www.nytimes.com/2006/11/25/us/25young.html?ex=1322110800&en=c8721783f4c9dd61&ei=5088&partner=rssnyt&emc=rss](http://www.nytimes.com/2006/11/25/us/25young.html?ex=1322110800&en=c8721783f4c9dd61&ei=5088&partner=rssnyt&emc=rss).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> See “Intolerance hampers growth: Open society essential to future economic development, argues Richard Florida,” *Charlotte Business Journal* (Sept. 9, 2005), available at: <http://charlotte.bizjournals.com/charlotte/stories/2005/09/12/focus2.html>.