



How to Win Over Business Owners in the Next HERO Draft

News

11.08.15

Joe Gagnon was quoted in the *Houston Business Journal* on November 8, 2015. In the article "How to Win Over Business Owners in the Next HERO Draft" Joe addresses chief concerns that he'd like to see addressed in a Houston Equal Rights Ordinance (HERO 2.0).

First, business owners want protection from being held criminally responsible for discrimination committed by one of their employees, Joe said.

He cited a hypothetical situation in which a restaurant waiter turns away a customer with a service dog because the waiter thought animals weren't allowed in the restaurant. That would be a criminal offense under HERO, Joe said, and the owner would be held responsible despite not having personally committed anything illegal.

And once a business is committed of a criminal offense, would that impact its ability to retain liability insurance, or would it potentially see a steep hike in insurance costs? That's another significant concern that a new ordinance would need to address, he said.

One final concern: For businesses that would be found guilty under HERO for discrimination, the fine for that single criminal offense would total around \$500. But if the plaintiff decided to take the business to civil court and sue for damages, it would be tough for the business to defend itself when the plaintiff could "wave around" the fact that the city already found the business guilty, Joe said.

On the other hand, for those who are concerned with their ability to fight back legally against discrimination, spokespeople for the federal Equal Employment Opportunity Commission said the agency will accept claims of gender identity and sexual orientation discrimination at a local level. And although HERO lost by a wide margin, Joe said that a non-discrimination ordinance isn't completely off the table.

"The message here for business owners is that this doesn't end the debate," he said. "There's been so much fear mongering, it would be good for cooler heads to prevail."

To read the full article, please visit the [*Houston Business Journal*](#).

Please reach out to our [Media team](#) for any news inquiries.

Related People



Joseph W. Gagnon

Partner

713.292.5613

[Email](#)