

Transgender Justice



The Pursuit of Transgender Justice

Within the LGBTQ community, transgender individuals face disproportionate rates of unemployment, poverty, harassment, assault and homelessness. Institutional barriers to health care and identity documents, as well as discrimination and mistreatment by government agencies contribute to these adverse outcomes. Our Transgender Justice (TJ) program seeks to address and counter these conditions through our work with policy makers and state agency staff on three key issues: transgender-inclusive health insurance coverage, full implementation of our state's existing nondiscrimination law

and improving the safety and wellbeing of transgender Oregonians in jails and prisons.

The Transgender Justice program is anchored by the **Trans Justice Working Group**, a team of transgender and genderqueer volunteer leaders that works in tandem with Basic Rights staff members to guide and provide feedback on policy priorities. Key programmatic and policy work for 2016-17 include:

Health Care— Transgender, genderqueer, and gender non-conforming folks in Oregon are profoundly affected by inaccessible health care as well as discrimination from providers. In Oregon and nationally, many health insurance plans explicitly exclude coverage of life-saving healthcare for transgender people, including transition-related care and basics like cancer screenings that are routinely provided to those who are not transgender. Our work has made Oregon one of the first states to ban these discriminatory exclusions, first through a statewide ban on insurance discrimination against transgender Oregonians in 2012, then through our victory to ensure coverage through our state Medicaid program, the Oregon Health Plan. In January 2015, Oregon joined California, Vermont, Massachusetts and Washington D.C. with this coverage.

Helping the state successfully implement this life-saving policy is an ongoing challenge, so we convene an Oregon Health Plan (OHP) Task Force made up of seven coalition organizations to identify and address deficiencies in OHP's trans coverage. In 2016, that Task Force is advocating for the adoption of our prescribed model policies and is creating a training program to expand our list of competent providers prepared to meet trans patients' needs. Our TJ program also worked with the insurance division to make the state guidelines for private carriers some of the strongest in the country. Finally, we stage Trans Health Care Forums annually, where medical providers, as well as officials from the OHP and representatives from private insurance companies will offer guidance to transgender attendees about navigating transition-related care in Oregon's health care landscape.

Identity Documents—Oregon currently lacks uniform policies on name changes, creating a system where transgender people around the

state make burdensome trips to urban Multnomah County, where the process is clearer. In 2016 and 2017, we will work with the Oregon Legislature to reduce barriers to name and gender changes in the local governments where they live. We are also working administratively with state agencies on the legal recognition of non-binary genders following a Multnomah County judge's landmark ruling this summer.

Prisons and Jails—We are continuing our work with the Oregon Department of Corrections (DOC) to ensure safe, respectful treatment for LGBTQ, and particularly transgender, inmates. Last year, our staff trained more than 200 DOC personnel on transgender competency and we've built relationships with key DOC officials and meet semi-annually to offer policy guidance and raise concerns. We have also submitted recommendations for LGBTQ inclusive policies to the Oregon State Hospital, an Oregon Health Authority facility.

Racial Justice and Alliance Building Since 2007, Basic Rights has worked to counteract opposition strategies pitting communities of color against LGBTQ communities. We've worked to center the leadership of people of color, largely through our ongoing *Our Families* leadership development program for LGBTQ and allied people of color. A new *Our Families* cohort launched its leadership training program in June 2016. Additionally, we continue to be key public allies, investing staff time and resources in campaigns to address xenophobia and police accountability. We are active leaders within several coalitions that serve non-LGBTQ stakeholders: Fair Shot Oregon, Facing Race: Oregon's Legislative Racial Equity Report and One Oregon, a statewide immigrant rights coalition and many others.

Statewide Engagement

Basic Rights seeks to serve Oregon's LGBTQ population in every community, every county and every corner of the state. A key component of this approach is locating and supporting the vibrant grassroots activism that's already creating change around us. Part of this effort was our 2016 Statewide Leadership Summit in Eugene, attended by more than 150 community advocates and leaders from throughout Oregon, where Transgender Justice was a focus point.

Additionally, BREF is staging Trans Justice 101 trainings in small towns and rural areas this year. We will hold five "Train the Trainer" events, which equip allies to bring these trainings to their schools, community centers and hospitals, etc.

Fair Workplace Project

Oregon has made tremendous progress in creating safe and affirming workplaces for lesbian, gay and bisexual employees. However, transgender people face significant workplace challenges: 90 percent report experiencing some form of harassment or mistreatment on the job, more than 25 percent report losing their job for being transgender, and the transgender population is four times more likely to live in poverty due to unemployment or underemployment than their non-transgender peers. To address these dire outcomes, we've re-launched our Fair Workplace Project (FWP) to increase the number of Oregon employers committed to providing an inclusive and affirming workplace for transgender employees. We are actively training employers in both the public and private sectors.

First Line of Defense Against Discrimination

Due to our expertise, and community stature, Basic Rights is well-situated to respond when Oregon's LGBTQ community is threatened with discrimination. For example, when City Councilman Mickey Garus from the rural community of Dallas, Oregon made threatening comments about transgender youth on his Facebook page in November 2015, we sprang to action. Garus' mean-spirited comments inspired anti-trans sentiments and endangered students, such as 14-year-old transgender boy Elliot Yoder.

We mobilized, circulating a petition in support of Elliot, which gathered 1,100 signatures from Oregonians in 29 counties. We organized affirming testimony from parents and townspeople at several Dallas School Board meetings and led a Transgender Justice 101 training for more than 80 local residents at a supportive church.

We will continue to support implementation of the state's strong LGBTQ inclusive non-discrimination laws with public education campaigns and tailored training for LGBTQ-serving agencies and professionals.

In June, for instance, we presented a transgender justice 101 training to the Governor's staff at their request. We will also remain vigilant in defending our policy victories through ongoing legislative advocacy. Recognizing the painful vulnerability facing LGBTQ youth caught in incompetent or non-affirming systems, we gladly continue to devote our resources to safe schools training and policy requests. Finally, we're excited to be building toward our first summit on LGBTQ youth safety in schools in early 2017.



Key Transgender Justice Policy Achievements

2007: The landmark Oregon Equality Act passed prohibiting discrimination based on sexual orientation, gender identity or expression in employment, housing, education, and other areas.

2009: Oregon Safe School's Act passed to expand protections against bullying of LGBTQ students.

2012: Insurance Bulletin: Oregon's Insurance Division became the first in the country to release an insurance bulletin that states exclusions of transition-related care were discriminatory, and created access for transgender Oregonians to appeal denials from insurance companies.

2013: Removed Surgery Requirements: Governor Kitzhaber signed House Bill 2093 into law, removing surgery requirements imposed on transgender Oregonians seeking accurate birth certificates.

2015: Medicaid Coverage: The Oregon Health Plan removed exclusions for transgender health care and Oregon's Department of Transportation made it easier to get a gender-affirming state identification card.

Conversion Therapy Ban: In 2015, Oregon also became the third state to ban conversion therapy on LGBTQ youth by licensed providers.

2016: School Guidelines to Support Transgender Students: Oregon's Department of Education released guidelines for school districts on how to support transgender and gender non-conforming students. The guidelines are among the most comprehensive and inclusive in the nation putting students first.

Updated Insurance Bulletin: In 2016, the Oregon's Insurance Division updated its insurance bulletin to provide greater clarity by focusing on gender identity and removing exclusions on the basis of it. This bulletin is the most comprehensive insurance guidance to date.

2017 Policy Priorities include:

- 1. Simplify Name Change Process:** In the 2017 session, we push for a bill to simplify Oregon's existing name change and gender amendment process for birth certificates. The current process is inconsistent from county to county, costly, and must be done through the courts.
- 2. Equal Benefits:** Basic Rights seeks to prohibit state agencies from entering into a contract in the amount of \$100,000 or more with any company that fails to offer equal benefits to all employees regardless of gender identity.
- 3. Non-Binary Gender Recognition:** We are working with the Oregon Department of Motor Vehicles to create a non-binary gender marker for state identification cards.