



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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### NEWS RELEASE

#### **DFEH Issues Guidance for California Employers on Transgender Employees** *New guidance follows a settlement in a transgender employment discrimination case*

SACRAMENTO – The Department of Fair Employment and Housing has issued new guidance for employers of transgender employees on complying with the Fair Employment and Housing Act.

The [guidance](#) makes clear that employers must allow transgender employees access to restroom, shower, locker room and other such facilities that correspond with their gender identity. It also suggests that providing individual or unisex restrooms, where possible, can enhance privacy for all employees.

“Under California law, all employees have the right to use restroom and locker room facilities that correspond to their gender identity, regardless of their assigned sex at birth,” said Kevin Kish, Director of DFEH.

The DFEH’s guidance is consistent with an April 2015 decision of the Equal Employment Opportunity Commission under federal law and a June 2015 “Guide to Restroom Access for Transgender Workers” published by the Occupational Safety and Health Administration.

The guidance was issued following a lawsuit involving a transgender individual who had sought employment at American Pacific Corporation (AMPAC) in Sacramento in 2011. Finding the law to be unclear at the time, AMPAC made an offer of employment on the condition that the applicant use shower, locker room and restroom facilities inconsistent with the individual’s gender identity and expression, unless and until the applicant underwent sex reassignment surgery. The applicant decided against accepting the job offer.

The lawsuit alleged that AMPAC violated the Fair Employment and Housing Act by engaging in sex, gender, gender identity and gender expression discrimination and failing to take all reasonable steps necessary to prevent discrimination.

As part of a settlement, AMPAC will adopt new policies to allow employees access to the facilities that correspond with their gender identity. In addition, the company will provide training to all its California employees.

“Transgender people face significant barriers to employment,” said Kish. “We commend AMPAC for agreeing to adopt a new policy and expect that the guidance from federal and state agencies will assist others in providing safe and inclusive work environments.”

*The DFEH is the state agency charged with enforcing California’s civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence. For more information, visit the Department’s Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).*