



**Testimony for the House Health and Government Operations Committee
HB 235 – Human Relations – Sexual Orientation and Gender Identity – Antidiscrimination
March 9, 2011
Support**

The ACLU of Maryland strongly supports HB 235 as providing long overdue protection to Maryland's transgendered residents. It should receive a favorable report from this committee.

The state's current antidiscrimination law prohibits discrimination based upon race, color, religion, sex, age, national origin, marital status, sexual orientation, genetic information, or disability, but provides no protection for transgendered individuals, leaving them vulnerable to discrimination in all areas of civic life. The bill closes this loophole. The bill applies only to discrimination in employment, housing, financial institutions, and government entities, and does not cover public accommodations (though we think it should). Because it simply adds a new prohibited basis for discrimination to existing law, it exempts employers with less than 15 employees, employers that are religious institutions, and owners of an owner-occupied dwelling and of apartment buildings with less than 5 units.

The perverse effect of the loophole in current law is to leave those who most need the protection from gender based discrimination without it. No one suffers more than those who appear most visibly to depart from the conventions of gender. Discrimination against transgender individuals can be brutal and is pervasive. The ACLU of Maryland receives calls from victims of such discrimination regularly and from all regions of the State. It is important to understand that this discrimination occurs against self-identified transgendered individuals AND against those who do not appear to be or behave masculine enough or feminine enough. The discrimination can involve loss of a job, the refusal to provide services, the infliction of humiliating treatment, and abuse. Without the protection of the law, victims of such acts have little recourse and those bad actors have no incentive to change policies, enforce existing policies, or change their behavior.

Thirteen states and 110 cities and counties have laws that protect transgender individuals, including California, Colorado, Hawaii, Illinois, Iowa, Maine, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington, as well as the District of Columbia. These laws cover 40% of the U.S. population. Here in Maryland, Baltimore City has prohibited discrimination based on gender identity or expression (among other bases) in public accommodations, housing, employment, and education since 2002. And Montgomery County Maryland has prohibited such discrimination in employment and housing since 2007.

Corporate America has also been a leader in protecting their transgender employees. 153 Fortune 500 companies include protections for transgender employees in their nondiscrimination policies. This is more than 10 times the number that had such policies in 2001. These companies span all industries and include DuPont, Walgreens, and Coca Cola. Along with these Fortune 500 companies, 3,000 other companies, universities and labor unions prohibit this form of discrimination. Maryland companies that have a non-discrimination policy that covers gender identity include Goucher College, John Hopkins University, Sodexo Inc. and the University of Baltimore. The existence of such policies in so many cities and companies nationwide and in Maryland demonstrates that there is no public policy justification for excluding transgendered individuals from the protection of Maryland's anti-discrimination law.

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We decided as a society nearly half a century ago that discrimination based upon gender and gender stereotyping is no longer acceptable. HB 235 ensures that decision is completely fulfilled.

HB 235 should receive a favorable report.

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