



5 Things You Should Know About Protections from Discrimination or Harassment in Employment Based on Gender Identity or Expression

- 1 **The New Jersey Law Against Discrimination (LAD) prohibits discrimination and harassment in workplaces** based on actual or perceived gender identity or expression, including being or being perceived to be transgender, non-binary, or gender non-conforming.
- 2 **It is unlawful for an employer to discriminate based on gender identity or expression** in hiring or firing, promotions, and allocating benefits (including healthcare, parental leave, and family leave). For example, an employer cannot deny a person full participation in the company health benefits plan because they are transgender.
- 3 **The LAD prohibits employers from allowing employees to be subjected to harassment based on their gender identity or expression** in a way that creates a hostile work environment. So management, for example, may not refuse to take action if it knows or should have known that a co-worker subjected an employee to such harassment because they are non-binary.
- 4 **The LAD requires that individuals be treated consistent with their gender identity.** Among other things, transgender people have the right to follow an employer's dress code and use a bathroom or changing room consistent with their gender identity or expression. They also have the right to be addressed with their chosen name, title, or pronoun. They do not need to show any particular "proof" of gender to exercise these rights. For example, a transgender man cannot be told to wear a skirt, and a supervisor cannot repeatedly call him "her" or "Ms."
- 5 **An employer cannot retaliate against a person** for exercising or attempting to exercise these or any other rights under the LAD.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://www.njcivilrights.gov)



02/25/21