



# Annual Discrimination Complaints to State Agencies Prohibiting Sexual Orientation and/or Gender Identity

November 2008

As part of a larger study, the Williams Institute contacted twenty-one locales (twenty states and the District of Columbia) that currently protect employees from sexual orientation and/or gender identity discrimination, in order to obtain raw complaint rate data delineated by basis of discrimination and year. Of the twenty-one locales contacted, we obtained data for sixteen states and the District of Columbia. Data were collected between September 2007 and October 2008 for the years 1999-2007 and used primarily to calculate population-adjusted complaint rates based on sexual orientation, race, and sex for the report entitled, "Evidence of Employment Discrimination on the basis of Sexual Orientation and Gender Identity: Complaints Filed with State Enforcement Agencies 1999-2007."

The data for California, Connecticut, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin can be found below. It should be noted that data vary for each state based on a variety of factors including the year a protected class was added (and in some cases deleted) from a state's non-discrimination law, changes in the annual data collection methodology of state agencies, and problems with data accessibility. Any questions, concerns, or data needs for a specific state should be directed to the appropriate state agency.

CALIFORNIA	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation		253	539	609	695	614	694	716	722	605
Race/Color	4,697	4,493	4,425	4,596	4,911	3,849	3,828	3,531	3,503	4,204
Sex	7,719	7,564	7,344	7,381	7,627	6,291	6,289	6,111	5,767	6,899
Age (Over 40)	2,922	3,263	3,148	3,286	3,411	3,052	3,112	3,135	2,818	3,127
Family Care	621	599	604	671	679	589	718	733	565	642
Marital Status	373	370	349	344	385	298	291	264	285	329
Medical Condition	1055	816	633	495	376	308	285	240	247	495
Mental Disability	671	565	658	791	929	928	1,000	1,122	969	848
Nat'l Origin/Ancestry	2,293	2,431	2,221	2,624	2,621	1,942	1,869	1,803	1,709	2,168
Other	254	246	256	587	1,129	1,462	1,664	1,521	2,347	1,052
Physical Disability	3,989	3,695	3,660	4,525	4,829	4,320	4,598	4,860	4,783	4,362
Religion	493	485	538	559	562	552	484	454	540	519
Retaliation	3,954	4,005	4,114	4,447	4,262	4,588	4,515	4,811	4,829	4,392

Source: California Department of Fair Employment and Housing

Connecticut	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation	37	35	44	47	56	57	55	49	60	49
Race + Color	1,061	938	1,037	1,059	1,138	1,219	1,262	1,053	1,020	1,087
Sex	694	635	598	630	668	681	625	601	557	632
Age	504	474	432	431	478	476	536	511	411	473
Alienage	10	4	15	4	3	3	7	9	1	6
Ancestry	122	172	147	131	156	183	219	183	170	165
Blindness			0	2	1	2	0	0	2	1
Color	486	397	460	489	513	539	550	465	449	483
Familial Status	4	5	2	1	6	1	10	7	3	4
Learning Disability	21	18	20	8	20	14	25	17	17	18
Marital Status	40	38	29	15	25	27	21	36	18	28
Mental Disability	67	51	63	53	129	74	62	69	75	71
Mental Disorder	50	52	84	35	1	53	64	48	41	48
National Origin	214	253	231	219	216	251	222	225	260	232
Other	154	164	269	293	374	361	425	338	337	302
Physical Disability	440	428	461	438	455	465	399	416	401	434
Prior Conviction	5	4	3	3	4	2	2	3	2	3
Religious Creed	43	54	45	56	45	44	65	63	43	51

Source: Connecticut Commission on Human Rights and Opportunities

District of Columbia	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation						23		12		18
Gender Identity						n/a		3		3
Race + Color						30		48		39
Sex						37		33		35
Disability						30		34		32
National Origin						10		18		14
Age						24		14		19
Retaliation						12		13		13
Personal Appearance						4		6		5
Family Responsibility						1		6		4
FMLA						1				1
Religion						2		3		3
Genetic Information								2		2
Matriculation						0		2		1
Race/Retaliation								10		
Race/Sex								15		
Sex/Retaliation								9		
Various Combinations						207		122		

Source: District of Columbia Office of Human Rights

Hawaii	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation	6	10	9	12	5	11	10	7	3	8
Race + Color	74	74	64	79	65	77	61	70	60	69
Sex	142	151	131	148	151	126	111	101	94	128
Age	61	70	77	56	78	64	63	55	56	64
Ancestry & National Origin	55	62	48	66	67	48	50	50	47	55
Arrest & Court Record	14	11	26	36	35	26	21	27	11	23
Disability	77	90	91	104	108	97	107	88	79	93
Marital Status	6	5	5	2	6	6	3	2	4	4
Religion	9	19	11	8	12	11	13	5	13	11
Retaliation	93	84	73	90	83	88	91	94	94	88

Source: Hawaii Civil Rights Commission

Illinois	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation									109	109
Race + Color	1,091	1,091	1,141	1,209	1,127	1,095	1,093	1,008	1,056	1,107
Sex	553	989	954	1,080	1,043	1,233	1,248	1,208	1,098	1,045
Age	661	674	703	793	825	841	906	826	762	777
Arrest Record	31	52	54	38	41	33	30	39	59	42
Mental Handicap	132	146	122	145	155	176	178	128	122	145
Military Discharge	1						6	1	11	5
National Origin & Ancestry	423	427	487	575	584	633	863	521	478	555
Other*	32	55	52	96	94	127	113	140	193	100
Physical Handicap	591	646	603	676	603	604	615	616	529	609
Religion	39	57	51	63	60	55	49	56	44	53
Retaliation	805	799	745	753	725	734	745	755	738	755
Sexual Harassment	430	308	301	327	255	233	188	201	209	272

Source: Illinois Department of Human Rights

\* Includes non-jurisdictional bases such as personal conflict.

Maine	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation								13	33	13
Race + Color	71	68	73	97	82	64	60	64	88	72
Sex	258	263	316	296	262	258	201	236	207	261
Age	79	99	95	117	82	95	75	66	94	89
National Origin & Ancestry	33	49	29	54	42	38	43	40	43	41
Mental Disability	72	88	81	97	117	104	80	107	102	93
Physical Disability	213	221	267	223	203	202	201	201	244	216
Religion	10	14	14	17	13	18	15	10	16	14
Retaliation	20	43	95	82	91	72	68	98	98	71
Whistleblower Retaliation	94	119	126	155	151	167	138	143	147	137
Worker's Comp Retaliation	7	8	5	2	5	2	4	1	3	4
All Disability	285	309	348	320	320	306	281	308	346	310

Source: Maine Human Rights Commission

<b>Maryland</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>Avg.</b>
Sexual Orientation				17	24	22	22	21	28	22
Race + Color		334	328	393	398	266	274	242	240	309
Sex		223	225	216	206	145	150	185	112	193
Age		91	97	138	150	109	117	105	99	113
Disability		34	23	149	167	84	99	191	167	114
Marital Status		n/a	n/a	n/a	0	7	4	4	1	3
National Origin		48	50	38	34	26	43	37	27	38
Other		14	9	0	0	0	0	0	0	3
Religion		14	10	17	26	22	26	18	19	19
Retaliation		116	148	122	132	98	99	103	107	116

Source: Maryland Commission on Human Relations

<b>Massachusetts</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>Avg.</b>
Sexual Orientation			40	83		81	51	64		64
Race + Color			1,000	954	699	742	635	592		770
Sex			680	913	699	906	931	816		824
Age			640	540	300	343	386	307		419
Disability			760	913	666	636	607	630		702
Marital Status			40	42	0	0	0	0		14
National Origin			320	290	266	269	235	249		272
Other			0	83	532	70	96	76		143
Religion			120	83	0	60	48	61		62
Retaliation			320	249	166	389	417	403		324

Source: Massachusetts Commission Against Discrimination

<b>Minnesota</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>Avg.</b>
Sexual Orientation	32	24	31	33	27	22	25	27	21	27
Race + Color	223	238	252	285	214	242	200	165	164	221
Sex	307	346	320	330	284	305	241	190	165	276
Age	155	167	192	207	165	179	173	122	120	164
Creed			1				1	1	0	1
Disability	275	292	328	374	318	329	266	255	230	296
Familial Status	0	0	0	0	0	0	0	0	0	0
Marital Status	32	37	26	30	44	30	18	22	16	28
National Origin	86	78	112	143	116	102	92	89	68	98
Public Assistance	2	5	1	2	3	3	1	2	3	2
Race	221	235	250	278	214	238	198	156	160	217
Religion	21	20	23	35	32	31	22	17	12	24
Reprisal	60	50	44	28	13	19	18	20	11	29

Source: Minnesota Department of Human Rights

New Hampshire	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation		8	8	18	16	4	7	5	14	10
Race + Color	25	23	14	19	29	21	24	21	25	22
Sex	171	107	124	126	126	126	118	138	138	130
Age	37	37	34	54	45	36	47	42	46	42
Disability	38	28	35	61	87	73	77	55	75	59
Marital Status	1	4	6	2	2	0	1	0	0	2
National Origin	8	21	20	15	25	12	19	15	16	17
Religion	2	5	5	6	7	9	5	7	4	6
Retaliation	n/a	n/a	n/a	6	n/a	1	1	5	n/a	3

Source: New Hampshire Commission for Human Rights

New Jersey	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation	13		16	17	9	20	18	20	13	16
Race + Color	238		325	270	188	203	207	169	157	220
Sex	69		110	101	95	109	99	98	74	94
Age	75		112	82	81	96	81	91	64	85
Ancestry	1		2	0	0	0	2	2	1	1
Armed Forces	2		1	3	0	2	2	0	0	1
Civil Union									3	3
Creed	8		20	19	21	15	22	20	21	18
Family with Child	2		4	1	3	6	12	11	9	6
Family Leave	9		23	7	18	12	12	16	11	14
Guide Dog	0		2	3	2	0	0	1	0	1
Handicap/Drug	0		1	2	0	0	1	1	1	1
Handicap/Mental	18		29	30	28	28	36	34	20	28
Handicap/Physical	97		181	178	157	190	283	222	176	186
Marital Status	1		4	3	0	1	0	0	3	2
Multiple	385		473	324	321	338	369	322	1,950	560
National Origin	75		126	81	75	93	104	87	43	86
Nationality	0		0	0	0	0	4	0	0	1
Reprisal	31		56	55	42	51	56	38	31	45

Source: New Jersey Division on Civil Rights

New York*	CY 1999	CY 2000	CY 2001	CY 2002	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	Avg.
Sexual Orientation					118	163	152	159	152	149
Race + Color		1,828	1,859	1,874	1,853	1,885	1,884	1,796	1,581	1,820
Sex		1,475	1,471	1,403	1,368	1,448	1,209	1,171	1,114	1,332
Age		818	870	869	777	870	906	920	800	854
Arrest Record		43	43	53	70	83	77	97	86	69
Conviction Record		82	97	116	117	160	199	200	210	148
Creed		254	238	265	251	258	204	205	244	240
Disability		1,404	1,453	1,541	1,615	1,601	1,598	1,608	1,516	1,542
Familial Status		62	93	62	91	106	87	89	90	85
Marital Status		111	75	72	82	91	77	78	135	90
Military Status		0	0	0	1	9	8	12	23	7
National Origin		964	942	968	842	886	802	736	671	851
Retaliation		673	684	704	742	810	697	827	949	761
Violation of DHR**		10	9	10	19	9	5	6	10	10

Source: New York Division of Human Rights

\*Data are for calendar years, not fiscal years.

\*\* Violation of DHR is "failure to comply with predetermination conciliation agreements."

Oregon	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation	21	30	15	38	36	45	35	33		32
Gender Identity					1	0	3	0		1
Race + Color	327	319	333	282	269	291	307	310		305
Sex	616	666	605	672	582	629	711	644		641
Age	223	245	259	243	223	259	277	270		250
Breathalyzer Requirement	0	0	0	0	0	1	0	1		0
Disability	428	412	468	412	375	421	491	436		430
Family Leave	187	188	276	239	242	235	312	256		242
Family Relationship	18	17	30	28	15	19	22	10		20
Injured Worker	538	497	474	453	405	431	509	406		464
Juvenile Record Expunged	0	1	0	0	0	0	0	0		0
Legislative Activity	0	0	0	0	0	0	0	0		0
Marital Status	9	11	12	11	6	13	18	5		11
National Origin	86	106	104	88	94	144	139	105		108
OSHA	91	125	101	115	98	141	136	143		119
Other	3	6	11	13	5	3	7	6		7
Physical Exam Requirement	1	0	2	1	0	3	1	1		1
Patient Abuse Reporting	4	7	6	3	7	17	9	18		9
Polygraph Testing	0	1	0	0	0	1	0	0		0
Right of Access Er-Owned Housing	0	0	0	0	0	0	0	0		0
Retaliation	336	364	381	383	348	328	419	438		375
Religion	49	45	42	62	45	61	58	59		53
Source of Income	1	0	1	0	0	0	0	0		0
Tobacco Smoking	1	0	2	0	1	5	0	4		2
Unemployment Retaliation	1	0	1	0	1	1	1	0		1
Whistleblowing	95	126	157	151	170	178	250	208		167

Source: Oregon Civil Rights Division

Rhode Island	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation					3	3	7	2	5	4
Gender Identity					0	1	0	0	1	.4
Race + Color					42	38	43	51	52	45
Sex					96	106	73	82	0	71
Gender Identity/Expression					0	1	0	0	1	0
Age (40+)					65	53	64	67	48	59
Ancestral Origin					9	33	40	33	35	30
Mental Disability					40	33	18	25	27	29
Physical Disability					70	77	48	64	58	63
Religion					0	3	6	2	5	3
Retaliation					11	16	6	5	11	10

Source: Rhode Island Commission for Human Rights

Vermont	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation	2	0	0	2	2	2	0	4	0	1
Race + Color	0	1	0	2	2	2	3	3	4	2
Sex	7	3	1	6	0	5	2	10	3	4
Age	2	0	2	4	0	1	1	0	1	1
Disability	5	2	2	6	2	6	2	3	3	3
Family Leave	0	0	0	0	0	0	0	0	1	0
National Origin	0	1	1	1	0	0	1	0	1	1
Place of Birth							1	0	1	1
Religion	0	0	0	0	0	2	0	0	0	0
Retaliation	0	1	1	1	1	2	0	8	0	2
Workers' Comp.	0	0	0	0	0	0	0	1	0	0

Source: Vermont Human Rights Commission

Washington	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation / Gender Identity								34	5	34
Race + Color		246	220	255	203	144	107	189	113	37
Sex		339	300	285	252	186	162	257	191	62
Age		162	130	192	170	111	101	159	89	25
Creed		19	21	30	30	10	12	20	23	3
Disability		315	356	415	335	248	274	361	144	32
Marital Status		9	7	16	4	3	3	13	5	0
National Origin		55	89	100	88	61	68	129	95	31
Retaliation		234	211	201	189	164	127	194	134	40
Whistleblower		8	13	22	9	10	8	10	12	0

Source: Washington Human Rights Commission

Wisconsin (1982)	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Avg.
Sexual Orientation			49	85	71	76	58	51	60	64
Race + Color			1,005	1,133	1,110	1,136	1,127	1,004	995	1,073
Sex			1,066	1,175	1,091	987	911	811	727	967
Age			661	776	675	698	698	562	753	689
Arrest Record			138	177	191	211	197	228	365	215
Conviction Record			225	325	265	282	287	376	506	324
Disability			955	1,038	983	965	927	862	1,037	967
FMLA Retaliation/ Filing			9	3	5	8	13	10	13	9
Genetic Testing			1	0	0	0	0	0	2	0
Honesty Testing			2	2	2	3	6	6	2	3
Retaliation			35	63	109	148	111	112	20	85
Lawful Products			16	19	14	35	30	25	92	33
Marital Status			34	54	66	38	31	31	27	40
Military Status			5	6	3	5	6	7	4	5
National Origin			181	135	179	191	196	148	159	170
Religion/Creed			55	53	91	73	69	70	64	68

Source: Wisconsin Civil Rights Bureau