



District of Columbia Office of Human Rights

Equal Justice Program

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How do I comply with the new “Gender Identity or Expression” Legal Protection?

THE LAW:

The Human Rights Act of 1977 was amended on March 8, 2006 to add “gender identity or expression” to the list of illegal forms of discrimination, providing legal protection from discrimination for people who are transgender or transsexual. This protection covers individuals from discrimination in the District regarding employment, housing, public accommodations, educational institutions and services or programs of the District of Columbia government. The DC Office of Human Rights enforces this protection so that individuals are treated according to their gender identity and expression and not their presumed or assigned sex.

WHO IS PROTECTED?

Gender identity or expression refers to a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth. Transgender is an umbrella term that refers to any individual whose identity or behavior differs from stereotypical or traditional gender expectations, including transsexual individuals, cross-dressers, androgynous individuals, and others whose appearance or characteristics are perceived to be gender-atypical.

COMPLIANCE RULES REGARDING GENDER IDENTITY OR EXPRESSION:

Restrooms and other gender specific facilities: Covered entities shall allow individuals the right to use gender specific restrooms and other gender specific facilities that are consistent with their gender identity or expression. In cases of single-stall restrooms, they must have gender-neutral signs.

Accommodations for health care needs: When requested, an employer shall make reasonable accommodations, including medical leave, for transgender-related and other health care needs that are consistent with such accommodations that are provided for other medical needs.

Dress and grooming standards: No covered entity shall require individuals to dress or groom themselves in a manner inconsistent with their sex or their gender identity or expression.

Gender specific facilities where nudity in the presence of others is customary: Covered entities shall make reasonable accommodations to allow an individual access to that facility that is consistent with that individual’s gender identity or expression regardless of whether the individual has provided identification or other documentation of their gender identity or expression.

Recording of gender and name: In situations where an applicant is asked for their gender and the selected gender is not consistent with presumed gender, it shall not be considered fraudulent for the purpose of the application. The use of a person’s legal name may be required only in situations required by law or for a reasonable business purpose.

Confidentiality: If a covered entity learns that a person is transgender, an adverse action against the person cannot be taken and the entity shall take reasonable measures to preserve the confidentiality of information.

Harassment and hostile environment: All harassment and actions that create a hostile environment based on gender identity or expression shall be prohibited.

FOR MORE INFORMATION AND TO FILE A COMPLAINT:

If you feel you have been discriminated against based on your “gender identity or expression”, please contact the Office of Human Rights at (202) 727-4559 or visit us at www.ohr.dc.gov.

**This fact sheet is intended to be a summary of rules. Businesses and government agencies are responsible to become familiar with these and other provisions under the law and regulations. You can obtain a copy of the regulations by visiting www.ohr.dc.gov.*