

# If Democrats Controlled the House...

A Weekly Taste of Their Legislative Agenda

June 29, 2012



**Proposal:** H.R. 1113, Fair Employment Act of 2011

**Sponsor:** Rep. Henry C. “Hank” Johnson (D-GA)

**Summary:** This proposed law would amend the 1964 Civil Rights Act to add ‘unemployment status’ to the categories of prohibited discrimination.

**Problems with the Bill:** The legislation in question would put “unemployment status”—that is, the fact that somebody is unemployed or has been for a long period of time—as a protected class along with “race, color, religion, sex, or national origin.” As a result of this law, following this new regulation would need to reconsider and be able to thoroughly justify their refusal to hire somebody who was unemployed for reasons which trouble them, and would not be able to legally refuse someone employment based on the fact that the person had been unemployed for the most recent 20 years. It is not the federal government’s role to bind the hands of businesses from making this decision, and it is wrong for the government to step in and add yet another unnecessarily burdensome regulation into the economy in the midst of an economic downturn. The creation of this new status of ‘protected class’ is unreasonable to impose upon employers in a free market who in some cases might consider long-term unemployment a negative aspect for an applicant; it is wrong for the government to involve itself and force the employer’s hand in this hiring decision.

What is more, the effects of this change would be to create yet another weight on business in the midst of a recession on account of enormous amount of compliance costs in this area. If this status is protected under the Civil Rights Act, the reach of the legislation would be expansive and backed strongly by the force of law. Even companies trying fully to comply with the regulation would need to worry about the aggregate effect of their hiring practices rather than merely worry about the case-by-case “discrimination” against those who have been unemployed for a long period of time. There would be a much wider avenue by which companies could be sued, and many companies would likely need to hire additional legal help to be able to turn away those whom they have a legitimate reason not to hire. The federal government has no right to force employers to comply with this burdensome series of regulatory costs in order to implement a sweeping and unreasonable regulation.

**Reminder:** RSC staffers and interns are encouraged to send other examples of questionable legislation to [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov).