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# Sarauw-Sponsored Bill Making it Unlawful to Discriminate Against Any Person Based on Sexual Orientation Wins Committee Approval

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A bill that makes it unlawful to discriminate against any person based on their sexual orientation has made its way passed the Committee on Government Operations and Consumer Protection.

The bill changes Title 10 of the Virgin Islands Code, Chapter 5, Section 64 of the Civil Rights Act, to effectively ban discrimination based on a person's sexual orientation and provides equal treatment under the law for the LGBTQ community. Bill No. 34-0271, sponsored by Senator Janelle K. Sarauw, would make this discriminatory practice a violation of the law.

Ms. Sarauw sees the measure as a start to reverse what she says is bias faced in employment and the safety of people who present as lesbians, gays, bi-sexual, queers or any other sexual

orientation which is not viewed as heterosexual.

The bill is Ms. Sarauw's last hurrah as she leaves the Senate this year. The senator, who identifies as a lesbian, took a moment to explain why she chose to introduce the bill at this time.

"I have shied away from LGBTQ topics because we live in a very conservative society and I did not want my Senate agenda and the way that people view me to be, for that one particular topic to be all of me. I didn't want my agenda to be railroaded by the way I live my life," she admitted.

Ms. Sarauw said she had felt the discrimination of others who do not present as non-heterosexual, sharing that one day she may even write a book about it. But for now, this legislation is a step forward for a group of people who have not been explicitly protected under the laws of the U.S. Virgin Islands, she said.

"The levels of discrimination have been real, and we look at people that live an alternative lifestyle and we assume the worst of them through our music, through the way that we talk about it," she said, referencing [the recent gender-neutral dress code](#) implemented by the Board of Education in August 2022. The new dress code allows students to wear either skirts or pants as uniform bottom wear.

"The vitriol that was spewed based on the dress code toward people of the LGBT community was indeed hurtful and it was painful to read," she recalled.

Eric Chancellor, the Deputy Attorney General for the Virgin Islands Department of Justice said the VI Code currently makes it a violation of law to discriminate against any individual because of age, race, creed, color, national origin, place of birth, sex, disability and/or political affiliation in, among other things, employment, housing, banking, and education.

"Today, that list will be expanded to include discrimination against individuals based upon their sexual orientation," he declared.

To make the law even more specific and to capture a broader category of individuals, the Office of the Attorney General asked the sponsor to include a section to define the term "sexual orientation" as well as include the phrase "gender identity".

According to Mr. Chancellor, these terms are not synonymous and, for many, they may not be self-evident in meaning, which may cause confusion in what the law would allow and prohibit.

He added that "according to the Human Rights Campaign ("HRC") "sexual orientation" means "[a]n inherent or immutable enduring emotional, romantic or sexual attraction to other people," and notes that an individual's sexual orientation is separate and apart from their gender identity. Gender identity, on the other hand, has been defined by HRC as, "[o]ne's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth."

Nisha Christian Hendrickson, assistant commissioner and legal counsel for the V.I Department of Labor, spoke on behalf of Labor Commissioner Gary Molloy also suggested that the word 'sex' be adopted in addition to 'sexual orientation' as it includes a broader spectrum of people."

"Although this bill speaks to sexual orientation, we do know that gender identity is a big part of the transgender community's concerns and so to be full encompassing of all in the LGBTQ+

community, we believe that should be added,” she explained.

In sharing the support of the bill by the V.I. Division of Personnel, Director Cindy L. Richardson, said compared to the rest of the nation, the government of the Virgin Islands has overlooked the issue of discrimination based on sexual orientation for too long.

“It is time that we acknowledge that it is an unlawful practice and unacceptable in our territory,” she submitted, reminding that discrimination based on sexual orientation is not limited to the workplace and can span various scenarios, including business interactions, real estate, places of public accommodation, publicly assisted housing, and financial institutions or lenders.

Troy de Chabert-Schuster, AARP State Director in The Virgin Islands said a 2022 landmark national LGBTQ research study, titled “Dignity: The Experience of LGBTQ Older Adults” conducted by the organization revealed that 34 percent of LGBTQ older adults are concerned that they will have to hide their identity in order to have access to social services as they age, while over half of the respondents reported fear of sexual orientation discrimination should they need to access suitable housing or gain employment.

“The issue of discrimination relating to one’s sexual orientation comes up all the time in this community. It is directly tied to a negative perception, which often translates to a reality that fosters a place of hate, prejudice, and bigotry,” said Mr. de Charbert-Schuster, who is openly gay.

But contrary to what is exhibited outwardly by residents, AARP’s survey, which included participants from Puerto Rico as well as the U.S. Virgin Islands, showed that support for protection from discrimination based on sexual orientation or gender identity like protections for discrimination based on race, sex, national origin, or religion was near unanimous (92%).

This legislation will be a win for the LGBTQ community in the U.S. Virgin Islands if it is ultimately passed by the governor, supporters declared.

For now, it has been forwarded to the Committee on Rules and Judiciary for further consideration.