

Ohio House Takes Steps To Modernize Outdated Antidiscrimination Statutes

May 23, 2017 | [High Stakes Employment Issues, Labor And Employment](#)



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On May 9, the Ohio House of Representatives' Economic Development, Commerce, and Labor Committee favorably reported on House Bill 2, a bill that would streamline and modernize Ohio's archaic antidiscrimination statutes. Ohio's antidiscrimination statutes are currently some of the least friendly in the country to employers. There are lengthy statutes of limitations, along with individual liability for managers and uncapped damages. There are four ways to file an age discrimination claim, all with different statutes of limitations and remedies. A plaintiff can simultaneously pursue a claim before the Ohio Civil Rights Commission (OCRC) and in court. House Bill 2 seeks to streamline these statutes and bring them more in line with federal law. The bill seeks to:

- Shorten the statute of limitations for filing civil lawsuits. Section 4112 currently has a six-year statute of limitations; House Bill 2 would shorten that to two years.
- Eliminate simultaneous OCRC claims and lawsuits. Instead of allowing plaintiffs to file civil lawsuits immediately and allowing simultaneous OCRC claims and lawsuits, a plaintiff would first need to file an OCRC claim and exhaust administrative remedies before filing suit.
- Provide an affirmative defense for harassment claims with no tangible employment action, consistent with the Faragher/Ellerth defenses in federal court that would allow employers to establish they took reasonable measures to prevent or correct harassment and the employee failed to take advantage of those measures
- Eliminate individual liability for supervisors in most cases
- Consolidate the numerous ways to file an age discrimination claim into one single procedure
- Cap compensatory and punitive damages consistently with Ohio's tort reform laws

The bill has a long way to go, and a similar Senate bill expired without being passed at the end of 2016. However, employers remain hopeful that this renewed push will pass this term and Ohio's current pro-employee antidiscrimination statutes will be balanced more fairly.

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