



NATIONAL CENTER FOR LESBIAN RIGHTS

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)

Declaratory Ruling on Behalf of John/Jane Doe (Conn. Human Rights Comm'n 2000) (relying on *Price Waterhouse* and other federal court decisions in holding that Connecticut state statute prohibiting discrimination on the basis of sex encompasses discrimination against transgender people) (available at <http://www.ct.gov/chro/cwp/view.asp?a=2526&Q=315942>)

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)

Doe v. Yunits, 15 Mass. L. Rptr. 278, 2000 WL 33162199 (Mass. Super. Ct.) (holding that a transgender student had stated a viable sex discrimination claim under state law), *aff'd sub nom. Doe v. Brockton Sch. Comm.*, 2000 WL 33342399 (Mass. App. Ct. 2000)

New Jersey: *DePiano v. Atlantic County*, 2005 WL 2143972 (D.N.J. 2005) (holding that employee harassed for allegedly cross-dressing outside of work stated valid claim under New Jersey Law Against Discrimination)

Enriquez v. W. Jersey Health Sys., 777 A.2d 365 (N.J. Super. Ct. App. Div.), *cert. denied*, 785 A.2d 439 (N.J. 2001) (concluding 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)

Tronetti v. TLC HealthNet Lakeshore Hosp., 2003 WL 22757935 (W.D.N.Y. 2003) (holding transgender employee stated valid claim of sex discrimination under New York State Human Rights Law)

Rentos v. OCE-Office Sys., 1996 WL 737215 (S.D.N.Y. 1996) (holding transsexual employee stated valid claim of sex discrimination in violation of New York State Human Rights Law and New York City Human Rights Law)

Maffei v. Kolaeton Indus., Inc., 626 N.Y.S. 2d 391 (N.Y. Sup. Ct. 1995) (holding that city ordinance prohibiting "gender" discrimination protects transsexuals)

Pennsylvania: *Mitchell v. Axcan Scandipharm, Inc.*, 2006 WL 456173 (W.D. Pa. 2006) (holding that transgender employee stated valid sex discrimination claim under Pennsylvania Human Relations Act)

CASES RECOGNIZING PROTECTION FOR TRANSGENDER PEOPLE UNDER STATE DISABILITY DISCRIMINATION LAWS

Florida: *Smith v. City of Jacksonville Corr. Inst.*, 1991 WL 833882, Order No. 88-5451 (Fla. Div. Admin. Hrgs. 1991) (holding that an individual with gender dysphoria is protected by Florida Human Rights Act's prohibitions of discrimination based on disability and perceived disability)

Illinois: *Evans v. Hamburger Hamlet & Forncrook*, 1996 WL 941676, No. 93-E-177 (Chi. Comm'n on Human Relations 1996) (denying defendant's motion to dismiss disability claim brought by transsexual plaintiff)

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)

Doe v. Yunits, 15 Mass. L. Rptr. 278, 2001 WL 664947 (Mass. Super. Ct.) (holding that a transgender student had stated a viable disability discrimination claim under state law), *aff'd sub nom. Doe v. Brockton Sch. Comm.*, 2000 WL 33342399 (Mass. App. Ct. 2000)

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

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)

New Jersey: *Enriquez v. W. Jersey Health Sys.*, 777 A.2d 365 (N.J. Super. Ct. App. Div.), *cert. denied*, 785 A.2d 439 (N.J. 2001) (concluding that transsexual people are protected by state law prohibitions against sex and disability discrimination)

New York: *Jean Doe v. Bell*, 754 N.Y.S.2d 846 (N.Y. Sup. Ct. 2003) (holding that transsexual foster youth protected by state law prohibiting discrimination on the basis of disability in housing)

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)