

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. Coworkers 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

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

New Yorkers are Protected from Discrimination on the basis of Gender Identity or Expression under the New York State Human Rights Law

In January 2019 the Human Rights Law was amended to add gender identity or expression as a protected category.

What is Gender Identity or Expression?

Gender identity or expression means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

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.

Discrimination on the basis of gender identity or expression is prohibited in all areas covered by the Human Rights Law including:

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

The Human Rights Law provides additional protections on the basis of sex and disability

Gender identity or expression has also been protected under the sex and disability provisions of the Human Rights Law, as set forth in the Division's regulations, which are codified at 9 N.Y.C.R.R. § 466.13, and available on the Division's website.

Discrimination because of gender dysphoria is disability discrimination. Gender dysphoria and related conditions are medical conditions that fall within the definition of disability under the Human Rights Law. It is disability discrimination to fail to provide reasonable accommodations for persons with gender dysphoria.

Further information on disability discrimination can be found in the following Division brochures which are available on the Division's website.

- *Employment: Disability and Reasonable Accommodation*
- *Housing Rights of Persons with Disabilities*
- *Rights of People with Disabilities in Places of Public Accommodation*

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

Harassment on the basis of gender identity or expression is unlawful

Harassment because of a person's gender identity or expression, or the status of being transgender is also 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 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 or expression can include:

- questions about gender identity or expression, 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, a public accommodation, or a school
- 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 that discrimination can occur.