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HB2 Guts Core Worker Anti-discrimination Protections

Bill goes well beyond bathrooms and ends 35 years of basic civil rights for workers

Most of the attention paid to HB2 has thus far focused on the provisions repealing Charlotte's recent anti-discrimination ordinance, especially the provisions addressing bathroom accommodations for transgendered residents. But it's crucial to understand how much farther HB2 goes than just addressing bathroom accommodations—the **bill actually guts core worker anti-discrimination protections that state law has long provided to workers.**

Since 1985, workers in North Carolina who have been fired because of their religion, race, color, national origin, age, sex, or handicap have been able to bring claims in state court under the common law theory of wrongful discharge in violation of public policy, based upon the public policy stated in action based on the North Carolina Equal Employment Practices Act (NCEEPA), N.C. Gen. Stat. § 143-422.1, et seq.

- **HB2 eliminates state law remedies for employees who are fired based on their race, religion, color, national origin, age, sex or handicap.** Specifically, section 3.2 of the bill ended an employee's private right to sue an employer who fires him or her for any one of these discriminatory reasons. **As a result, this leaves employees who are fired simply because they are black or a female or Christian without any effective protections under state law.**
- **North Carolina will join Mississippi as the only state without any state law protecting private sector employees from workplace discrimination.** It does not speak well of our state that North Carolina is now in the same civil rights category as Mississippi, a state with a long history of racial discrimination and lack of respect for workers' rights.
- **By eliminating the NCEEPA as the basis for any civil action, the General Assembly has severely restricted victims of discrimination from meaningful redress.** As defenders of HB2 were quick to point out, employees can still bring a claim under *federal* anti-discrimination laws, but for many victims of workplace discrimination that is not a viable option. Federal courts are much less accessible because of the high cost of litigating a claim there, time-consuming administrative exhaustion requirements, limits on damages and a very short deadline to bring a claim (180 days as compared to three years in state court). Moreover, the Human Relations Commission, which the General Assembly has not funded adequately or past June 30, 2016, does not offer victims any redress unless their employer agrees to conciliate.

This legislation is bad news for North Carolina's economy. It empowers businesses to discriminate, and discrimination has never done anything positive to create jobs or grow an economy that works for everyone.

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