

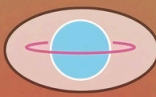
LGBTQIA+ Employee Rights in California

The California Fair Employment and Housing Act (FEHA) safeguards LGBTQIA+ rights by prohibiting discrimination based on sexuality, gender identity, and gender expression in the workplace. It is illegal for employers to discriminate in this form against you through:

The hiring process	Termination	Harassment
The failure to hire or promote	Demoting	Denial of benefits or compensation

These avenues of discrimination can appear as employers paying lower wages or denying benefits to the LGBTQIA+ employee compared to what other workers receive.

Since 2020, The FEHA has clarified these rights to include transgender rights, including the right for transgender individuals to dress according to their gender expression and use the restroom consistent with their gender identity in the workplace.



Who is exempt from this rule in California?

Religious entity employers (churches, mosques, etc.)

Discrimination protections are exempt by employers with 4 or fewer employees, but harassment provisions are applied to every entity with no exclusions of business size.

What legally makes harassment illegal?

Harassment is defined as: An employer or co-worker creates hostility, offense, and intimidation in the workplace based on sexual orientation, gender expression, or gender identity.

The behavior is legally defined as: The employer, employee, or third parties inflicting harmful, unwelcome, and/or hostile behavior upon the individual based on their sexual orientation, gender expression, or gender identity, so much so that it interferes with their ability to perform work-related tasks in the workplace.

Your Rights in the Workplace under California Law

Employers must respect gender non-conforming and non-binary identities in the workplace.

Employers must respect the individual's choice to come out or not in the workplace (*It is your decision!*)

Employers must treat the individual with respect and non-discriminatory behavior if they are out in the workplace.

Employers must respect an individual's transgender process and transition status in the workplace.

Single-stall restrooms must be labeled "All Gender," "Unisex," "Gender Neutral," or something similar.

Employers cannot choose which restroom you use.

An employer cannot ask you to legally state your sexual orientation, gender identity, or gender expression in an employment interview (*directly or indirectly*).

Employee-provided health insurance must cover medically necessary gender-affirming care.

Same-sex spouses or domestic partners are included in health care coverage.

Retaliation by an employer if you have made a complaint is illegal.

LGBTQIA+ Current Challenges

Hostile work environments still exist despite the FEHA protections for LGBTQIA+. Microaggressions or misgendering: Misgendering, intentional or unintentional, and microaggressions are harmful and increase hostility in the workplace.

LGBTQIA+ physical and mental health are at risk for increased stress, depression, anxiety, insomnia, high blood pressure, or headaches when encountering microaggressions and misgendering in the workplace.

Actively combating microaggressions and misgendering remains valuable and important.

Employers misgendering or calling you by the incorrect name or pronouns is harassment (Regardless of whether you have changed your name or gender legally or not)

47%

Colleagues telling them their gender nonconformity is "just a phase,"

54%

Colleagues misgendering them

41%

Colleagues reported discomfort due to the individual's gender identity

What can I do?

Document Everything

Take notes on what is being said, who is saying it, where it is happening, and who could have witnessed it. Date and time stamp each note and sign your name at the bottom. If safe, get your co-workers who witnessed it to take notes, date and time stamped with their signature. Save associated texts, documents, emails, videos, or any correspondence

Speak Up

If safe and comfortable, speak to your supervisor about the incident and report the incident to the Human Resources department and/or union representative. Take the appropriate grievance procedure.

Seek Help

Wilson Trial Group understands the necessity and importance of workplaces practicing non-discriminatory practices, regulations, and environments for LGBTQIA+.

We see you. We hear you. We stand with you.

Wilson Trial Group will fight for your right to safety, respect, expression, and autonomy in the workplace.