Job discrimination based on genetics set for California ban

[SAN FRANCISCO] The California senate is expected to finalize legislation this week to prohibit employers from discriminating on the basis of genetic characteristics. The bill, which the State Assembly approved last week, was expected to go to the governor Pete Wilson before Friday for a final signature.

The law would prevent employers from using any genetic information — including tests, family histories or conjectures from someone's appearance or ethnicity — in making hiring, promotion or other job-related decisions.

California already has one of the country's strongest laws prohibiting insurance-related genetic discrimination. State senator Patrick Johnston (Democrat, Sacramento/San Joaquin), who shepherded that legislation four years ago, has been pursuing restrictions on gene-related employment discrimination ever since.

"Job applicants should not be evaluated based on their genes," Johnston told the Assembly Appropriations Committee. "They should be evaluated based on their performance, their current health status, and their actual capacity to function in a job."

Johnston said several studies suggest that employers are using genetic information to deny employment to individuals. Companies may be attempting to avoid high health-insurance rates or a loss of productivity once a genetic disease strikes.

The Chamber of Commerce and the California Manufacturers Association opposed the legislation, but the pharmaceutical company SmithKline Beecham supported it. The Biotechnology Industry Organization has argued against a patchwork of non-discrimination laws at the state level, pointing out that there is already some federal protection, such as the Americans with Disabilities Act.

Johnston said that state laws on genetic discrimination are necessary because the existing act may not fully protect workers. In addition, the federal Disabilities Act covers only companies with at least 15 employees; the new law would apply to any employer of more than five people. The California legislation could lead the way for other states to enact strict laws against genetic discrimination in employment.

At the national level, a bill sponsored by Representative Louise Slaughter (Democrat, New York) and Senator Olympia Snowe (Republican, Maine) is scheduled for markup in the US Senate Labor and Human Resources Committee this week. Legislators are expected to vote on the bill, which is intended to prevent discrimination by health insurers on the basis of genetic information, within a month.

Sally Lehman

Israel reaches deal to join EU Framework programme

[JERUSALEM] Despite objections from some industrialists and government officials, Israeli Prime Minister Binyamin Netanyahu decided this week that Israel should participate in the European Union's fifth four-year Framework programme of research (FP5), which begins next year.

Netanyahu authorized the Israeli negotiating team to initial the agreement it had reached with the EU. But the agreement still requires the approval of the cabinet and of the finance committee of the Knesset, Israel's parliament.

The negotiating team, led by Orna Berry, chief scientist at the Ministry of Commerce and Industry, achieved what Berry said were significant improvements over the rules Israel worked under in the fourth Framework programme (FP4). This would put Israel on a par with the non-EU European states that participate, such as Norway.

Berry has been a strong supporter of Israel's continued participation, as a way of strengthening the country's presence in the European market for high-technology goods. But she does not dispute the claim levelled by the programme's opponents — that Israel is getting terms that are less good than those enjoyed by EU member states.

The FP5 rules require, for example, that Israel can only participate in projects involving at least two EU countries, while EU members need only find one other member state as a partner. But she argues that Israel cannot afford to remain outside the programme.

Israel's high-tech industries must understand, says Berry, that Framework is a European programme not designed with the interests of non-EU countries in mind. "We pay in advance, and we have to adjust ourselves to the EU's requirements," she says.

Berry points out that Israel has a trade deficit of US\$10 billion with Europe, half of the total value of the country's exports to the EU. She says Israel has already, through its membership of FP4, invested money and effort in becoming familiar with the programme and the Brussels bureaucracy. Not joining FP5 would mean writing off that investment, she says.

Berry's arguments are supported by many in universities. "Israel must join [FP5]," says Zehev Tadmor, president of the Technion — Israel Institute of Technology. "Europe is our natural partner and it would be absurd if we were not in the programme."

Technion researchers are involved in 17 research projects funded under FP4, in fields as diverse as aeronautics, medical technology and water desalination. "True, it's a big bureaucracy, but we've got to overcome that," says Tadmor.

Netanyahu: backs Framework deal despite claims that the rules discriminate against Israel.

But the programme's critics in industry and government disagree. Officials at the science and finance ministries have been arguing that the money Israel will have to invest in the programme — about \$45 million annually over four years — could be better spent in direct grants to local research projects. Some leading figures in the country's high-tech industries have been overtly hostile.

Zohar Zisapel, chairman of Rad Data Communications and of the Electronic Industries Association, argues that "Israel has been accepted into the programme under discriminatory conditions, and as a result has not been able fully to realize the opportunities it presented".

Zisapel points out that, under the rules covering the participation of non-EU states in FP4, Israeli companies have not been able to act as the coordinators of research programmes. Such restrictions come on top of the inherent disadvantages Israel faces as a non-EU member of the programme.

He suggests that Israel should be given not just a level playing field, but one tilted in its favour, arguing that European high-tech companies "have a lot more good reasons to want to cooperate with Israeli companies" than Israeli companies have to want to cooperate with European ones.

Uri Shor, spokesman of the Ministry of Science, says Israel should participate in the programme, but only on the same conditions enjoyed by member states. "We won't invest the money of Israeli taxpayers for other people's research programmes."

The prime minister's science adviser, Israel Hanukoglu, says: "We pay the full assessment but we don't get the whole programme. We're very interested in participating, but we want equal conditions."

However, the programme's opponents are unlikely to campaign against the agreement's ratification by the cabinet and Knesset.

Haim Watzman

AP/MATI STEIN