

March 17, 2021

The Honorable Richard Durbin
Chair, Committee on the Judiciary
U.S. Senate

The Honorable Charles Grassley
Ranking Member, Committee on the Judiciary
U.S. Senate

Dear Chair Durbin, Ranking Member Grassley, and Members:

I am a Scholar of Public Policy at the Williams Institute, UCLA School of Law. For the past 15 years, my research has focused on the prevalence and impact of discrimination against transgender people in the United States. In addition to my other studies about transgender people's demographics, health, and experiences, I served on the research team and as a co-author for the 2008-09 National Transgender Discrimination Survey (NTDS), which was the first large national survey of transgender people in the U.S.¹ I then served as the Co-Principal Investigator for the follow-up to the NTDS, the 2015 U.S. Transgender Survey (USTS).² The USTS is the largest survey of transgender people in the U.S. to date, with nearly 28,000 respondents. I currently serve as a Co-Investigator on the U.S. Transgender Population Health Survey ("TransPop") (R01-HD090468-01, Ilan Meyer, PI), which will produce the first nationally-representative sample of transgender people in the U.S. These studies provide valuable information about the lives, health, and experiences of transgender people in the U.S.

I am writing to you with information for the record on S. 393/H.R. 5, the Equality Act. This bill expands protections against discrimination based on sexual orientation and gender identity across important areas of life, including in employment and education. Years of research, including the studies listed above, demonstrate that transgender people experience discrimination across the important areas of life included in the Equality Act. Discrimination harms transgender people's health and well-being, and to the extent that discrimination against this population can be reduced, health and well-being will be improved.

According to the USTS, transgender people report discriminatory experiences in employment, in the workplace, and at school that hinder their ability to learn, to work, and to receive the benefits of education and employment. More than three-quarters who were out as transgender, or perceived to be transgender, at school reported one or more negative experiences in K through 12 because they were transgender. These included such experiences as verbal harassment, physical or sexual assault, and expulsion. For some (16%), these experiences were so severe that they had

¹ Grant, J.M., Mottet, L.A., Tanis, J., Harrison, J., Herman, J.L., & Keisling, M. (February 2011). *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington, DC: The National Gay and Lesbian Task Force and The National Center for Transgender Equality.

² James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (December 2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.

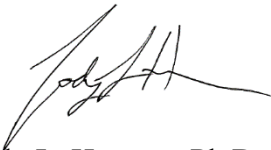
to leave their schools. Those who reported these experiences were more likely to experience serious psychological distress and attempt suicide, among other negative outcomes.

USTS respondents also reported experiencing discrimination when seeking employment and while at work. Nearly one third (30%) who had held a job in the year prior to the survey reported being fired, denied a promotion, or experiencing mistreatment in the workplace, such as being harassed or physically assaulted. Other negative workplace experiences included being forced to resign, being removed from contact with clients, and being forced to work in the wrong gender, among other negative experiences. Experiences like these often result in transgender workers taking steps to avoid negative experiences at work, such as hiding their gender identity, not seeking promotions, and even quitting their jobs. Although the USTS did not differentiate between public versus private employment, we have no evidence to suggest that the prevalence of discrimination would differ for employees of public versus private employers. Given these findings, it is unsurprising that we found triple the rate of unemployment and double the prevalence of living in poverty among USTS respondents, compared to the U.S. population.

These experiences of discrimination reach into area of public accommodation, including public transportation, government agencies, and the court system. Nearly one-third (31%) of USTS respondents who utilized places of public accommodation, including restaurants, hotels, retail establishments, and other places, experienced being denied equal treatment, verbal harassment, and/or physical assault because they are transgender. Respondents also reported having one or more of these experiences in the past year when using public transportation (34%), when visiting public assistance offices or other government benefits offices (17%), Departments of Motor Vehicles (DMV) (14%), a courtroom or court house (13%), and a Social Security office (11%). In the 2008-09 NTDS, 13 percent of respondents with children reported that their relationships with their children were limited or stopped by the courts because they are transgender.

The need for the Equality Act is clear. Transgender Americans report experiences of discrimination that are pervasive across all important areas of life. These experiences harm transgender people's health, well-being, and ability to thrive. By prohibiting discrimination, the Equality Act would be an important step forward for transgender people and for our country.

Sincerely,



Jody L. Herman, Ph.D.
Scholar of Public Policy
The Williams Institute
UCLA School of Law