



Massachusetts' Gender Identity Law Goes Into Effect July 1, 2012

Insights

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Massachusetts employers take note: Massachusetts' Transgender Equal Rights Bill, signed into law by Governor Patrick on November 23, 2011, goes into effect on July 1, 2012. Massachusetts is the 16th U.S. state, along with Washington, D.C., to offer transgendered individuals protection from discrimination, although the Massachusetts Commission Against Discrimination has taken the position for years that transgendered individuals are protected under the definition of "sex" as a protected class.

The law prohibits discrimination on the basis of gender identity in employment, as well as housing, credit, and education. Massachusetts' existing state anti-discrimination law, Chapter 151B, is amended to include "gender identity" as a protected category. Chapter 151B applies to public employers and private employers with six or more employees.

The statute defines "gender identity" broadly 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.

In addition to protecting individuals who have undergone, or are seeking, sex reassignment surgery, the law also protects individuals who have a sincerely held belief that their gender identity is different from that received at birth. The law does not provide any insight into what characteristics of an individual's identity are "gender-related."

If you have not done so already, you should update your policies, handbooks, and harassment training to reflect this additional protected category. You should also consider training your managers about gender identity discrimination. If you are confronted with a gender-identity issue and need assistance navigating this new area of the law, or need help updating your policies, we are available.

For more information, contact any attorney in the Boston office of Fisher Phillips at (617) 722-0044.

This Legal Alert provides an overview of a specific new state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

