

What to Do Next: Enforcement of the Anti-Discrimination Law

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The time has finally come when gays, lesbians, and bisexuals who have suffered discrimination in employment, housing, credit, insurance, or a place of public accommodation, can pursue their cases under recognized Vermont law. As of July 1, 1992, it is illegal in Vermont to make an employment, housing, credit or insurance decision, or to discriminate in a place of public accommodation, on the basis of a person's sexual orientation. In addition, people who suffer harassment at work because of their sexual orientation may also seek protection under the new law.

Now that this legal protection exists, how can a person file a complaint, and what is necessary in order to prove the case? If you believe you have suffered unlawful discrimination, there are a number of things you need to consider.

In order to file a charge of discrimination, a person must be able to meet an initial three part test: you are, or are perceived to be, gay/lesbian/bisexual; you have suffered an adverse action in employment,

housing, credit, insurance, or in a place of public accommodation; and you have some reason to believe that the adverse action was based on your sexual orientation. This last part is the most difficult - you either need direct evidence of discrimination, i.e. the person making the decision tells you that s/he would never hire, rent or allow you entrance because s/he doesn't like you being a (sexual orientation expletive), or you have some other evidence indicating that your sexual orientation was the reason for the adverse action.

It is always helpful to ask directly why you have received the particular adverse decision or treatment - a person might be hostile or direct enough to admit his or her bias, not realizing (or caring) that they are now in violation of Vermont law. If a person admits to discrimination, it is certainly a much easier case to prove.

The more difficult situation is when you feel, in you gut, that you have been the victim of discrimination, even when there has been no overtly hostile statement. In

these situations, you must try to remember as much about the interview or interaction as possible. How could the person have known your sexual orientation? Was anything said during the interview or when you were fired, that was related to your sexual orientation? How long were you and your partner left standing at the entrance to the restaurant while other people arriving afterward were seated? If you are suspicious of housing discrimination when a landlord tells you that the apartment had already been rented, have a friend call the landlord to see whether it is still available.

You must also keep in mind that just because you are a lesbian, gay or bisexual, the refusal to hire or rent to you may not have been because of your sexual orientation. If the employer or landlord has a legitimate, non-discriminatory reason for making his or her decision, then it is possible that the discrimination did not occur' e.g. if the person hired was much more qualified for the job; the reason you were fired was due to poor work performance; or you were not served at the bar because you were intoxicated. On the other hand, if

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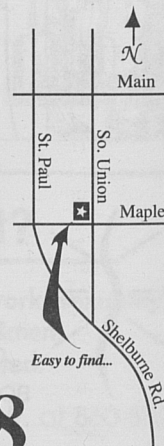
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