

## **GENDER EXPRESSION NON-DISCRIMINATION ACT A.5039/S.6349**

### **What is the Gender Expression Non-Discrimination Act (GENDA)?**

GENDA is New York State's transgender non-discrimination bill. It would add the category of "gender identity and expression" to the already existing New York State human rights laws.

Current law makes it illegal in New York State to discriminate on the basis of age, race, creed, national origin, sexual orientation, sex and other categories in the areas of employment, housing, public accommodations, education and credit.

This act would extend current law to ban discrimination on the basis of gender identity and expression as well. Similarly, it would add gender identity and expression to these same categories already included in New York's hate crimes law.

### **Why is this legislation necessary?**

All New Yorkers should be treated fairly and equally by the laws of our state. Through its Human Rights Law, New York prohibits discrimination against groups of citizens who face widespread social hostility and unequal treatment. Currently in New York State, people are losing their jobs, being refused service and even being evicted from their homes simply because they are transgender.

With one out of every three transgender New Yorkers having been homeless at one time, two out of every three experiencing discrimination at work, and nearly 30% having faced a serious physical or sexual assault, this is a life or death issue that our state cannot afford to ignore.

### **What is the current public opinion around prohibiting transgender discrimination?**

Nearly four out of five New Yorkers are in favor of a transgender civil rights bill. It has passed the Assembly four times with a bipartisan majority, yet our State Senate refuses to carry out the will of the people and has never brought the bill to the floor for a vote.

A Global Strategy Group poll of 600 voters commissioned by the Pride Agenda found that (with a +/-4.0% margin of error) 78% of New York voters support passage of such a law and only 13% oppose. Support is strong across the state, whether in upstate (74%), New York City (79%) or the downstate suburbs (82%), and among Democrats (86%), Republicans (67%) and Independents (78%).

## **Is there precedent for prohibiting discrimination against transgender people?**

Yes, in both the public and private sector.

- 16 states and the District of Columbia have already passed similar non-discrimination laws—and implemented them successfully. Cities across New York State including Albany, Binghamton, Buffalo, Ithaca, New York City and Rochester have passed transgender-inclusive non-discrimination laws, along with Westchester, Suffolk and Tompkins Counties.
- The State of New York prohibits discrimination against transgender state employees in all matters related to employment.
- New York also passed the Dignity for All Students Act which contains specific protections from discrimination and bullying on the basis of gender identity and expression in the state's public schools.
- The private sector is leading the way and many private employers have adopted their own policies to protect employees from transgender discrimination, including New York companies such as Alcoa, American Express, Bausch & Lomb, Citigroup, Corning Inc., Deutsche Bank, Eastman Kodak, Goldman Sachs, IBM, J.P. Morgan Chase, Keyspan, MetLife, The New York Times, PepsiCo, Xerox and Pfizer.

## **Isn't transgender discrimination already prohibited by the law?**

Neither federal nor state statutes specifically ban discrimination based on gender identity and expression in areas of employment, housing or public accommodations. While some New York State courts have found that existing prohibitions on 'sex,' 'gender' or 'disability' discrimination can apply to transgender people, those precedents do not apply in all circumstances and are not binding on the entire state. Because sexual orientation and gender identity and expression are different, courts generally have not interpreted sexual orientation non-discrimination laws to include transgender discrimination.

## **What is gender identity and expression and how does it differ from sexual orientation?**

*Gender identity and expression* refer to the way people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns.

*Transgender* is an umbrella term that refers to people who identify their gender differently from what is traditionally associated with the sex assigned to them at birth. This includes people who have undergone medical procedures to change their sex and those who haven't.

*Sexual orientation* refers to one's romantic and sexual attraction. Gender expression is not in itself any indicator of sexual orientation. Just like everyone else, gender non-conforming and transgender people may be straight, lesbian, gay, bisexual or asexual.

**Join the Movement for Equality and Justice for Transgender New Yorkers!**

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