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Judiciary Committee

Senate Bill 1044: *An Act Concerning Discrimination* and Raised Bill 1109: *An Act Concerning the Deprivation of Rights on Account of Sexual Orientation*
Submitted by Amy Miller, Program & Public Policy Director, Connecticut
Women's Education and Legal Fund
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Good morning. My name is Amy Miller and I am the Program & Public Policy Director of the Connecticut Women's Education and Legal Fund (CWEALF). CWEALF is a statewide, non-profit organization dedicated to empower women, girls, and their families in order to achieve equal opportunities in their personal and professional lives. For over 34 years, we have worked to ensure that all people, regardless of their gender or sexual orientation, receive equal rights and treatment. Today I am here to urge you to support two bill, SB 1044 *An Act Concerning Discrimination* and SB 1109 *An Act Concerning the Deprivation of Rights on Account of Sexual Orientation*.

SB 1044 *An Act Concerning Discrimination* clarifies and updates Connecticut's non-discrimination laws to ensure that the law uniformly protects all people regardless of their gender identity or expression. Though the Commission on Human Rights and Opportunities (CHRO) has already clarified that state law currently protects individuals from discrimination based on gender identity and expression, this bill makes the protections explicit and standard.

This bill adds the phrase "gender identity or expression" to all provisions in Connecticut non-discrimination laws that address discrimination. This includes its addition to laws prohibiting discrimination in employment, public accommodations, housing, credit, and education. CHRO has explained that discrimination against transgender people is prohibited under existing sex discrimination laws. The CHRO ruling is based on prevailing interpretations of state and federal law, including United States Supreme Court precedent. However, while the current meaning of "sex" in our laws may be clear to persons with legal training or background, it may not be clear to ordinary individuals who have no reason to know of the CHRO decision or technical interpretations of laws. In order for Connecticut citizens to know that gender identification and expression is protected, this Bill must be passed.

By amending the law to include the category of "gender identity or expression," the legislature will educate and inform all of Connecticut on the full reach of the current law. SB 1044 will make the legal code more clear and understandable by explicitly naming gender identity and expression in nondiscrimination provision. It is important to include gender expression in addition to gender identity, as it explicitly covers a person's appearance, which often serves as the basis for discrimination.

Sexual orientation as a legal concept is generally understood to refer only to whether a person is homosexual, heterosexual, or bisexual. Moreover, as a practical matter, not all non-transgender people are straight and not all transgender people are gay. Many gender non-conforming people identify as

straight. When gender non-conforming people face discrimination, it may have no relationship to their sexual orientation. Some courts have clearly said that sexual orientation laws do not prohibit discrimination because of a person's gender identity or expression; the gay rights law would not automatically protect a transgender individual. We urge you to support this bill to correct this inclination. With your support, transgender individuals will receive the automatic protection.

At CWEALF we receive calls from individuals who have been fired or contracts not renewed when their status as a transgender individual is discovered. If you know anything about filing a complaint with the CHRO, you will understand that the energy and time that is necessary to complete this process can be overwhelming. Often the people who come to us just want their jobs back. They have already experienced much humiliation and do not want to, nor often can, expend the time to see through a discrimination complaint because it will continue to highlight their 'otherness.' If Connecticut had laws which explicitly protected gender non-conforming individuals, the process for educating businesses and communities would be easier and bring about greater change. Because state laws send important signals about the state's values, it is important today for you to pass this legislation so that our transgender brother, sisters, friends can live with basic human dignity.

Additionally, SB 1109 *An Act Concerning the Deprivation of Rights on Account of Sexual Orientation* requires action. While discrimination against students based on sexual orientation is prohibited in our education statutes, section 46a-58(a) needs to be amended to include sexual orientation. In 2004 the Court held that the Commission, through section 46a-58(a), could investigate complaints of discrimination filed by students against their school districts. This bill will add "sexual orientation" to the class bases set forth in CONN. GEN. STAT. § 46a-58(a), Connecticut's deprivation of rights statute.

This bill will allow students an alternative place to go to file a discrimination complaint based on sexual orientation. Currently it is unclear where a student can or should file. Additionally, CHRO has remedies to assist further compliance for people who have been discriminated against. While perhaps not the perfect solution, CHRO offers a neutral place for students to go and resolve issues.

Thank you for your time.