





### U.S. Transgender Population Statistics are New and Evolving

- Transgender vs. Gender Identity / Expression
- There are an estimate 1.4 million transgender people in the U.S. and the numbers of gender non-conforming individuals are increasing
- Discrimination, violence, and harassment are all areas of concern for employers
- Protected status- when does it apply?

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### California Protections Relating To Gender



The Fair Employment and Housing Act ("FEHA")

• It is an unlawful employment practice...for an employer to discriminate against an employee based on ..., sex, gender, gender identity, gender expression, or sexual orientation, .... (Gov. Code § 12940.)

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### California Fair Employment and Housing Council Guidelines



- Fair Employment and Housing Council (FEHC) implemented regulations effective April 1, 2016
- Require employers to have a <u>written</u> policy prohibiting harassment, discrimination, and retaliation. Under Government Code §12940(k)

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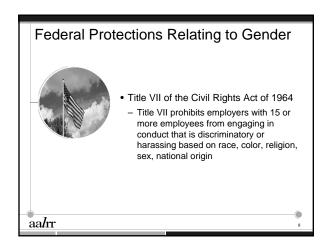
# Written Policy Prohibiting Harassment List all protected categories Specify – law prohibits all harassment by anyone Establish Complaint Procedures Investigation and due process Confidentiality to extent possible Remedial measures if misconduct found No retaliation Document and track process of complaint Complaint may be filed with other than supervisor

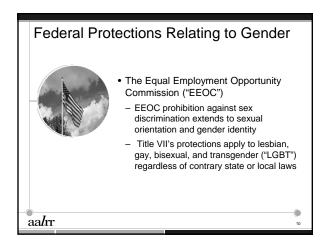
### FEHC Guidelines to Avoid Discrimination Avoid inappropriate interview questions. Implement dress codes or grooming standards that allow an employee the right to dress in a manner suitable for that employee's gender identity. Allow employees to use restrooms and locker rooms that correspond with the employee's gender identity, regardless of the employee's assigned sex at birth.

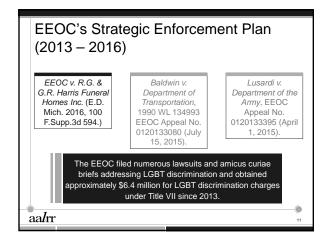
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### Other Discrimination Laws • Unruh Civil Rights Act (Civil Code § 51) - Protections applicable to "sex" include gender identity and expression • State Government Contracts (Pub. Contract Code §10295.35) - Applies to State Entities contracting for over \$100,000 • Health and Safety Code § 118600 - Regulates single user restrooms



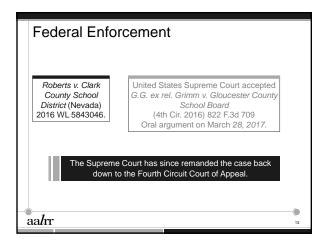


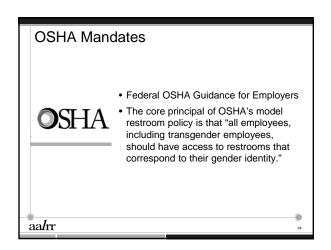






## Failing to hire due to transgender status. Termination due to transition or planned transition. Denying employee access to common restroom corresponding to gender identity. Harassing an employee based on sexual orientation or gender transition. Failing to use preferred name or pronoun. Denying a promotion because of preference / identity.







Best Practices	
Be cognizant of recruiting and hiring practices	
Implement a written anti-discrimination, harassment, and retaliation policy.	
3 Establish an open door policy.	
Implement reasonable dress and uniform requirements.	
Allow employees to use restrooms and lockers that conform to their gender identity.	
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Best Practices	
Use gender pronouns that correspond to an employee's gender identity	
Accommodate name changes.	
Train managers and supervisors.	
Investigate all complaints promptly and thoroughly.	
Communicate with gender non-conforming employee and all other employees regarding their comfort leve	
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