

# QUESTIONS AND ANSWERS

## ON SB 1044 AN ACT CONCERNING DISCRIMINATION

**What does this bill do?** This legislation would clarify and update Connecticut's non-discrimination laws to ensure that they clearly and uniformly protect all people regardless of their gender identity or expression. The legislation simply adds the phrase "gender identity or expression" as defined in Connecticut's "hate crimes law" to all Connecticut statutes that address discrimination. ("Gender Identity or Expression" was added to our hate crimes law in 2004 by a vote of 139-4 in the House and 33-0 in the Senate).

**Aren't gender identity or expression covered by our law now?** No, however in 2000, the Commission on Human Rights and Opportunities ("CHRO") ruled that "gender identity or expression" was covered under our anti-discrimination laws under sex. This bill makes those protections **explicit and uniform within the CT anti-discrimination statutes. This bill is essentially a clarification of existing interpretations of law by the CHRO, and will create no new restrictions or standards.**

**If CHRO and courts have ruled that gender identity or expression is covered under our discrimination laws in an existing category why do we need to pass this law?**

This clarification of our law is important both to make persons vulnerable to discrimination aware of the scope of the law as well as to educate those entities (and individuals) subject to the law. Passage of this law would ensure that *all* the groups now covered are enumerated in the law and information informing the public of the law. Since the ruling CHRO reports having received no fewer than 10 complaints by individuals claiming discrimination based on gender identity or expression. While some cases were settled outside of CHRO, one case made it to the public hearing and there was a monetary settlement.

**Does the CHRO ruling apply to those laws that that are not under the CHRO jurisdiction?** While a CHRO ruling can only address statutes for which they have jurisdiction it only makes common sense that the same interpretation applies uniformly to all Connecticut laws. Courts in many other jurisdictions have interpreted similar statutes the same way.

**Do other States cover "gender identity and expression" in their anti-discrimination laws?** Currently, the states of California, Hawaii, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Rhode Island, Vermont and Washington include protections to individuals based on their gender identity or expression.

Besides other States, businesses have also begun to recognize the importance of protecting their employees by expanding their policies to include gender identity or expression. Over 100 Fortune 500 companies have already added gender identity and/or expression to their corporate equal opportunity policies, **including Aetna, Pitney Bowes and Xerox, headquartered in Connecticut.**

**Does this mean women will have to share bathrooms with men and vice-versa?** No. C.G.A. 46a-64(b)(1) provides for an exemption for sex discrimination for public accommodations regarding bathrooms and locker rooms. Therefore, Connecticut law does not apply to the use of same-sex facilities. SB 1044 will not change this.

**Will this law undermine an employer's ability to enforce reasonable dress and grooming standards?** No. Because this law is essentially a clarification of existing interpretations of law, this law will create no new restrictions on an employer's ability to enforce reasonable dress and grooming standards

**Does this legislation undermine religious liberties?** The First Amendment of the United States Constitution (in addition to the Declaration of Rights of the Connecticut Constitution) provides protections for religious liberties. While there is no broad religious exemption for compliance with non-discrimination laws, *courts have interpreted the First Amendment to mean that religious institutions do not have to comply with non-discrimination laws in the narrow circumstance where an employee is carrying out the religious mission of the institution.* Nothing in this law does or could undermine the core First Amendment protections religions already enjoy.

**What is the difference between sexual orientation and gender identity or expression?** A person's sexual orientation is defined by who they are emotionally, physically, and romantically attracted to. Gender identity refers to one's inner sense of being male or female and one's gender expression is the way that one expresses oneself in external presentation and/or appearance. Laws protecting people based on sexual orientation do not cover gender non-conforming individuals.

**Does this mean a school could not fire a transgender teacher?** Yes. Teacher quality is the most important educational input predicting student achievement. One's gender identity is irrelevant to teaching qualifications and fitness for classroom teaching; and teachers in other states have transitioned successfully. For teachers who transition from one sex 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.

**Who supports this bill?**

ACLU of Connecticut ♦ Anti-Defamation League ♦ Connecticut Conference of the United Church of Christ ♦ Connecticut National Organization for Women ♦ Connecticut TransAdvocacy Coalition ♦ Connecticut 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 ♦ People of Faith for GLBT Civil Rights ♦ Permanent Commission on the Status of Women ♦ Planned Parenthood of Connecticut ♦ National Association for Multicultural Education, Connecticut Chapter ♦ National Gay & Lesbian Task Force ♦ Rainbow Center, UConn ♦ SAGE Center, SCSU