

MYTHBUSTERS

When it comes to protecting transgender people from discrimination, the truth is more boring than fiction. Legislators updated Massachusetts law in 2016 to protect transgender people in public places because all people should be treated fairly.



Myth: "Public accommodations" means restrooms and locker rooms.

FACT: Public accommodations are all the places we go when we're not at home, work, or school. These include movie theaters, restaurants, parks, public transportation, and coffee shops; and yes, it includes being able to do something as basic as using the restroom in these places.

Myth: This law is unprecedented and untested.

FACT: Across the nation, 18 states, Washington, D.C. and more than 200 cities and towns have passed laws protecting transgender people in public spaces. That includes Massachusetts in 2016 and 14 Massachusetts municipalities, from Worcester to Swampscott to Boston, prior to the statewide law.

Myth: Non-discrimination protections could be used as cover for misconduct in restrooms 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 provides that gender identity must be "sincerely held as part of a person's core identity."
- The law explicitly prohibits people from asserting gender identity for any "improper purpose."
- Nothing in this law weakens existing laws against illegal behavior. Assault and harassment remain illegal.
- The 18 states and more than 200 municipalities with laws protecting transgender people from discrimination have reported no problems.
- Gyms with policies protecting transgender people from discrimination report no problems—including Planet Fitness, the gym franchise with more than 50 facilities across Massachusetts.

Myth: This law allows men to invade women's spaces. Men can just "wake up" and claim to be women, then access women's facilities.

FACT: Safety and privacy are important for everyone. That's why we have laws in place that make it illegal to harm or harass people, or invade their privacy. It's already illegal to enter a restroom or a locker room to harm someone, period. Anyone who does that can and should be arrested and prosecuted to the fullest extent of the law. Police use these laws to prevent assault, keep people safe, and hold perpetrators accountable. Updating Massachusetts law to protect transgender people from discrimination hasn't changed that. Further, as supported by the medical community, it is not possible to "wake up" transgender.

Myth: Legally protecting transgender people in public places endangers women and children in public restrooms and locker rooms.

FACT: More than 250 organizations around the country that do work to prevent and treat survivors of violence support laws that protect transgender people in restrooms and locker rooms. These include The National Alliance to End Sexual Violence, The National Center for Victims of Crime, The National Coalition Against Domestic Violence, and more. In Massachusetts, 30+ local organizations that do this work support protections for transgender people from discrimination in public places, including the MA Coalition Against Sexual Assault & Domestic Violence.

Myth: Transgender people who use restrooms and locker rooms will make others uncomfortable.

FACT: Transgender men and transgender women use restrooms and locker rooms for the same reasons everyone does. And when they do, they value safety, privacy, and modesty just like everyone else. Transgender people are part of our workplaces and our neighborhoods, and they need to be able to use the restroom just like everyone else.

Myth: Prohibiting discrimination for transgender people in public places allows public school students to access opposite-sex restrooms and locker rooms.

FACT: Since 2012, Massachusetts law has prohibited discrimination against transgender people in public schools and ensured students have access to facilities that match the gender they live every day. There have been no reported incidents. The Department of Elementary and Secondary Education provides guidance for school districts to ensure safe and equal educational opportunities for all students.

Myth: This law is forcing businesses to spend money to remodel their restrooms to be gender neutral or to add restrooms or other sex-segregated facilities.

FACT: Businesses have not had to spend a penny on remodeling or new construction. This law simply guarantees patrons safe access to existing facilities that match the gender they live every day. In fact, 300+ businesses large and small support MA's non-discrimination law.

Myth: Discrimination against transgender people is not a problem in Massachusetts.

FACT: A 2014 survey revealed that 65 percent of transgender people in Massachusetts faced discrimination in a public place in the previous 12 months.

TALL TALES FROM THE OPPOSITION

TJ MAXX

In December, a woman was photographed by a man lurking in the ladies' room of a T.J. Maxx in Plainville, MA. When she asked employees for help, they seemed torn regarding what to do.

Do they call the police, and risk being brought up on hate crimes charges? Or do they protect themselves and their employer by looking the other way and side with the man over the frightened woman?

The law is now weighted to benefit those who would violate private spaces.

THE TRUTH:

First and foremost, as described, this man committed a crime. The suspect was arrested and charged, as he should have been. Interesting they left that part out, isn't it?

It is also important to note that no one involved in this incident ever claimed to be transgender or even tried to invoke the transgender protections law as a defense. Even if the suspect had attempted to do so, his actions, as described, would have still been illegal.

COMING OUT PARTY

This law has also led to public schools aggressively promoting transgenderism to young children. In June, a fourth grade class in Richmond, MA was subjected to a "coming out party" for a boy who "transitioned" into a girl. Parents were not informed until afterwards and a letter sent home with students declared of the boy "she is a girl, so she's using the girl's restroom." Children were frightened and confused, parents were angered. What rights do they have in these situations, to introduce sensitive topics to their children? One year after the law's enactment, these troubling questions remain unanswered.

THE TRUTH:

Not quite. First, this law does not impact schools, as they are not considered public accommodations. It is true that a student in Richmond transitioned, after months of planning in consultation with therapists, medical professionals, and school officials. The student told her classmates her story so that they could better understand her journey.

The children were unbelievably supportive, as were the parents of other children in the school. One family was upset they had not learned of the announcement earlier and expressed that to the school, while also telling the parents of the transgender child how much they cared for the child and wished her well in her transition.

IN MASSACHUSETTS, WE BELIEVE EVERYONE SHOULD BE TREATED FAIRLY.

This law is about protecting the freedom of all Massachusetts residents—including those who are transgender—to live their lives free from discrimination. All hardworking people, including those who are transgender, should be treated fairly and equally by the laws of our state, and that's why we updated Massachusetts law in 2016. Nobody should have to live in fear of discrimination simply because of who they are.

FOR MORE INFORMATION:

Mason Dunn at 617-778-0519 (x6) or mason@freedommassachusetts.org