

Sexual Orientation Discrimination - Your Rights

The Westchester County Human Rights Law prohibits discrimination based on sexual orientation in housing, employment, public accommodation, and credit.

This means that it is against the law for you to be treated differently or otherwise denied the rights and privileges extended to others on the basis of sexual orientation. The law also prohibits discrimination on the basis of "perceived" sexual orientation, meaning that the law protects you if you are subjected to discrimination because someone makes an erroneous presumption about your sexual orientation

The law is equally applicable to men and women. The sexual orientations specifically included are:

- Heterosexuality, which is attraction to people of the opposite sex.
- Homosexuality, which is attraction to people of the same gender.
- Bisexuality, which is an attraction to people of both genders.

The law protects you against discrimination in four primary areas: Employment, Housing, Public Accommodation, and Credit Transactions.

Employment:

Examples of illegal employment discrimination based on sexual orientation include:

- Refusal to hire
- Firing you or forcing you to retire
- Harassment
- Unequal salary or other terms, conditions or privileges of employment

Housing:

Individuals are protected from discrimination in the purchase or rental of real estate. This means that a landlord, realtor, rental agent, or seller may not refuse to make available, show, list, sell, or rent a house, apartment, other dwelling unit or commercial property because of any presumptions.

Places of Public Accommodation:

Examples of places of public accommodation in which sexual orientation discrimination is not allowed include places generally open to the public where goods and services are provided. This includes restaurants, movie theaters, stores, camps, organizations, schools, professional offices (such as doctors and lawyers), and other facilities.

Exception:

The law does not consider private clubs or schools operated or maintained by a bona fide religious or sectarian institution to be places of public accommodation.

Credit Transactions:

The law protects individuals from discrimination based on sexual orientation or perceived sexual orientation by any person, bank, financial organization, mortgage company, or any lending institution or business where you apply for credit

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:

Delores Scott Brathwaite, Esq.

Executive Director

Westchester County Human Rights Commission

112 East Post Road, 3rd Floor

White Plains, N.Y. 10601

Phone: 914-995-7710 Fax: 914-995-7720

TTY: 914-995-7754

Website: www.westchestergov.com/humanrightscommission