

Center for American Progress



LGBT

Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways

By Sejal Singh and Laura E. Durso | Posted on May 2, 2017, 8:10 am



AP/Eric Gay

Members of the transgender community and others protest in the exterior rotunda at the Texas state capitol, March 2017.

Withington, Devon, England, 1892
Dear Sir,
I have the pleasure to inform you
that your order for 100 copies of
the "History of the County of Devon"
has been received and is being
prepared for you.



New research from the Center for American Progress shows that LGBT people across the country continue to experience pervasive discrimination that negatively impacts all aspects of their lives. In response, LGBT people make subtle but profound changes to their everyday lives to minimize the risk of experiencing discrimination, often hiding their authentic selves.

1 in 4 LGBT people report experiencing discrimination in 2016

Over the past decade, the nation has made unprecedented progress toward LGBT equality. But to date, neither the federal government nor most states have explicit statutory nondiscrimination laws protecting people on the basis of sexual orientation and gender identity. LGBT people still face widespread discrimination: Between 11 percent and 28 percent of LGB workers report losing a promotion simply because of their sexual orientation, and 27 percent of transgender workers report being fired, not hired, or denied a promotion in the past year. Discrimination also routinely affects LGBT people beyond the workplace, sometimes costing them their homes, access to education, and even the ability to engage in public life.

Data from a nationally representative survey of LGBT people conducted by CAP shows that 25.2 percent of LGBT respondents has experienced discrimination because of their sexual orientation or gender identity in the past year. The January 2017 survey shows that, despite progress, in 2016 discrimination remained a widespread threat to LGBT people's well-being, health, and economic security.

Among people who experienced sexual orientation- or gender-identity-based discrimination in the past year:

- 68.5 percent reported that discrimination at least somewhat negatively affected their psychological well-being.
- 43.7 percent reported that discrimination negatively impacted their physical well-being.
- 47.7 percent reported that discrimination negatively impacted their spiritual well-being.
- 38.5 percent reported discrimination negatively impacted their school environment.
- 52.8 percent reported that discrimination negatively impacted their work environment.
- 56.6 report it negatively impacted their neighborhood and community environment.

Unseen harms

LGBT people who don't experience overt discrimination, such as being fired from a job, may still find that the threat of it shapes their lives in subtle but profound ways. David M.,* a gay man, works at a Fortune 500 company with a formal, written nondiscrimination policy. "I couldn't be fired for being gay," he said. But David went on to explain, "When partners at the firm invite straight men to squash or drinks, they don't invite the women or gay men. I'm being passed over for opportunities that could lead to being promoted."

"I'm trying to minimize the bias against me by changing my presentation in the corporate world," he added. "I lower my voice in meetings to make it sound less feminine and avoid wearing anything but a black suit. ... When you're perceived as feminine—whether you're a woman or a gay man—you get excluded from relationships that improve your career."

David is not alone. Survey findings and related interviews show that LGBT people hide personal relationships, delay health care, change the way they dress, and take other steps to alter their lives because they could be discriminated against.

Maria S.,* a queer woman who lives in North Carolina, described a long commute from her home in Durham to a different town where she works. She makes the drive every day so that she can live in a city that's friendly to LGBT people. She loves her job, but she's not out to her boss. "I wonder whether I would be let go if the higher-ups knew about my sexuality," she says.

CAP's research shows that stories such as Maria's and David's are common. The below table shows the percentage of LGBT people who report changing their lives in a variety of ways in order to avoid discrimination.

TABLE 1

Fear of discrimination shapes LGBT people's lives

LGBT people report altering their lives to avoid discrimination in the following ways

	All LGBT people	LGBT people who have not experienced discrimination in the past year	LGBT people who have experienced discrimination in the past year
Used vague language when talking about relationships	42.0%	32.4%	70.4%
Hid a personal relationship	36.5%	27.5%	62.9%
Hid affiliation to a certain organization	14.7%	9.2%	31.1%
Removed item from a resume	9.5%	5.1%	22.6%
Avoided speaking about topics related to LGBT issues in social situations	31.2%	23.7%	53.5%
Avoided social situations	23.9%	15.1%	49.8%
Avoid public places such as stores or restaurants	12.0%	4.8%	33.5%
Avoided public transportation	5.0%	3.3%	9.9%
Avoided doctors' offices	6.7%	2.7%	18.4%
Avoided getting services they or their family needed	6.1%	2.4%	17.0%
Made specific decisions about where to work	13.2%	8.3%	27.7%
Made specific decisions about where to go to school	8.3%	3.5%	22.6%
Made specific decisions about where to live	19.1%	9.2%	48.6%
Made specific decisions about where to shop	18.2%	8.4%	46.9%
Changed the way they dressed	14.7%	7.3%	36.8%
Changed the way they talked	15.3%	7.3%	39.0%
Changed the way they walked	10.6%	4.9%	27.4%
Moved away from a rural area	11.7%	5.9%	28.8%
Moved away from an urban area	6.1%	3.0%	15.0%
Moved away from family	16.8%	9.7%	37.7%
Cut important people out of their lives	16.4%	9.7%	36.3%
Maintained a limited social media presence	17.2%	10.5%	37.3%

Source: Nationally representative survey of LGBT people commissioned by CAP and fielded by Knowledge Networks in January 2017.

CAP

As Table 1 shows, LGBT people who've experienced discrimination in the past year are significantly more likely to alter their lives for fear of discrimination, even deciding where to live and work because of it, suggesting that there are lasting consequences for victims of discrimination. Yet findings also support the contention that LGBT people do not need to have experienced discrimination in order to act in ways that help them avoid it, which is in line with empirical evidence on a component of minority stress theory: expectations of rejection.

Not only can threatened discrimination bar LGBT people from living authentically—it can also deny them material opportunities. Rafael J.,* a gay student in California, told CAP that he “decided to apply to law schools only in LGBT-safe cities or states,” denying him the opportunity pursue his graduate education at schools he might otherwise have applied to. “I did not think I would be safe being an openly gay man,” he said. “Especially a gay man of color, in some places.”

Unique vulnerabilities in the workplace

Within the LGBT community, people who were vulnerable to discrimination across multiple identities reported uniquely high rates of avoidance behaviors.

In particular, LGBT people of color were more likely to hide their sexual orientation and gender identity from employers, with 12 percent removing items from their resumes—in comparison to 8 percent of white LGBT respondents—in the past year. Similarly, 18.7 percent of 18- to 24-year-old LGBT respondents reported removing items from their resumes—in comparison to 7.9 percent of 35- to 44-year-olds. Meanwhile, 15.5 percent of disabled LGBT respondents reported removing items from their resume—in comparison to 7.3 percent of nondisabled LGBT people. This finding may reflect higher rates of unemployment among people of color, disabled people, and young adults; it may also reflect that LGBT people who could also face discrimination on the basis of their race, youth, and disability feel uniquely vulnerable to being denied a job due to discrimination, or a combination of factors.

Unique vulnerabilities in the public square

Discrimination, harassment, and violence against LGBT people—especially transgender people—has always been common in places of public accommodation, such as hotels, restaurants, or government offices. The 2015 United States Transgender Survey found that, among transgender people who visited a place of public accommodation where staff knew or believed they were transgender, nearly one in three experienced discrimination or harassment—including being denied equal services or even being physically attacked.

In March 2016, then Gov. Pat McCrory signed North Carolina H.B. 2 into law, which mandated anti-transgender discrimination in single-sex facilities—and began an unprecedented attack on transgender people's access to public accommodations and ability to participate in public life. That year, more than 30 bills specifically targeting transgender people's access to public accommodations were introduced in state legislatures across the country. This survey asked transgender respondents whether they had avoided places of public accommodation from January 2016 through January 2017, during a nationwide attack on transgender people's rights. Among transgender survey respondents:

- 25.7 percent reported avoiding public places such as stores and restaurants, versus 9.9 percent of cisgender LGB respondents
- 10.9 percent reported avoiding public transportation, versus 4.1 percent of cisgender LGB respondents
- 11.9 percent avoided getting services they or their family needed, versus 4.4 percent of cisgender LGB respondents
- 26.7 percent made specific decisions about where to shop, versus 6.6 percent of cisgender LGB respondents

These findings suggest that ongoing discrimination in public accommodations pushes transgender people out of public life, making it harder for them to access key services, use public transportation, or simply go to stores or restaurants without fear of discrimination.

Disabled LGBT people were also significantly more likely to avoid public places than their nondisabled LGBT counterparts. Among disabled LGBT survey respondents, in the past year:

- 20.4 percent reported avoiding public places such as stores and restaurants, versus 9.1 percent of nondisabled LGBT respondents
- 8.8 percent reported avoiding public transportation, versus 3.6 percent of nondisabled LGBT respondents
- 14.7 percent avoided getting services they or their family needed, versus 2.9 percent of nondisabled LGBT respondents
- 25.7 percent made specific decisions about where to shop, versus 15.4 percent of nondisabled LGBT respondents

This is likely because, in addition to the risk of anti-LGBT harassment and discrimination, LGBT people with disabilities contend with inaccessible public spaces. For example, many transit agencies fail to comply with Americans with Disabilities Act, or ADA, requirements that would make public transportation accessible to people with visual and cognitive disabilities.

Unique vulnerabilities in health care

In 2010, more than half of LGBT people reported being discriminated against by a health care providers and more than 25 percent of transgender respondents reported being refused medical care outright. Since then, LGBT people have gained protections from health care discrimination—most notably, regulations stemming from the Affordable Care Act, or ACA, have prohibited federally funded hospitals, providers, and insurers from discriminating against LGBT patients. Despite progress, LGBT people, and transgender people in particular, remain vulnerable to healthcare discrimination: In 2015, one-third of transgender people who saw a health care provider reported “at least one negative experience related to being transgender.” These negative experiences included being refused treatment or even being physically assaulted. Transgender people of color and people with disabilities reported particularly high rates of discrimination from health care providers.

Unsurprisingly, people in these vulnerable groups are especially likely to avoid doctor's offices, postponing both preventative and needed medical care:

- 23.5 percent of transgender respondents avoided doctors' offices in the past year, versus 4.4 percent of cisgender LGB respondents
- 13.7 percent of disabled LGBT respondents avoided doctors' offices in the past year, versus 4.2 percent of nondisabled LGBT respondents
- 10.3 percent of LGBT people of color avoided doctors' offices in the past year, versus 4.2 percent of white LGBT respondents

These findings are consistent with research that has also identified patterns of health care discrimination against people of color and disabled people. For example, one survey of health care practices in five major cities found that more than one in five practices were inaccessible to patients who used wheelchairs.

A call to action

To ensure that federal civil rights laws explicitly protect LGBT people, Congress should pass the Equality Act, a comprehensive bill banning discrimination based on sexual orientation and gender identity in employment, public accommodations, housing, credit, and federal funding, among other provisions. Likewise, state and local governments should pass comprehensive nondiscrimination protections for all. Comprehensive nondiscrimination protections have more support from voters than ever before: A majority in every state in the country support nondiscrimination laws.

While comprehensive nondiscrimination protections won't prevent all instances of discrimination, they are a critical way to hold employers and landlords accountable. Additionally, they send the message that LGBT people are both accepted and respected by all levels of government. LGBT people deserve the opportunity to live full, equal, and authentic lives—and that won't be possible while discrimination remains a looming threat to LGBT people and their families.

Sejal Singh is the Campaigns and Communications Manager for the LGBT Research and Communications Project at American Progress. Laura E. Durso is the Vice President of the LGBT Research and Communications Project at American Progress.

**Authors' note: All names have been changed out of respect for interviewees' privacy.*

Methodology

To conduct this study, CAP commissioned and designed a survey, fielded by Knowledge Networks, which surveyed 1,864 individuals about their experiences with health insurance and health care. Among the respondents, 857 identified as lesbian, gay, bisexual, and/or transgender, while 1,007 identified as heterosexual and cisgender/nontransgender. Respondents came from all income ranges and are diverse across factors such as race, ethnicity, education, geography, disability status, and age. The survey was fielded online in English in January 2017 to coincide with the fourth open enrollment period through the health insurance marketplaces and the beginning of the first full year of federal rules that specifically protect LGBT people from discrimination in health insurance coverage and health care. The data are nationally representative and weighted according to U.S. population characteristics. All reported findings are statistically significant unless otherwise indicated. All comparisons presented are statistically significant at the $p < .05$ level.

Separate from the quantitative survey, the authors solicited stories exploring the impact of discrimination on LGBT people's lives. Using social media platforms, the study authors requested volunteers to anonymously recount personal experiences of changing their behavior or making other adjustments to their daily lives to prevent experiencing discrimination. Interviews were conducted by one of the study authors and names were changed to protect the identity of the interviewee.

Additional information about study methods and materials are available from the authors.

Center for American Progress



© 2019 - Center for American Progress

July 23, 2018 8:00AM EDT

Available In English 日本語 Español

US: LGBT People Face Healthcare Barriers

Trump Administration Set to Erode Existing Protections



Dr. Brittany Brooks meets with a patient at Open Arms Healthcare Center, a clinic in Jackson, MS, that focuses on alleviating healthcare disparities for underserved populations, with a particular focus on LGBT people.

© 2018 Nina Robinson / The Verbatim Agency / Getty Images

The Trump administration is considering regulatory changes that would worsen barriers many lesbian,

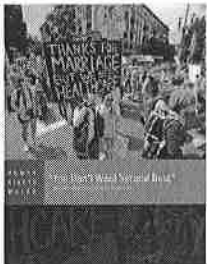
 Submit X

services. Many LGBT people are unable to find services in their area, encounter discrimination or refusals of service in healthcare settings, or delay or forego care because of concerns of mistreatment.

“Discrimination puts LGBT people at heightened risk for a range of health issues, from depression and addiction to cancer and chronic conditions,” said Ryan Thoreson, an LGBT rights researcher at Human Rights Watch. “Instead of treating those disparities as a public health issue, HHS is developing politicized rules that will make them much worse.”

Two upcoming regulatory changes are likely to worsen these barriers, Human Rights Watch said. In January 2018, HHS issued a proposed rule that would broaden existing religious exemptions in healthcare law, giving sweeping discretion to insurers and providers to deny service to patients because of their moral or religious beliefs. In April 2018, the Trump administration announced plans to roll back a regulation that clarifies that federal law prohibits healthcare discrimination based on gender identity. If finalized, these changes would further undermine the limited antidiscrimination protections that currently exist for LGBT people.

Human Rights Watch interviewed 81 people for the report, including providers and individuals who said they had experienced discrimination in healthcare settings.



July 23, 2018 | Report

“You Don’t Want Second Best”

Anti-LGBT Discrimination in US Health Care

[Download the full report in English](#)

Existing protections for LGBT people in health care are uneven. In 2016, the Obama administration issued a regulation clarifying that Section 1557 of the Affordable Care Act, which prohibits sex discrimination in health care, also prohibits discrimination against transgender people. Eight states and religious healthcare providers challenged the regulation in court, and the Trump administration has signaled it plans to roll it back.

Protections at the state level are lacking. As of July 2018, 37 states do not expressly ban health insurance discrimination based on sexual orientation or gender identity. New Jersey prohibits discrimination based on gender identity but not sexual orientation. In 10 US states, transition-related health care is expressly

Submit



care services. Judith N., a transgender woman in East Tennessee, said, “I spent years looking for access to therapy and hormones and I just couldn’t find it.”

Others described discriminatory treatment by providers. Trevor L., a gay man in Memphis, recalled an incident when he took an HIV test at his annual checkup in 2016: “and they sat down and started preaching to me – not biblical things, but saying, you know this is not appropriate, I can help you with counseling, and I was like, oh, thank you, I’ve been out for 20 years and I think I’m okay. It’s almost like they feel they have the right to tell you that it’s wrong.”

In addition to discrimination, many LGBT people are refused services outright because of their sexual orientation or gender identity. In a nationally representative survey conducted by the Center for American Progress in 2017, 8 percent of lesbian, gay, and bisexual respondents and 29 percent of transgender respondents reported that a healthcare provider had refused to see them because of their sexual orientation or gender identity in the past year. Interviewees described being denied counseling and therapy, refused fertility treatments, denied a checkup or other primary care services, and in one instance, told that a pediatrician’s religious beliefs precluded her from evaluating a same-sex couple’s 6-day-old child.

Both providers and LGBT people noted that concerns about discrimination and mistreatment led LGBT people to delay or forego care. A 2015 survey of almost 28,000 transgender people found that, in the year preceding the survey, 23 percent did not seek care they needed because of concern about mistreatment based on gender identity.

Many interviewees expressed concern that laws permitting providers to refuse service on moral or religious grounds would make care even harder to obtain. Persephone Webb, a transgender activist in Knoxville, Tennessee, said that “[i]t tells people who are prone to being bigoted to be a little braver, and a little braver. And we see through this – we know this is an attack on LGBT people.”

Instead of finalizing the proposed changes, HHS should preserve antidiscrimination protections and withdraw sweeping exemptions that put patients at risk, Human Rights Watch said. Lawmakers at the state and federal level should prohibit discrimination in health care on the basis of sexual orientation and gender identity, and should repeal exemptions that allow providers to refuse to serve patients because of their sexual orientation or gender identity.

Submit



US: LGBT People Face Healthcare Barriers

[Print](#)[DONATE NOW](#)

Your tax deductible gift can help stop human rights violations and save lives around the world.

\$50

\$100

\$250

\$500

\$1,000

Other

[DONATE NOW](#)

Region / Country United States

Topic Health, LGBT Rights

MORE READING



February 19, 2018 | News Release

United States: State Laws Threaten LGBT Equality

[Submit](#)



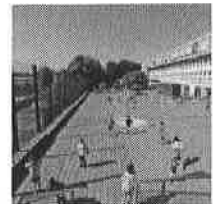
MOST VIEWED

MOST SHARED

1 April 1, 2019 | News Release

UN: China Responds to Rights Review with Threats

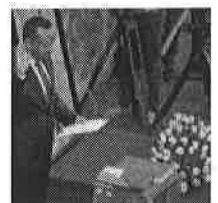
2 April 2, 2019 | Dispatches

On World Autism Awareness Day, 'Everything is Possible'

3 April 1, 2019 | News Release

Bangladesh: Rohingya Refugee Students Expelled

4 April 2, 2019 | News Release

Ethiopia: Growing Uncertainty Marks Abiy's First Year in Power

5 April 2, 2019 | Statement

Ethiopia: Abiy's First Year as Prime Minister, Review of Freedom of Assembly

Submit X

HUMAN
RIGHTS
WATCH

US: LGBT People Face Healthcare Barriers

Print

DONATE NOW

Anti-LGBT Discrimination in US Health Care



March 19, 2019

“A Really High Hurdle”

Japan's Abusive Transgender Legal Recognition Process

Protecting Rights, Saving Lives

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

DONATE NOW

HUMAN
RIGHTS
WATCH**Get Updates On Rights Issues From Around The Globe**

Submit





[HOME](#) > [WHAT WE DO](#) > [ENHANCE THE PRACTICE OF LAW](#) > [PUBLICATIONS](#) > [TRIAL MAGAZINE](#) > **THE MANY FACES OF TRANSGENDER DISCRIMINATION**

THE MANY FACES OF TRANSGENDER DISCRIMINATION

Trial[®]

October 2016 - Elizabeth F. Schwartz

[LEARN MORE ABOUT TRIAL MAGAZINE >](#)

[LEARN MORE ABOUT LAW REPORTERS >](#)

Even as the LGBT community has seen social and legal progress, transgender people still face pervasive discrimination in many areas of life, including work, school, housing, and public accommodations. You can help these clients fight for the equal treatment they deserve.

The news is full of stories about state laws limiting legal protections for the lesbian, gay, bisexual, and transgender (LGBT) community. On the heels of last year's victory for marriage equality, bills were introduced in nearly two dozen states that would have abridged LGBT people's basic rights—and unfortunately, many of these efforts specifically targeted the transgender community, which already faces significant discrimination.¹

The largest completed survey of transgender people found that almost half of all respondents—47 percent—had faced discrimination in hiring, promotion, or job retention, and 78 percent experienced at least one form of harassment or mistreatment at work because of their gender identity.² Many courts have acknowledged the challenges transgender individuals face. For example, the Ninth Circuit wrote that “significant evidence suggests that transgender persons are often especially visible, and vulnerable, to harassment and persecution due to their often public nonconformance with normative gender roles.”³

**AAJ HAS UPDATED ITS PRIVACY POLICY
AND USES COOKIES ON THIS SITE.**

To acknowledge and accept AAJ's privacy policy with the use of cookies, please select OK, I Agree.

OK, I AGREE

**REVIEW AAJ'S PRIVACY
POLICY**

Legislative Efforts

The movement for LGBT equality has won some recent battles, such as marriage equality, but others have flared up. Some of the LGBT community's most vulnerable members include transgender people—specifically transgender people of color and those living in more rural and conservative areas—and they have been the targets of backlash.

Twenty states, the District of Columbia,⁵ and 255 municipalities⁶ have enacted or extended employment, housing, or public accommodations statutes or ordinances that prohibit discrimination on the basis of gender identity or expression. But other states, such as Mississippi and North Carolina, have moved in the opposite direction.

In March, North Carolina enacted the Public Facilities Privacy & Security Act, which requires everyone to use the public bathrooms of their gender as assigned at birth.⁷ Mississippi passed the Protecting Freedom of Conscience from Government Discrimination Act, which specifically allows anti-LGBT discrimination in the name of religious belief.⁸

These so-called “bathroom bills” are not about safety—rather, they are about policing gender and dehumanizing transgender people by attempting to erase them from public life. There is no documented case of a transgender person committing such a bathroom crime, and in school districts and jurisdictions that protect transgender people's rights to use facilities consistent with their affirmed genders, no public safety issues have been reported since those policies or protections were implemented.

In fact, “bathroom bills” put transgender people in more danger: A bearded, burly transgender man would be forced to use the women's restroom, and a made-up, busty transgender woman would be sent to the men's restroom.

Six weeks after North Carolina enacted its bathroom bill, the U.S. Department of Justice (DOJ) sued state officials for violating the Constitution and federal laws that prohibit discrimination against transgender people. The DOJ and the U.S. Department of Education have both issued guidance, stating that any school that receives federal funding must allow students to use the bathroom and locker room that matches their affirmed gender—otherwise, the school risks losing those funds pursuant to Title IX.⁹

The Equal Employment Opportunity Commission (EEOC) also has stated that transgender discrimination is sex discrimination, and EEOC Commissioner Chai Feldblum has affirmed that federal law supersedes local and state laws.¹⁰ The Fourth Circuit has also ruled that banning restroom use is sex discrimination.¹¹ Much more litigation on this issue is very likely.

78%

**AAJ HAS UPDATED ITS PRIVACY POLICY
AND USES COOKIES ON THIS SITE.**

To acknowledge and accept AAJ's privacy policy with the use of cookies, please select OK, I Agree.

OK, I AGREE

**REVIEW AAJ'S PRIVACY
POLICY**

harassment or mistreatment at work because of their gender identity

Myriad Discrimination

Unfortunately, transgender people experience discrimination in many areas of life: employment, housing, public accommodations, and even incarceration.¹² Here are some of the most common situations in which your clients might encounter bias and what you need to know.

Employment. This takes many forms and can include termination, failure to hire, demotion, and hostile work environment, among others. No comprehensive federal equality act exists yet, so you will have to make a substantial argument based on the law in your jurisdiction. For example, multiple federal circuits have held that discrimination against transgender people is sex discrimination and is therefore a clear violation of the Fourteenth Amendment's Equal Protection Clause.¹³

Get to know Title VII of the Civil Rights Act as well.¹⁴ You may be able to argue that discrimination against an LGBT or gender nonconforming person is considered sex discrimination under that statute, as the EEOC decision in *Baldwin v. Foxx* demonstrates.¹⁵

Perhaps the most significant federal case is *Price Waterhouse v. Hopkins*.¹⁶ This case involved a heterosexual woman who was denied a promotion because she did not wear sufficiently feminine clothing, makeup, and jewelry and because her mannerisms did not conform to female gender stereotypes. The U.S. Supreme Court held that her employer's behavior was impermissible sex discrimination that violated Title VII.¹⁷

Local law also can provide strong remedies, but it may have specific requirements or restrictions. Many have different statutes of limitations or apply only to workplaces with a certain number of employees. Be aware of these particularities.¹⁸

Housing. The Fair Housing Act—also called Title VIII—covers all residential dwellings, from apartment buildings to assisted living facilities.¹⁹ Although it does not specifically enumerate sexual orientation or gender identity as protected classes, any housing unit that receives federal funding from the U.S. Department of Housing and Urban Development—and most housing does—is bound by the Federal Housing Administration's basic fairness provisions, which state that LGBT people must have equal access.²⁰

Public accommodations. This is another area where transgender people commonly encounter discrimination. Public accommodations include everything from restaurants to shops to banks—and people can experience

**AAJ HAS UPDATED ITS PRIVACY POLICY
AND USES COOKIES ON THIS SITE.**

To acknowledge and accept AAJ's privacy policy with the use of cookies, please select OK, I Agree.

OK, I AGREE

**REVIEW AAJ'S PRIVACY
POLICY**

For example, a federal court applied the Minnesota Human Rights Act²³ to a case in which a transgender woman was rejected as a plasma donor.²⁴ In Colorado, a same-sex couple successfully argued that a cake shop violated the Colorado Anti-Discrimination Act²⁵ by refusing to provide a cake for a same-sex wedding celebration. The court also held that the shop's refusal was not protected by the First Amendment.²⁶

Prison accommodations. Incarceration presents a serious safety issue for transgender prisoners if their housing placement is based on their gender assigned at birth rather than their lived gender. Also, a client might ask you to fight for the right to medically necessary transition-related care, such as hormone replacement therapy or surgery. The DSM-V provides that the correct diagnosis for a transgender client is "gender dysphoria."²⁷ Obtaining a name or gender-marker change may be part of your client's medically necessary treatment for gender dysphoria. If such changes are necessary, your client generally has the same legal right to obtain those protections as others.

When representing an incarcerated client, it is critical to frame these treatments as addressing a medically necessary regimen and not as a mere choice. Consider bringing an action under 42 U.S.C. §1983 for failure to house your client based on the person's lived gender,²⁸ or for failure to provide your client's medically necessary treatment in violation of the Eighth Amendment or other constitutional provisions.²⁹

Always keep in mind that you may need to get creative to redress the different types of discrimination your clients face. Investigate whether your state's hate crimes act authorizes civil as well as criminal penalties.³⁰ Your state or local law may include statutes, codes, ordinances, or cases with helpful protections, explicit or implicit. Be sure to expansively research your jurisdiction's remedies and consult with your state or local LGBT rights organization.³¹

Fostering Good Client Relations

There are a few key things to keep in mind when a transgender client comes into your office. Most important, use the client's chosen name and pronoun. This gives clients the dignity they don't always enjoy elsewhere. A clear lack of experience with or exposure to the LGBT community may make a client uncomfortable. Like your other clients, transgender clients are aggrieved when they come to you—don't let ignorance create a barrier.

Don't make assumptions, and try to ask open-ended questions. If your client has just transitioned, understand that this is a major moment for that person: Your client is vulnerable, in treatment, and finally stepping into their true self—an act that takes courage.

You don't have to build these cases alone. Many organizations can assist in many ways, from providing client support to helping you find trial experts. If you aren't sure whether you should take on a case, several organizations can offer help.³² They can provide drafted briefs and other resources—and, just as important, they can help ensure you don't make an argument that unintentionally harms LGBT rights in future jurisprudence. Don't risk making bad law, and try not to advance a problematic argument.

Also, take the time to find local resources for your transgender clients, such as support groups. If you know therapists who specialize in helping gender nonconforming youth and adults, refer your clients to them.

**AAJ HAS UPDATED ITS PRIVACY POLICY
AND USES COOKIES ON THIS SITE.**

To acknowledge and accept AAJ's privacy policy with the use of cookies, please select OK, I Agree.

OK, I AGREE

**REVIEW AAJ'S PRIVACY
POLICY**

Elizabeth F. Schwartz is the principal of Elizabeth F. Schwartz, P.A. in Miami, Fla. She can be reached at liz@elizabethschwartz.com. Copyright © 2016 Elizabeth F. Schwartz.

Notes

1. Some states—including North Carolina, Michigan, and Mississippi—have enacted such laws, while many others have been defeated for now. For a comprehensive list of various kinds of anti-LGBT bills and their current status, see Am. Civil Liberties Union, *LGBT Nondiscrimination and Anti-LGBT Bills Across the Country*, www.aclu.org/lgbt-nondiscrimination-and-anti-lgbt-bills-across-country#harmfulbills.
2. Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, Nat'l Gay and Lesbian Taskforce 51 (2011), www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf; Brad Sears & Christy Mallory, *Documented Evidence of Employment Discrimination & Its Effects on LGBT People*, The Williams Inst. 2 (2011), williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-20111.pdf.
3. *Avendano-Hernandez v. Lynch*, 800 F.3d 1072, 1081 (9th Cir. 2015).
4. The correct term is transgender, not transgendered. And although the LGBT community identifies as a united group, there is a distinction between sexual orientation and gender identity: Whom a person loves has nothing to do with the gender they identify as. See GLAAD, *Debunking the "Bathroom Bill Myth": Accurate Reporting on Nondiscrimination: A Guide for Journalists* 12 (Feb. 2016), www.glaad.org/sites/default/files/Debunking_the_Bathroom_Bill_Myth_2016.pdf.
5. Movement Advancement Project, *Equality Maps: Non-Discrimination Laws*, www.lgbtmap.org/equality-maps/non-discrimination-laws.
6. Human Rights Campaign, *Cities and Counties With Non-Discrimination Ordinances That Include Gender Identity*, www.hrc.org/resources/cities-and-counties-with-non-discrimination-ordinances-that-include-gender.
7. See 2016 N.C. Sess. Laws 2016-3.
8. See 2016 Miss. Laws ch. 334. ("Sincerely held religious beliefs or moral convictions protected" are: "marriage is or should be recognized as the union of one man and one woman," "sexual relations are properly reserved to such a marriage," and sex is an immutable biological characteristic that is determined by anatomy and genetics at the time of birth).
9. Title IX of the Education Amendments of 1972 provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." 20 U.S.C. §§1681–1688. This interpretation of Title IX is consistent with decades of federal court precedent, and at least one court has held it is entitled to *Auer* deference. See *G.G. v. Gloucester County Sch. Bd.*, 822 F.3d 709, 721 (4th Cir. 2016). The Obama administration issued a similar guidance in 2014 relating to education environments such as single-sex classes and stated that Title IX's provisions extend to transgender students. U.S. Dep't of Educ., Office for Civil Rights, *Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities* 25 (Dec. 1, 2014).

**AAJ HAS UPDATED ITS PRIVACY POLICY
AND USES COOKIES ON THIS SITE.**

To acknowledge and accept AAJ's privacy policy with the use of cookies, please select OK, I Agree.

OK, I AGREE

**REVIEW AAJ'S PRIVACY
POLICY**

14. Title VII of the Civil Rights Act, as amended, makes it unlawful for an employer "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. §2000e-2(a).
15. *Baldwin v. Foxx*, No. 0120133080 (E.E.O.C. July 15, 2015); *see also Fabian v. Hosp. of Cent. Conn.*, 2016 WL 1089178 (D. Conn. Mar. 18, 2016).
16. *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), *superseded by statute as stated in Burrage v. United States*, 134 S. Ct. 881 (2014).
17. *Id.* at 250–251, 258–261.
18. *See, e.g., California Fair Employment and Housing Act (FEHA)*, Cal. Gov't Code §§12900–12996 (West 2016) (incorporating Cal. Civ. Code §51 (2016) in §12921); *Dept of Fair Emp't and Hous. v. Marion's Place*, F.E.H.C. No. 06-01, 2006 WL 1130912 (Cal. F.E.H.C. Feb. 1, 2006).
19. 42 U.S.C. §§3601–3619 (2012).
20. The agency's LGBT portal contains many resources about local housing discrimination protections that cover sexual orientation and gender identity. *See* U.S. Dept of Hous. & Urban Dev., *Ending Housing Discrimination Against Lesbian, Gay, Bisexual and Transgender Individuals and Their Families*, portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination. The site also provides case examples like this: "A property manager refuses to rent an apartment to a prospective tenant who is transgender. If the housing denial is because of the prospective tenant's non-conformity with gender stereotypes, it may constitute illegal discrimination on the basis of sex under the Fair Housing Act."
21. *See, e.g., Rosa v. Park West Bank & Trust Co.*, 214 F.3d 213 (1st Cir. 2000).
22. *See* Nat'l Conference of State Legislatures, *State Public Accommodation Laws*, www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx (listing public accommodation laws by state, including sexual orientation and gender identity protections).
23. Minn. Stat. Ann. §363A.17 (2016).
24. *Scott v. CSL Plasma, Inc.*, 151 F. Supp. 3d 961 (D. Minn. 2015).
25. Colo. Rev. Stat. §§24-34-301–308 (2016).
26. *Craig v. Masterpiece Cakeshop, Inc.*, 370 P.3d 272, 288 (Colo. Ct. App. 2015), *petition for cert. filed*, July 22, 2016.
27. Am. Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Health Disorders: DSM-5*, 451–59 (5th ed. 2013).
28. *See, e.g., Adkins v. City of N.Y.*, 143 F. Supp. 3d 134 (S.D.N.Y. 2015).
29. *See Diamond v. Owens*, 131 F. Supp. 3d 1346 (M.D. Ga. 2015).
30. A comprehensive list of hate crime laws can be found on the Movement Advancement Project (MAP) website at www.lgbtmap.org/equality-maps/hate-crime-laws.
31. The Equality Federation's homepage at www.equalityfederation.org is a great place to start, with member groups in almost every state.

**AAJ HAS UPDATED ITS PRIVACY POLICY
AND USES COOKIES ON THIS SITE.**

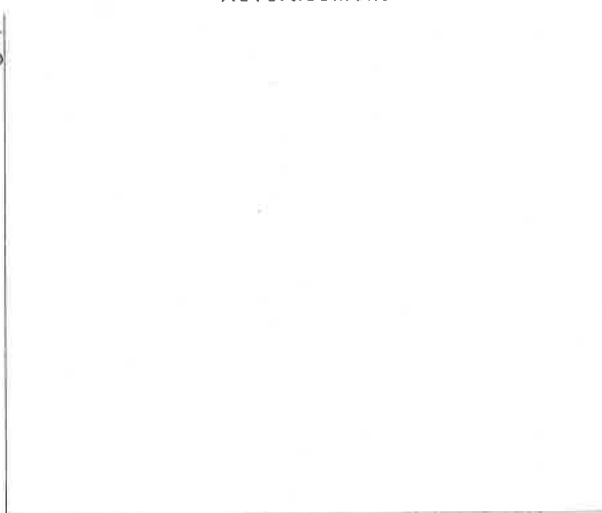
To acknowledge and accept AAJ's privacy policy with the use of cookies, please select OK, I Agree.

OK, I AGREE

**REVIEW AAJ'S PRIVACY
POLICY**

Advertisement

Think Progress



Loading...

These are the stories of LGBTQ people who need the Equality Act's protections

Across the country, LGBTQ people are missing basic protections against discrimination.

CASEY QUINLAN 

MAR 18, 2019, 4:11 PM

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

SEN. TAMMY BALDWIN (D-WI) ATTENDS A RALLY WITH HOUSE DEMOCRATS IN THE CAPITOL TO INTRODUCE THE "EQUALITY ACT," WHICH WILL AMEND EXISTING CIVIL RIGHTS LEGISLATION TO BAR DISCRIMINATION BASED ON GENDER IDENTIFICATION AND SEXUAL ORIENTATION ON WEDNESDAY, MARCH 13, 2019. (PHOTO CREDIT: TOM WILLIAMS/CQ ROLL CALL)

Congressional Democrats reintroduced a sweeping nondiscrimination bill last week to bolster protections for LGBTQ Americans. If passed into law, the bill would clarify existing protections and fill the gaps in federal nondiscrimination laws.

The bill would amend the Civil Rights Act of 1964 to ban discrimination on the basis of gender identity and sexual orientation in housing, employment, education, federal programs, jury service, public accommodations, and credit and lending. It would also update the law to include protections against discrimination in public spaces and services like retail stores, transportation services, banks, and legal services.

According to the Movement Advancement Project, only 21 states and the District of Columbia have passed laws explicitly prohibiting discrimination and gender identity in

employment and housing. Twenty states and D.C. explicitly prohibit discrimination in public accommodations. Only 14 states have non-discrimination laws covering credit

[About](#)

[Contact Us](#)

[Membership](#)

[Newsletter](#)

[Tips](#)

[Pitch](#)

[X](#)

A 2017 nationally representative survey conducted by the Center for American Progress found that among those who experienced sexual orientation or gender identity-based discrimination in the last year, 43.7 percent said it negatively affected their physical well-being. Nearly 40 percent said it negatively impacted their school environment and 52.8 percent reported that it negatively impacted their work environment. (ThinkProgress is an editorially independent news site housed at the Center for American Progress.)

Advertisement

Loading...

TOP ARTICLES 1/5

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

like a fool with one crisp paragraph

[READ MORE >>](#)

LGBTQ people have successfully argued that they're covered by the Civil Rights Act of 1964 in the past. The term "sex-based stereotypes," for example, has been used in cases to defend the rights of both queer couples and trans people. In 2017, a federal appeals court ruled for the first time that the Civil Rights Act protects LGBTQ workers from employment discrimination. Judge Richard Posner wrote at the time, "I don't see why firing a lesbian because she is in the subset of women who are lesbian should be thought any less a form of sex discrimination than firing a woman because she's a woman."

Still, the legal landscape's protections right now are unclear and uneven. The Equality Act would bolster protections for LGBTQ people, and would help prevent stories like the following from happening again.

Employment

In 2013, a transgender woman named Aimee Stephens told her funeral home employer that she was going to dress differently to better reflect her gender. Her employer responded by firing her and offering her a severance package, which she did not accept. She worked there for six years, and co-workers testified that she was a "very good embalmer" and that people were happy with her work.

Stephens filed a complaint with the Equal Employment Opportunity Commission. Then, the EEOC sued the funeral home. In 2018, the 6th Circuit Court of Appeals ruled in her favor and said, it is impossible to fire a worker based on their status as a trans person without an employer participating in sex-based discrimination.

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

Loading...

"Discrimination 'because of sex' inherently includes discrimination against employees because of a change in their sex," the court said.

The lawyers representing the funeral home have asked the U.S. Supreme Court to consider the case.

Meanwhile, the Department of Justice recently disagreed with the idea that queer workers are covered by the civil rights law. In 2017, the department filed a brief in the case *Zarda v. Altitude Express*, arguing that the federal law's prohibition of sex discrimination does not include the prohibition of discrimination on the basis of sexual orientation.

Zarda v. Altitude Express centers on Donald Zarda, a New York skydiver who is now deceased. In 2010, Zarda said he was fired because of his sexual orientation. Given his physical proximity to students during the skydive, Zarda said he thought it would make female clients more comfortable to know about his sexual orientation before the skydive. One female client told her boyfriend of Zarda's sexuality and the boyfriend decided to complain to Altitude Express. Then, the company fired him.

The Second Circuit did not accept the argument that Title VII of the Civil Rights Act prohibits discrimination on sexual orientation. The LGBTQ civil rights organization

Lambda Legal requested that the ruling be reconsidered, but the Justice Department argued against including sexual orientation under the civil rights law. It also referred to

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

public accommodations, federally assisted programs, housing, and financing. The bill died in committee.

"Congress neither added sexual orientation as a protected trait nor defined discrimination on the basis of sex to include sexual orientation discrimination," the Justice Department wrote in its brief. "... In fact, every Congress from 1974 to the present has declined to enact proposed legislation that would prohibit discrimination in employment based on sexual orientation."

Advertisement

Loading...

Clarification from Congress would certainly help strengthen protections for LGBTQ people and make it more difficult to argue that it's unclear whether LGBTQ people have these rights.

Housing

A married couple in Denver — Rachel Smith, a trans woman, and Tonya Smith, a cis woman — were looking for a new home with their two children in 2015.

When the couple found the right home, a rental townhouse, Tonya Smith emailed the landlord and described her family, including the fact that Rachel Smith is transgender.

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

were not welcome to rent the townhouse because the neighbors were concerned. The landlord claimed their family would be the talk of the town, making it difficult for their neighbors to “keep a low profile.”

In 2017, U.S. District Judge Raymond P. Moore ruled that they were protected by the Federal Fair Housing Act, which prohibits discrimination based on sex, and wrote, “Such stereotypical norms are no different from other stereotypes associated with women, such as the way she should dress or act (e.g., that a woman should not be overly aggressive, or should not act macho), and are products of sex stereotyping.”

But other housing discrimination cases involving LGBTQ people have not succeeded. In January, a federal judge dismissed a lawsuit from a married lesbian couple in Missouri, Mary Walsh and Beverly Nance, who said they were denied housing by a senior living community called Friendship Village. According to their lawsuit, they were denied occupancy in 2016 because Friendship Village has a policy that defines marriage as “the union of one man and one woman, as marriage is understood in the Bible.”

The couple claimed Friendship Village’s actions violated the Fair Housing Act and Missouri Human Rights Act. But U.S. District Judge Jean C. Hamilton said the Fair Housing Act did not protect against discrimination on the basis of sexual orientation.

Given the courts’ disagreements on whether queer couples are covered by the Fair Housing Act, it would make a difference for Congress to weigh in through the Equality Act.

Public accommodations

Title II of the Civil Rights Act of 1964 — the part of the law focusing on public accommodations, such as hotels, restaurants, theaters, and sports stadiums — doesn't

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

sexual orientation and gender identity in public accommodations under current federal law.

In 2013, Ally Robledo, a trans woman, was denied access to an Idaho grocery store, and workers called the police on her when she used the restroom. Lewiston Police Captain Roger Lanier referred to Robledo as a "a male subject who was using the female restroom" and said customers were uncomfortable. She was given a no trespass order after leaving the grocery store.

Robledo said at the time that she doubted it would have been more socially acceptable for her to use the men's restroom and that when she has used the men's restroom, "I found myself in a lot of dangerous situations."

The Equality Act would protect Robledo, and others like her. The legislation would be the first national nondiscrimination bill of its kind for LGBTQ people.

The Equality Act has been introduced before — first in 2015 — but has not been able to get through the Republican-controlled Congress. Last fall, Rep. Nancy Pelosi (D-CA), who is now House speaker, said that if Democrats won the majority they would make the Equality Act a top priority. If the bill does pass the House, it's unclear if Senate Majority Leader Mitch McConnell (R-KY) would even bring it up for a vote. His press secretary would not give NBC News a yes or no answer.

According to a 2018 PRRI survey, 71 percent of Americans said they favor laws protecting LGBTQ people against discrimination in public accommodations, housing, and employment. But 64 percent of Republicans said business owners should be able to

refuse service to gay and lesbian people compared to 24 percent of Democrats and 42 percent of independents.

[About](#)[Contact Us](#)[Membership](#)[Newsletter](#)[Tips](#)[Pitch](#)[X](#)

We have a problem. And we need your help to solve it.

ThinkProgress is being targeted by ad networks for producing 'controversial political content.'

Because we cover white nationalism and other controversial topics, ThinkProgress has been placed into a category of sites which many advertisers are blocking. ThinkProgress relies on advertising revenue to fund a substantial portion of our work.

In other words, we are being financially punished for our work exposing racism.

One thing is certain: We will not change our mission or our approach to the news to bring back advertisers.

Will you join us?

BECOME A MEMBER TODAY

#CONGRESS, #DISCRIMINATION, #LGBTQ, #POLITICS

The dead giveaway that tells you when Amazon has a competitive price

Wikibuy

Sponsored

You May Like

Sponsored Links

Think Cool Sculpting Fat Reduction Is Expensive? Think Again (View Prices)

Cool Sculpting | Search Ads

About

Contact Us

Membership

Newsletter

Tips

Pitch

X

Mentertained

Remember Lisa Bonet? Try Not To Smile When You See Her Now

Direct Healthy

Sponsored



Recommended For You

Man in MAGA hat reportedly attacked another man with a sword after screaming homophobic slurs

These lawyers are creating an ALEC for climate change

She Is The Inspiration Behind The Most Beautiful Song Of The Century

90min

Sponsored

About

Masthead

Careers

Pitch Us

Tips

Contact Us

Newsletter

Membership

Donate

Advertise

© 2019 ThinkProgress

Powered by WordPress.com VIP

'Not just about a cake shop': LGBT people battle bias in everyday routines

Susan Miller, USA TODAY

Published 3:20 p.m. ET Jan. 16, 2018 | Updated 5:31 p.m. ET Jan. 16, 2018



(Photo: Courtesy of Aryah Lester)

Hopping a city bus on the way to work. Meeting a pal for coffee on a sleepy Saturday morning. Hitting the gym for kickboxing class. Catching the latest blockbuster at the cineplex.

The daily drill that punctuates our lives.

For the LGBT community, it is those everyday activities that can leave people feeling the barbs of bias, a new study shows — and many are being forced to rethink routines.

Only 19 states and the District of Columbia have laws that protect people from discrimination in public accommodations based on sexual orientation and gender identity, according to the report released Tuesday.

(<http://www.lgbtmap.org/policy-spotlight-public-accommodations>) by the Movement Advancement Project (MAP), a think tank that researches and analyzes state and federal laws with LGBT implications.

And 54 years after passage of the Civil Rights Act and 28 years after the Americans with Disabilities Act, there is no federal law that offers similar protections for LGBT people.

"People don't understand the breadth of what public accommodations are and what they cover," said Ineke Mushovic, MAP executive director. "It's all our activities and daily lives when not at home, at work, at school."

The inaction at the state and federal level, the MAP report says, shows a disconnect. There is broad public support for non-discrimination laws based on sexual orientation and gender identity: 72% of Americans back protections for LGBT people for jobs, housing and public accommodations, according to non-partisan research group PRRI.

The report makes clear how discrimination can disrupt daily behavior others take for granted and leave people feeling unsafe and unwelcome:

- 34% of LGBT people who experienced discrimination avoided public places such as stores and restaurants;
- 47% made specific decisions about where to shop;
- 18% avoided doctors' offices;
- 10% avoided public transportation.

'Kind of frightening'

The report comes amid high-profile legal skirmishes over LGBT rights.

Last Monday, the Supreme Court refused to intervene in a battle over a Mississippi law that lets government workers and private businesses cite their own religious beliefs to deny services to LGBT people.

A high court decision is also expected in the spring in another notable case: a Colorado baker's refusal to design a wedding cake for a same-sex couple.

Supporters of religious exemptions say LGBT people are not being singled out.

"Religious bakers, florists, photographers and others whose stories we are familiar with have not denied services to LGBT people because of their status as LGBT," said Bruce Hausknecht, judicial spokesperson at Focus on the Family, "but because the services being asked of them forced them to violate their conscience by promoting or participating in something contrary to their religious beliefs."

The conflict comes from "the message, not the person," he said. "In most of those stories, those religious business owners had a long history of serving, and in some cases even employing, LGBT persons."

Advertisement



First Amendment rights ensure that religious beliefs are protected, said Jeremy Dys, deputy general counsel for First Liberty, a legal organization dedicated to preserving religious liberty. "We also agree with the ACLU when it says, 'Freedom of expression for ourselves requires freedom of expression for others.'"

More: [In a case about a cake, Supreme Court justices raise constitutional and culinary questions \(/story/news/politics/2017/12/05/case-cake-supreme-court-justices-raise-constitutional-culinary-questions/923973001/\)](#)

More: [Supreme Court deeply divided over gay wedding cake \(/story/news/politics/2017/12/05/speech-religion-lgbt-rights-collide-supreme-court/921458001/\)](#)

More: [Record number of cities advance LGBT rights in 2017, despite federal, state actions \(/story/news/nation/2017/10/19/cities-made-strides-2017-lgbt-rights-report-shows/777907001/\)](#)

More: [Onslaught of anti-LGBT bills in 2017 has activists 'playing defense' \(/story/news/nation/2017/06/01/onslaught-anti-lgbt-bills-2017/102110520/\)](#)

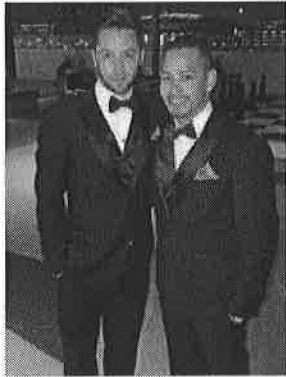
LGBT people who have felt the sting of discrimination see it differently.

Randall Magill, 28, and fiancé Jose Chavez, 26, were returning home in an Uber from a holiday gathering on the raw morning of Dec. 31.

"We were talking about what a good time we had," Magill recalls, and they shared "a little kiss."

What happened next rattled the couple. "I'm going to have to ask you to stop that. We at Uber don't allow any kissing," Magill said the driver told them.

The driver told Magill he had given a straight couple the same warning. But Magill said it seemed obvious the two — who were sitting in separate chairs in the back of the cab — were being targeted.



Randall Magill, left, and Jose Chavez in Baton Rouge for the Krewe of Apollo Mardi Gras Ball. (Photo: Courtesy of Randall Magill)

"He was in such a rush to get us out of the car, he didn't wait to get to a stoplight," Chavez said. They were dropped on a feeder road off the interstate. It was raining, one of their phones had died, it was 4 a.m.

The two were able to get another Uber home. They logged a complaint and were told what they experienced was not the ride-hailing service's policy and the company is investigating.

"It was embarrassing, humiliating and kind of frightening," Magill said. "Not only did he display a huge amount of hate, but he left us in a dangerous situation."

Uber told USA TODAY it does not tolerate discrimination. "We take these types of reports seriously and have been in touch with the rider and driver on the experience described here," the company said in a statement, pointing to a non-discrimination policy that includes sexual orientation and gender identity.

For the couple, the incident haunts. "It's in the back of our heads," Magill said.

Trans community hit hard

Transgender people are particularly in peril and report being denied services, harassed or physically assaulted in many venues, according to the MAP report:

- 34% were targeted on public transit;
- 31% in retail stores, restaurants, hotels or theaters;
- 18% in gyms or health clubs;
- 14% at the Department of Motor Vehicles.

"Think about how often you use your ID or your insurance card," said Alex Sheldon, MAP research analyst. "There are more opportunities for (transgender people) to be outed."

Aryah Lester, a transgender woman of color, arrived in Miami in 2005. She said she and a friend went to about a dozen hotels along the sunny shores of South Beach and were told there were no vacancies.

It hit home what was happening, Lester said, when they watched another couple stroll up to the front desk of one hotel and "they didn't have a reservation — and were immediately given a room."

"I had money," Lester said. "But being visibly transgender, we couldn't find anywhere to stay."

The friends slept under a lifeguard station on the sand; another night they stayed late at an LGBT club "just to have a place to be safe."

After a couple of days they looked into homeless services and discovered there were no trans-friendly shelters at the time.

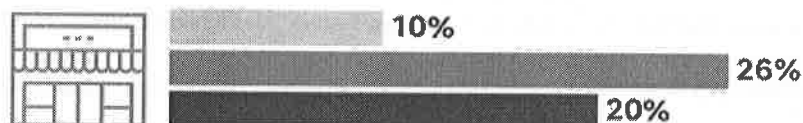
Lester, 38, is the founder of Trans-Miami and a prominent activist. But 13 years later, she can still feel unsettled.

"Even being a national advocate and a locally known leader, I can get anxiety just walking out my front door, going down to the gas station, grabbing something at the corner store," she said.

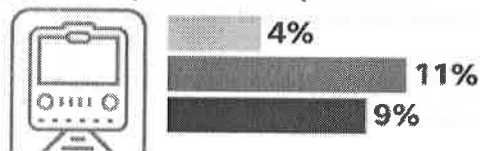
Percentage of people who have avoided these places because they fear discrimination:

● LGBT ● Transgender ● LGBT with disabilities

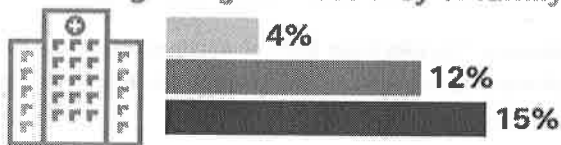
Avoided places such as stores and restaurants



Avoided public transportation



Avoided getting services they or family needed



SOURCE Sejal Singh and Laura E. Durso, "Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways," Center for American Progress, May 2, 2017.

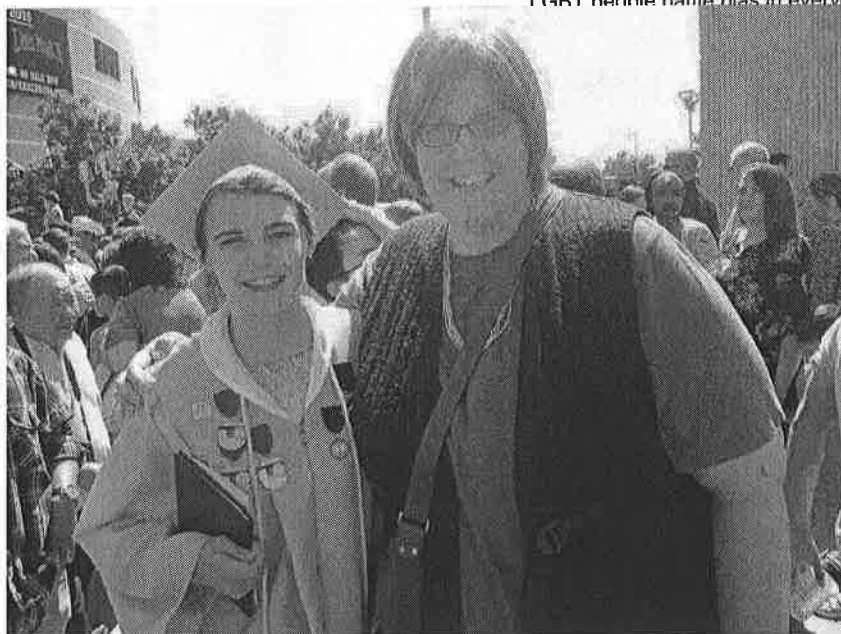
Alejandro Gonzalez/USA TODAY

Routines changed

There is a "lingering effect" once you experience discrimination even if it's "one out of 10 times" when you visit a grocery store, use a restroom, order a car service, Mushovic said. And that can cause LGBT people to re-trench routines, she said.

"That fear is always there" it could happen again, she said. "Could this be the day you are left on the side of the road?"

Paula Sophia Schonauer, a 22-year veteran of at the Oklahoma City Police Department and the agency's first openly transgender officer, recounts an incident shortly after she was transitioning in 2001.



Paula and daughter Joanna Schonauer on the day she graduated high school in 2016. (Photo: Courtesy of Paula Sophia Schonauer)

Schonauer had her daughter and son, 3 and 11 at the time, with her at a local restaurant when she was off-duty — a familiar place she had patronized before. When her little girl had to use the women's room, Schonauer went with her. When she walked out she says she could feel the burn of "the staff talking, people looking at me. I felt uncomfortable."

And when she returned to work, she learned someone had reported the incident to her precinct supervisors. The next time she visited a local mall she realized security was keeping close tabs on her. "They were waiting to see what restroom I used," Schonauer said.

Schonauer started "scoping out" places where she could use the restroom and avoiding others where she didn't feel safe. The result: She soon developed a urinary tract infection.

In December 2015, Schonauer, now a well-known figure in the Oklahoma City community, saw *Star Wars* with her wife at a local theater. She emerged from a restroom to find three men lurking. "One said 'you are too big to be a woman' and they followed me, talking real loud and calling me names," she recalls. "We left as quickly as we could."

Even though transgender people are more visible these days, the climate has shifted in many ways, Schonauer, 51, said. "I'm back to being very cautious about where I go and what I do. I don't assume I am safe."

Patchwork of laws

Of the 19 states and D.C. with legal protections, seven — Colorado, Delaware, Illinois, Maine, Nevada, New Jersey and New York — have some of the broadest with laws explicitly covering sexual orientation and gender identity for public transportation, hospitals, schools and places like hotels and restaurants, the MAP report shows.

Local cities and counties have also been at the forefront in many ways. The first ordinance banning bias based on sexual orientation, for example, was passed in Minneapolis in 1974. Now, almost 300 have protections on the books for public accommodations.

But efforts to undermine these local protections have increased in the form of pre-emption laws, Sheldon said: Laws enacted by state legislatures to strip local entities of power and make non-bias ordinances unenforceable. Some of the most notorious have been "bathroom bills," she noted, ones that restrict transgender people's access to restrooms. At least 19 were filed in 16 state legislatures in 2017, the MAP report shows.

Where LGBT people reside translates into how they thrive in everyday life, Sheldon said. But "you can't always simply go to another store," she said. "What if you travel two hours to see a doctor and he's the only one?"



Elizabeth, Laurel, Anastasia and Rachel Bowman-Cryer celebrate the holidays. (Photo: Courtesy of Theresa Porter)

Rachel and Laurel Bowman-Cryer live in Portland, Ore., a place they thought "would be more accepting," Rachel said. But she was astounded when she went to a suburban bakery shop with her mother in 2013 to order her wedding cake and was told the baker didn't make cakes for same-sex weddings.

Rachel said she felt humiliated in front of her mother, who then became the one who called other vendors for their nuptials.

The couple, whose two daughters are now 9 and 11, decided to file a complaint.

In December, an appellate court upheld a penalty against the bakery owners, who had argued the state violated their rights as artists to free speech as well as religious freedom.

"We made the decision to go forward with this case so our daughters could learn to stand up for themselves," Rachel, 34, said.

The couple say they still feel the slap of discrimination, one time when Laurel, 33, was trying to pick up a prescription for her sick wife at a local pharmacy. "They said it wasn't possible — women cannot be married."

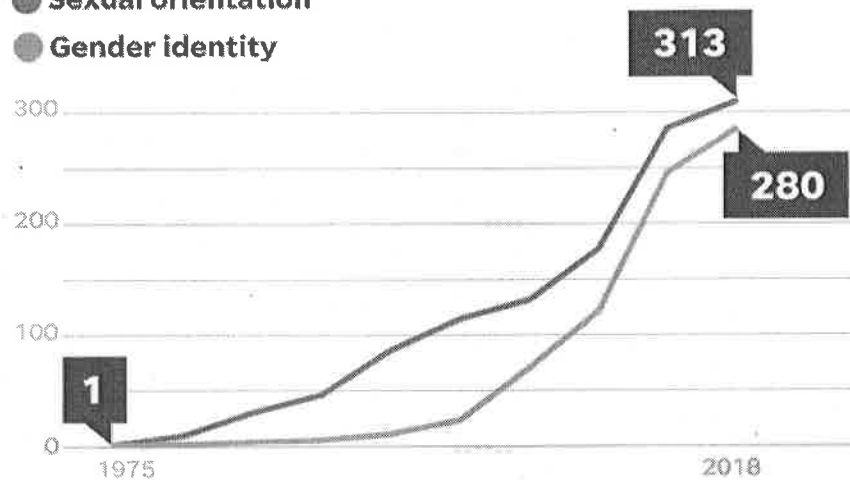
It is those everyday activities that can leave people the most at risk, MAP's Mushovic said. "It's not just about a cake shop or a florist. Are you comfortable stopping by the pizza shop on the way home from work?"

Said Lester, the Florida transgender activist: "People think we want to be treated as special. We only want to be treated as equal."

Cumulative number of cities and counties that have passed public accommodation protections:

● Sexual orientation

● Gender identity



SOURCE Original analysis, MAP, Local non-discrimination ordinances.

Alejandro Gonzalez/USA TODAY

Follow Miller on Twitter @susmiller



OUT POLITICS AND POLICY

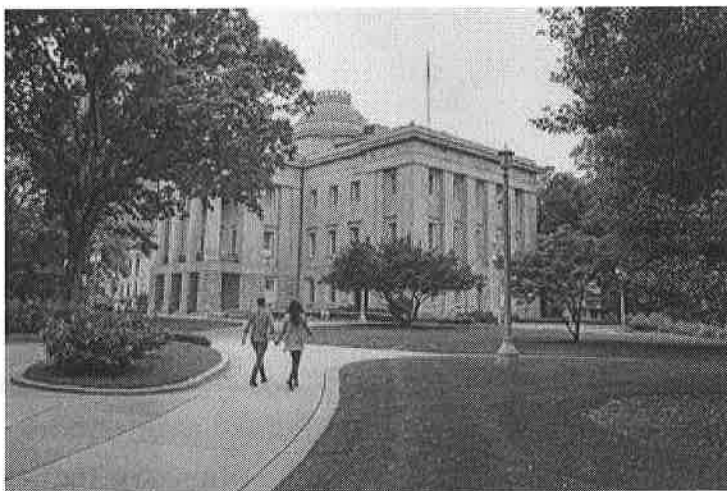
129 anti-LGBTQ state bills were introduced in 2017, new report says

Jan. 12, 2018, 10:01 AM EST / Updated Jan. 12, 2018, 10:01 AM EST

By Julie Moreau

At least 129 anti-LGBTQ bills were introduced across 30 states during the 2017 state legislative season, according to a new report published by LGBTQ advocacy group Human Rights Campaign (HRC). Twelve of these bills – which range from adoption laws to “religious freedom” legislation – became law, the report noted.

“If an LGBTQ couple drove from Maine to California today, their legal rights and civil rights protections could change more than 20 times at state borders and city lines,” HRC President Chad Griffin said in a statement.



FILE PHOTO: North Carolina State Capitol in Raleigh, N.C., on Monday, May 9, 2016. Despite his campaign promises, North Carolina’s Democratic Governor Roy Cooper failed to fully repeal the state’s now infamous HB2 “bathroom bill.” Instead, a “compromise” bill, HB142, was passed.

Al Drago / CQ-Roll Call, Inc.

HRC’s annual “State Equality Index” reviews the previous year’s state legislation affecting the lesbian, gay, bisexual, transgender and queer community and assigns an LGBTQ-equality grade to each state.

In addition to the introduction of bills HRC characterized as “anti-LGBTQ,” the group also found there were 159 state bills introduced last year that sought to expand LGBTQ rights and protections. Twenty-five of these pro-LGBTQ bills became law, according to the report.

HRC Legal Director Sarah Warbelow, who co-authored the report, called the anti-LGBTQ bills “incredibly troubling” for LGBTQ people and their families. However, she said she’s encouraged by their low success rate. “Even in very conservative states, these bills aren’t supported,” she said.

While some legislators introducing these bills “are hostile to LGBTQ people,” according to Warbelow, she speculated that others are putting them forth “to score points with a very conservative base, especially as they look towards primaries.”

Parental Rights

Lawmakers in Texas, South Dakota and Alabama passed bills that could restrict the parental rights of LGBTQ people, the report found.

Texas’ House Bill 3859, for example, allows faith-based groups working with the Texas child welfare system to deny services “under circumstances that conflict with the provider’s sincerely held religious beliefs.”

Warbelow said the bill would allow adoption agencies in the state to discriminate against same-sex couples “without penalty.” She also said the bill “violates the best interest of the child by refusing to place them with LGBTQ prospective parents.”

Relationship Recognition

Two and a half years after the Supreme Court recognized same-sex marriage, HRC said several states introduced legislation aimed at poking holes in the landmark Obergefell v. Hodges ruling.

The State Equality Index cited a vaguely worded Tennessee bill that was signed into law in May that requires “undefined words” be given “their natural and ordinary meaning” when it comes to state law. While the final version of the bill did not specifically mention any “undefined words,” a previous version of the bill explicitly mandated “the words ‘husband,’ ‘wife,’ ‘mother,’ and ‘father’ be given their natural and ordinary meaning.”

By contrast, seven states passed laws in line with the Obergefell decision. In Nevada, for example, a new law removed gendered language in state code and marriage documents.

Religious Refusal

Mississippi passed a law titled “Protecting Freedom of Conscience From Government Discrimination Act” that allows state employees and private businesses to deny service to LGBTQ individuals based on religious objections. A federal district court issued an injunction preventing the law from coming into effect, but a three-judge panel from the Fifth Circuit Court of Appeals lifted the injunction. Earlier this week, the Supreme Court declined to hear the case, meaning that for now the law is in full effect.

“Bills such as these create loopholes that allow for discrimination, including anti-LGBTQ discrimination, that is otherwise prohibited by professional standards,” the report states.

By contrast, Virginia Governor Terry McAuliffe vetoed a religious exemption bill that would have allowed organizations such as shelters and adoption agencies to deny service to LGBTQ people.

Non-Discrimination

Despite his campaign promises, North Carolina’s Democratic Governor Roy Cooper failed to fully repeal the state’s now infamous HB2 “bathroom bill.” Instead, a “compromise” bill, HB142 – which HRC said “keeps some of the most discriminatory provisions” of the original bill – was passed. HB142 gives control of bathroom regulation to the state’s General Assembly, prohibiting cities, government agencies or universities from crafting transgender-inclusive bathroom policy. And it takes away the ability of municipalities to create non-discrimination ordinances until 2020.

Restricting transgender individuals’ access to bathrooms and other facilities remained on the agenda in 2017, according to the report. While none of the bills were passed, 10 states introduced legislation “specifically prohibiting transgender people from using gender-segregated facilities consistent with their gender identity.”

Hate Crimes

The report called developments regarding hate crimes legislation “encouraging,” with Alabama, Iowa, South Carolina and Utah introducing bills to broaden existing hate crime legislation, or create new laws altogether.

The report also praised the prohibition of the use of gay and trans panic defenses in Illinois. Illinois became the second state, after California, to do so. These defenses are used by defendants to claim they were incited to violence and “panicked” upon finding out the victim was gay or transgender.

Conversion Therapy

One trend Warbelow expects to continue in 2018 is the adoption of state laws prohibiting the use of conversion therapy on young people. Conversion therapy refers to the discredited practice of attempting to change a person’s sexual orientation.

In 2017, Connecticut, New Mexico, Rhode Island and Nevada passed conversion therapy bans that “prohibit state-licensed mental health care providers from engaging in these abusive practices with youth,” the report said. This brings the total to nine states and the District of Columbia that now have banned use of conversion therapy for young people.

“Most Americans understand that [conversion therapy] is incredibly dangerous and damaging for youth,” Warbelow said.

State Grades

The State Equality Index assigned all 50 states and the District of Columbia to one of four categories: Working Toward Innovative Equality, Solidifying Equality, Building Equality and High Priority to Achieve Basic Equality.

Twenty-seven states, including nearly every Southern state, fell into the last and least LGBTQ-inclusive category. According to the report, states in the High Priority to Achieve Basic Equality category “have many laws that undermine LGBTQ equality, from those that criminalize HIV and sodomy, to measures allowing religious-based discrimination against LGBTQ people.”

Fourteen states, mainly those in the Northeast and on the West Coast, fell into the most inclusive category. These states, according to the report, “have robust LGBTQ non-discrimination laws that include employment, housing and public accommodations, as well as protections in the realm of credit, insurance, and jury selection.”

“The vast majority of Americans today understand that this crazy quilt of protections – and lack thereof – is wrong, impractical, and unacceptable,” HRC's Griffin said.

He advocated for doing away with the “ragged patchwork of state laws that fail to protect LGBTQ people equally” and passing the Equality Act, a bill first introduced in 2015 that would, according to HRC, “provide consistent and explicit non-discrimination protections for LGBTQ people across key areas of life.”

FOLLOW NBC OUT ON TWITTER, FACEBOOK AND INSTAGRAM

Julie Moreau

February 19, 2018 12:01AM EST

Available In English 日本語 Español

United States: State Laws Threaten LGBT Equality

'License to Discriminate' Bills Imperil Access to Services

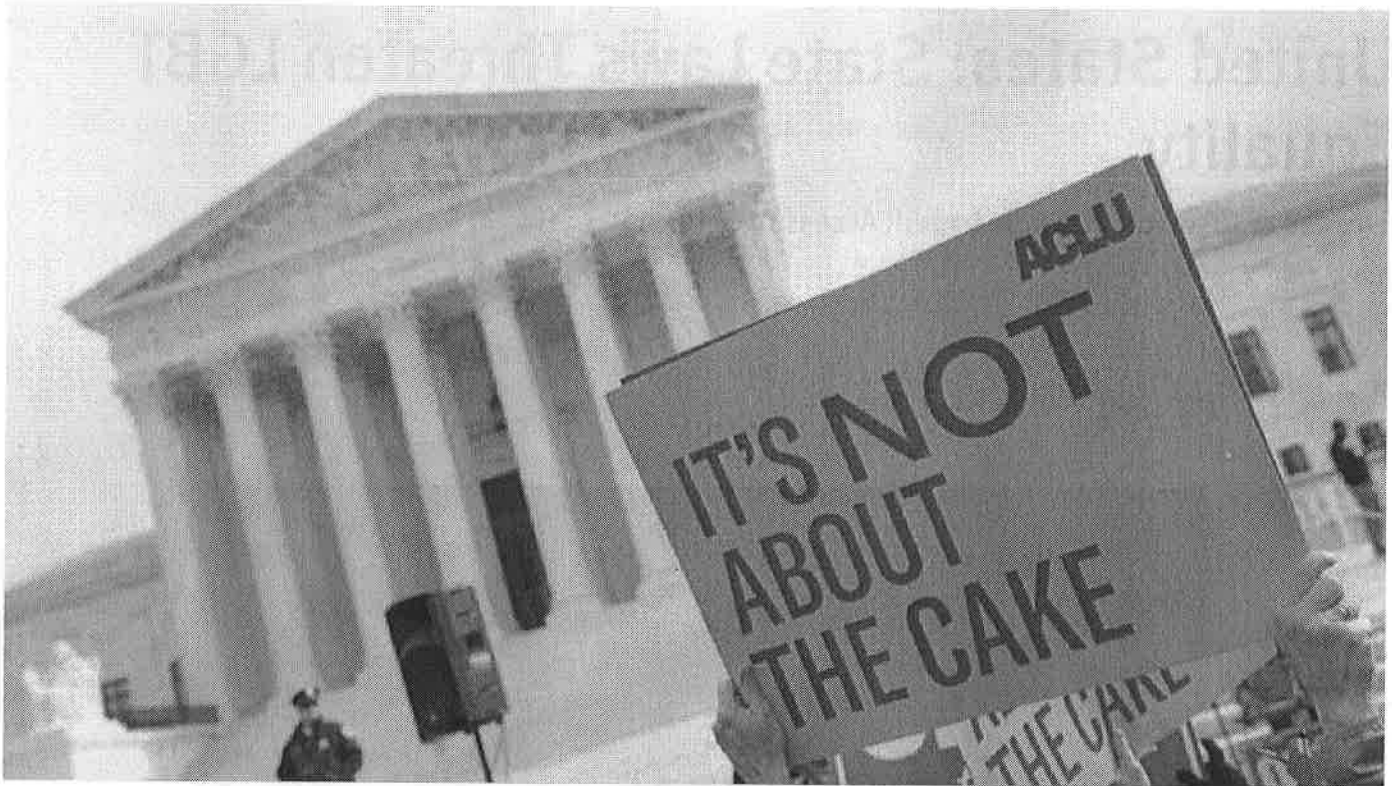


In response to the state's "license to discriminate" bill, Steve Long displays a sticker welcoming LGBT customers to his restaurant in Jackson, MS, on October 2, 2017. © 2017 Rogelio V. Solis / AP Photo

(New York, February 19, 2018) – The rash of new “religious exemption” laws passed by state legislatures around the United States represent a thinly-veiled assault against the rights of lesbian, gay, bisexual, and transgender (LGBT) people, Human Rights Watch said in a report released today. In the absence of

robust nondiscrimination protections, these laws function as a license to discriminate rather than a good faith attempt to protect religious liberty and should be repealed.

The 41-page report, “All We Want is Equality’: Religious Exemptions and Discrimination against LGBT People in the United States,” documents how recent laws carve out space to discriminate against LGBT people in adoption and foster care, health care, and access to some goods and services. These laws fail to balance moral and religious objections to LGBT relationships and identities with the rights of LGBT people themselves, Human Rights Watch found. The findings illustrate that these exemptions encourage discriminatory refusals, discourage LGBT people from seeking out services, and harm people’s dignity.



Interview: Licensing LGBT Discrimination in the US

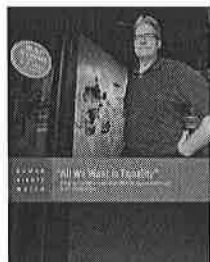
Across the United States, state laws are being passed or debated that would allow businesses, adoption and foster care agencies, and even healthcare providers to discriminate against LGBT people.

ESSENTIAL READING

“Describing these laws as ‘exemptions’ is misleading,” said Ryan Thoreson, a researcher in the LGBT rights program at Human Rights Watch. “Given the dearth of laws that protect LGBT people from

discrimination in the first place, legislators are getting it exactly backwards and creating exceptions before they've ever established the rule."

Human Rights Watch interviewed 112 LGBT people, service providers, and advocates in states where religious exemptions recently have been enacted into law.



February 19, 2018 | Report

"All We Want is Equality"

Religious Exemptions and Discrimination against LGBT People in the United States

Download the full report in English

The majority of the interviews took place in three states. In Mississippi, state law permits a wide array of individuals, businesses, and service providers to discriminate based on their religious or moral objections to same-sex marriage, extramarital sex, and the recognition of transgender identity. In Tennessee, a recent state law permits mental health counselors to turn away clients based on their religious beliefs. And in Michigan, adoption and foster care agencies that receive support from the state are explicitly empowered to refuse to place children with LGBT parents on account of the agencies' own moral or religious objections. Alabama, North Dakota, South Dakota, Texas, and Virginia also have adoption and foster care exemptions in place.

Currently, only 19 states and the District of Columbia explicitly prohibit discrimination based on sexual orientation and gender identity in employment, housing, and public accommodations. Another three states offer partial protections; New Hampshire and Wisconsin prohibit discrimination based on sexual orientation but not gender identity, and Utah prohibits discrimination in employment and housing but not public accommodations. The other 28 states lack statutory provisions that explicitly prohibit discrimination against LGBT people.

In states where LGBT people lack explicit nondiscrimination protections, broad exemptions serve to powerfully reinforce the idea that adoption and foster care agencies, healthcare providers, business owners, and service providers can refuse to serve LGBT people. Erin Busk-Sutton, a lesbian woman who was turned away from a religious foster care agency in Michigan, described it as "the worst experience of my life, being told by a stranger that I wouldn't be a good mother, essentially."

Even if people are not directly refused services, religious exemptions cause LGBT people to fear discrimination and deter them from seeking services. The laws addressed by Human Rights Watch help entrench and exacerbate a climate in which LGBT people already face mistreatment and barriers to their full and equal participation in the public sphere.

“I know of people who don’t even try [to seek services] for fear of being rejected,” said Lisa Scheps, a transgender advocate in Texas. “And that’s true of any of the rural counties in Texas.”

While these laws are framed as protecting religious liberty, they are first and foremost a response to the advancement of LGBT equality – particularly the right to marry for same-sex couples. Representative Jeff Irwin, who opposed Michigan’s exemptions in adoption and foster care, observed that “[t]he whole goal of this package is to allow agencies to discriminate against same-sex couples.” In several instances, lawmakers rejected amendments that would have ensured the laws could not be used to discriminate against LGBT people.

The message is not lost on LGBT people living in states with license to discriminate laws. “You’re being treated with disrespect, as a second-class citizen – not even a citizen, an outsider,” said Brandiilyne Mangum-Dear, a lesbian woman in Mississippi.

In 2018, additional exemption bills already have been filed in Florida, Georgia, Illinois, Oklahoma, and Washington. Nondiscrimination bills are pending in Alaska, Arizona, Florida, Idaho, Indiana, Kentucky, Missouri, Nebraska, New Hampshire, New York, Ohio, Pennsylvania, Utah, Virginia, and West Virginia.

Lawmakers should enact nondiscrimination laws that prohibit discrimination based on sexual orientation and gender identity in employment, education, housing, health care, and access to services, Human Rights Watch said. States with sweeping exemptions should repeal them, and legislators who are considering these bills should reject them in favor of more balanced protections that do not jeopardize the rights and well-being of LGBT people.

Your tax deductible gift can help stop human rights violations and save lives around the world.

\$50

\$100

Out and Equal

2017 Workplace Equality Fact Sheet

Lesbian, Gay, Bisexual, and Transgender (LGBT) Workplace Discrimination at a Glance:

- One in four LGBT employees report experiencing employment discrimination in the last five years.
(<https://williamsinstitute.law.ucla.edu/press/press-releases/report-shows-continuing-high-levels-of-workplace-discrimination-impacts-productivity-and-health/>)
- The Transgender unemployment rate is three times higher than the national average.
(<http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>)
- Over one quarter (27%) of transgender people who held or applied for a job in the last year reported being fired, not hired, or denied a promotion due to their gender identity. (<http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>)
- More than three-quarters of transgender employees take steps to avoid mistreatment in the workplace.
(<http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>)
- Nearly one in 10 LGBT employees have left a job because the environment was unwelcoming. (http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Cost_of_the_Closet_May2014.pdf)
- 52.8 percent of LGBT employees report that discrimination negatively affected their work environment.
(<https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/>)
- LGBT employees who make it into senior management are much more likely to be out than closeted: 71 percent compared to 28 percent of their closeted counterparts. (<https://hbr.org/2011/07/the-cost-of-closeted-employees>)
- In 2014, more than one in four LGBT adults (2.2 million people) struggled to put food on the table.
(<https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>)

Federal and State Policy Landscape:

- There is no federal law barring employment discrimination on the basis of sexual orientation or gender identity.
- State laws vary widely: (http://www.lgbtmap.org/equality-maps/non_discrimination_laws)
 - In 28 states, you can get fired just for being lesbian, bisexual, or gay.
 - In 30 states, you can be fired for being transgender.
 - Twenty-two states and the District of Columbia prohibit employment discrimination on the basis of sexual orientation and/or gender identity by statute.
- The majority of Americans (67%) support federal laws protecting transgender people from employment discrimination.
(<http://www.theharrispoll.com/business/2016-Out-Equal-Workplace-Survey.html>)
- 71% of Americans support federal laws protecting LGBT people from discrimination in housing, public accommodations and jobs.
(<https://www.prii.org/press-release/news-release/>)



(<http://outandequal.org/app/uploads/2017/11/non-discrimination-laws-map.jpg>)

Why Businesses and Agencies Should Care:

- Being out at work and welcomed by your boss and co-workers is good for employee morale and the bottom line: (<https://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-of-LGBT-Policies-May-2013.pdf>)
 - LGBT-supportive policies and workplace climates are linked to less discrimination against LGBT employees and more openness about being LGBT. Less discrimination and more openness, in turn, are also linked to greater job commitment, improved workplace relationships, increased job satisfaction, improved health outcomes, and increased productivity among LGBT employees. (<https://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-of-LGBT-Policies-May-2013.pdf>)
- According to one study, LGBT people in the closet at work are 73 percent more likely to say they'll leave their companies within the next three years. (<https://thinkprogress.org/study-employees-who-can-come-out-at-work-flourish-closeted-workers-languish-or-leave-633c31f0a408>)
- Seventy-eight percent of transgender people felt more comfortable at work after transition, and believe their workplace performance improved. (http://www.transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf)

Progress on Workplace LGBT Equality

For lesbian, gay, and bisexual employees:

- In 1996, only four percent of Fortune 500 companies included sexual orientation in their nondiscrimination policies. (<http://outandequal.org/out-equal-at-work/>)
- Today, 92 percent of Fortune 500 companies welcome lesbian, gay, and bisexual employees with inclusive policies (that protect against discrimination based on sexual orientation). (<http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/CEI-2017-FinalReport.pdf>)

For transgender employees:

- In 2002, just three percent of Fortune 500 companies had nondiscrimination protections that included gender identity. (<http://www.hrc.org/blog/record-number-of-top-u.s.-businesses-embracing-inclusive-policies-for-lgbtq>)
- Today, 82 percent of Fortune 500 companies include gender identity in nondiscrimination policies. (<http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/CEI-2017-FinalReport.pdf>)

Global Landscape

- 72 UN-member States protect against discrimination in employment. (http://ilga.org/downloads/2017/ILGA_WorldMap_ENGLISH_Overview_2017.pdf)
- Seventy-two countries in the world still criminalize same-sex sexual acts, and more countries criminalize 'homosexuality' in other ways, subjecting individuals to dangers, abuses, harassment, and violations on the basis of their gender and sexuality. (http://ilga.org/downloads/2017/ILGA_WorldMap_ENGLISH_Overview_2017.pdf)

Share

This

Post

(https://www.facebook.com/sharer/sharer.php?

u=http%3A%2F%2Foutandequal.org%2F2017-

workplace-equality-fact-

sheet%2F&t=2017+Workplace+Equality+Fact+Sheet)

(https://twitter.com/intent/tweet?source=http%3A%2F%2Foutandequal.o

equality-fact-

sheet%2F&text=2017+Workplace+Equality+Fact+Sheet:%20http%3A%2F%2Fout-

workplace-equality-fact-sheet%2F&via=OutAndEqual)

FOLLOW US

(https://www.facebook.com/outandequal/)

(https://www.linkedin.com/company/out-

&-

equal-

workplace-

(https://www.youtube.com/user/outandequal/videos/44078651@N06/collections/)

Out & Equal is the worlds' premier nonprofit dedicated to achieving global LGBT workplace equality.

blog (<http://outandequal.org/blog/>)

join our team (<http://outandequal.org/joinourteam/>)

contact (<http://outandequal.org/contact/>)

hello@outandequal.org (<mailto:hello@outandequal.org>)

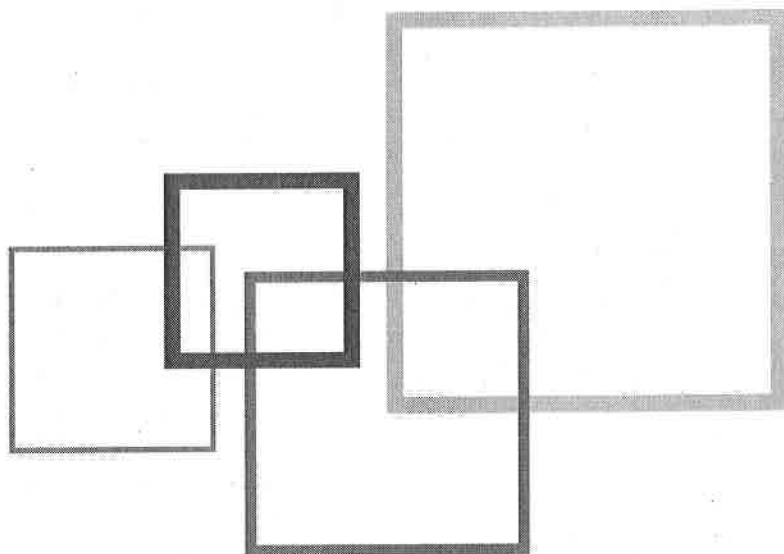
415.694.6500 (<http://outandequal.org/contact/>)

©2019 Out & Equal

STAY INFORMED

Your Email

SIGN UP



THE REPORT OF THE

2015 **U.S.**
TRANSGENDER
SURVEY

EXECUTIVE SUMMARY

December 2016

USTS Executive Summary

The 2015 U.S. Transgender Survey (USTS) is the largest survey examining the experiences of transgender people in the United States, with 27,715 respondents from all fifty states, the District of Columbia, American Samoa, Guam, Puerto Rico, and U.S. military bases overseas. Conducted in the summer of 2015 by the National Center for Transgender Equality, the USTS was an anonymous, online survey for transgender adults (18 and older) in the United States, available in English and Spanish. The USTS serves as a follow-up to the groundbreaking 2008–09 National Transgender Discrimination Survey (NTDS), which helped to shift how the public and policymakers view the lives of transgender people and the challenges they face. The report of the 2015 USTS provides a detailed look at the experiences of transgender people across a wide range of categories, such as education, employment, family life, health, housing, and interactions with the criminal justice system.

The findings reveal disturbing patterns of mistreatment and discrimination and startling disparities between transgender people in the survey and the U.S. population when it comes to the most basic elements of life, such as finding a job, having a place to live, accessing medical care, and enjoying the support of family and community. Survey respondents also experienced harassment and violence at alarmingly high rates. Several themes emerge from the thousands of data points presented in the full survey report.

Pervasive Mistreatment and Violence

Respondents reported high levels of mistreatment, harassment, and violence in every aspect of life. One in ten (10%) of those who were out to their immediate family reported that a family member was violent towards them because they were transgender, and 8% were kicked out of the house because they were transgender.

The majority of respondents who were out or perceived as transgender while in school (K–12) experienced some form of mistreatment, including being verbally harassed (54%), physically attacked (24%), and sexually assaulted (13%) because they were transgender. Further, 17% experienced such severe mistreatment that they left a school as a result.

In the year prior to completing the survey, 30% of respondents who had a job reported being fired, denied a promotion, or experiencing some other form of mistreatment in the workplace due to their gender identity or expression, such as being verbally harassed or physically or sexually assaulted at work.

In the year prior to completing the survey, 46% of respondents were verbally harassed and 9% were physically attacked because of being transgender. During that same time period, 10% of respondents were sexually assaulted, and nearly half (47%) were sexually assaulted at some point in their lifetime.

Severe Economic Hardship and Instability

The findings show large economic disparities between transgender people in the survey and the U.S. population. Nearly one-third (29%) of respondents were living in poverty, compared to 12% in the U.S. population. A major contributor to the high rate of poverty is likely respondents' 15% unemployment rate—three times higher than the unemployment rate in the U.S. population at the time of the survey (5%).

Respondents were also far less likely to own a home, with only 16% of respondents reporting homeownership, compared to 63% of the U.S. population. Even more concerning, nearly one-third (30%) of respondents have experienced homelessness at some point in their lifetime, and 12% reported experiencing homelessness in the year prior to completing the survey because they were transgender.

Harmful Effects on Physical and Mental Health

The findings paint a troubling picture of the impact of stigma and discrimination on the health of many transgender people. A staggering 39% of respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population. Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).

Respondents also encountered high levels of mistreatment when seeking health care. In the year prior to completing the survey, one-third (33%) of those who saw a health care provider had at least one negative experience related to being transgender, such as being verbally harassed or refused treatment because of their gender identity. Additionally, nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person, and 33% did not go to a health care provider when needed because they could not afford it.

The Compounding Impact of Other Forms of Discrimination

When respondents' experiences are examined by race and ethnicity, a clear and disturbing pattern is revealed: transgender people of color experience deeper and broader patterns of discrimination than white respondents and the U.S. population. While respondents in the USTS sample overall were more than twice as likely as the U.S. population to be living in poverty, people of color, including Latino/a (43%), American Indian (41%), multiracial (40%), and Black (38%) respondents, were more than three times as likely as the U.S. population (12%) to be living in poverty. The unemployment rate among transgender people of color (20%) was four times higher than the U.S. unemployment rate (5%). People of color also experienced greater health disparities. While 1.4% of all respondents were living with HIV—nearly five times the rate in the U.S. population (0.3%)—the rate among Black respondents (6.7%) was substantially higher, and the rate for Black transgender women was a staggering 19%.

Undocumented respondents were also more likely to face severe economic hardship and violence than other respondents. In the year prior to completing the survey, nearly one-quarter (24%) of undocumented respondents were physically attacked. Additionally, one-half (50%) of undocumented respondents have experienced homelessness in their lifetime, and 68% have faced intimate partner violence.

Respondents with disabilities also faced higher rates of economic instability and mistreatment. Nearly one-quarter (24%) were unemployed, and 45% were living in poverty. Transgender people with disabilities were more likely to be currently experiencing serious psychological distress (59%) and more likely to have attempted suicide in their lifetime (54%). They also reported higher rates of mistreatment by health care providers (42%).

Increased Visibility and Growing Acceptance

Despite the undeniable hardships faced by transgender people, respondents' experiences also show some of the positive impacts of growing visibility and acceptance of transgender people in the United States.

One such indication is that an unprecedented number of transgender people—nearly 28,000—completed the survey, more than four times the number of respondents in the 2008–09 NTDS. This number of transgender people who elevated their voices reflects the historic growth in visibility that the transgender community has seen in recent years. Additionally, this growing visibility has lifted up not only the voices of transgender men and women, but also people who are non-binary, which is a term that is often used to describe

people whose gender identity is not exclusively male or female, including those who identify as having no gender, a gender other than male or female, or more than one gender. With non-binary people making up over one-third of the sample, the need for advocacy that is inclusive of all identities in the transgender community is clearer than ever.

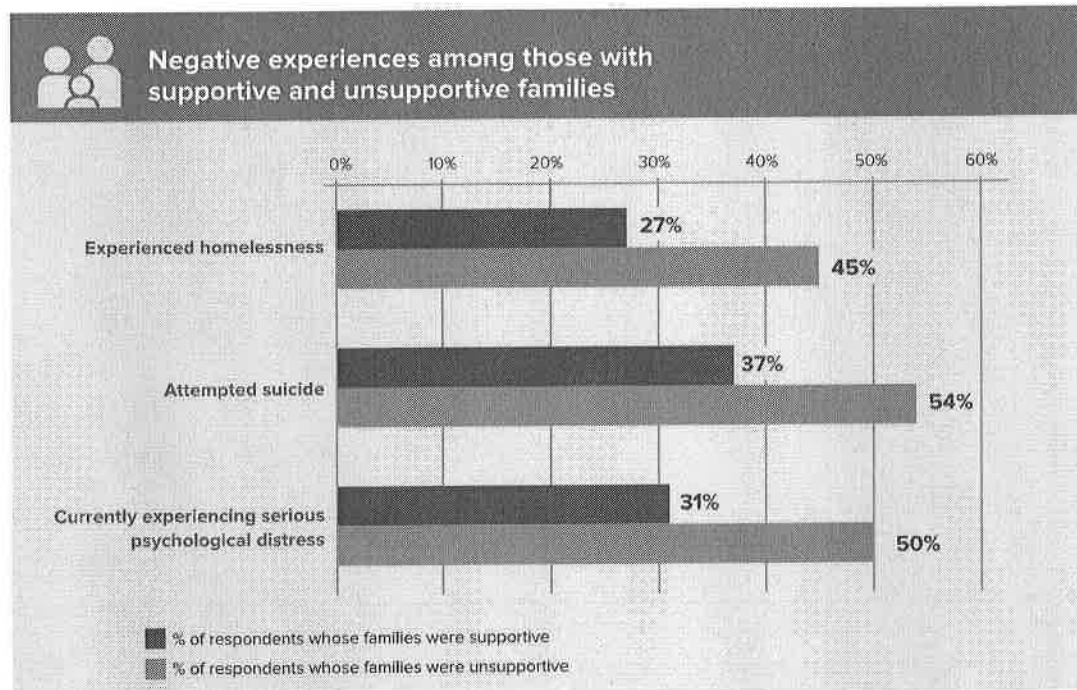
Respondents' experiences also suggest growing acceptance by family members, colleagues, classmates, and other people in their lives. More than half (60%) of respondents who were out to their immediate family reported that their family was supportive of them as a transgender person. More than two-thirds (68%) of those who were out to their coworkers reported that their coworkers were supportive. Of students who were out to their classmates, more than half (56%) reported that their classmates supported them as a transgender person.

Overall, the report provides evidence of hardships and barriers faced by transgender people on a day-to-day basis. It portrays the challenges that transgender people must overcome and the complex systems that they are often forced to navigate in multiple areas of their lives in order to survive and thrive. Given this evidence, governmental and private institutions throughout the United States should address these disparities and ensure that transgender people are able to live fulfilling lives in an inclusive society. This includes eliminating barriers to quality, affordable health care, putting an end to discrimination in schools, the workplace, and other areas of public life, and creating systems of support at the municipal, state, and federal levels that meet the needs of transgender people and reduce the hardships they face. As the national conversation about transgender people continues to evolve, public education efforts to improve understanding and acceptance of transgender people are crucial. The rates of suicide attempts, poverty, unemployment, and violence must serve as an immediate call to action, and their reduction must be a priority. Despite policy improvements over the last several years, it is clear that there is still much work ahead to ensure that transgender people can live without fear of discrimination and violence.

Overview of Key Findings

Family Life and Faith Communities

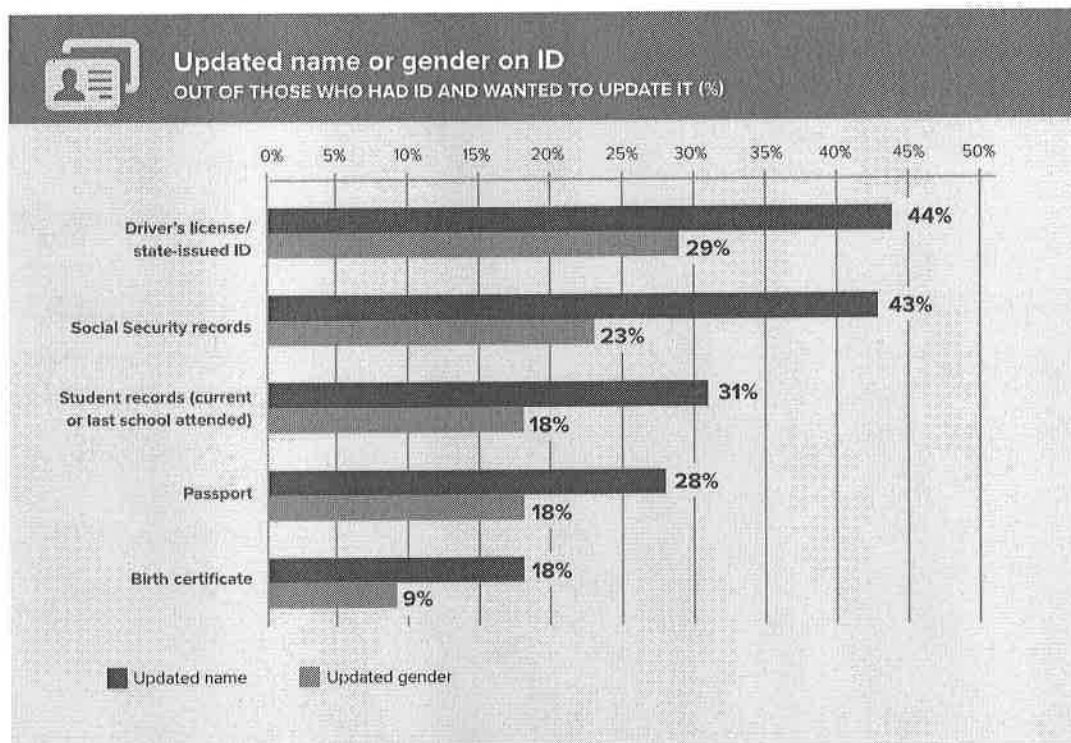
- A majority of respondents (60%) who were out to the immediate family they grew up with said that their family was generally supportive of their transgender identity, while 18% said that their family was unsupportive, and 22% said that their family was neither supportive nor unsupportive.
- Those who said that their immediate families were supportive were less likely to report a variety of negative experiences related to economic stability and health, such as experiencing homelessness, attempting suicide, or experiencing serious psychological distress.



- One in ten (10%) respondents who were out to their immediate family reported that a family member was violent towards them because they were transgender.
- One in twelve (8%) respondents who were out to their immediate family were kicked out of the house, and one in ten (10%) ran away from home.
- Nineteen percent (19%) of respondents who had ever been part of a spiritual or religious community left due to rejection. Forty-two percent (42%) of those who left later found a welcoming spiritual or religious community.

Identity Documents

- Only 11% of respondents reported that *all* of their IDs had the name and gender they preferred, while more than two-thirds (68%) reported that *none* of their IDs had the name and gender they preferred.



- The cost of changing ID documents was one of the main barriers respondents faced, with 35% of those who have not changed their legal name and 32% of those who have not updated the gender on their IDs reporting that it was because they could not afford it.
- Nearly **one-third (32%)** of respondents **who have shown an ID with a name or gender that did not match their gender presentation were verbally harassed, denied benefits or service, asked to leave, or assaulted.**

Health Insurance and Health Care

- **One in four (25%) respondents experienced a problem in the past year with their insurance related to being transgender**, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.
- **More than half (55%) of those who sought coverage for transition-related surgery in the past year were denied**, and 25% of those who sought coverage for hormones in the past year were denied.
- **One-third (33%) of those who saw a health care provider in the past year reported having at least one negative experience related to being transgender**, with higher rates for people of color and people with disabilities. This included being refused treatment, verbally harassed, or physically or sexually assaulted, or having to teach the provider about transgender people in order to get appropriate care.
- In the past year, **23% of respondents did not see a doctor when they needed to because of fear of being mistreated as a transgender person**, and 33% did not see a doctor when needed because they could not afford it.

Psychological Distress and Attempted Suicide

- **Thirty-nine percent (39%) of respondents experienced serious psychological distress** in the month before completing the survey (based on the Kessler 6 Psychological Distress Scale), compared with only 5% of the U.S. population.
- **Forty percent (40%) have attempted suicide in their lifetime**, nearly nine times the rate in the U.S. population (4.6%).
- **Seven percent (7%) attempted suicide in the past year**—nearly twelve times the rate in the U.S. population (0.6%).

HIV

- Respondents were **living with HIV (1.4%) at nearly five times the rate in the U.S. population (0.3%)**.
- **HIV rates were higher among transgender women (3.4%)**, especially transgender women of color. **Nearly one in five (19%) Black transgender women were living with HIV**, and American Indian (4.6%) and Latina (4.4%) women also reported higher rates.

Experiences in Schools

- **More than three-quarters (77%)** of those who were out or perceived as transgender at some point between Kindergarten and Grade 12 (K–12) **experienced some form of mistreatment**, such as being verbally harassed, prohibited from dressing according to their gender identity, disciplined more harshly, or physically or sexually assaulted because people thought they were transgender.
- **Fifty-four percent (54%)** of those who were out or perceived as transgender in K–12 **were verbally harassed, nearly one-quarter (24%) were physically attacked, and 13% were sexually assaulted in K–12 because of being transgender.**
- **Seventeen percent (17%)** faced such severe mistreatment as a transgender person that they left a K–12 school.
- **Nearly one-quarter (24%)** of people who were out or perceived as transgender in college or vocational school **were verbally, physically, or sexually harassed.**

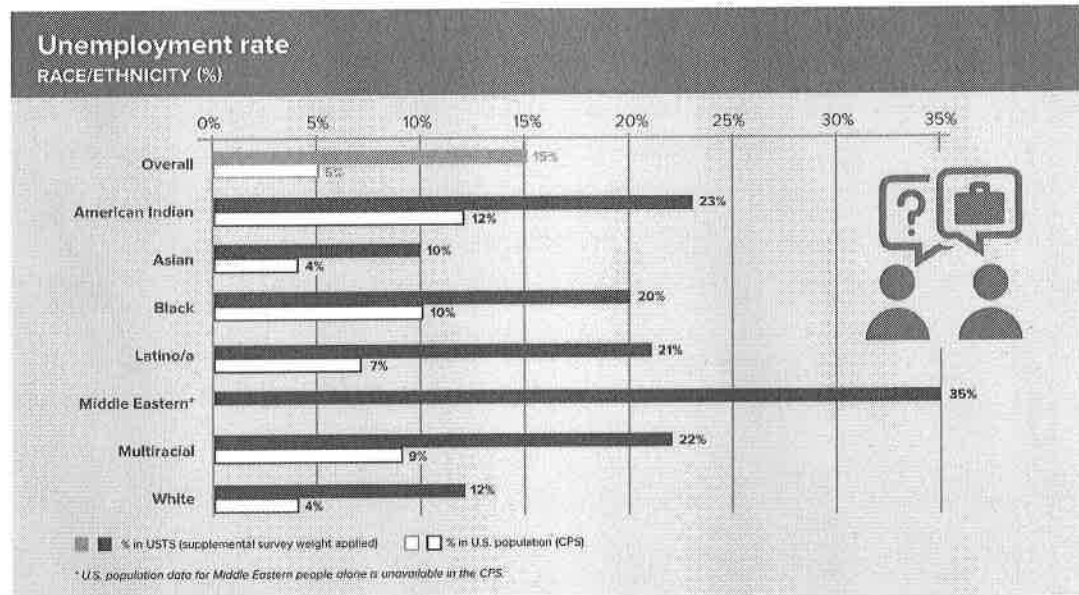


Experiences of people who were out as transgender in K–12 or believed classmates, teachers, or school staff thought they were transgender

EXPERIENCES	% OF THOSE WHO WERE OUT OR PERCEIVED AS TRANSGENDER
Verbally harassed because people thought they were transgender	54%
Not allowed to dress in a way that fit their gender identity or expression	52%
Disciplined for fighting back against bullies	36%
Physically attacked because people thought they were transgender	24%
Believe they were disciplined more harshly because teachers or staff thought they were transgender	20%
Left a school because the mistreatment was so bad	17%
Sexually assaulted because people thought they were transgender	13%
Expelled from school	6%
One or more experiences listed	77%

Income and Employment Status

- The unemployment rate among respondents (15%) was three times higher than the unemployment rate in the U.S. population (5%), with Middle Eastern, American Indian, multiracial, Latino/a, and Black respondents experiencing higher rates of unemployment.



- Nearly one-third (29%) were living in poverty, more than twice the rate in the U.S. population (12%).

Employment and the Workplace

- One in six (16%) respondents who have ever been employed—or 13% of all respondents in the sample—reported losing a job because of their gender identity or expression in their lifetime.
- In the past year, 27% of those who held or applied for a job during that year—19% of all respondents—reported being fired, denied a promotion, or not being hired for a job they applied for because of their gender identity or expression.
- Fifteen percent (15%) of respondents who had a job in the past year were verbally harassed, physically attacked, and/or sexually assaulted at work because of their gender identity or expression.
- Nearly one-quarter (23%) of those who had a job in the past year reported other forms of mistreatment based on their gender identity or expression during that year,

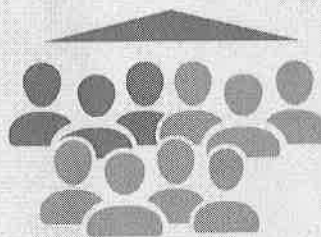
such as being forced to use a restroom that did not match their gender identity, being told to present in the wrong gender in order to keep their job, or having a boss or coworker share private information about their transgender status without their permission.

- **Overall, 30% of respondents who had a job in the past year reported being fired, denied a promotion, or experiencing some other form of mistreatment related to their gender identity or expression.**
- **More than three-quarters (77%) of respondents who had a job in the past year took steps to avoid mistreatment in the workplace, such as hiding or delaying their gender transition or quitting their job.**

Housing, Homelessness, and Shelter Access

- **Nearly one-quarter (23%) of respondents experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender.**
- **Nearly one-third (30%) of respondents have experienced homelessness at some point in their lives.**
- **In the past year, one in eight (12%) respondents experienced homelessness because of being transgender.**
- **More than one-quarter (26%) of those who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person.** Those who did stay in a shelter reported high levels of mistreatment: **seven out of ten (70%)** respondents who stayed in a shelter in the past year reported some form of mistreatment, including being harassed, sexually or physically assaulted, or kicked out because of being transgender.

Seven out of ten respondents who stayed in a shelter in the past year reported being mistreated because of being transgender.



- Respondents were nearly **four times less likely to own a home (16%) compared to the U.S. population (63%).**

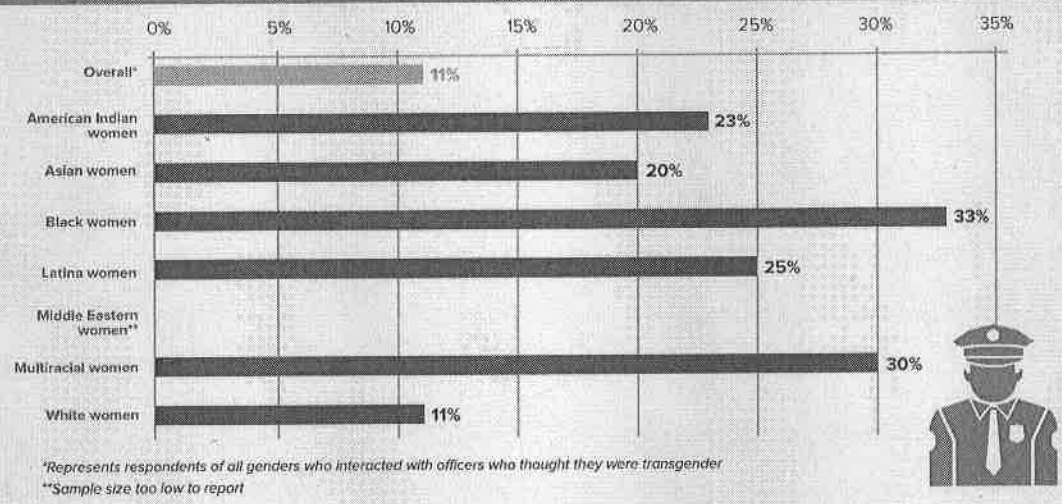
Sex Work and Other Underground Economy Work

- Respondents reported high rates of experience in the underground economy, including sex work, drug sales, and other work that is currently criminalized. **One in five (20%) have participated in the underground economy** for income at some point in their lives—including 12% who have done sex work in exchange for income—and 9% did so in the past year, with higher rates among women of color.
- Respondents who interacted with the police either while doing sex work or while the police mistakenly thought they were doing sex work reported high rates of police harassment, abuse, or mistreatment, with **nearly nine out of ten (86%) reporting being harassed, attacked, sexually assaulted, or mistreated in some other way by police.**
- **Those who have done income-based sex work were also more likely to have experienced violence.** More than three-quarters (77%) have experienced intimate partner violence and 72% have been sexually assaulted, a substantially higher rate than the overall sample. Out of those who were working in the underground economy at the time they took the survey, nearly half (41%) were physically attacked in the past year and over one-third (36%) were sexually assaulted during that year.

Police Interactions and Prisons

- **Respondents experienced high levels of mistreatment and harassment by police.** In the past year, of respondents who interacted with police or law enforcement officers who thought or knew they were transgender, **more than half (58%) experienced some form of mistreatment.** This included being verbally harassed, repeatedly referred to as the wrong gender, physically assaulted, or sexually assaulted, including being forced by officers to engage in sexual activity to avoid arrest.
- **Police frequently assumed that respondents—particularly transgender women of color—were sex workers.** In the past year, of those who interacted with law enforcement officers who thought or knew they were transgender, one-third (33%) of Black transgender women and 30% of multiracial women said that an officer assumed they were sex workers.
- **More than half (57%)** of respondents said they would feel **uncomfortable asking the police for help** if they needed it.
- Of those who were arrested in the past year (2%), **nearly one-quarter (22%) believed they were arrested because they were transgender.**

Transgender women reporting that police assumed they were sex workers in the past year (out of those who interacted with officers who thought they were transgender)
RACE/ETHNICITY (%)



- Respondents who were held in jail, prison, or juvenile detention in the past year faced **high rates of physical and sexual assault by facility staff and other inmates**. In the past year, nearly one-quarter (23%) were physically assaulted by staff or other inmates, and one in five (20%) were sexually assaulted. Respondents were over **five times more likely to be sexually assaulted by facility staff** than the U.S. population in jails and prisons, and over **nine times more likely to be sexually assaulted by other inmates**.

Harassment and Violence

- **Nearly half (46%) of respondents were verbally harassed** in the past year because of being transgender.
- **Nearly one in ten (9%) respondents were physically attacked** in the past year because of being transgender.
- **Nearly half (47%) of respondents were sexually assaulted** at some point in their lifetime and **one in ten (10%) were sexually assaulted in the past year**. Respondents who have done sex work (72%), those who have experienced homelessness (65%), and people with disabilities (61%) were more likely to have been sexually assaulted in their lifetime.
- **More than half (54%) experienced some form of intimate partner violence**, including acts involving coercive control and physical harm.
- **Nearly one-quarter (24%) have experienced severe physical violence by an intimate partner**, compared to 18% in the U.S. population.

Places of Public Accommodation

- Respondents reported being denied equal treatment or service, verbally harassed, or physically attacked at many places of public accommodation—places that provide services to the public, like retail stores, hotels, and government offices. Out of respondents who visited a place of public accommodation where staff or employees thought or knew they were transgender, **nearly one-third (31%) experienced at least one type of mistreatment in the past year in a place of public accommodation.** This included 14% who were denied equal treatment or service, 24% who were verbally harassed, and 2% who were physically attacked because of being transgender.
- **One in five (20%) respondents did not use at least one type of public accommodation** in the past year because they feared they would be mistreated as a transgender person.

Denied equal treatment or service, verbally harassed, or physically attacked in public accommodations in the past year because of being transgender

LOCATION VISITED	% OF THOSE WHO SAID STAFF KNEW OR THOUGHT THEY WERE TRANSGENDER
Public transportation	34%
Retail store, restaurant, hotel, or theater	31%
Drug or alcohol treatment program	22%
Domestic violence shelter or program or rape crisis center	22%
Gym or health club	18%
Public assistance or government benefit office	17%
Department of Motor Vehicles (DMV)	14%
Nursing home or extended care facility	14%
Court or courthouse	13%
Social Security office	11%
Legal services from an attorney, clinic, or legal professional	6%



Experiences in Restrooms

The survey data was collected before transgender people's restroom use became the subject of increasingly intense and often harmful public scrutiny in the national media and legislatures around the country in 2016. Yet respondents reported facing frequent harassment and barriers when using restrooms at school, work, or in public places.

- **Nearly one in ten (9%) respondents reported that someone denied them access to a restroom in the past year.**
- In the past year, **respondents reported being verbally harassed (12%), physically attacked (1%), or sexually assaulted (1%)** when accessing a restroom.

- **More than half (59%)** of respondents **avoided using a public restroom** in the past year because they were afraid of confrontations or other problems they might experience.
- **Nearly one-third (32%)** of respondents **limited the amount that they ate and drank** to avoid using the restroom in the past year.
- **Eight percent (8%)** reported having a **urinary tract infection, kidney infection, or another kidney-related problem** in the past year as a result of avoiding restrooms.

More than half (59%) of respondents **avoided using a public restroom** in the past year because they were afraid of confrontations or other problems they might experience.

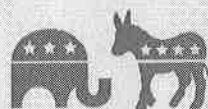


Civic Participation and Party Affiliation

- **More than three-quarters (76%)** of U.S. citizens of voting age in the sample reported that they were registered to vote in the **November 2014 midterm election**, compared to 65% in the U.S. population.
- **More than half (54%)** of U.S. citizens of voting age reported that they had voted in the **midterm election**, compared to 42% in the U.S. population.
- **Half (50%)** of respondents identified as **Democrats, 48% identified as Independents, and 2% identified as Republicans**, compared to 27%, 43%, and 27% in the U.S. population, respectively.

Political party affiliation

POLITICAL PARTY	% IN USTS	% IN U.S. POPULATION (GALLUP)
Democrat	50%	27%
Independent	48%	43%
Republican	2%	27%



About the National Center for Transgender Equality

The National Center for Transgender Equality (NCTE) is the nation's leading social justice policy advocacy organization devoted to ending discrimination and violence against transgender people. NCTE was founded in 2003 by transgender activists who recognized the urgent need for policy change to advance transgender equality. NCTE now has an extensive record winning life-saving changes for transgender people. NCTE works by educating the public and by influencing local, state, and federal policymakers to change policies and laws to improve the lives of transgender people. By empowering transgender people and our allies, NCTE creates a strong and clear voice for transgender equality in our nation's capital and around the country.

© 2016 The National Center for Transgender Equality. We encourage and grant permission for the reproduction and distribution of this publication in whole or in part, provided that it is done so with attribution to the National Center for Transgender Equality. Further written permission is not required.

The Report of the 2015 U.S. Transgender Survey: Executive Summary

by:

Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma'ayan Anafi
December 2016

RECOMMENDED CITATION

James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *Executive Summary of the Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.

The full report of the 2015 U.S. Transgender Survey is available at www.USTransSurvey.org.

Updated December 2017

THE REPORT OF THE



LGBT POLICY SPOTLIGHT: PUBLIC ACCOMMODATIONS NONDISCRIMINATION LAWS



TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
INTRODUCTION	1
LGBT PEOPLE EXPERIENCE PERVASIVE DISCRIMINATION IN PUBLIC PLACES	2
STATE AND LOCAL LAWS PROVIDE PATCHWORK OF PROTECTIONS	4
INCREASING EFFORTS TO LIMIT AND UNDERMINE NONDISCRIMINATION PROTECTIONS	9
Bathroom Bans	9
Repeal Efforts	10
Preemption Laws	10
Religious Exemptions	11
DISCRIMINATION IS BAD FOR BUSINESS	13
ADVANCING NONDISCRIMINATION PROTECTIONS IN PUBLIC ACCOMMODATIONS	14
Lawmakers	14
Advocates	14
Business Owners	14
ENDNOTES	15

EXECUTIVE SUMMARY

In many ways, the ability of lesbian, gay, bisexual, and transgender (LGBT) people to be in public and participate fully in daily American life is a top priority for advancing LGBT equality in 2018. At nearly every level of government, there are discussions happening about whether LGBT people need to be treated equally in public spaces ranging from stores to government buildings, and much is at stake.

- The U.S. Supreme Court is considering the *Masterpiece Cakeshop v. Colorado Civil Rights Commission* case, in which a business is asking the Court to grant them a Constitutional right to deny service to same-sex couples.
- Several states, including New Hampshire and Wisconsin, seek to expand nondiscrimination protections in public accommodations to include transgender people. By contrast, in Anchorage, Alaska, and Massachusetts, voters will go to the polls to vote on ballot measures that could permit businesses to deny services to transgender people.
- Advocates in countless cities and counties across the country are working to pass ordinances that would ensure access and fair treatment for all, regardless of sexual orientation or gender identity.

At the heart of these discussions are public accommodations—places of business, public transit, hotels, restaurants, and more—and the extent to which these public spaces must be open to all.

Into this context, the Movement Advancement Project (MAP) in partnership with the Equality Federation Institute, Freedom for All Americans, and the National Center for Transgender Equality, is releasing this report, *LGBT Policy Spotlight: Public Accommodations Nondiscrimination Laws*. This report examines the federal, state, and local landscape for public accommodations protections. Among its key findings:

Public Accommodations Affect All Aspects of Daily Life

- Public accommodations laws include protections in a variety of settings, ranging from retail stores and restaurants to doctors' offices and government buildings, and the extent to which each law covers these various aspects of public accommodations varies by state.

- LGBT people in protected places of public accommodations have the right to: not be refused entry or services because they are LGBT, dress and present themselves in a manner consistent with their gender identity and expression, and be free from anti-LGBT harassment by staff or customers.

Patchwork of Protections Leaves Half of LGBT People At Risk for Discrimination

- Laws protecting people from discrimination in public accommodations based on sexual orientation and gender identity exist in only 19 states and the District of Columbia.
- New analysis by MAP in this report shows that as of December 31, 2017, at least 313 cities and counties had local nondiscrimination ordinances prohibiting discrimination in public accommodations based on sexual orientation including 280 that also prohibit discrimination based on gender identity.
- There are no federal nondiscrimination protections in public accommodations for any of these characteristics.

Many LGBT People Report Discrimination in Places of Public Accommodations

- A 2016 Center for American Progress survey found that fully one-quarter of LGBT respondents experienced discrimination because of their sexual orientation or gender identity in employment, housing, and/or public accommodations—and that transgender people and LGBT people with disabilities are particularly affected.
- The 2015 U.S. Transgender Survey found that 31% of transgender respondents reported experiencing discrimination in places of public accommodations in the past year when the staff knew or thought they were transgender.
- A Williams Institute analysis of public accommodations discrimination complaints filed in states with protections found that complaints were filed at similar rates to complaints alleging race and sex discrimination.

Broad Public—and Business—Support for Nondiscrimination

- A 2016 PRRI poll found that more than six in ten Americans—and a majority of Americans in every state except Alaska—oppose allowing small business owners to refuse to provide products or services to LGBT people.
- A 2017 poll conducted by the Small Business Majority found that two-thirds (65%) of small business leaders say business owners should not be able to deny goods or services to someone who is LGBT.
- A September 2017 PRRI poll found that 72% of Americans support laws that protect LGBT people from discrimination in employment, housing and public accommodations.

Growing Efforts to Limit and Undermine Nondiscrimination Protections for LGBT People

Four coordinated efforts are underway to limit and undermine public accommodations nondiscrimination protections for LGBT people, particularly for transgender people:

1. Bathroom bans that would limit transgender people's access to restrooms;
2. Ballot measures to repeal nondiscrimination protections;
3. State preemption of cities and counties prohibiting them from enacting local nondiscrimination ordinances; and
4. Creating religious exemptions to nondiscrimination laws to allow for discrimination against LGBT people.

This report offers an overview of the patchwork of nondiscrimination protections that mean that in the majority of states, people can be denied service at a restaurant, kicked out of a taxi cab, or denied access to a bathroom—just because of who they are or whom they love.

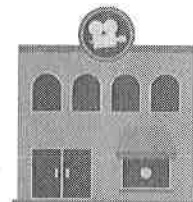
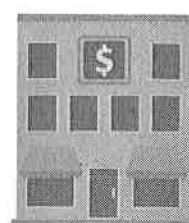
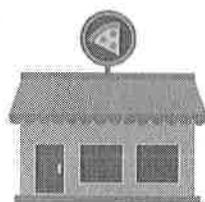
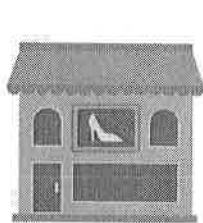
WHAT DO PUBLIC ACCOMMODATIONS LAWS COVER?



PUBLIC ACCOMMODATIONS ARE ESTABLISHMENTS THAT PROVIDE GOODS AND SERVICES TO THE GENERAL PUBLIC. DIFFERENT PUBLIC ACCOMMODATIONS LAWS COVER DIFFERENT SPECIFIC PLACES.

PUBLIC ACCOMMODATIONS PROTECTIONS GENERALLY COVER:

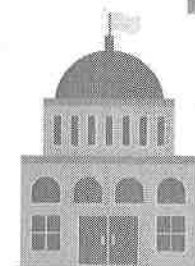
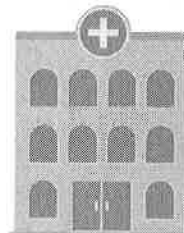
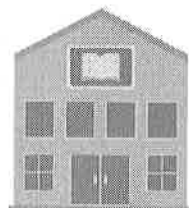
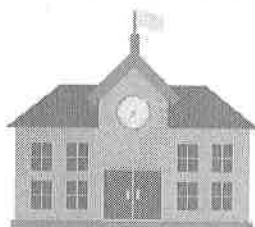
ALWAYS



RETAIL STORES, RESTAURANTS, BAKERIES, HOTELS, BANKS, GYMS, THEATERS, AND MANY OTHER PLACES

PUBLIC ACCOMMODATIONS PROTECTIONS SOMETIMES COVER:

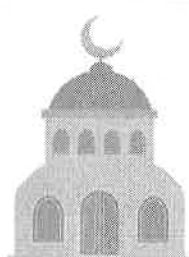
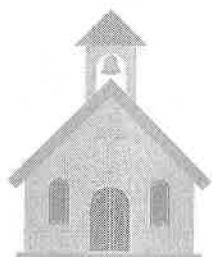
SOMETIMES



SHELTERS, SCHOOLS, UNIVERSITIES, PARKS, LIBRARIES, INSURANCE OFFICES, HOSPITALS, GOVERNMENT BUILDINGS, AND DOCTORS' OFFICES

PUBLIC ACCOMMODATIONS PROTECTIONS GENERALLY DO NOT COVER:

NEVER



CHURCHES, SYNAGOGUES, MOSQUES, AND OTHER RELIGIOUS ORGANIZATIONS

LGBT PEOPLE IN PROTECTED PLACES OF PUBLIC ACCOMMODATION HAVE THE RIGHT TO:



NOT BE REFUSED ENTRY OR SERVICES BECAUSE THEY ARE LGBT.



DRESS AND PRESENT THEMSELVES IN A MANNER CONSISTENT WITH THEIR GENDER IDENTITY AND EXPRESSION.



BE FREE FROM ANTI-LGBT HARASSMENT BY STAFF OR CUSTOMERS.

INTRODUCTION

Legislators and the public decided years ago that businesses that are open to the public should be open to everyone on the same terms. Businesses shouldn't be able to pick and choose whom to serve. That's why the federal Civil Rights Act of 1964 sought to ensure that people can participate in public life—taking public transit, eating at a restaurant, shopping at the grocery store—regardless of their race, religion, or national origin.¹ Later, Americans with disabilities were also protected from discrimination in public accommodations through the Americans with Disabilities Act.²

Public accommodations laws generally cover anywhere someone is when they are not at home or work, including retail stores, restaurants, parks, hotels, doctors' offices, banks, and sometimes, though not always, schools. Put broadly, **public accommodations laws protect the ability to be in public and participate fully in life.** When the Civil Rights Act of 1964 was passed, more than 30 states already had state laws prohibiting discrimination in public accommodations based on race, color, and national origin, though 20 states lacked such laws at the time.³

Today in the United States it is still the case that people can face discrimination based on their sexual orientation and gender identity, as well as other types of sex discrimination, in public accommodations in many states.^a

Laws protecting people from discrimination in public accommodations based on sexual orientation and gender identity exist in only 19 states and the District of Columbia.⁴ And there are no federal nondiscrimination protections in public accommodations for any of these characteristics.⁵ As a result, just over half of lesbian, gay, bisexual, and transgender (LGBT) people in the United States live in a state where businesses could refuse to serve them because of who they are.⁶

This is despite public support for fair treatment. More than six in ten Americans—and a majority of Americans in nearly every state except Alaska—oppose allowing small business owners to refuse to provide products or services to LGBT people.⁷ When it comes to public accommodations, opponents of nondiscrimination protections frequently latch onto claims by a tiny number of business owners who say they should be allowed to deny services to LGBT people because serving them would violate the business owner's religious beliefs. Those who oppose protecting LGBT people from

discrimination in public accommodations also often falsely claim that these laws may be abused to invade women's privacy and safety in restrooms.

This report provides an in-depth exploration of public accommodations nondiscrimination protections for LGBT people, including their scope, history, and the rationale behind them. It presents facts about the public safety debate. And it underscores the importance of public accommodation nondiscrimination laws, which ensure that all Americans can participate fully in life and that everyone is treated with dignity and respect as they shop, eat out, go to the movies, or go about the daily tasks of living.

The Majority of Americans and American Businesses Support Nondiscrimination Protections

There is broad support for updating nondiscrimination laws to prohibit discrimination based on sexual orientation and gender identity, with more than seven in ten (72%) Americans saying they favor laws that would protect LGBT against discrimination in jobs, housing, and public accommodations, as shown in *Figure 1*.⁸ Fewer than one-quarter (23%) of Americans oppose such laws.⁹ Support for nondiscrimination laws has remained steady for the last year and a half—in May of 2015, a nearly identical number (71%) expressed support for LGBT nondiscrimination laws.¹⁰ Additionally, half (50%) of Americans oppose laws that require transgender individuals to use bathrooms that correspond to their sex at birth rather than their current gender identity, compared to 38% who favor such laws.¹¹

Figure 1: The Majority of Americans Support Nondiscrimination Protections for LGBT People in Public Accommodations



Source: PRRI, "PRRI August 2017 Survey," August 15, 2017.

^a Unlike other federal civil rights laws, Title II of the federal Civil Rights Act does not enumerate sex as a characteristic on which discrimination is illegal.

Protections are particularly important for many LGBT people who are experiencing homelessness or poverty and may be particularly impacted by discrimination in places of public accommodation that provide social services like shelters, food banks, hospitals, and government benefit offices.

LGBT PEOPLE EXPERIENCE PERVASIVE DISCRIMINATION IN PUBLIC PLACES

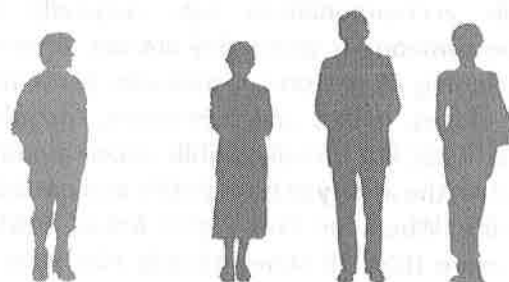
The media frequently cites instances of discrimination against LGBT people in public accommodations as bakeries refusing to make wedding cakes for same-sex couples or florists or photographers refusing to provide other wedding-related services. While these instances have been argued before state courts and are currently under consideration by the U.S. Supreme Court,¹² wedding-related services and their denial for same-sex couples provide only a small glimpse into the discrimination faced by LGBT people in public places every day. The reality is that LGBT people face widespread discrimination in places of public accommodation and that discrimination occurs in more than just bakeries and flower shops.

Reports of public accommodations discrimination by LGBT people. A nationally-representative survey of LGBT people by the Center for American Progress shows that over the course of one year (2016), fully one-quarter of LGBT respondents experienced discrimination because of their sexual orientation or gender identity in employment, housing, and/or public accommodations—and that transgender people and LGBT people with disabilities are particularly affected (see *Figure 2*).¹³ These experiences of discrimination have substantial impact on LGBT people. For example, the same survey found that ongoing discrimination in public accommodations discourages LGBT people from utilizing places of public accommodation. For example, 34% of LGBT people who experienced discrimination in the past year avoided public places like stores and restaurants, 47% made specific decisions about where to shop, 10% avoided public transit, and 18% avoided doctors' offices. *Figure 4* on the following page shows how this discrimination disproportionately affects transgender people and LGBT people with disabilities.

Transgender people report particularly high rates of discrimination in public places. According to the 2015 U.S. Transgender Survey of nearly 28,000 people,

transgender respondents reported being denied equal treatment or service, verbally harassed, or physically attacked at many places of public accommodation.¹⁴ In the past year, nearly one-third (31%) of respondents who visited a place of public accommodation where staff thought or knew they were transgender experienced mistreatment there because of being transgender. This included 14% of respondents who were denied equal treatment or service, 24% who were verbally harassed,

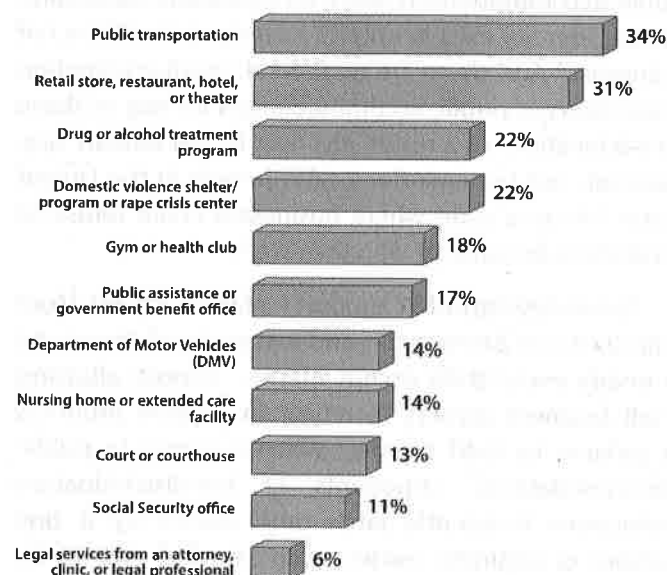
Figure 2: One-Quarter of LGBT People Experience Discrimination in Employment, Housing, and/or Public Accommodations



Source: Sejal Singh and Laura E. Durso, "Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways," Center for American Progress, May 2, 2017.

Figure 3: Transgender People Experience Discrimination in Many Public Places

% of transgender respondents who were denied equal treatment or service, verbally harassed, or physically attacked in public accommodations in the past year where staff believed they were transgender



Source: James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.

and 2% who were physically attacked because of being transgender. As shown in *Figure 3* on the previous page, transgender people in the survey reported discrimination in a number of public places, including 34% who experienced discrimination on public transit, and 31% in retail stores, restaurants, hotels, or theaters. Further, transgender people of color and nonbinary respondents were more likely to report mistreatment.

It is evident that experiences of discrimination push LGBT people out of public life, especially transgender people and LGBT people with disabilities. Discrimination makes it difficult for LGBT people to go to restaurants and stores, use public transportation, and access key services for fear of discrimination.

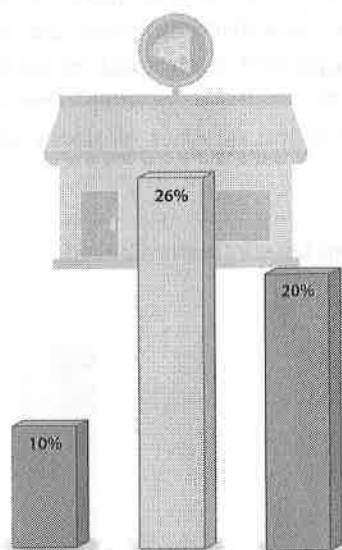
Complaints of public accommodations discrimination filed with state agencies. Another measure of the discrimination LGBT people experience in public accommodations comes from complaints filed with state agencies with public accommodations laws

covering sexual orientation and/or gender identity. The Williams Institute analyzed these complaints of sexual orientation and gender identity discrimination in public accommodations and found they were filed at similar rates to complaints of sex discrimination and race discrimination.¹⁵ In fact, in states with LGBT-inclusive public accommodations laws, an average of four complaints of sexual orientation and gender identity discrimination in public accommodations were filed for every 100,000 LGBT adults each year, compared to an average of three complaints of race discrimination filed for every 100,000 adults of color, and one complaint of sex discrimination filed for every 100,000 women.¹⁶ Notably, this study did not include states that lack LGBT-inclusive nondiscrimination protections and certainly not every person who experiences discrimination files a complaint with a state agency, but this analysis provides evidence of discrimination against LGBT people in public accommodations and demonstrates the utility of laws in existence.

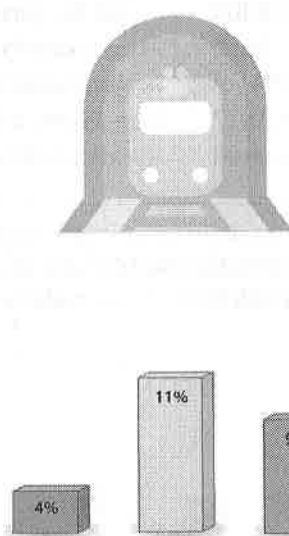
Figure 4: Discrimination In Public Accommodations Impacts LGBT People's Ability to Be in Public Places With Transgender People and LGBT People with Disabilities are More Likely to Be Affected

% of people who avoided these settings due to fear of discrimination

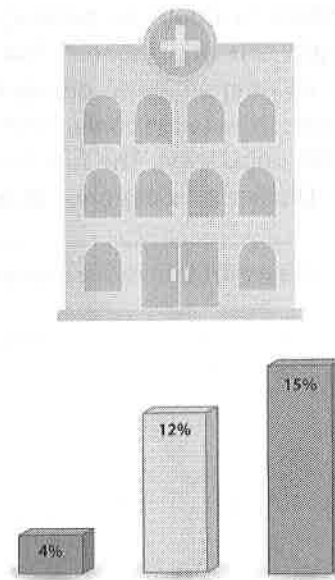
Avoided public places such as stores and restaurants



Avoided public transportation



Avoided getting services they or their family needed



■ LGBT People ■ Transgender People ■ LGBT People with Disabilities

Source: Sejal Singh and Laura E. Durso, "Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways," Center for American Progress, May 2, 2017.

STATE AND LOCAL LAWS PROVIDE PATCHWORK OF PROTECTIONS

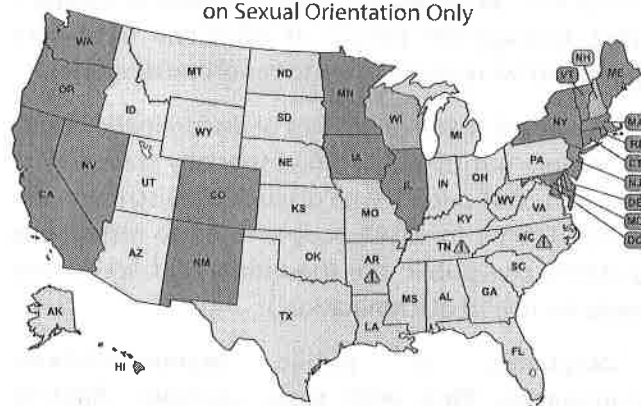
Despite the fact that LGBT people experience discrimination in public spaces like restaurants and on public transit and that the public supports nondiscrimination protections, currently there is no federal law that explicitly and broadly prohibits public accommodations discrimination on the basis of sexual orientation or gender identity. The Civil Rights Act of 1964 prohibits discrimination in places of public accommodation on the bases of race, color, religion, and national origin¹⁷ and the Americans with Disabilities Act (ADA) mandates that public accommodations be accessible to people with disabilities,¹⁸ but neither prohibit discrimination on the basis of sex, sexual orientation, or gender identity.

In the absence of federal protections, some state and local governments have passed nondiscrimination laws and ordinances to protect LGBT people from discrimination in public places.

State public accommodations laws. Nineteen states and the District of Columbia have laws prohibiting discrimination on the bases of sexual orientation and gender identity in places of public accommodation, as shown in *Figure 5*.¹⁹ These state laws provide vital protections in public accommodations to 47% of the country's LGBT population.²⁰ Two more states prohibit public accommodations discrimination on the basis of sexual orientation only, covering another 2% of the LGBT population. The first law was passed in 1977 in the District of Columbia (though it only covered

Figure 5: Statewide Non-Discrimination Public Accommodations

Nineteen States and DC Prohibit Discrimination in Public Accommodations Based on Sexual Orientation and Gender Identity. Two Additional States Prohibit Discrimination Based on Sexual Orientation Only

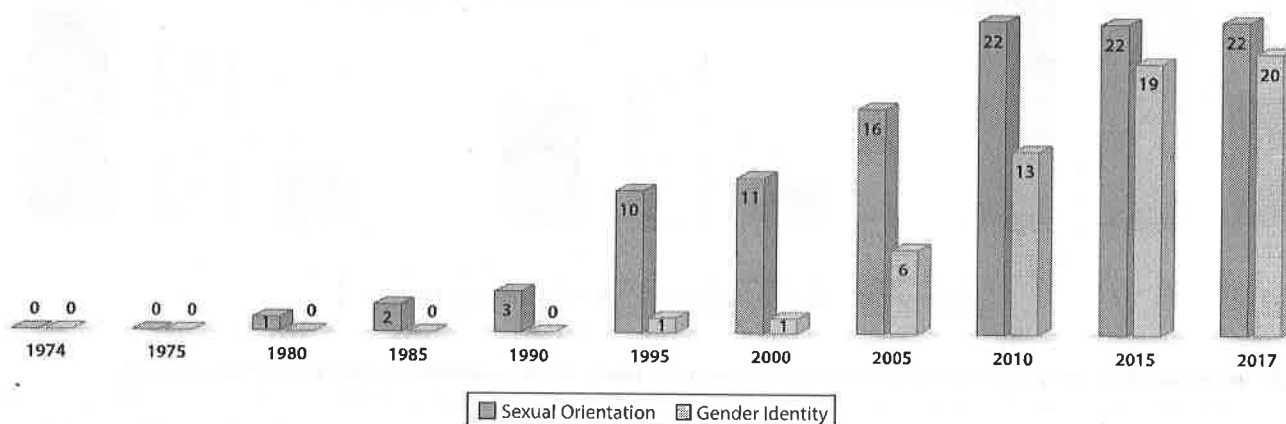


Source: MAP Equality Maps, State Nondiscrimination Laws: Public Accommodations, http://www.lgbtmap.org/equality-maps/non_discrimination_laws.

sexual orientation) and the most recent state to pass a public accommodations nondiscrimination law was Massachusetts as they updated their existing public accommodations law to include gender identity (see *Figure 6* for the rise in the number of states with nondiscrimination laws).

Figure 6: States Have Increasingly Passed Laws to Prohibit Public Accommodations Discrimination Based on Sexual Orientation and Gender Identity

Total Number of States with Public Accommodations Protections



Source: Original analysis, MAP, State Nondiscrimination Laws.

Table 1: State Public Accommodations Laws and Areas of Coverage

State	Covers Sexual Orientation and/or Gender Identity?	State Law Explicitly Includes Restaurants, Hotels, Etc.	State Law Explicitly Includes Schools	State Law Explicitly Includes Public Transportation	State Law Explicitly Includes Hospitals
					
California	SO & GI	✓			
Colorado	SO & GI	✓	✓	✓	✓
Connecticut	SO & GI	✓			
Delaware	SO & GI	✓	✓	✓	✓
District of Columbia	SO & GI	✓			
Hawaii	SO & GI	✓		✓	✓
Illinois	SO & GI	✓	✓	✓	✓
Iowa	SO & GI	✓		✓	✓
Maine	SO & GI	✓	✓	✓	✓
Maryland	SO & GI	✓		✓	
Massachusetts	SO & GI	✓			✓
Minnesota	SO & GI	✓		✓	
Nevada	SO & GI	✓	✓	✓	✓
New Hampshire	SO only	✓		✓	✓
New Jersey	SO & GI	✓	✓	✓	✓
New Mexico	SO & GI	✓			
New York	SO & GI	✓	✓	✓	✓
Oregon	SO & GI	✓		✓	
Rhode Island	SO & GI	✓		✓	✓
Vermont	SO & GI	✓			
Washington	SO & GI	✓	✓	✓	
Wisconsin	SO only	✓			✓

Note: Some states have a broad, non-enumerated definition of public accommodations, which may cover schools, public transportation, and hospitals.

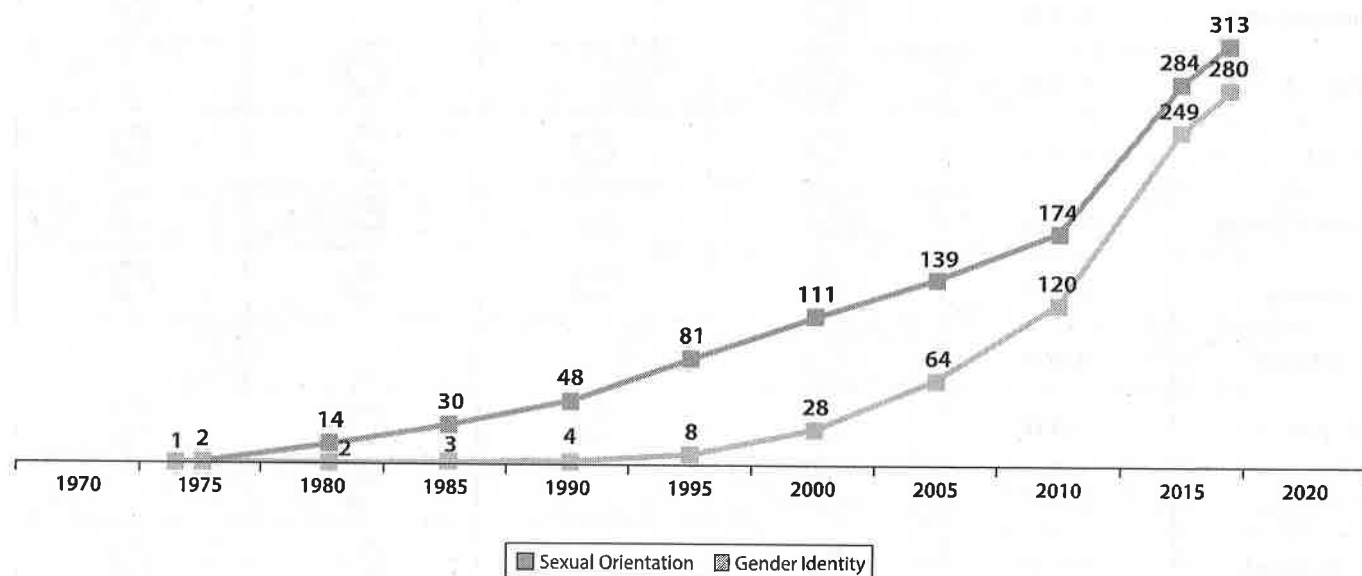
Unlike federal public accommodations laws which do not provide protections based on sex, the majority of states prohibit discrimination based on sex in public accommodation. Forty-four states and the District of Columbia have public accommodations laws that include sex.²¹ This is important because a growing number of courts, both at the state and federal levels, have come to understand that discrimination based on gender identity and sexual orientation, particularly when it includes discrimination based on failure to adhere to sex stereotypes, is, in fact, discrimination based on sex.²² Some courts and enforcement agencies have interpreted these laws to protect transgender people and lesbian, gay, and bisexual people.²³

The extent to which each state law covers various aspects of public accommodations vary as shown in *Table 1* on the previous page. For example in Colorado, the law explicitly provides protections against discrimination based on sexual orientation and gender identity in restaurants, hotels, schools, public transportation, and hospitals, while Wisconsin's law only explicitly prohibits discrimination in restaurants, hotels, and hospitals based on sexual orientation only.

Local public accommodation nondiscrimination laws. Throughout the remaining states without nondiscrimination protections prohibiting discrimination based on sexual orientation and gender identity, there are many cities and counties that have public accommodations nondiscrimination ordinances. The first nondiscrimination ordinance that prohibited discrimination based on sexual orientation was passed in Minneapolis, Minnesota in 1974. It was amended one year later to include protections for transgender people. Since then, over 300 cities and counties have passed local nondiscrimination protections prohibiting discrimination in public accommodations based on sexual orientation, including approximately 280 that also prohibit discrimination based on gender identity (see *Figure 7* below and *Figure 8* on the following page). Today, nearly every state has at least one local-level public accommodations ordinance, as shown in *Figure 9* on the next page). One of the most recent protections was passed in September 2017 in Birmingham, Alabama and it was the first LGBT-inclusive nondiscrimination ordinance in the state.

Figure 7: Number of Cities and Counties with Public Accommodations Nondiscrimination Protections Increased Dramatically Since 1974

Number of Cities and Counties with Public Accommodations Protections Cumulative by Year Passed



Source: Original analysis, MAP, Local Nondiscrimination Ordinances.

Figure 8: The Passage of Local Public Accommodation Nondiscrimination Protections Based on Gender Identity Increased in Recent Decades

Figure 8a: Number of Protections Including Sexual Orientation Passed Each Year

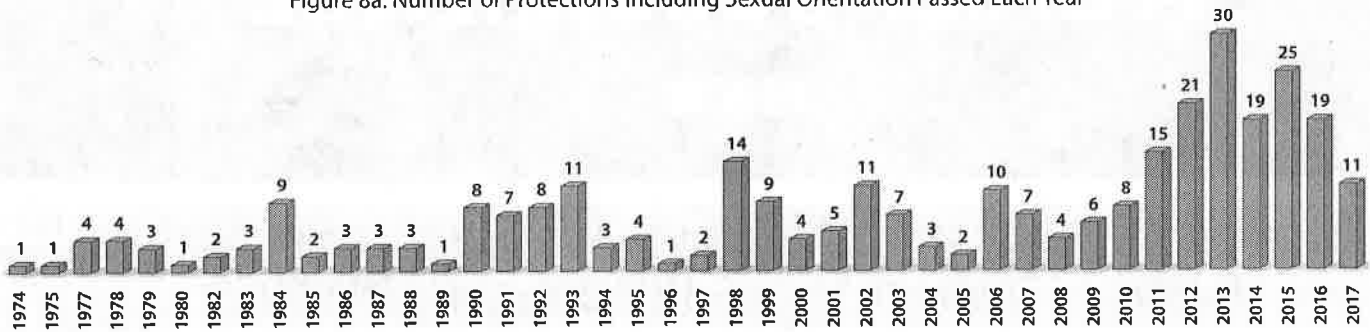
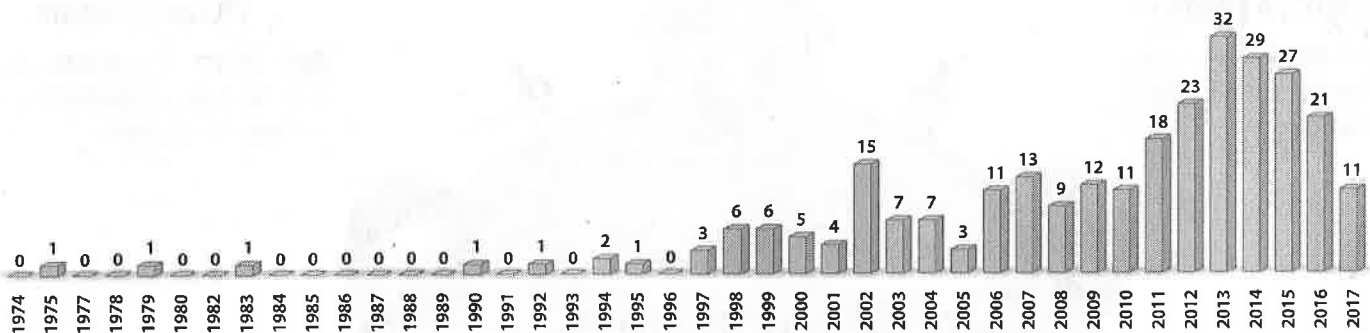


Figure 8b: Number of Protections Including Gender Identity Passed Each Year



Source: Original analysis, MAP, Local Nondiscrimination Ordinances.

Figure 9: Only Three States Lack any Public Accommodations Protections Based on Sexual Orientation at the State or Local Level and Four States Lack Such Protections Based on Gender Identity

Figure 9a: Sexual Orientation

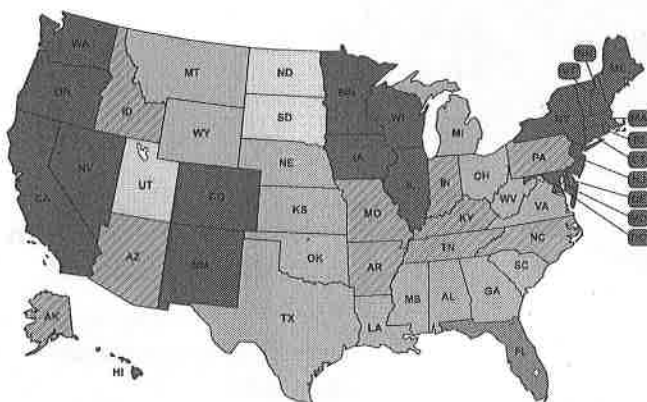
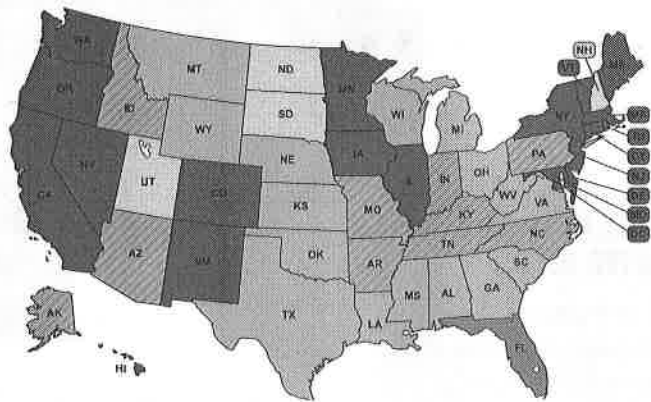


Figure 9b: Gender Identity



Source: MAP Equality Maps, State Nondiscrimination Laws: Public Accommodations, http://www.lgbtmap.org/equality-maps/non_discrimination_laws.

PUBLIC ACCOMMODATIONS: A DAILY OCCURRENCE



CONSIDER THE MANY TIMES IN AN AVERAGE DAY THAT YOU MAY USE PUBLIC ACCOMMODATIONS, INCLUDING WHEN YOU...

GO OUT TO DINNER OR DRINKS WITH A FRIEND

Fact: 12% of LGBT people report avoiding restaurants due to fear of discrimination.^a

TAKE THE BUS OR THE TRAIN TO WORK

Fact: 34% of transgender people reported experiencing discrimination in public transportation.^b

Most people
use at least one place of public accommodation every single day. Without nondiscrimination protections, these places are potentially unwelcoming or unsafe for LGBT people.

EXERCISE AT THE GYM AFTER WORK

Fact: 18% of transgender people reported experiencing discrimination at a gym or health club.^c

NEED TO RENEW YOUR DRIVER'S LICENSE

Fact: 14% of transgender people reported experiencing discrimination at the DMV.^b

TAKE YOUR CHILD TO THE DOCTOR'S OFFICE

Fact: Nearly 56% of LGB people experienced at least one instance of discrimination or patient profiling when attempting to access health care.^d

NOTE: All of the figures on this page referring to transgender people are based on survey respondents who visited a place of public accommodation in the past year where staff knew or thought they were transgender.
a. Jones, S. E., Herman, J. L., Rankin, S., Keeling, M., Moore, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.
b. Jones, S. E., Herman, J. L., Rankin, S., Keeling, M., Moore, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.
c. Ambrose Legal, "When Health Care Isn't Caring" (2018), available at <http://www.ambroselegal.org/publications/when-health-care-isnt-caring>.
d. Jones, S. E., Herman, J. L., Rankin, S., Keeling, M., Moore, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.
Copyright 2017 by MAP. All rights reserved. MAP is a registered trademark of the Movement Advancement Project. All other trademarks are the property of their respective owners.

INCREASING EFFORTS TO LIMIT AND UNDERMINE NONDISCRIMINATION PROTECTIONS

Even as a growing number of people in the United States recognize the importance of nondiscrimination protections for LGBT people, anti-LGBT advocates are working to dismantle nondiscrimination protections.

Efforts to limit and undermine nondiscrimination protections include four approaches—1) “bathroom bans” that prohibit transgender people from using the restroom in accordance with their gender identity; 2) attempts to repeal nondiscrimination protections at the ballot box; 3) utilizing state power to limit local authority to pass and enforce nondiscrimination ordinances; and 4) creating religious exemptions to nondiscrimination laws.

Bathroom Bans

Opponents of LGBT equality have seized on some people’s unfamiliarity with transgender people and coupled that with people’s concerns about safety in places like restrooms (concerns that have nothing to do with transgender people). They’ve linked these unrelated issues and created a toxic attack that is used to make it virtually impossible for transgender people to go about their daily lives by passing so-called “bathroom ban” laws—state and local laws and explicitly single out transgender people and restrict their access to restrooms.

In March 2016, then Governor Pat McCrory signed North Carolina’s “Public Facilities Privacy & Security Act” (HB2). HB2, the first bathroom ban to become law and the beginning of an unprecedented attack on

transgender people’s access to public facilities that has pervaded the last two legislative sessions.²⁴ Under HB2, multiple-occupancy restrooms at public schools and public agencies could only be legally used by individuals in accordance with the sex listed on their birth certificate. HB2 also contained a targeted preemption clause, which is discussed later in this section.

In 2017, at least 19 bills specifically targeting transgender people’s access to public bathrooms were introduced in 16 state legislatures across the country, as shown in *Figure 10*.²⁵ In some states, such as Texas, similar language has been attached as amendments to unrelated bills in addition to the introduction of legislation specifically targeting public facility access.²⁶

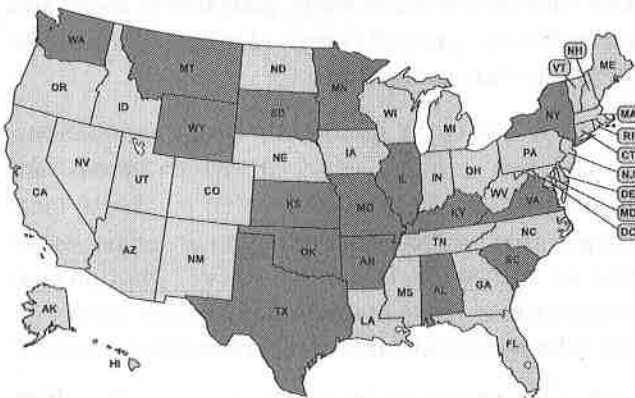
Bathroom ban laws undermine safety and privacy in restrooms for the public at large, and amplify the risks of discrimination and violence for transgender and gender non-conforming people.

A fact-based analysis shows that bathroom ban laws result in a host of negative consequences, and actually compromise, rather than protect, public safety and privacy. Policies and rhetoric like this embolden private citizens to take the law into their own hands, leading to aggressive confrontations, interrogations, or demands that other people using a restroom prove their sex.

In the wake of this misinformation and often vicious rhetoric, multiple news reports have surfaced all around the country of private citizens harassing people—whether or not they are transgender—based on the belief that they are using the “wrong” restroom. In Frisco, Texas, a man followed a non-transgender woman into the restroom at a hospital simply because he thought she “dressed like a man.”²⁷ In Danbury, Connecticut, a young woman who had recently donated her hair to cancer patients was approached by a stranger who yelled anti-transgender insults and epithets at her.²⁸ In May, a private security guard in a D.C. grocery store was charged with assault after attacking transgender woman trying to use the women’s restroom.²⁹

Meanwhile, nondiscrimination laws in public accommodations have existed in many cities, counties, and states for a long time with no increase in public safety incidents.³⁰ In 2014, Media Matters contacted law enforcement officials in 12 of the states that prohibit discrimination against transgender people in places of public accommodation.³¹ Not one state reported that the law had led to an increase in criminal activity in bathrooms.

Figure 10: Sixteen States Introduced Transgender “Bathroom Bans” in 2017



Source: Equality Federation, Legislative Action Center - Anti-Transgender Bills, current as of January 1, 2018. For updates see <http://www.equalityfederation.org/lac/antitrans>.

Existing criminal laws already protect people in restrooms and public spaces. Harming someone in a restroom is already illegal, and is punishable by a fine or jail time. Law enforcement officers can use these laws to hold perpetrators accountable and keep people safe.

Targeting transgender people through bathroom bans and suggesting that they pose a danger to others exacerbates the high rates of discrimination, harassment, and assault that transgender people face as public restrooms are already unsafe for many transgender and gender non-conforming people. Findings from the 2015 U.S. Transgender Survey reveal:³²

- More than half (59%) of transgender respondents say they have avoided bathrooms in the last year because they were afraid of problems, such as being confronted by others.
- Nearly one-third (32%) of respondents limited the amount that they ate and drank to avoid using the restroom in the past year.
- Eight percent (8%) reported having a urinary tract infection, kidney infection, or another kidney-related problem in the past year as a result of avoiding restrooms.
- In the past year, respondents reported being verbally harassed (12%), physically attacked (1%), or sexually assaulted (1%) when accessing a restroom.

Fully including transgender people in all spaces, including restrooms and facilities, is at the heart of protecting anyone from discrimination on the basis of gender identity. Denying a transgender person the ability to use the proper restroom is a rejection of their basic dignity and ability to exist in public.

Repeal Efforts

Amidst the increasing number of cities and counties with nondiscrimination protections as shown in Figure 7 on page 6, anti-LGBT advocates have mounted ballot initiatives to repeal existing nondiscrimination ordinances in a small number of cities and states.

Amidst the increasing number of cities and counties with nondiscrimination as shown in Figure 7 on page 6, anti-LGBT advocates have mounted ballot initiatives to repeal existing nondiscrimination ordinances in a small number of cities and states.

In 2015, Houston's Equal Rights Ordinance (known as HERO) was repealed by voters as opponents preyed

on fears surrounding bathroom myths. The ordinance was repealed in its entirety, removing protections in public accommodations as well as employment and housing for LGBT people and other unprotected groups including veterans.

In other areas, opponents have targeted specific components of nondiscrimination laws for repeal. By focusing repeal efforts on public accommodations and/or transgender people specifically, opponents are doubling-down on their fear-based campaign strategies and strengthening the unsubstantiated tie between bathroom safety risks and nondiscrimination protections.

These efforts are being met with mixed results. In Washington State, where the nondiscrimination law including sexual orientation and gender identity has existed since 2006, an effort to repeal public accommodations protections for transgender people failed to gather the requisite number of signatures to reach the ballot. A similar repeal effort in Massachusetts, where public accommodations for transgender people have only been in place since 2016, will appear on the ballot during the November 2018 election.

At the local level, opponents in Anchorage, Alaska collected enough signatures to qualify a ballot measure repealing public accommodations protections for transgender people.

Preemption Laws

State legislatures around the country have taken steps to limit local authority through the use of laws that strip local governments of power and make existing municipal ordinances unenforceable, known as preemption laws. State preemption laws have broad impact, often explicitly limiting local control over fiscal policies such as minimum wage, paid family leave, and tax expenditures—as well as myriad other initiatives like nondiscrimination protections.

When it comes to nondiscrimination protections, there are two primary ways in which states are attempting to use preemption laws to invalidate local ordinances that prohibit discrimination based on sexual orientation and gender identity: broad preemption laws and laws such as those restricting bathroom access for transgender people which contain preemption clauses.³³

1. Broad preemption laws. Broad preemption laws prohibit cities and counties from passing local nondiscrimination protections and also invalidate