

Give Shield for Gender Identity? by Stephanie Marnin

As a lawyer who represents employees, I regularly see the insidious ways gender-nonconforming individuals endure discrimination at work. In some cases, employers simply refuse to hire individuals whose gender identity or expression is not consistent with the employer's ideas of what it means to be a man or a woman. In others, these employees are subjected to harassment and abuse at the hands of co-workers and supervisors. Some transgender folks are fired when they tell their supervisor they plan to transition from female to male or male to female.

Existing statutory schemes and case law do not provide adequate protections for gender nonconforming and transgender individuals. The law also fails to place employers sufficiently on notice of existing protections individuals may have against discrimination. Moreover, the law too often has been misapplied and misinterpreted. The result is that transgender and gender nonconforming people are left with virtually no protection against discrimination.

Before I began practicing law, I was the director of the Rainbow Center, the University of Connecticut's gay, lesbian, bisexual and transgender educational resource center. An important part of my work was educating the UConn campuses about the pervasive discrimination faced by people whose gender identity or gender expression is not consistent with some ideas about what it means to be a man or a woman.

House Bill 6452, An Act Concerning Discrimination, will go far in remedying the discrimination and help to educate the public about the lives and struggles of those who do not conform to traditional perspectives about gender.

I regularly hear the stories of people who do not fit within rigid gender categories or who have made the transition from male to female or female to male. Some identify as transgender, some do not. Some consider themselves to be gay or lesbian, but many do not. This bill will protect them all in employment, education, public accommodations, housing and credit.

An Act Concerning Discrimination will clarify and update state nondiscrimination laws to ensure they clearly and uniformly protect all people regardless of gender identity or gender expression.

In November 2000, the Commission on Human Rights and Opportunity issued a declaratory ruling that clarified discrimination on account of sex includes transgender people. House Bill 6452 codifies this decision.

By adding the gender identity and expression language to the laws, the state simultaneously gives notice to and protects employers and others by making it clear that discrimination on account of gender identity or expression is illegal in Connecticut.

Rather than assuming that businesses, organizations and individuals will be familiar with Commission on Human Rights and Opportunity rulings, this bill puts the law of the land where people expect to find it: in our laws.

Including gender identity and gender expression in anti-discrimination laws does not reflect an activist legislature. Similar laws have been in existence since as early as 1975, when Minneapolis passed its law protecting gender identity and expression. Currently, 13 states -- including Maine, Vermont and Rhode Island -- and 122 municipalities already have laws and ordinances prohibiting discrimination on the basis of gender identity or expression. Shouldn't citizens of Connecticut have similar protections?

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