



Does New Jersey Law Protect People from Discrimination Based on Gender Identity or Expression?

Yes. The New Jersey Law Against Discrimination (LAD) prohibits discrimination based on gender identity or expression. This means that it is against the law for you to be harassed or denied rights and privileges extended to others because of your gender identity or expression or your transgender status. These protections apply to a broad range of people, including but not limited to people who express or present to the public a gender that does not match their birth certificate, people who change some or all of their sex characteristics through hormones and/or surgery, and people who are transitioning.

What Kinds of Discrimination are Prohibited by New Jersey Law?

New Jersey law protects you against discrimination in four primary areas:

1. Employment

It is unlawful for any employer or labor organization to discriminate against an employee or applicant based on gender identity or gender expression. This means it is unlawful to discriminate when making employment decisions, including:

- Deciding whether to interview or hire an applicant;
- Deciding whether to promote, transfer or discharge an employee;
- Setting job assignments, pay levels, employee benefits or other terms, conditions or privileges of employment.

Where an employer requires employees to follow reasonable dress or grooming standards, employees must be permitted to follow the standards that apply to their gender identity. It is also unlawful to permit workplace harassment based on transgender status, or actual or perceived gender identity or expression.

2. Public Accommodations

Discrimination and harassment are prohibited in places and organizations that are open to some segment of the public, including but not limited to stores, restaurants, hotels, theaters, sports facilities, hair-cutting establishments, medical offices, govern-

ment offices and most schools. This means, for example, it is unlawful to discriminate based on gender identity or expression in admitting and serving patrons, or in assigning rooms, tables or other services and facilities. (Exception: schools operated by a bona fide religious institution are exempt from the LAD.)

3. Business and Financial Transactions

It is unlawful to refuse to do business with any person because of gender identity or expression. This includes buying, selling, leasing, licensing, contracting, trading, or providing goods, services or information. It is also unlawful to discriminate based on gender identity or expression in financial transactions, such as loans, mortgages, extensions of credit and financial assistance.

4. Housing and Real Estate

You are protected from discrimination and harassment in the purchase or rental of a house, apartment, office or other commercial property because of gender identity or expression. (Exception: The LAD does not apply to rentals of a single residential unit in a two-family dwelling, where the owner lives in the other unit; or renting a room or rooms in a single family dwelling that is the owner's residence.)

Harassment/Full and Equal Access:

Harassment and making statements or taking action that show that a person is unwelcome because of gender identity/expression, or making it more difficult for a person to do a job, engage in a business transaction, use a public accommodation or have full and equal access to housing or real estate because of gender identity/expression can also violate the LAD.

Use of Restrooms and Locker Rooms: Individuals are permitted to use restrooms and locker rooms corresponding to their identified gender or expression. Refusal to allow an individual to use the restroom or locker room consistent with his or her gender identity or expression would be unlawful under the LAD.

more...

Reprisal:

The LAD also prohibits reprisal or retaliation because an individual made a good faith complaint about discrimination or harassment based on gender identity or expression, or assisted someone else in making such a complaint.

What Can I Do About Harassment or Discrimination Based on Gender Identity or Expression?

The LAD provides two ways to seek relief:

- **Administrative remedy:** You can file an administrative complaint with the New Jersey Division on Civil Rights (DCR) within 180 days of the act of discrimination. After a complaint is filed, DCR investigates the allegations. If an investigation shows enough evidence to support the complaint, and the complaint cannot be settled, a hearing will be held in the Office of Administrative Law. After that hearing, the DCR Director will issue a final decision as to whether unlawful discrimination has been proven. If discrimination has been proven, the decision will order appropriate remedies.
- **Judicial remedy:** As an alternative, you can file a complaint in the Superior Court of New Jersey, with or without the assistance of an attorney; this type of complaint must be filed within two years from the act of discrimination.
- **Relief available:** The Division on Civil Rights or the Superior Court may order equitable relief, back pay, compensatory damages and attorney fees. The Superior Court may also award punitive damages. In addition, the Division on Civil Rights may impose civil penalties to be paid to the State government.



NJ Office of the Attorney General CIVIL RIGHTS

To file a complaint with the Division on Civil Rights, contact or visit the office nearest you:

Northern Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: (973) 648-2700 • Fax: (973) 648-4406

Central Regional Office:

140 East Front Street / P.O. Box 090
Trenton, NJ 08625-0090
Phone: (609) 292-4605 • Fax: (609) 984-3812

Southern Regional Office:

5 Executive Campus, Suite 107
Cherry Hill, NJ 08002
Phone: (856) 486-4080 • Fax: (856) 486-2255

South Shore Regional Office:

1325 Boardwalk, Tennessee Avenue & Boardwalk
Atlantic City, NJ 08401
Phone: (609) 441-3100 Fax: (609) 441-3578

Visit our web site at www.NJCivilRights.gov