

Legal Protections in Public Settings: A Critical Public Health Issue for Transgender and Gender-Nonconforming People

New York, New York, July 29, 2015—Gender minority people who are transgender or gender nonconforming experience widespread discrimination and health inequities. Since 2012, Massachusetts law has provided legal protections against discrimination on the basis of gender identity in employment, housing, public education, and business. However, the law does not protect against discrimination based on gender identity in places open to the public, such as transportation, retail stores, restaurants, health care facilities, and bathrooms.

A new Early Exclusive View study in *The Milbank Quarterly* that surveyed transgender and gender nonconforming adults in Massachusetts has found that discrimination in public settings is not only common, but is associated with adverse health outcomes. The study, by lead author Dr. Sari Reisner of Harvard T.H. Chan School of Public Health and Fenway Health, and colleagues, examines the relationship between social stressors, including discrimination, and the health and well-being of gender minority adults in Massachusetts since the 2012 implementation of the state’s gender identity nondiscrimination law. It also looks at the frequency and health correlates of public-setting discrimination among gender minority adults in Massachusetts, with particular attention to discrimination in health care settings, such as health centers, hospitals, and nursing homes.

Background

Currently, 18 states, including Massachusetts (and the District of Columbia) have gender identity nondiscrimination laws that provide protections against discrimination in employment, housing, public education, and business/credit. Massachusetts is the only one of these states in which the law, which was established in 2012, does not protect against discrimination in public settings. Since the 2012 enactment of the gender identity nondiscrimination law in Massachusetts, this is the first study to explore experiences of discrimination, including those in public settings.

Findings

The researchers surveyed 452 adults in Massachusetts ranging in age from 18 to 75 years.

- 65% had experienced discrimination in at least one public setting between 2012 and 2013.
- Discrimination was associated with a greater risk of adverse emotional and physical symptoms.
- Because of discrimination, about 24% of the sample reported postponing routine medical care, which can result in significant health consequences.

“Passage and enforcement of transgender rights laws that include protections against discrimination in public settings, inclusive of health care, is a critical public health policy approach needed to move toward health equity,” says Reisner. Study authors included researchers from Yale School of Public Health, Heller School for Social Policy and Management at Brandeis University, and Wagner School of Public Service at New York University, as well as the community partners at The Fenway Institute at Fenway Health and Massachusetts Transgender Political Coalition.

About *The Milbank Quarterly*

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