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## Concerning the Repeal of the Jobs Protection and Civil Rights Enforcement Act of 2013

**SB15-069**

Testimony to the House State, Veterans and Military Affairs Committee  
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My name is Kristen Jefferson. I am the policy and research intern with the Bell Policy Center. The Bell is a non-partisan, non-profit research and advocacy organization founded on progressive values and dedicated to expanding opportunity for all.

**The Bell Policy Center opposes Senate Bill 15-069, Concerning the Repeal of the Jobs Protection and Civil Rights Enforcement Act of 2013.** The Bell strongly advocated for the passage of the Job Protection and Civil Rights Enforcement Act of 2013, HB13-1136, because it made great strides in protecting the rights of workers and employers. As the governor said after signing the bill, “We believe HB13-1136 strikes the appropriate balance between protecting small-business employers from costly and frivolous litigation and providing the victims of intentional and unacceptable discrimination with appropriate remedies.”<sup>(1)</sup>

**SB15-069 would undo much of the progress made by the Job Protection and Civil Rights Enforcement Act of 2013 — eliminating all punitive damage awards to victims of discrimination, disallowing compensatory damages against employers with 15 or fewer employees and setting unequal standards for awarding attorneys’ fees to plaintiffs.** HB13-1136 aligned Colorado with the majority of other states, including nearly all of Colorado’s regional neighbors as well as federal law, in regard to remedies. Forty-two other states and the District of Columbia provide at least one meaningful remedy for successful employment-discrimination lawsuits. Thirty-eight states offer attorney fees and 35 states offer compensatory and/or punitive damages.<sup>(2)</sup> Six states and the District of Columbia offer three remedies — compensatory damages, punitive damages and attorney fees to people employed in a business with one or more employees.<sup>(3)</sup> Only two of those states have caps on damages and neither has a cap as low as Colorado’s.<sup>(4)</sup>

**We have found no evidence to support claims that providing meaningful protections of civil rights leads to job loss or has a negative impact on business.** In 2013, we researched the filing rates in a handful of states that had made legislative changes to workplace-discrimination laws in the past decade by incorporating a new protected class or adding remedies. We found no major increase in filings when protected classes or remedies were added.(5)

This year, we researched small business growth in states that have all three remedies and compared them to states that have no remedies or partial remedies. We compiled census data on business establishments with fewer than 20 employees from 2007 to 2013 in all 50 states and the District of Columbia. We then researched employment discrimination laws in all 50 states and the District of Columbia. We found no correlation between available remedies and small business growth.(6) Concerns regarding meaningful civil rights protections having negative impacts on small business growth have not come to fruition in other states.

**Senate Bill 15-069 is an attack on expanded workplace fairness. We believe it is a threat to the workers, communities and economy of Colorado and respectfully urge the committee members to vote against its passage.**

Thank you for the opportunity to testify today. I am happy to answer any questions you may have.

#### **End notes**

1) Gov. Hickenlooper signs Job Protection and Civil Rights Enforcement Act of 2013, May 6, 2013, <http://www.colorado.gov/cs/Satellite/GovHickenlooper/CBON/1251642285570>

2) *State Comparison – Employment Discrimination Filing and Legislation*, Bell Policy Center, January 2013.

3) *State Comparison- Small Businesses Growth and Anti-Discrimination Laws*, Bell Policy Center, February 2015

4) Ibid

5) *State Comparison – Employment Discrimination Filing and Legislation*, Bell Policy Center, Jan. 2013.

6) *State Comparison- Small Businesses Growth and Anti-Discrimination Laws*, Bell Policy Center, February 2015