

Gender Discrimination - Your Rights

The Westchester County Human Rights Law, Chapter 700 of the Laws of Westchester County, prohibits discrimination based on gender, which is frequently referred to as sex discrimination.

Gender Discrimination is:

- When you are treated differently or unfairly because of your gender – that is, because you are a woman or you are a man; or
- When because of your gender, you are subjected to an unwarranted sexually hostile environment – or you are the target of unwelcome, offensive conduct that is sexually oriented, which includes: hostile, demeaning or intimidating comments (oral or written); offensive gestures; nonconsensual sexual contact; and/or sexual abuse; or
- When you are treated differently or unfairly because you are pregnant; or
- a policy, pattern or practice, which applies to all persons, in effect, disproportionately disadvantages members of your gender more so than the opposite gender. For example, it would be gender discrimination for an employer to require that an employee be at least 6 feet tall in order to be considered for a particular position if the job could reasonably be performed by someone under that height. Such a policy would unfairly discriminate against women, because fewer women than men are 6 feet or taller, therefore, fewer women would qualify to be considered for the position.

Gender Discrimination is against the Law in:

Employment, Housing, Public Accommodation and Credit.

Employment:

All employment activities are covered, from the advertisement of a particular position, to the termination of the employee. Nondiscriminatory criteria must be used in the

application process, hiring and firing, wages, and conditions or privileges of employment. The refusal of an employer to accept any person for employment based on gender must be a bona fide occupation qualification reasonably necessary to the normal operation of the particular business or enterprise.

Housing:

It is unlawful for an owner or possessor of a property to refuse to sell or rent or otherwise discriminate on the basis of gender. This applies to public or private housing, whether renting or purchasing and whether for personal or business use. It is also unlawful for any real estate agent or lending institution to discriminate based on the gender of the applicant or customer.

A homeowner who rents rooms in the house where he/she lives is not subject to the Westchester County Human Rights Law.

Places of Public Accommodation:

No owner, manager, employee, or agent of any public accommodation facility may discriminate on the basis of gender. A place of public accommodation includes a licensed or unlicensed facility maintained for business or pleasure and sociability, including but not limited to:

- Educational facilities, e.g., colleges, universities, and academies.
- Trade/Business schools.
- Programs encompassed within the schools, including extra-curricular activities.
- Any public transportation such as airplanes, buses, boats, trains, and their terminals.
- Hotels, motels, or other such overnight lodging facilities.
- Any public amusement facility such as game rooms, theaters, movie houses, gyms, parks, and music halls.

- Any public service buildings such as hospitals, restrooms, clinics, and libraries.

Public accommodations DO NOT include private clubs; educational facilities operated by a bona fide religious institution; or places which, by nature, are reasonably restricted to individuals of one sex, such as dressing rooms.

Steps You May Take:

Read through this fact sheet carefully to determine whether what has happened to you seems to be against the law. If you are unsure, call or visit the Westchester County Human Rights Commission to make certain of your rights. Our services are free and our address and phone number is at the end of this fact sheet.

The Commission has the legal power to investigate your complaint. If the law was violated, we also have the legal power to conciliate or mediate your case. This means that we will first try to help you and the person or organization you are complaining about reach a settlement. Mediation by an impartial mediator is also available. Conciliation and mediation will depend upon the circumstances of your case. Conciliation and mediation could result in, among other things, monetary compensation, consideration for a job, promotion, reinstatement, receiving benefits or services, obtaining housing or other remedies.

If your complaint is not conciliated or mediated, you may go to a hearing before the Westchester County Human Rights Commission – a legal proceeding held before an Administrative Law Judge. After the hearing, a final order will be issued which must be followed.

Alternatively, if you do not want the Commission to handle your complaint you may file a lawsuit in state court or with the Federal Equal Employment Opportunity Commission if you have been discriminated against in employment.

Remember, it is also against the law for anyone to take any action against you because you have complained.

Any complaint of discrimination or unlawful treatment must have occurred and be filed within one (1) year of the alleged act.

CONTACT INFORMATION:

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