

March 19, 2009

Honorable Co-Chairs and Members of the Committee:

I am grateful for the opportunity to submit testimony in unwavering support of House Bill No. 6452, An Act Concerning Discrimination, which would add the phrase "gender identity and expression" to all provisions in Connecticut law that prohibit sex discrimination. I would especially like to thank Representative Michael Lawlor and Senator Andrew MacDonald for sponsoring this important and much-needed legislation.

I am an attorney at Outten & Golden LLP in Stamford, Connecticut and a member of our firm's Lesbian, Gay, Bisexual, and Transgender Rights Practice Group. Prior to joining my firm, I served as the Director of the Rainbow Center, the University of Connecticut's Gay, Lesbian, Bisexual & Transgender Educational Resource Center.

As an attorney representing employees, I regularly see the insidious ways in which gender non-conforming individuals endure discrimination in their workplace. 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 woman. In other instances, gender non-conforming employees are subjected to constant harassment and abuse at the hands of co-workers and supervisors.

Existing statutory schemes and case law are inadequate protections for gender non-conforming individuals. The law, as it currently exists, fails to sufficiently place employers on notice of protections. And finally, the law has too often been misapplied and misinterpreted. The result is that gender non-conforming people are left with virtually no protection against discrimination.

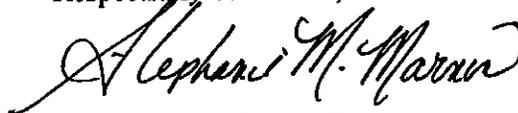
As the Director of the Rainbow Center, an important part of my work was educating the University of Connecticut's campuses about the pervasive discrimination faced by people whose gender identity or gender expression is not consistent with ideas about what it means to "be a man" or "be a woman." House Bill No. 6452 will go far in remedying the discrimination itself and importantly, will help to educate the public about the lives and struggles of individuals who do not conform to traditional perspectives about gender.

In my work at the University, I regularly heard the stories of students, faculty, staff, and community members that do not fit within rigidly defined categories of male and female. Some folks identified as transgender, some did not. Some considered themselves to be gay or lesbian, but many did not. This bill will protect them all, whether in the context of employment, education, housing, or credit.

An Act Concerning Discrimination will clarify and update Connecticut's non-discrimination laws to ensure that our laws clearly and uniformly protect all people regardless of their gender identity or gender expression. In November 2000, the Commission on Human Rights and Opportunity (CHRO) issued a declaratory ruling, clarifying that discrimination on account of sex includes transgender people. House Bill No. 6452 simply codifies this decision. Importantly, by adding the gender identity and expression language to our discrimination 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 assume that businesses, organizations, and individuals will be familiar with CHRO rulings, this bill put 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. Indeed, similar laws have been in existence since as early as 1975 when Minneapolis, MN passed its law protecting gender identity and expression. The states of Minnesota, Rhode Island, New Mexico, California, Illinois, Maine, Washington and the District of Columbia already have laws prohibiting discrimination on the basis of gender identity or expression. Shouldn't the citizens of Connecticut have similar protections?

Respectfully Submitted,

A handwritten signature in black ink that reads "Stephanie M. Marnin". The signature is written in a cursive style with a large, stylized initial 'S'.

Stephanie M. Marnin, Esq.