

## 5 Things You Should Know About Protections Based on Actual or Perceived LGBTQI Status

1. LGBTQI individuals must be treated equally in the workplace, in housing, and in public spaces. It is illegal to harass, name-call, insult, refuse to serve, or intimidate someone because they are LGBTQI. It is also illegal to make discriminatory employment decisions, including passing someone over for opportunities, based on an employee's LGBTQI status.
2. Workplace treatment rooted in stereotypes about masculinity and femininity is illegal. For example, employees cannot be told to act or dress "like a woman" or that their behavior isn't "manly enough." It is also illegal to maintain dress codes, uniform requirements, or grooming standards that impose different requirements based on gender.
3. Transgender and gender non-conforming people don't need to show "proof" of gender to exercise their right to be addressed with their preferred pronoun and name or to use the bathroom, locker room, and other single-sex facilities most consistent with their gender identity and/or expression.
4. A landlord cannot refuse to offer a lease, charge higher rent, ask for additional fees, offer different amenities or services, or refuse repairs based on your sexual orientation or gender identity and expression. You also have the right to be free from harassment or threatening behavior or comments in your building, by your landlord, his employees, and/or other tenants in the building.
5. It is illegal for an employer to discriminate in the provision of employee benefits based on gender or sexual orientation. For example, employers who offer health benefits to employees' spouses must offer benefits to same-sex spouses as well as benefits to cover gender transition-related care.

If you believe you have experienced or witnessed discrimination, **we can help**. Call the Commission at 212-416-0197 to report it. Visit [NYC.gov/HumanRights](https://nyc.gov/humanrights) for more information.

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AGAINST  
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**NYC** Commission on  
Human Rights

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**NYC** Commission on  
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# PROTECTIONS AGAINST DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION



In New York City, it is illegal to discriminate based on actual or perceived sexual orientation or gender. Discrimination because of gender includes discrimination based on gender identity or expression, or being intersex. These protections cover discrimination in many places, including at work, at school, in housing, and in public spaces, such as restaurants, movie theaters, or parks. The law also protects NYC’s Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) communities against retaliation, discriminatory harassment, and bias-based profiling by law enforcement.

## Scenarios to Help You Identify Discrimination:

- A landlord tells a tenant that his same-sex partner cannot be added to the lease, but allows other tenants’ opposite-sex partners to be added to theirs.
- An employer denies an employee parental leave when her same-sex partner gives birth to their child, but provides other employees parental leave when their opposite-sex partners give birth.
- A student is called homophobic names at school, but school leadership refuses to take action.
- A manager of a restaurant tells two patrons of the same sex who are showing affection to stop or leave, but does not treat opposite-sex couples showing affection the same way.
- A supervisor misgenders a transgender man and repeatedly calls him “her” or “Ms.” at work when he has made it clear that his pronouns and title are “he and him” and “Mr.”
- A transgender woman is barred from using the women’s restroom at a restaurant out of concern that other patrons will be uncomfortable.
- A company enforces a policy that requires men to wear ties or women to wear skirts.
- A manager learns one of his employees is intersex and starts making derogatory comments that she is not a “real woman.”

## Strategic Actions:

The NYC Commission on Human Rights is committed to ensuring that LGBTQI New Yorkers are treated with dignity and respect and without threat of discrimination or harassment. The Commission:

- Expanded its enforcement efforts to root out discrimination based on sexual orientation, gender identity, and gender expression through testing and other affirmative, Commission-initiated investigatory techniques.
- Engages faith leaders to develop a network of LGBTQI-affirming faith communities. As part of the NYC Unity Project, a multi-agency effort to expand holistic services for LGBTQI youth, the Commission will help facilitate supportive family conversations around sexuality, gender identity and expression, and the challenges LGBTQ youth face.
- Implemented legal enforcement guidance on discrimination based on gender identity and expression, explaining that the NYCHRL’s protections for transgender and gender non-conforming people are one of the most protective and comprehensive in the nation.
- Led a citywide effort with the LGBT Center to improve cultural competency by educating City agencies, employers, housing providers, and businesses on the experiences of transgender New Yorkers.
- Proposed and helps implement a Mayoral Executive Order that requires all NYC government agencies to post a policy on transgender equal restroom access and train all frontline and supervisory staff on the policy and transgender inclusion.
- Launched “Look Past Pink and Blue: #Be You NYC” the first city government-led citywide media campaign to reaffirm transgender and gender non-conforming individuals’ right to use single-sex facilities that correspond with their gender identity and/or gender expression.

