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Gay marriage as a business issue

Allowing gay couples to enter into civil marriages would give New York a competitive advantage

By: Alair Townsend

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Gov. Eliot Spitzer has proposed legislation to allow gay couples to enter into civil marriages — the first governor in the United States to do so. Why should businesspeople in New York care?

They should care because it would give New York a competitive advantage. Any edge in recruiting and retaining top talent would redound to our benefit.

The competition for the best and the brightest is intense and is growing more heated daily. Just ask any IT administrator, accounting recruiter or advertising sales manager. Desperate employers are posting job openings on Facebook and using gym memberships and free iPods to lure candidates.

Much of the country is extremely hostile territory for gays. A number of states fail to offer basic legal protections, and sexual preference is not a federally protected right. At least one candidate for president, former Wisconsin Gov. Tommy Thompson, said in response to a question during the recent Republican debate that discriminating against a gay employee was a private matter for a businessperson. He later said he misunderstood the question.

New York has a strong base on which to build. The city has the largest gay population in the nation, because it is more welcoming than most places. Sheer numbers mean that gays can find more support here, including gay professional associations, advocacy groups and companionship. They can live more open and personally fulfilling lives.

There are gay employees in every sector, from financial services to real estate, and from publishing and media to accounting and law. And it is impossible to imagine Broadway and the apparel and design industries — hugely important segments of our economy — without gay workers.

Many companies here recognize the needs of all their employees and offer partner benefits. That's better than nothing, but no company can provide the full range of legal protection that is required, as spelled out in the press release announcing the governor's legislation:

"Under current law, partners unable to enter into a civil marriage — and their children — lack legal protections taken for granted by married couples. In such areas as property ownership, inheritance, health care, hospital visitation, taxation, insurance coverage, child custody and pension benefits, married couples receive important safeguards against the loss or injury of a spouse, and crucial insurance against legal intrusion into marital privacy."

Mr. Spitzer uses the term "civil marriage" for two reasons. First, his bill would not — could not — require religious institutions to marry gay couples. Second, he wants to ensure that all of the legal rights available under state law to married heterosexual couples are conferred. He could have used the term "civil unions," but that would reduce the dignity and solemnity of the bonds.

Mr. Spitzer's bill faces intense opposition. Joseph Bruno, the leader of the Senate Republicans, calls himself pro-business, but he is opposed to this measure, which would enhance our competitive position. Assembly Speaker Sheldon Silver has avoided the matter thus far.

This is an issue where strong business support could make a difference. If executives aren't compelled to take a stand based on the belief that all their employees deserve fair treatment, they should consider their own self-interest.

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