

## **Questions and Answers**

### ***HB 5723, An Act Concerning Discrimination***

For more information, please contact [stamarkin@cwealf.org](mailto:stamarkin@cwealf.org)  
or (860) 247-6090 ext. 23

**Q: What does HB 5723 do?**

**A:** This bill would add the phrase “gender identity or expression” to Connecticut’s existing non-discrimination law. Currently Connecticut has no explicit law prohibiting discrimination on the basis of gender identity or expression in employment, education, housing, public accommodations and credit. This law, if passed, would protect all Connecticut residents from discrimination in those areas based on their gender identity or expression.

This bill gives the CT Commission on Human Rights and Opportunities (CHRO) the authority to investigate complaints of discrimination on the basis of gender identity or expression in employment, public accommodations, the sale or rental of property, and the extension of credit and order appropriate remedies if such discrimination is found. It applies the same rules, procedures, and remedies that apply to other types of discrimination.

**Q: Are there any state or local laws that already prohibit discrimination against transgender individuals?**

**A:** Currently **13** states (including our New England neighbors Maine, Vermont and Rhode Island), plus Washington, DC, protect individuals from discrimination based on their gender identity or expression. Additionally, **96** municipalities have similar ordinances. Connecticut would not be trailblazing if we enacted this legislation. We would be joining a growing number of states committed to protecting all their residents from discrimination.

**Q: Will HB 5723 be a burden on businesses?**

**A:** No. Currently, 572 employers (356 private sector companies including 153 Fortune 500 companies), 13 state governments, Washington, DC, **96** cities and counties and 85 colleges and universities, have non-discrimination policies that include gender identity or expression. These include businesses and universities headquartered and located in CT: **Aetna, Pitney Bowes, the Hartford, and Xerox; and Connecticut College, Wesleyan University and Yale University.**

Judging employees by the quality of their work is considered a best business practice as it is efficient to retain experienced employees and to hire the best qualified applicants. Corporate America has voluntarily put in place policies prohibiting discrimination against transgender people for exactly this reason — it’s good for business.

For more information about this important legislation, please contact Sally Tamarkin  
at Connecticut Women’s Education and Legal Fund:  
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**Q: Does HB 5723 affect religious organizations or religious schools?**

**A:** The bill specifies that its provisions that prohibit discrimination on the basis of gender identity or expression do **not** apply to religious corporations, entities, associations, educational institutions, or societies regarding employment or matters of discipline; faith; internal organization; or ecclesiastical rules, customs, or laws that they have established.

**Q: What kind of relief is available under HB 5723?**

**A:** This bill gives CHRO the authority to investigate claims of discrimination based on gender identity or expression in employment, housing, credit, public accommodations (as it does with all claims of discrimination against members of protected classes) and education, and where such discrimination is found, order appropriate remedies.

**Q: Does HB 5723 create special rights for certain employees?**

**A:** No, **HB 5723** simply extends to people the right to present and identify in a way consistent with their gender identity even if it differs from their biological sex at birth.

**Q: Will HB 5723 lead to an onslaught of frivolous lawsuits?**

**A:** No. Three General Accounting Office (GAO) studies have shown that discrimination claims by lesbian, gay, bisexual and transgender people in the states with nondiscrimination laws make up a very small percentage of overall discrimination claims.

The GAO reported that the percentage of overall claims that alleged discrimination based on sexual orientation or gender identity varied from state to state, ranging from 1.3% to 3.9% of all claims. State discrimination laws have not led to a flood of litigation, but rather have provided appropriate remedies for the modest number of cases of discrimination.

**Q: Will employers and schools still be able to enforce dress standards?**

**A:** Yes. Under HB 5723, an employer or school may require employees to follow reasonable dress codes and reasonable grooming standards. However, the employee or student must be permitted to conform to the dress code and standards of the gender with which they identify.

**Q: Will employers and schools be required to provide separate bathrooms for an employee or student who is transitioning or has transitioned from one gender to another?**

**A:** Employers and schools will not be in violation of HB 5723 as long as individuals are able to use bathroom, changing rooms or locker rooms that are either gender neutral or comport with the employee's gender identity or expression.

**Q: How will HB 5723 affect teachers in public schools?**

**A:** Teacher quality is among the most important predictors of student achievement. One's gender identity is irrelevant to teaching qualifications and fitness for classroom teaching; and teachers in other states have transitioned successfully. For teachers who

transition from one sex to another, being transgender is essentially a medical condition that children may, of course, notice just as they would, for example, a teacher in a wheelchair. People's discomfort with that kind of difference is never a good reason to remove a qualified teacher from the classroom.

**Organizations that support equality in gender identity  
and gender expression for all CT residents**

ACLU of Connecticut | American Federation of Teachers (CT) | Anti-Defamation League | CABO (The CT Alliance for Business Opportunities) | Connecticut Conference of the United Church of Christ | Connecticut National Organization for Women | Connecticut Sexual Assault Crisis Services, Inc. | Connecticut TransAdvocacy Coalition | Connecticut Women's Education and Legal Fund | Gay & Lesbian Advocates & Defenders | Gay, Lesbian and Straight Education Network Connecticut | Hartford Gay and Lesbian Health Collective | Hartford Parents and Friends of Lesbians and Gays | Gender PAC | Love Makes a Family | National Association of Social Workers (CT) | People of Faith for GLBT Civil Rights | Permanent Commission on the Status of Women | Planned Parenthood of Connecticut | National Association for Multicultural Education, Connecticut Chapter | National Gay & Lesbian Task Force | PRISM - SCSU | Rainbow Center - UConn | SAGE Center - SCSU | True Colors Sexual Minority Youth and Family Services of CT

**Do you want to see your agency or organization on this list?**

**Contact the Anti-Discrimination Coalition at [stamarkin@cwealf.org](mailto:stamarkin@cwealf.org) or  
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