

New York City Expands Definitions of 'Sexual Orientation' and 'Gender' in Human Rights Law

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A new law passed by the New York City Council amends and significantly broadens the definitions of "sexual orientation" and "gender" in the New York City Human Rights Law (NYCHRL). The new law will become effective on May 11, 2018.

Under [Int. No. 1186-A](#), "sexual orientation" includes "an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender." Additionally, the broader definition highlights that "[a] continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, or bisexuality, asexuality, and pansexuality."

The law also amends the definition of "gender" to state that it "include[s] actual or perceived sex, gender identity, and gender expression including a person's actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth."

The change to New York City law follows a similar expansion in California law in 2017 (see our article, [California Adds 'Transgender,' 'Gender Nonconforming Individuals' to Sexual Harassment Prevention Training for Supervisors](#)). Accordingly, to ensure compliance, employers should address all aspects of LGBTQ and gender nonbinary designations during their annual harassment prevention training.

In addition to expanding the scope of the training, employers should review their equal employment and anti-harassment policies for compliance with these laws, and modify their policies to cover protections for gender nonconforming people. This will send a message to staff that the employer recognizes gender fluidity and promotes inclusion and diversity of many different types of people.

For more on New York State and New York City guidelines on the rights of transgender and gender non-conforming individuals, please see our article, [New York State and New York City Guidance Focus on Transgender Discrimination](#).

Employers should regularly review their policies and practices with employment counsel to ensure they address specific organizational needs effectively and comply with applicable law. Jackson Lewis attorneys are available to answer inquiries regarding workplace requirements.

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