

KROKIDAS & BLUESTEIN

ATTORNEYS

CLIENT ALERT

MASSACHUSETTS LAW PROHIBITS DISCRIMINATION ON THE BASIS OF GENDER IDENTITY

Governor Deval Patrick recently signed into law, “*An Act Relative to Gender Identity*,” which prohibits discrimination on the basis of gender identity in the context of employment, education and housing.

The law broadly defines “gender identity” as “a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.” Importantly, the law protects individuals who present evidence of “consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, as part of a person’s core identity,” as well as individuals who have undergone surgery or medical care or treatment. In other words, in addition to protecting an individual who has medically transformed his or her biological gender, the law protects an individual who, by way of example, “cross dresses,” if there is evidence that his or her gender-related identity is consistently and uniformly asserted, or otherwise is sincerely held, as part of the person’s core identity.

Employers should be reminded that discrimination on the basis of transgender status may also constitute gender or sexual orientation discrimination.

Massachusetts is among sixteen states in the country to have passed a law treating gender identity as a protected class.

The new law goes into effect on July 1, 2012.

WHAT STEPS EMPLOYERS SHOULD TAKE

- Update employment and training manuals and other stand-alone non-discrimination policies to include gender identity;
- Educate managers and supervisors on the treatment of transgendered persons in the workplace;
- Review hiring and promotion policies to ensure compliance with the new law.

For questions about this topic, or any other employment related matter, please contact Attorney Paul Holtzman (pholtzman@kb-law.com) or Anjali Waikar (awaikar@kb-law.com).