

SOME EXAMPLES:

Christopher changed her legal name to Christine to reflect her gender identity. She requests her employer change personnel records accordingly, and refer to her by female pronouns and titles. Her employer refuses and insists that Christine follow the employer's male dress code. Co-workers begin to harass Christine because of her gender identity. What are Christine's options?

Refusal to change employment records to the lawful name of a transgender person is discriminatory, as is the refusal to refer to Christine as she has requested. The dress code requirement is unlawful sex stereotyping, and she is also experiencing unlawful harassment. Christine can complain to her employer, and in addition may file a complaint with the Division of Human Rights.

Thomas rented an apartment having the appearance and gender identity of a male, and checked off "male" on the application. The landlord later learns that the sex assigned to Thomas at birth was female. The landlord tries to evict Thomas, stating he lied on his application, and also harasses him to try to get him to leave. Is this discriminatory?

Yes. Evicting Thomas under these circumstances is discriminatory, as is harassment based on gender identity.

At a restaurant, a transgender woman is denied use of the women's rest room. Is this lawful?

No. Denying use of facilities consistent with an individual's gender identity is discriminatory.

FILING A COMPLAINT at the DIVISION

If you believe that you have been discriminated against because of your gender identity, you can file a complaint with the **New York State Division of Human Rights**. A complaint must be filed with the Division within one year of the alleged discriminatory act.

To file a complaint:

- Visit the Division's website, at WWW.DHR.NY.GOV, and download a complaint form. Completed complaints should be signed before a notary public, and returned to the Division, by email, fax, mail or in person.
- Stop by a Division office in person.
- Contact one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information, or to find the regional office nearest to you, visit the Division's website WWW.DHR.NY.GOV.

You can also call the Division's toll-free **HOTLINE** at **1-888-392-3644**.

Your complaint will be investigated by the Division, and if the Division finds probable cause to believe discrimination has occurred, your case will be sent to a public hearing. There is no fee charged to you for these services.

If the Commissioner of Human Rights finds in your favor following the hearing, the relief awarded to you may include such remedies as a cease and desist order, reinstatement to your job with back pay, provision of housing that was denied, and monetary compensation for the harm you suffered.



Division of
Human Rights

Protections Against GENDER IDENTITY Discrimination under the New York State Human Rights Law

**ONE FORDHAM PLAZA
BRONX, NEW YORK 10458
1-888-392-3644
TTY: 718-741-8300
WWW.DHR.NY.GOV**

New Yorkers are Protected from Gender Identity Discrimination under the New York State Human Rights Law

Gender identity discrimination is prohibited in all areas covered by the Human Rights Law including:

- **employment**
- **housing**
- **public accommodations**
- **credit**
- **private, non-religious schools**

The New York State Division of Human Rights enforces the Human Rights Law. The Division investigates and decides Human Rights Law complaints alleging gender identity discrimination under the protected categories of sex and/or disability.

The New York State Human Rights Law offers substantially more protection than federal antidiscrimination laws because gender dysphoria and related conditions are medical conditions that fall within the definition of disability under the Human Rights Law. This additional protection affords increased rights in New York, such as the right to reasonable accommodation.

Division Regulations

The Division has issued regulations on gender identity discrimination, which are codified at 9 N.Y.C.R.R. § 466.13. These regulations, as well as the Division's regulations on reasonable accommodation of disability, 9 NYCRR § 466.11, are available on the Division's website.

What is Gender Identity?

Gender identity means having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth.

A transgender person is an individual who has a gender identity different from the sex assigned to that individual at birth.

Gender dysphoria is a recognized medical condition related to an individual having a gender identity different from the sex assigned at birth.

Gender Identity Discrimination is Unlawful

Discrimination because of gender identity is sex discrimination. The term "sex" when used in the Human Rights Law includes gender identity and the status of being transgender.

Discrimination because of gender dysphoria is disability discrimination. Further information on disability discrimination can be found in the Division brochures entitled *Employment: Disability and Reasonable Accommodation*, *Housing Rights of Persons with Disabilities*, and *Rights of People with Disabilities in Places of Public Accommodation*, all available on the Division's website.

It is disability discrimination to fail to provide reasonable accommodations for persons with gender dysphoria or other conditions meeting the definition of disability under the Human Rights Law. See the Division's regulations on reasonable accommodation.

Gender Identity Harassment is Unlawful

Harassment because of a person's gender identity or the status of being transgender is sex discrimination. Harassment because of a person's gender dysphoria, or other condition meeting the definition of disability, is harassment on the basis of disability.

Retaliation for Filing a Complaint or Opposing Discrimination is Unlawful

The Human Rights Law prohibits an employer, housing provider, place of public accommodation or any other entity covered by the Human Rights Law from retaliating against an individual for filing a complaint of discrimination or otherwise opposing practices that are discriminatory.

Unlawful discrimination on the grounds of gender identity can include:

- **questions about gender identity, such as in a job or housing interview**
- **refusing to hire for a job, to rent an apartment or to allow equal access to credit or public accommodations**
- **terminating employment or housing**
- **applying different terms or conditions of employment, of a lease, of credit or of service in a public establishment**
- **denying the use of rest rooms or other facilities consistent with a person's gender identity**

These are just some of the ways gender identity discrimination can occur.

Contact the Division of Human Rights for further information about your rights.