

Massachusetts Enacts Transgender Equal Rights Bill

On November 23, 2011, Governor Patrick signed into law House Bill 3810, “An Act Relative To Gender Identity.” The new law protects transgender individuals from discrimination in housing, education, employment and credit by adding “gender identity” to the list of classes protected by various Massachusetts non-discrimination and hate crime statutes. Specifically, the Act expands the protections from discrimination in housing, employment and credit provided under Chapter 151B of the Massachusetts General Laws to transgender individuals. It also amends the Commonwealth’s hate crime statutes to include gender identity-related offenses and public and charter school non-discrimination laws to cover discrimination motivated by gender identity.

The Act 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.” The statute provides that gender-related identity may be shown “by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, 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.”

While transgender individuals already derive some protections from Massachusetts and federal statutes addressing sex and disability discrimination (and the administrative and court decisions interpreting these statutes), the inclusion of the term “gender identity” in the Commonwealth’s non-discrimination and hate crime statutes provides more expansive protection for such individuals. Fifteen other states, the District of Columbia, and a number of cities and towns have already passed laws or ordinances that prohibit discrimination on the basis of gender identity.

The Act becomes effective July 1, 2012.

For more information concerning this new law, or employer obligations under Chapter 151B of the Massachusetts General Laws more generally, please contact an attorney in Ropes & Gray’s [Labor & Employment](#) department.