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NEW YORK STATE PROHIBITS DISCRIMINATION BASED ON GENDER IDENTITY, EXPRESSION

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Employers with four or more employees in New York State can't discriminate based on a person's gender identity or expression, including transgender status, under amendments to the state's human rights law that take effect 24 Feb 2019. The Gender Expression Non-Discrimination Act explicitly protects employees from employment discrimination on the basis of their actual or perceived gender-related identity.

Features of the law include the following:

- Employment discrimination on the grounds of gender identity or expression are prohibited. The law also prohibits discrimination in housing and education.
- Gender identity and expression are defined as "a person's actual or perceived gender-related identity, appearance behavior, expression, or other gender-based characteristic regardless of the sex assigned to the person at birth, including, but not limited to, the status of being transgender."
- Criminal offenses committed on the basis of gender identity or expression will be treated as hate crimes. These hate crime provisions will take effect later in 2019.

New York already has gender identity protections in place. Regulations adopted in 2015 prohibit harassment and discrimination on the grounds of gender identity, transgender status and gender dysphoria, and a 2018 law requires all employers to adopt a model sexual harassment prevention policy that covers gender identity and transgender status.

RELATED RESOURCES

- [Press Release on Bill's Signing](#) (NY Governor, 25 Jan 2019)
- [Sexual Harassment Prevention Resource Page](#) (NY State Dept. of Labor)
- [Press Release on Regulations Prohibiting Transgender Discrimination](#) (NY Governor, 20 Jan 2016)

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