



January 26, 2016

Senator Michael Baumgartner, Chair  
Senate Committee on Commerce and Labor  
435 J.A. Cherberg Bldg.  
P.O. Box 40466  
Olympia, WA 98504-0466

**RE: Opposition to SB 6443 – Concerning human rights commission rules on gender segregated facilities**

AMERICAN CIVIL  
LIBERTIES UNION  
OF WASHINGTON  
901 FIFTH AVE. SUITE 630  
SEATTLE, WA 98164  
T/206.624.2184  
WWW.ACLU-WA.ORG

JEAN ROBINSON  
BOARD PRESIDENT

KATHLEEN TAYLOR  
EXECUTIVE DIRECTOR

Dear Chair Baumgartner and Members of the Senate Committee on Commerce and Labor,

The American Civil Liberties Union of Washington (ACLU-WA) appreciates the opportunity to comment on Senate Bill 6443. The ACLU-WA is a state-wide, non-partisan, non-profit organization with over 20,000 members, dedicated to the preservation and defense of civil liberties. We support the strong enforcement of the Washington Law Against Discrimination to protect all Washingtonians from the harms of discrimination. We also support the authority of the Washington State Human Rights Commission to promulgate regulations to clarify and provide guidance to those seeking to understand state law. SB 6443 will invalidate important guidance to places of public accommodation that offer public gender-segregated facilities such as restrooms and locker rooms. We urge you to oppose this bill.

The legislature added sexual orientation and gender identity as a protected class to the Washington Law Against Discrimination (WLAD) in 2006. The law bans discrimination in employment, housing, insurance, credit, and in places of public accommodation based on a person's sexual orientation, gender identity, or gender expression. Since then, transgender people in Washington have been protected when using bathrooms and other gender-segregated facilities that are consistent with their gender expression.

The Washington State Human Rights Commission (HRC) adopted regulations clarifying the WLAD's protections against discrimination based on sexual orientation and gender identity, including protections related to the use of gender-segregated facilities by transgender people. Before finalizing the rules, HRC engaged in three years of public process, including four public work sessions across the state and a public hearing at which not a single objection or fear was raised regarding the use of gender-segregated facilities by transgender people.

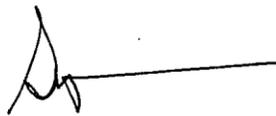
The HRC's regulations are necessary to achieve the law's goal of ending discrimination in Washington state. The ACLU has received several complaints from transgender individuals who have experienced discrimination when seeking to access gender-segregated facilities. In one case, a retail store worker barred a transgender woman from accessing a women's dressing room, insisting that she was not feminine enough to use the women's dressing room. The comments were made in front of many other store customers. The woman was deeply offended and humiliated by the store employee simply because she was shopping for clothing. In another case, a homeless transgender woman was told that she could not stay at a shelter for women.

Transgender people are part of our families, workplaces, neighborhoods, and places of worship. They should be treated with dignity and respect just like everyone else. Transgender people need to be able to safely access restrooms and other gender-segregated facilities safely. Requiring transgender people to use restrooms and locker rooms based on their sex at birth would put them at risk of harassment and physical violence. According to a survey by the National Center for Transgender Equality, 53% of transgender people have experienced some kind of harassment or discrimination when trying to use a place of public accommodation. Nothing in HRC's rules changes the fact that separate facilities exist for men and women, and it is already illegal to enter a restroom to harm or harass another person or invade their privacy.

Since 2006, transgender people in Washington state have been using restrooms and other gender-segregated facilities consistent with their gender identity. The HRC's rules provide important and necessary clarity to places of public accommodation that offer gender-segregated facilities for public use to ensure that transgender people can safely access restrooms and other gender-segregated facilities.

We urge the Committee to uphold Washington's strong public policy in the eradication of discrimination and oppose SB 6443.

Sincerely,



Shankar Narayan  
Legislative Director

CC: Sen. John Braun, Vice Chair  
Sen. Bob Hasegawa  
Sen. Steve Conway

Sen. Karen Keiser  
Sen. Curtis King  
Sen. Judy Warnick