

A foundation for understanding...

TRANSGENDER PEOPLE ARE NOT PROTECTED under Title VII of the Civil Rights Act

One of the arguments against updating Jacksonville's HRO suggests that transgender people already enjoy protections under Title VII of the Civil Rights Act of 1964. This convenient argument diverts attention from the real issues.

Title VII bans discrimination on the basis of several attributes, including "sex." Some people contend that local HRO protections for transgender individuals are therefore unnecessary, because transgender people are protected under federal law. This position is not supported by the facts:

- There are no specific provisions within Title VII that allow for protections on the basis of sexual orientation, gender identity and gender expression. These last two terms specifically refer to transgender people.
- Court rulings have been inconsistent on whether "sex," as used in the statute, covers transgender people. This lack of clarity has prevented the even and consistent application of protections under Title VII.
- Individual transgender people should not have to file a federal lawsuit to protect themselves from local instances of discrimination.
- Updating Jacksonville's existing HRO to include discrimination on the basis of sexual orientation, gender identity and gender expression would specifically and unequivocally protect all members of the LGBT community.
- Even if Title VII was found conclusively to protect transgender individuals, it would not, and should not, preclude expanding Jacksonville's HRO.

There is no substitute for expanded HRO protection in Jacksonville.

Jacksonville's transgender community urgently needs protection from discrimination in housing, employment and public accommodations. No amount of reasonable-sounding distraction can change that. Updating the existing HRO to include sexual orientation, gender identity and gender expression accomplishes this goal.

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