

CLIENT MEMORANDUM

DATE: February 25, 2019

TO: New York State Clients

FROM: Kane Kessler, P.C.
Labor & Employment Group

RE: New York State's Gender Expression Non-Discrimination Act ("GENDA")

Governor Cuomo signed the Gender Expression Non-Discrimination Act ("GENDA") into law on January 25, 2019. GENDA applies to New York State employers with four or more employees. It amends New York State law to prohibit discrimination in employment, housing, education, and public accommodations based on an individual's gender identity or expression. The New York State Division of Human Rights adopted regulations in 2016 banning discrimination and harassment on the bases of gender identity, gender dysphoria, and transgender status. GENDA now classifies those protections as law, adding a separate, protected classification for gender identity and expression.

GENDA defines "gender identity or expression" as "a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender." GENDA will also amend the State's hate crimes laws to include offenses perpetrated against people because of their "gender identity or expression." Most of GENDA goes into effect on February 24, 2019, with the exception of the provisions pertaining to the expansion of New York State's hate crimes law, which become effective on November 1, 2019.

Employers should act now in reviewing their existing anti-harassment and anti-discrimination policies to ensure that they are in compliance with both the New York City Human Rights Law and GENDA. Employers should also ensure they incorporate gender identity, gender expression and transgender status into their training programs.

If you have any questions or need assistance in complying with the new law please do not hesitate to contact David R. Rothfeld, Lois M. Traub, Alexander Soric, Robert L. Sacks, Michael Lydakakis, Jennifer Schmalz, Jaclyn Ruocco or Joseph Tangredi.

This memo is provided for informational purposes only.

It is not intended as legal advice and readers should consult counsel to discuss how these matters relate to their individual circumstances.