

HOUSE BILL 415

An Act Adding Certain Terms Regarding Non-Discrimination To The Laws

Why is this bill necessary?

This bill is necessary to ensure that hard-working transgender residents of New Hampshire are fully protected against unfair, blatant and cruel discrimination. The sad reality is that while most forms of unfair discrimination are explicitly prohibited in New Hampshire, transgender residents do not enjoy that same level of legal protection.

For example, in 2004, Sarah Blanchett, a transgender New Hampshire resident, was fired from her job at a local college when she told her employer that she would be transitioning from male to female, despite having worked there to excellent reviews for 7 years. Some weeks after informing her employer of her plans, she was handed a letter that read in part, "As you know, you recently disclosed to us your transgender status. Upon consideration, you are immediately relieved of your duties." As a result, Ms. Blanchett was fired from her job for being transgender.

In a similarly disturbing incident in neighboring Vermont, Anthony Barreto-Neto, a decorated police officer who had been recognized for his longstanding public service was run off the police force by fellow officers after they learned about his transgender status through an internet search. After discovering that Mr. Barreto-Neto was born female and transitioned to male, fellow officers issued him faulty equipment and subjected him to a continuous pattern of harassment and inferior work conditions that became so severe he had to leave his job.

This kind of blatant discrimination is not right, and it's not fair. We should all be able to agree that discrimination based upon a person's gender identity or expression should not continue in New Hampshire.

Does this bill do anything to prevent violence against transgender people?

Yes, this bill would also make additions to the hate crimes law to ensure that perpetrators of hate crimes against transgender people are subject to the same extended sentencing terms as perpetrators of hate crimes based upon other prohibited bases, such as race, sex and sexual orientation.

Every day across this country, transgender people are disproportionately the victims of non-random, targeted violence. They include people like Angie Zapata in Colorado, who while born male, began living as a woman six years ago. At the young age of 18, she was brutally beaten to death with a fire extinguisher last year when the perpetrator found out that she was transgendered. They include Jamie Rondeau, who just last week was beaten on the street in Lowell, Massachusetts, while his attackers repeatedly called him "faggot" and sexual slurs. And while it is difficult to accurately document the frequency of these crimes because of vast underreporting, it is at least clear that hate crimes against transgender people are a widespread and significant problem.

Nothing could be further from the spirit of New Hampshire's commitment to freedom and liberty for its citizens. This law would make clear that such violence is condemned by state policy.

How does this bill work?

This bill will explicitly add gender identity and expression protections to New Hampshire's non-discrimination statutes, including New Hampshire's general anti-discrimination protections in employment, housing and public accommodations, Chapter 354-A, and New Hampshire's hate crimes law, Chapter 651:6.

This bill will also add anti-discriminations protections for lesbian, gay, bisexual and transgender (LGBT) individuals to remaining non-discrimination provisions in New Hampshire's RSA that do not already include such protections. While sexual orientation protections were added to Chapter 354-A and other selected non-discrimination statutes in 1997, there are still important non-discrimination provisions, such as protections against discrimination in accessing state mental health services or in jury selection, that do not include protections for all LGBT individuals.

What is gender identity or expression?

This bill defines "gender identity or expression" as "a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth." It includes people whose identification as either male or female does not match up with what they were assigned at birth, such as transsexual individuals. It also includes any person whose outward expression of their gender does not fall within society's stereotypes of what a man or woman should act like, such as a masculine woman and a feminine man. This concept is different from sexual orientation, which refers the romantic, emotional and physical attraction a person has to the either the same or different gender.

Would New Hampshire be the first place to explicitly protect people from discrimination on the basis of gender identity and expression?

No. Nationwide, 13 states, Washington D.C., and at least 98 counties and cities have passed non-discrimination laws on this basis. In addition, hundreds of private companies nationwide, including 152 Fortune 500 companies and 86 colleges and universities, have adopted non-discrimination policies that include gender identity or expression. In New Hampshire, there are already at least 27 employers based or operating in New Hampshire that have adopted non-discrimination policies that include gender identity. These employers include:

American Airlines	Dartmouth College	Pepsico Co.
Apple, Inc	Dell	Prudential Financial
AT&T	Gap	Southwest Airlines
Bank of America	General Motors Corp	Staples
Barnes & Noble, Inc	Harvard Pilgrim	Supervalu, Inc
Best Buy	Health Care	Toys R Us
Borders	Hilton Hotels Corp	University of New Hampshire
Bright Horizons Family	HSBC USA	UPA
Solutions	JC Penney	Walgreens
CVS	L.L. Bean	

Why New Hampshire's Anti-Discrimination Laws Should Include Gender Identity/Expression

1) Discrimination on the basis of gender identity/ expression is pervasive.

- Transgender and gender non-conforming people often have difficulty finding jobs, and unlike gays & lesbians, can be fired simply for being who they are.
- Young women who dress in "male" clothing or boys who appear "too feminine" to their classmates face frequent bullying, taunting and violence, which make it difficult to concentrate on school.
- Transgender people are frequently victims of verbal threats and physical violence, and are often deprived of jobs, housing, services, and even the custody of their own children.
- The social stigma of being transgender prevents many targeted individuals from speaking out about discrimination they have faced.

2) We can and should address discrimination in New Hampshire law now.

- We need explicit protections for transgender individuals in New Hampshire to clarify to the Human Rights Commission and to the courts that discrimination against a person based upon gender identity or expression is unlawful.
- Right now, employers, landlords, police, service providers and the general public must guide their conduct based on conflicting court decisions and legal interpretations of current anti-discrimination laws, which leaves everyone vulnerable.
- This bill makes those protections explicit and uniform within the NH non-discrimination statutes. Passing this bill would make it easier for employers, employees, landlords, police, businesses, service providers, and the general public to avoid discrimination on the basis of gender identity or expression.

3) Diversity & fairness are good for New Hampshire.

- Several of NH's major employers, including Bank of America, Walgreens, and American Airlines already include gender identity/expression in their non-discrimination policies. This helps attract and retain creative, educated workers who seek inclusive organizations that respect individual dignity, valuing employees based on their professional qualifications and the quality of their work.
- Over 150 Fortune 500 companies already include gender identity/ expression in their non-discrimination policies.
- University of New Hampshire and Dartmouth University already prohibit discrimination on the basis of Gender Identity/ Expression so that they can attract, and retain, the most qualified students.

Glossary of Terms

Sex: Refers to a person based on their anatomy (external genitalia, chromosomes, and internal reproductive system). Sex terms are male, female, transsexual, and intersex. Sex is biological, although social views and experiences of sex are cultural.

Intersex: Intersex people are born with sex chromosomes, external genitalia, and/or internal reproductive systems that are not considered "standard" for either male or female.

Gender Identity: The gender that a person sees themselves as. Gender identity is how a person feels most comfortable on the inside, which may or may not be consistent with how the person looks to others on the outside.

Gender Expression: The self-expressions, performance, actions, behaviors and dress of an individual as they relate to gender roles in a society; often conceived as "masculine" or "feminine."

Transgender: An umbrella term for people who do not fit in strict gender categories. Transgender (sometimes shortened to trans) people are those whose gender identity ("psychological self ") differs from the social expectations for the biological/physical sex they were born with. There is a difference between biological sex, which is one's body (genitals, chromosomes, etc.), and gender identity, which refers to levels of masculinity and femininity one feels inside. Additionally, transgender people may have any sexual orientation.

Sexual Orientation: Sometimes referred to as affection orientation or sexuality, sexual orientation refers to the kind of person an individual is physically and emotionally attracted to. Some examples are gay, lesbian, bisexual, and straight. An individual's gender identity/expression are not connected to the person's sexual orientation.

Sample Letters to Legislators

[YOUR ADDRESS]

[DATE]

Representative [NAME]
[ADDRESS]

Dear Representative [NAME]

My name is [NAME], and I am a resident of [your Town, NH]. I am writing to urge you to support House Bill 415 (An Act adding certain terms regarding non-discrimination to the laws), which would recognize transgender individuals right to be free of discrimination. Currently this is not the case.

There are many transgender people in NH who have suffered from discrimination for far too long. Most of them are too concerned about losing their jobs or their families to make their stories known publicly. As a result, the rest of us don't often hear of the many transgender discrimination situations that arise in our state.

This bill has been written to help transgender people of all forms maintain their dignity and to be protected in the eyes of the law. In particular, it would prohibit discrimination against a person based upon their gender identity or expression in employment, housing and public accommodations.

HB 415 is primarily focused on adding "gender Identity or expression" to our non-discrimination laws. It should be obvious in our "Live Free or Die" state that we should respect all people. But as we all know, this is not always the case. So we are asking that these terms be added to our laws so that transgender people may be protected in the eyes of New Hampshire's law.

Please vote to approve HB 415. Thank you for your time.

Respectfully,

[NAME]

Sample Letter

February 11, 2009

Dear Representative _____,

My name is Gerri Cannon and I'm a resident and small business owner in Merrimack, NH. I'd like to urge you to support HB 415 (adding certain terms regarding non-discrimination to the laws.) I'm not sure what your position is with respect to Transgender people in our society, but I would hope that you recognize that we are citizens that should have the same basic rights as any other New Hampshire citizen.

Yes, I am a Transgender person and I have personally experienced discrimination in the workplace (here in New Hampshire) as well as in my private life. Let me start by saying that I didn't decide to become a Transgender person. I fought for most of my life not to expose this part of myself to society as well as my family. It was only when I reached a breaking point that I sought out therapeutic and medical assistance. That was about 12 years ago.

Since that time my life has changed, some for the worse and some for the better. My spouse of 30 years and I separated 4 years ago. We are still friends and we have cared for our college age daughters, but we are going our separate ways. I was laid off from Hewlett Packard 3.5 years ago under questionable circumstances and had been fighting to stay employed with them while my management was threatening to fire me for "Insubordination" when my immediate manager felt that I should not be presenting my feminine side during off hours while I was traveling for business.

I shared a portion of my story with the House Judiciary Committee on February 5th. The primary reason for sharing this story is that it impacted my ability to support my family. My annual income was reduced from the \$110K range to less than \$40K as I have struggled to re-establish myself and build my carpentry business. The thought that crosses many people's minds is, so "Why did I have to present myself as another Gender?" And the short answer is; if I wasn't able to be honest with myself about my gender conflict then I was seriously considering suicide.

HB 415 is primarily focused on adding "Gender Identity or Expression" to our non-discrimination laws. It should be obvious in our "Live Free or Die" state that we should respect all people. But as we all know, this is not the case. So we are asking that these terms be added to our laws so that Transgender People as well as people that may not conform to socially dictated Gender Norms may be protected in the eyes of New Hampshire's law.

If you have any questions about Transgender related issues, feel free to contact me.

Thank you for your time,

Gerri Cannon