Gay and Transgender

Anti-Discrimination

★ Seventy-four percent of gay, lesbian and bisexual individuals have been discriminated against because of their sexual orientation. States can amend existing civil rights statutes to include sexual orientation and gender identity or expression.

★ 2004 POLICY SUMMARY ★

Gay and Transgender Anti-Discrimination

Summary

- **Seventy-four percent of gay, lesbian and bisexual individuals have been discriminated against because of their sexual orientation.**
- **In 36 states, individuals can legally be fired from their jobs, or denied access to housing, educational institutions, credit, and public accommodations simply because they are gay, lesbian, bisexual or transgender (GLBT).**
- **The American business community adopted anti-discrimination policies years ago.**
- **Americans strongly support laws prohibiting discrimination based on sexual orientation and gender identity or expression.**
- **An increasing number of jurisdictions are including "gender identity or expression" in their anti-discrimination laws.**
- **The GLBT Anti-Discrimination Act amends existing civil rights statutes to include sexual orientation and gender identity or expression.**

Seventy-four percent of gay, lesbian and bisexual individuals have been discriminated against because of their sexual orientation.[1]

For example, thousands of individuals report employment discrimination based on sexual orientation in the states that forbid such discrimination.[2] Gays, lesbians and bisexuals also experience discrimination in such areas as applying to a college, university or other school; renting an apartment or buying a house; or getting health care or health insurance.[3] People of color in the GLBT community often face heightened discrimination. A survey of gay and transgender Asian American women found that 87 percent experienced verbal intimidation, while 15 percent reported physical injury because they were or were thought to be gay.[4]

In 36 states, individuals can legally be fired from their jobs, or denied access to housing, educational institutions, credit, and public accommodations simply because they are gay, lesbian, bisexual or transgender (GLBT).

Only 14 states (CA, CT, HI, MD, MA, MN, NV, NH, NJ, NM, NY, RI, VT and WI) and the District of Columbia prohibit discrimination based on sexual orientation. Without anti-discrimination laws, GLBT people have no legal recourse when landlords deny housing or employers fire or refuse to hire them.

The American business community adopted anti-discrimination policies years ago.

More than 300 of the Fortune 500 companies and more than 1,200 private companies, nonprofits and unions in the United States have adopted anti-discrimination policies covering sexual orientation. These policies do not require employers to hire gay, lesbian, bisexual or transgender individuals. Rather, they serve to prevent an employer from refusing to hire, or demoting or discharging an employee, simply because of the individual's sexual orientation or gender identity or expression.

Americans strongly support laws prohibiting discrimination based on sexual orientation, and gender identity or expression.

A 2001 survey for the Kaiser Family Foundation found that three-quarters of Americans believe there should be laws protecting gays and lesbians from prejudice and discrimination in job opportunities and housing.[5] Sixty-one percent of Americans also favor laws to prevent employment discrimination against transgender people.[6]

An increasing number of jurisdictions are including "gender identity or expression" in their anti-discrimination laws.

Transgender people—whether they are transsexual or simply identify with the gender opposite from

their biological sex—are often targeted for discrimination. Four states (CA, MN, NM, RI), the District of Columbia, and more than 40 local jurisdictions have passed laws that explicitly prohibit discrimination based on an individual's gender identity or expression.

The GLBT Anti-Discrimination Act amends existing civil rights statutes to include sexual orientation and gender identity or expression.

This model, which is similar to laws in several states:

- Prohibits discrimination in employment, public accommodations, education, credit/lending, and housing based on sexual orientation and gender identity or expression.
- Creates a private right of action for aggrieved individuals.
- Provides for enforcement through a state agency.

This policy summary relies in large part on information from Human Rights Campaign and the National Gay and Lesbian Task Force.

GLBT ANTI-DISCRIMINATION LAWS AND POLICIES

- 14 states and the District of Columbia
- More than 270 cities or counties
- 333 of the Fortune 500 companies
- More than 1,200 private companies, non-profit organizations, and labor unions
- Almost 400 colleges and universities

Endnotes

[1] The Henry J. Kaiser Family Foundation, "Inside-OUT: A Report on the Experiences of Lesbians, Gays and Bisexuals in America and the Public's Views on Issues and Policies Related to Sexual Orientation," November 2001.

[2] General Accounting Office, "Sexual Orientation-Based Employment Discrimination," July 9, 2002. www.gao.gov/new.items/d02878r.pdf

[3] "Inside-OUT."

[4] Asian Pacific Islander Lesbian, Bisexual, Queer and Transgender Task Force (APLBQT) Survey, October 2000.

[5] "Inside-OUT."

[6] "Public Perceptions of Transgender People", Human Rights Campaign, 2002.

Gay and Transgender Anti-Discrimination

For more information...

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202-387-6030
www.stateaction.org

National Gay and Lesbian Task Force
1325 Massachusetts Avenue NW, Suite 600
Washington, DC 20005
202-393-5177
www.ngltf.org

The Federation of Lesbian, Gay, Bisexual and Transgender Advocacy Organizations
1222 South Dale Mabry, Suite 652
Tampa, FL 33629
813-870-3735
www.federationlgbt.org

Human Rights Campaign
1640 Rhode Island Avenue NW
Washington, DC 20036
202-628-4160
www.hrc.org

Lambda Legal Defense and Education Fund
120 Wall Street, Suite 1500
New York, NY 10005
212-809-8585
www.lambdalegal.org

National Center for Lesbian Rights
870 Market Street, Suite 570
San Francisco, CA 94102
415-392-6257
www.nclrights.org

Gay and Transgender Anti-Discrimination

GLBT Anti-Discrimination Act

SECTION 1. SHORT TITLE

This Act shall be called the "GLBT Anti-Discrimination Act."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS – The legislature finds that:

1. It is very common for gay, lesbian, bisexual and transgender (GLBT) individuals to be the victims of discrimination. They are fired from jobs, denied access to housing and educational institutions, refused credit, and excluded from public accommodations because of their sexual orientation or gender identity or expression.

2. It is essential that the state of [STATE] protect the civil rights of all its residents.

(B) PURPOSE – This law is enacted to protect civil rights by prohibiting discrimination against gay, lesbian, bisexual and transgender individuals.

SECTION 3. DEFINITIONS

In section XXX, the following new paragraphs shall be inserted:

"sexual orientation" means an individual's actual or perceived heterosexuality, bisexuality or homosexuality.

"gender identity or expression" means having, or being perceived as having, a gender-related identity, appearance, expression or behavior, whether or not that identity, appearance, expression or behavior is different from that stereotypically associated with the person's assigned sex at birth.

SECTION 4. GLBT ANTI-DISCRIMINATION

In section XXX, after each occurrence of the words, ["race, gender, national origin"—alter to fit state law], following new section XXX shall be inserted:

"sexual orientation, gender identity or expression,"

SECTION 5. EFFECTIVE DATE

This Act shall take effect on July 1, 2004.