CASES RECOGNIZING PROTECTION FOR TRANSGENDER PEOPLE UNDER STATE SEX AND DISABILITY DISCRIMINATION LAWS

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**California:** Dep’t of Fair Employment & Housing v. Marion’s Place, 2006 WL 1130912, FEHC Dec. No. 06-01 (Cal. Fair Employment & Housing Comm’n 2006) (holding that nightclub violated state’s law prohibiting sex discrimination in public accommodations when it excluded transgender patrons)

**Connecticut:** Morales v. ATP Health & Beauty Care, Inc., 2008 WL 3845294 (D. Conn. 2008) (holding that transgender plaintiff properly alleged that she was a member of a protected class under Title VII and Connecticut non-discrimination law because of her perceived failure to conform to gender stereotypes, but finding that the harassment she alleged was not pervasive enough to be actionable)


**Florida:** Shepley v. Lazy Days RV Center, Inc., Order No. 06-016 (Fla. Comm’n on Human Relations 2006) (holding that employer who fired transsexual employee violated state law against sex discrimination) (available at http://fchr.state.fl.us/fchr/layout/set/print/content/view/full/2019)

Fishbaugh v. Brevard County Sheriff’s Dep’t, Order No. 04-103 (Fla. Comm’n on Human Relations 2004) (holding that transsexual employee could bring claim of sex discrimination under state law) (available at http://fchr.state.fl.us/fchr/layout/set/print/content/view/full/2263)

**Massachusetts:** Lie v. Sky Publ’g Corp., 15 Mass. L. Rptr. 412, 2002 WL 31492397 (Mass. Super. Ct. 2002) (holding that transsexual plaintiff had established a prima facie case of discrimination based on sex and disability under state law prohibiting employment discrimination)
Millett v. Lutco, Inc., 2001 WL 1602800, No. 98 BEM 3695 (Mass. Comm’n Against Discrimination 2001) (holding that transsexual people are protected by state law prohibitions against sex discrimination), dismissed on remand, 2008 WL 2628929 (Mass. Comm’n Against Discrimination 2008) (hearing officer found that employee was fired for legitimate reasons unrelated to her transsexual status)

Jette v. Honey Farms Mini Market, 2001 WL 1602799, No. 95 SEM 0421 (Mass. Comm’n Against Discrimination 2001) (holding that transsexual people are protected by state law prohibitions against sex and disability discrimination)


New York: McGrath v. Toys “R” Us, Inc., 409 F.3d 513 (2d Cir. 2005) (awarding attorneys’ fees to plaintiffs in first case vindicating the rights of transsexuals to be free from discrimination in public accommodations under New York City Human Rights Law)


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**New Hampshire:** *Jane Doe v. Electro-Craft Corp.*, No. 87-B-132 (N.H. Sup. Ct. 1988) (holding that transsexualism is a disability within the meaning of state employment discrimination statute)


**Washington:** *Doe v. Boeing Co.*, 846 P.2d 531, 536 (Wash. 1993) (holding that gender dysphoria “is a medically cognizable condition with a prescribed course of treatment,” but that the plaintiff had failed to prove that she was discriminated against because of her transsexualism)