

# Connecticut Prohibits Discrimination Based on Gender Identity

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**Effective October 1, 2011**, Connecticut employers with three or more employees will be prohibited from discriminating against an employee or applicant based on gender identity or expression. **Connecticut lawmakers defined “Gender identity or expression” as “a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.”** Evidence that may establish gender-related identity includes assertion of the gender-related identity by the individual, care or treatment of the gender-related identity, evidence that the gender-related identity is not being asserted for an improper purpose, medical history, or other evidence that the gender-related identity is a sincerely held element of a person’s core identity. *It is clear that the law protects transgendered people who are not undergoing gender reassignment surgery, and who do not intend to do so, as well as those who have completed such surgery or who are in the process of doing so.*

The new law adds gender identity or expression—a status also commonly referred to as “transgendered”—as a protected class, affording that class similar rights and remedies as other classes such as race and gender protected under Connecticut law. ***By doing so, Connecticut joins New Jersey and New York City, both of which prohibit gender identity discrimination.***

The one notable exception to the new law’s prohibition of discrimination based on gender identity or expression is the exemption of religious corporations or entities “with respect to the employment of individuals to perform work connected with the carrying on by such corporation . . . of its activities, or with respect to matters of discipline, faith, internal organization or ecclesiastical rule, custom or law” established by the religious entity.

Connecticut-based employers are advised to *add gender identity to their EEO policies and literature* and to

be sure to *include gender identity issues in their EEO training*, especially training for managers and supervisors. Other employers who have employees in Connecticut (or New Jersey or New York City) should consider revising their policies companywide to include nondiscrimination based on gender identity and to include the new law's requirements in their training.

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