

NEW YORK STATE PROPOSES REGULATIONS PROTECTING TRANSGENDER INDIVIDUALS FROM DISCRIMINATION AND HARASSMENT IN EMPLOYMENT

Labor & Employment Alert
November 10, 2015

After several failed attempts to pass legislation banning discrimination and harassment against transgender individuals, New York State Governor Andrew Cuomo directed the New York State Division of Human Rights to issue regulations extending employment protections to transgender individuals. Specifically, the draft regulations that the Division of Human Rights has proposed would:

- Prohibit discrimination and harassment on the basis of gender identity as well as the status of being transgender
- Establish “gender dysphoria” as a protected disability under the Human Rights Law, thereby requiring employers to reasonably accommodate employees with gender dysphoria.

The draft regulations were published in the New York State Register on November 4, 2015, and are subject to a 45-day comment period. The draft regulations follow on the heels of recent activity by the U.S. Equal Employment Opportunity Commission (EEOC) to extend the protection of the federal equal employment opportunity laws to cover transgender individuals.

In announcing the regulations, Governor Cuomo stated: “The scourge of harassment and discrimination against transgender individuals is well-known – and has also gone largely unanswered for too long...New York has always been a beacon for the country on LGBT rights. We started the movement at Stonewall, we led the way with marriage equality, and now we are continuing to show the nation the path forward. We will not tolerate discrimination or harassment against transgender people anywhere in the State of New York – period.”

In anticipation of the regulations’ adoption, employers should evaluate their recruiting, hiring, and employment practices. Further, employee training on harassment and discrimination and employee handbooks may have to be revised to reflect these potentially new protected classes.

Attorneys

Joseph Braccio
Peter Godfrey
John Godwin
Elizabeth McPhail

Practices & Industries

Labor & Employment

NEW YORK STATE PROPOSES REGULATIONS PROTECTING TRANSGENDER INDIVIDUALS FROM
DISCRIMINATION AND HARASSMENT IN EMPLOYMENT

Should you have any questions about the proposed regulations, please contact any one of our labor and employment attorneys.

