



NEW YORKERS ARE PROTECTED FROM GENDER IDENTITY DISCRIMINATION BY HOSPITALS

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

The New York State Division of Human Rights enforces the Human Rights Law. The Division investigates and decides complaints alleging discrimination on the basis of gender identity or expression.

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 Unlawful

In January 2019, the Human Rights Law was amended to add gender identity or expression as a protected category. For events occurring after February 23, 2019, discrimination on the basis of gender identity is explicitly covered by the Human Rights Law.

Also, pursuant to regulations issued by the Division in January 2016, gender identity discrimination has been, and continues to be recognized by the Division as sex and disability discrimination. Discrimination because of gender identity or expression is sex discrimination because 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.

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 explicitly unlawful. It also is recognized as sexual 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 or expression by a hospital may include:

- denying equal access to a hospital because of gender identity or expression;
- 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 or expression 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 or expression, 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 cost to you for the investigation or hearing, unless you choose to obtain private legal representation.

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.