



NEW YORKERS ARE PROTECTED FROM GENDER IDENTITY DISCRIMINATION BY HOSPITALS

Under the New York State Human Rights Law, gender identity discrimination is prohibited in all places of public accommodation, including hospitals.

The New York State Division of Human Rights enforces the Human Rights Law, and the Division investigates and decides Human Rights Law complaints alleging gender identity discrimination. The Division has issued regulations on gender identity discrimination. These regulations, 9 N.Y.C.R.R. § 466.13, are available on the Division's website, along with information as to how to file a complaint.

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 or other conditions meeting the definition of disability under the Human Rights Law is disability discrimination.

Gender Identity Harassment is Unlawful

Harassment because of a person's gender identity or the status of being transgender is sex harassment. 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 any place of public accommodation, including hospitals, 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 by a hospital may include:

- denying equal access to a hospital because of gender identity;
- indicating that transgender persons are unwelcome or objectionable;
- refusing to use a transgender person's legal name;
- refusing to refer to a transgender person by that person's preferred pronouns;
- denying the use of rest rooms or other facilities consistent with a person's gender identity;
- teasing, name-calling or bullying by staff because of a person's gender identity;
- refusing to treat a transgender person because that person has complained about discrimination.

These are just some of the ways gender identity discrimination in a hospital may occur.

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

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.

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.

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, monetary compensation for the harm you suffered and civil fines and penalties.