

MYTHBUSTERS

When it comes to transgender equality, the truth is more boring than fiction. Massachusetts can end discrimination and the sky won't fall.



Myth:

"Public accommodations" means bathrooms and locker rooms.

FACT:

Public accommodations are all the places we go between work, home and school. This includes movie theaters, restaurants, parks, public transportation, and coffee shops. Our law does not yet prohibit gender identity discrimination in any of those places.

Myth:

This legislation is unprecedented and untested.

FACT:

Across the nation, 18 states, Washington D.C., and more than 200 cities and towns have passed non-discrimination laws protecting gender identity in public spaces. That includes 13 Massachusetts municipalities, from Worcester to Swampscott.

Myth:

Non-discrimination protections could be used as cover for misconduct in bathrooms and locker rooms.

FACT:

That's false. The language of the law prohibits its abuse, criminal laws remain in force, and real-life experience tells a different story

- The law explicitly prohibits people from asserting gender identity for any "improper purpose."
- Nothing in this bill weakens laws against predatory or invasive behavior. Indecent assault and harassment will remain illegal.
- The 18 states and hundreds of municipalities that have implemented transgender non-discrimination protections have reported no problems. There have been zero reported incidents in Massachusetts.
- Gyms with non-discrimination policies report no problems – including Planet Fitness, the gym franchise with more than 50 facilities across Massachusetts, which allows patrons to use the locker room that aligns with their gender identity.

Myth:

The bill would allow men to invade women's spaces. A man could just "wake up one day" and claim to be a woman, then access women's facilities.

FACT:

That's not how gender identity works, and it's not protected under the law. The law describes gender identity as "a sincerely held...part of a person's core identity" that can be demonstrated by reference to medical history, care or treatment, or by being asserted in a "consistent and uniform" manner.

Myth:

Legally protecting transgender people in public places will endanger women and children in public bathrooms and locker rooms.

FACT:

The law does not give cover to anyone – transgender or otherwise – who would engage in inappropriate or illegal behavior. However, forcing a transgender person to use a facility that does not match their gender identity makes them extremely vulnerable to harassment and sexual assault. That's why women's groups and organizations that advocate for victims of sexual assault, like Mass NOW, the Boston Area Rape Crisis Center and Jane Doe, Inc., support this legislation.

Myth:

Transgender people will violate modesty norms in locker rooms.

FACT:

Transgender people are as modest as anyone else – maybe even more so. They have every reason to avoid drawing attention to their differences in public spaces, because they are disproportionately victims of violence and harassment.

Myth:

Prohibiting gender identity discrimination in public places will allow public school students to access opposite-sex restrooms and locker rooms.

FACT:

Since 2012, Massachusetts law has prohibited gender identity discrimination in public schools and provided students access to facilities that match their gender identity. There have been no reported incidents. The Department of Elementary and Secondary Education has provided guidance for school districts to ensure safe and equal educational opportunities for all students. This guidance served as a model for the recent Obama administration decree that all transgender students must be allowed to use the bathroom that aligns with their gender identity.

Myth:

This bill would require businesses to spend money to remodel their restrooms to be gender neutral or add restrooms or other sex-segregated facilities.

FACT:

Businesses will not have to spend a penny on remodeling or new construction. The law will simply guarantee patrons safe access to the existing facilities that align with their gender identity.

Myth:

Discrimination against transgender people is not a problem in Massachusetts.

FACT:

A 2014 survey revealed that 65 percent of transgender people surveyed in Massachusetts reported being discriminated against in a public setting in the previous 12 months.

EQUALITY HAS NO VICTIMS. DISCRIMINATION HARMS REAL PEOPLE.

Ultimately, it's about the kind of state we want to live in. None of us would want to face discrimination when it comes to being served by a business or government office – that's why we need to fix our law so we can extend basic protections to transgender people in the Commonwealth.

For more information:

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