



EEOC Holds that Title VII Protects Transgender Employees

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In a landmark decision on April 23, the Equal Employment Opportunity Commission (EEOC) issued a ruling concluding that intentional discrimination against a transgender individual because that person is transgender is, by definition, discrimination ‘based on...sex’ and such discrimination...violates Title VII. The EEOC found that discrimination against a transgender individual because that person is transgender is, by definition, discrimination based on sex, and that such conduct therefore runs afoul of Title VII. The EEOC’s ruling applies to both public and private employers alike.

Although no federal court has held that Title VII’s anti-discrimination provisions apply to transgender people, the practical effect of the EEOC’s ruling is transgender people are now protected by federal law and have legal recourse if they are denied a job or fired because they are transgender.

In California, the Gender Nondiscrimination Bill of 2003 (which went into effect in 2004) prohibits discrimination against transgender employees and job applicants. The bill amended the Fair Employment and Housing Act to specifically include transgender people. Thus, California employers should have already taken measures to ensure against transgender discrimination, in addition to other types of discrimination.

However, California is only one of fifteen other states which prohibit employment discrimination based on gender identity.

[Read the entire ruling here.](#)