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Governor Cuomo Signs Gender Expression Non-Discrimination Act (GENDA) into New York Law

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After nearly 16 years of legislative efforts, the New York State Legislature passed the [Gender Expression Non-Discrimination Act \(“GENDA” or “Law”\)](#), explicitly adding “gender identity or expression” as a protected class under the state’s non-discrimination laws. Governor Cuomo signed the bill into law on January 25, 2019, thereby following through on his promise to do so within the first 100 days of this year’s legislative session. The Law becomes effective on February 25, 2019.

With regard to employment, GENDA amends Section 296(1) of New York’s Executive Law to make it an unlawful discriminatory practice for an employer with four or more employees to discriminate against an individual because of that person’s “gender identity or expression.” GENDA also adds a new Subsection 35 to Section 292 of the Executive Law, defining “gender identity or expression” as a “person’s actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.” For those individuals employing domestic workers, GENDA also amends Section 296-b of the Executive Law to prohibit harassment based on “sexual orientation, gender identity or expression.”

New York now joins 20 other states and the District of Columbia that have statutes prohibiting gender identity discrimination in the workplace. Additionally, many cities already have such protections in place. For instance, the New York City Human Rights Law expressly prohibits employment discrimination based on gender identity, and the City [recently expanded](#) gender-based protections by broadening the definition of “gender” to include “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.”

What Employers Should Do Now

- Review employee handbook and current nondiscrimination policies, and update language to encompass this new protected class.
- Train Human Resources personnel and supervisors/managers on any changes made to current employee handbook and nondiscrimination policies to ensure compliance with the new Law.

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