

HB6452: An Act Concerning Discrimination

Questions and Answers

Q: What does HB6452: *An Act Concerning Discrimination* do?

A: This bill would add the phrase “gender identity or expression” to Connecticut’s non-discrimination law. Currently Connecticut has no explicit laws prohibiting discrimination on the basis of gender identity or expression in employment, education, housing, public accommodations or credit. This law, if passed, would protect all individuals against discrimination on the basis of gender identity or expression in those areas regardless of their gender identity or expression.

This bill gives the CT Commission on Human Rights and Opportunities (CHRO) the authority to investigate complaints of discrimination on the basis of gender identity or expression and order appropriate remedies if such discrimination is found. It applies the same rules, procedures, and remedies that apply to other types of discrimination, such as race, national origin, sex, or sexual orientation.

Q: Are there any state or local laws that already prohibit discrimination against transgender individuals?

A: Currently **13** states (including our New England neighbors Maine, Vermont and Rhode Island), plus Washington, DC, protect individuals from discrimination based on their gender identity or expression. Additionally, **122** municipalities have similar ordinances. Connecticut would not be trailblazing if we enacted this legislation. We would be joining a growing number of states committed to protecting all their residents from discrimination.

Q: What kind of relief is available under HB6452 *An Act Concerning Discrimination*?

A: *An Act Concerning Discrimination* gives the same relief to individuals experience gender identity or expression discrimination that the current Non-Discrimination statues provides to those experiencing other forms of discrimination such as race, national origin, sex, or sexual orientation.

Q: Does HB6452: *An Act Concerning Discrimination* affect religious organizations or religious schools?

A: The bill specifies that its provisions that prohibit discrimination on the basis of gender identity or expression do **not** apply to religious corporations, entities, associations, educational institutions, or societies regarding employment or matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that they have established.

Q: Does HB6452: *An Act Concerning Discrimination* create special rights for certain employees?

A: No, *An Act Concerning Discrimination* is not about special treatment, but rather ensuring that every employee is treated fairly, with equal access to opportunities. The bill simply extends to people the right to present and identify in a way consistent with their gender identity even if it differs from their biological sex at birth.

Q: Will HB6452: *An Act Concerning Discrimination* be a burden on businesses?

A: No. Currently, 175 Fortune 500 companies, 356 private sector companies, and 85 colleges and universities, have non-discrimination policies that include gender identity or expression. These include businesses and universities located in CT: **Aetna, Pitney Bowes, The Hartford, 3M, and Xerox; and Connecticut College, Wesleyan University, University of New Haven and Yale University.**

Judging employees by the quality of their work is considered a best business practice. Eliminating

discrimination in the workplace helps ensure the hiring and retention of well-qualified employees. Much of Corporate America has voluntarily put in place policies prohibiting discrimination against transgender people for exactly this reason — it's good for business.

Q: Will employers and schools still be able to enforce dress standards?

A: Yes. Under *An Act Concerning Discrimination*, an employer or school may require employees or students to follow reasonable dress codes and grooming standards. However, the employee or student must be permitted to conform to the dress code and standards of their gender identity regardless of what sex designation they were ascribed at birth.

Q: Will employers and schools be required to provide separate bathrooms for an employee or student who is transitioning or has transitioned from one gender to another?

A: Employers and schools will not be in violation of *An Act Concerning Discrimination* as long as individuals are able to use bathrooms, changing rooms or locker rooms that are either gender neutral or comport with the employee's or student's gender identity or expression.

Q: How will HB6452 *An Act Concerning Discrimination* affect teachers in public schools?

A: The law will ensure that teachers are hired and retained based on their ability to do the job and not based on other people's basis or prejudices. Teacher quality is among the most important predictors of student achievement. One's gender identity is irrelevant to teaching qualifications and fitness for classroom teaching. For teachers who transition from one gender to another, being transgender is essentially a medical condition that children may, of course, notice just as they would, for example, a teacher in a wheelchair. People's discomfort with that kind of difference is never a good reason to remove a qualified teacher from the classroom.

Q: Will *HB6452: An Act Concerning Discrimination* lead to an onslaught of frivolous lawsuits?

A: No. Three General Accounting Office (GAO) studies have shown that discrimination claims by lesbian, gay, bisexual and transgender people in the states with nondiscrimination laws make up a very small percentage of overall discrimination claims.

The GAO reported that the percentage of overall claims that alleged discrimination based on sexual orientation or gender identity varied from state to state, ranging from 1.3% to 3.9% of all claims. State discrimination laws have not led to a flood of litigation, but rather have provided appropriate remedies for the modest number of cases of discrimination.

**Organizations that support equality in gender identity
and gender expression for all CT residents**

ACLU of Connecticut | Anti-Defamation League | CT Sexual Assault Crisis Services (CONNSACS) | The CT Alliance for Business Opportunities | CT Citizen Action Group | CT Conference of the United Church of Christ | CT National Organization for Women | CT TransAdvocacy Coalition | CT Women's Education and Legal Fund | Gay & Lesbian Advocates & Defenders | Gay, Lesbian and Straight Education Network Connecticut | Hartford Gay and Lesbian Health Collective | Hartford Parents and Friends of Lesbians and Gays | Gender PAC | Love Makes a Family | National Association of Social Workers (CT) | National Association for Multicultural Education, CT Chapter | National Gay & Lesbian Task Force | NARAL Pro-Choice CT | New Haven Pride Center | People of Faith for GLBT Civil Rights | Permanent Commission on the Status of Women | Planned Parenthood of CT | Rainbow Center, UConn | SAGE Center, SCSU | Transgender Legal Defense & Education Fund | Transitioning and Loving Life (TaLL) | True Colors Sexual Minority Youth and Family Services of CT | Women's Center, UConn

Do you want to see your agency or organization on this list?

For more information or to add your organization to the Anti-Discrimination Coalition, please contact Diana Lombardi diana@transadvocacy.com or call (860) 247-6090 ext. 21