



Joint Committee on the Judiciary
October 6, 2015
Testimony of Attorney General Maura Healey

As prepared for delivery

I'm here today to testify in support of legislation to protect transgender people in places of public accommodation.

Four years ago, you all took the important step of extending protections to transgender individuals in employment, education, housing and credit.

However, right now, in Massachusetts, when transgender people visit our stores or parks or medical offices, they have to do so with the fear that if they encounter discrimination – if they are turned away or harassed or denied service – the law will afford them no protection.

Right now, to me it does not make sense that in Massachusetts, a restaurant can't refuse to hire a transgender person, but it can refuse to serve that same person. Nor does it make sense that a school can't discriminate against a student, but that student can be kicked off of public transportation on the way to class.

I want to take advantage of this time before the Committee to directly speak to three questions I've heard about this issue.

First, is there really a problem?

Yes, there's a problem, and it's very real. It's happening here in our state.

Transgender people regularly face discrimination in places of public accommodation.

GLAD fielded 42 complaints of public accommodations discrimination from transgender people in Massachusetts in the past year.

My office, since January, has received seven complaints from transgender individuals – against businesses, health care facilities, and governmental entities.

And you know, it's actually remarkable that we've received any complaints at all. Because the law doesn't explicitly prohibit this kind of discrimination right now. It's hard for people to call and complain about something when the law doesn't protect them.

At the Attorney General's Office, we also know the issue is real from spending time listening to transgender people and their families.

An individual seeking health care at an emergency room, who was subjected to public ridicule by the admitting staff. A person refused service by a cashier when attempting to buy groceries. An individual barred from entering a restaurant with her friends.

I do not believe that anyone in Massachusetts should be subjected to that kind of treatment.

Here's the second question I want to address: won't this bill give protection to those who try to enter a restroom or locker room for improper reasons?

The answer is no.

This bill allows people to use those facilities – including bathrooms and locker rooms – that correspond to their *actual* gender identity.

But it doesn't allow men to dress up like women so they can walk into the women's room.

My office isn't aware of a *single* instance – in Massachusetts or elsewhere – in which an individual attempted to use gender identity protections as a defense to criminal conduct.

I'm submitting letters from other states that have had these laws on the books for years, and from the police chiefs in all 13 of the Massachusetts cities and towns that have their own transgender protections.

These letters make clear that these protections are not used as a pretext to engage in unlawful conduct.

In fact, what the police chiefs' letters confirm – as does the wonderful joint letter submitted in support of the bill by the Massachusetts Chiefs of Police Association and the Massachusetts Major City Chiefs – is these ordinances improve and protect public safety.

Because what we do see, what is real, is that transgender people are harassed and attacked in restrooms, locker rooms, and many other places of public accommodation. They are also more likely to be the victims of violent crime.

The third question I've heard is: won't this bill create a burden on businesses?

Not at all.

Businesses have already done much of the necessary work by updating their employment anti-discrimination policies to provide protections for transgender employees, which is already required by existing law.

And this bill doesn't require businesses to build new facilities or alter their physical plants at all. They don't need to build new bathrooms.

I'm speaking from experience. Our office recently adopted a transgender non-discrimination policy. It was straightforward to put in place, and we made no alterations to our office or facilities.

In fact, many companies recognize that this change will be *good* for business.

Creating open, inclusive and welcoming environments is critical for attracting and retaining employees and customers.

That's why you're seeing resounding support for this bill from businesses like Google, Harvard Pilgrim, EMC, Blue Cross Blue Shield, Eastern Bank, Legal Seafood, and leaders in the business community like the Greater Boston Chamber of Commerce.

You will hear from many of these businesses later today.

If we don't grant these protections to transgender people, we're sending a message that we, as a state, don't fully accept them. That we don't welcome them.

That's the wrong message.

It's time for us to join the 17 other states and 225 cities and towns across the country – including the 13 in Massachusetts – that already have this law in place.

So that every person who walks down the block to the grocery store, every child who takes the bus to school, will be protected from discrimination.

I ask you to give these bills a favorable recommendation.