

House Bill 1523: Protecting Freedom of Conscience from Government Discrimination Law

OVERVIEW

On Monday, January 8th, 2018, The Supreme Court of the United States (SCOTUS) declined to hear a challenge to a Mississippi law that allows discrimination on the basis of sexual orientation and gender identity, yet another example of a harmful policy aimed at the LGBTQ community under the guise of protecting religious freedom. The Protecting Freedom of Conscience from Government Discrimination Law, (House Bill 1523), took effect in October 2017 and provides protections for individuals with three sincerely held religious beliefs or moral convictions regarding LGBTQ people and the provision of goods and services.

Section 2 of the law defines these values as being the specific belief or conviction that:

- a) Marriage is or should be recognized as the union of one man and one woman;
- b) Sexual relations are properly reserved to such a marriage; and
- c) Male (man) or female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics at time of birth.

As a result of this legislation, **many municipalities** across the country have now banned county, city, and state-related business travel to Mississippi. Even in Mississippi, many **businesses and organizations repudiated the bill** when it was introduced in 2016 and are continuing to do so now. While extremely disappointing, the Supreme Court's refusal to hear challenges to HB 1523 does not equate to support for the law, nor its constitutionality, but rather hinges on a legal technicality. With the likelihood that such a law will result in further discrimination against LGBTQ individuals and continue to engender a potentially threatening anti-LGBTQ environment, future cases challenging the law and demonstrating the harm caused by HB 1523 may be raised to the Supreme Court.

WHY HB1523 MATTERS

- LGBTQ Mississippians continue to face a statewide license to discriminate. While your company may have policies in place to protect your LGBTQ employees from workplace discrimination, they may encounter threats that considerably affect their lives outside the workplace.
- **HB 1523 grants individuals and private organizations** the right to deny medical care, including transition-related care and mental healthcare, as well as marriage-related goods and services. Furthermore, individuals and private organizations have the right to establish sex-specific dress codes and sex-segregated bathrooms, which presents serious concerns for transgender and gender non-conforming individual.

WHAT YOUR COMPANY NEEDS TO KNOW

- There is no way around it—this bill is troubling. Your LGBTQ employees in Mississippi are facing real risks to experiencing open and legal discrimination. Under this bill, your employees may encounter professionals who deny important services, resulting in limited healthcare options, delays in care, and potentially significant distress.
- Your company's LGBTQ-inclusive efforts and public statements have the potential to make a concrete difference in the lives of your LGBTQ employees –and their friends, families, and other allies. **Studies show** that inclusive policies and practices make a positive difference in health outcomes, productivity, and the overall well being of LGBTQ employees. While others may not intervene and protect LGBTQ employees, you can.

WHAT YOUR COMPANY CAN DO

- Ensure your local managers and stake holders have the resources they need to engage with this issue in Mississippi by sending them to Out & Equal's Building Bridges training in Jackson, Mississippi in March 2018—completely free and open to the all. **Sign-up here to receive more information regarding the training.**
- Ensure your offices in Mississippi understand your position on LGBTQ issues—particularly by reaffirming that your company believes in the right to live openly and free from discrimination on the basis of sexual orientation, gender identity and expression.
- If you haven't adopted an anti-discrimination policy that includes sexual orientation, gender identity and expression: It's time. Out & Equal has **tools and training opportunities** to guide you in this process. Inclusive policies go a long way to ensure your employees are valued and protected regardless of where they live.

WHO SHOULD ENGAGE AT YOUR COMPANY

- HR
- D&I
- Legal