

Discrimination against transgender people in employment is still widespread, making it harder for us to keep jobs and have enough money to live.

Laws now protect people from this kind of discrimination in New York.

Some examples of acts that can be discrimination include:

- Making you use the wrong bathroom at work
- Expecting you to behave according to a specific gender role
- Paying you less or firing you because you don't match a gender stereotype
- Not hiring you or not promoting you because you are transgender
- Verbally or physically harassing you because of your gender
- Asking you invasive questions about your body or healthcare
- Making unwanted sexual advances.
- Consistently using the wrong pronouns for you or refusing to call you by the name and pronoun you go by
- Making you conform to a dress code that does not match your current gender

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The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence.

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KNOW YOUR RIGHTS

Protect Yourself at Work

Trans Employees in New York



If one or more of these things is happening to you, you can take steps to protect yourself.

- **Put your employer on notice**

Tell your employer what is bothering you and why. Bring a friend or a lawyer with you when you speak to your employer, if you feel threatened. Be prepared to stick up for yourself if your employer asks about medical or therapeutic matters that you do not want to talk about. File a formal grievance with your union or human resources department if you can.

- **Educate**

Help educate your employer and co-workers about transgender issues. Sensitivity trainings provide an opportunity for employees to learn and ask general questions without putting you on the spot. The Sylvia Rivera Law Project can recommend people to provide such trainings. You should never be asked to provide training for your co-workers—outside trainers should be brought in.

- **Write it down**

Start keeping track of what's being said and done. It is important to record what happens in case you ever file a complaint or a lawsuit. Also, get a copy of your own employment records and keep a copy of any papers about your job.

- **File a complaint**

The Commission on Human Rights (CHR) is the agency that handles discrimination complaints in New York City. Your complaint must be filed within one year. Call 212-306-7450 to make an appointment to file your complaint at one of the CHR locations. More details about the CHR complaint process can be found at <http://www.nyc.gov/html/cchr/html/processing.html>. If you don't live in New York City, you can file a complaint with your local human rights agency, the New York State Di-

Legal Protections for Transgender Employees in New York

Lawmakers in New York City recognize that “gender-based discrimination often leads to pariah status including the loss of a job, the loss of an apartment, and the refusal of service in public accommodations such as restaurants or stores.” A 1997 study of over five hundred trans people showed that 46-57% had experienced one or more acts of employment discrimination. There are legal solutions for transgender individuals who are victims of discrimination.

Legal Background

Federal Law May Protect You: Title VII

Title VII of the Civil Rights Act of 1964 protects employees from discrimination “because of...sex.” At first this was interpreted not to protect transgender people. However, in 1989, the Supreme Court held that Title VII protects employees from being discriminated against for failing to meet gender stereotypes. In this case, a woman was denied a promotion and told that to improve her chances next time, she should “walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry.” The Supreme Court held that Title VII prohibits employers from penalizing employees for failing to be masculine or feminine enough. This reasoning applies to protect transgender individuals. Courts are now more likely to protect gender non-conforming people. A federal court recently said that a trans woman firefighter who transitioned on the job could not be pushed out of the department because she was expressing her female gender identity. The court said that “sex stereotyping based on a person’s gender non-conforming behavior is impermissible discrimination, irrespective of the cause of that behavior.” The Supreme Court has not clearly said whether transgender people are protected

under Title VII. This is still a changing area of law and there are no guarantees.

vision of Human Rights, or the Equal Employment Opportunity Commission (EEOC). You must file the complaint within 300 days at the EEOC. You may call the EEOC at 1-800-669-4000 or 1-800-669-6820 for TTY. The number for the State Division of Human Rights is 718-741-8400. For information on the process, go to <http://www.nysdhr.com/complaints.html> or <http://www.eeoc.gov/>.

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New York State Law Protects You

New York State has a law like Title VII that prohibits discrimination on the basis of sex in employment. Courts have said that this law protects transgender people. New York state law also protects against disability discrimination. Gender identity disorder is one such protected disability.

Local Law Protects You

New York City also has a human rights ordinance. This law prohibits discrimination on the basis of gender. The statute makes clear that discrimination against transgender people is against the law. Compliance Guidelines issued by the Commission on Human Rights makes clear that it can be discrimination for an employer to force a transgender person to use a bathroom or other sex-segregated facility that does not match their gender identity. There are also local ordinances protecting transgender individuals from discrimination on the basis of gender identity or expression in Albany, Buffalo, Ithaca, Rochester, Suffolk County, and Tompkins County.

- **Get legal help**

The Sylvia Rivera Law Project is committed to making the workplace safe for transgender, intersex and gender non-conforming people. If you want advice or help finding a lawyer, please call us at 212-337-8550. All of our services are free. Time limits for law suits can be tricky. It's best to call a lawyer as soon as you can.