



## GENDER IDENTITY DISCRIMINATION

Chicago's **Human Rights Ordinance** and **Fair Housing Ordinance** prohibit discrimination based on gender identity.

Gender identity is defined as the actual or perceived appearance, expression, identity, or behavior of a person as being male or female—whether or not it is different from what is traditionally associated with the person's designated sex at birth.

Prohibiting gender identity discrimination protects people who are considered transgender, who are in transition from one gender to another, who do not appear clearly male or female, or who display characteristics not typically associated with their assigned gender. Such individuals are often subjected to ridicule, exclusion, and hate crimes.

For example, it may be an ordinance violation—

- For a business to subject a customer to derogatory slurs, ridicule, and other unwelcome verbal or physical conduct because of the person's gender identity.
- For a business to deny a customer access to the restroom or similar private facility that are open to persons of his or her sex based on the person's gender identity.
- For an employer to refuse to hire, promote, or provide equal treatment to an applicant or employee because of the person's gender identity.
- For a business or employer to question a person about gender identity in ways that are not legitimate or reasonable.
- For a housing provider to refuse to sell or rent, or in other ways limit equal access to available housing because of a person's gender identity.

Business operators may be held liable for discriminatory conduct of their employees.

**Penalties** for violations of the Human Rights or Fair Housing Ordinance include—

- Fines of \$100 to \$1,000 per incident, paid to the City.
- Damages and attorney fees, paid to the complaining party.
- An injunction ordering specific actions to eliminate discriminatory practices.

Discriminatory conduct may also violate state or federal laws. A finding of discrimination may affect the continued licensure of a business by the City of Chicago as well as City contractor or vendor status.

A person who claims to have been subjected to discriminatory treatment based on gender identity may file a discrimination complaint at the Commission on Human Relations. The Commission may also initiate a complaint. The Commission investigates and rules on each discrimination complaint through a neutral process which gives complainants and respondents the opportunity to present evidence and legal arguments to support their positions.

See the back of this flyer for selected ordinance and regulation provisions. For more information, see [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations).

## SELECTED LEGAL PROVISIONS ON GENDER IDENTITY DISCRIMINATION

Section 2-160-020(f), Chicago Municipal Code (Human Rights Ordinance)

### **Definition of Gender Identity**

“Gender identity” means the actual or perceived appearance, expression, identity or behavior, of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person’s designated sex at birth.

Section 2-160-030, Chicago Municipal Code (Human Rights Ordinance)

### **Discriminatory Practices in Employment**

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual’s race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status or source of income. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual’s race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, or source of income....

Section 2-160-070, Chicago Municipal Code (Human Rights Ordinance)

### **Discriminatory Practices in Public Accommodations**

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual’s race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, credit history (employment only), criminal history (employment only), or source of income. The prohibition contained in this section shall not apply to the following:

- (a) a private club or other establishment not in fact open to the public, except to the extent that the products, facilities or services thereof are made available to the general public or to the customers or patrons of another establishment that is a public accommodation;
- (b) any facility, as to discrimination based on sex, which is distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms, and health clubs;....
- (e) ...any person may use a public accommodation or any of its products, facilities or services that are open to persons of his or her sex. For purposes of this subsection, “sex” includes both biological category and gender identity. Each person determines his or her own gender identity; no proof shall be required except his or her expression of his or her gender.

CCHR Reg. 520.100

### **Discriminatory Conduct in Public Accommodations**

....Discriminatory acts include, but are not limited to: denying admittance to persons in a Protected Class; using different terms for admittance of persons in a Protected Class; harassing persons in a Protected Class (whether or not allowed admittance); and failing to accommodate the needs of a person with a disability.

CCHR Reg. 520.150

### **Harassment in Public Accommodations**

- (a) Harassment on the basis of actual or perceived membership in a Protected Class...is a violation of the HRO. Any person who owns, leases, rents, operates, manages or in any manner controls a public accommodation has an affirmative duty to maintain a public accommodation environment free of harassment on the basis of membership in a Protected Class.
- (b) Slurs and other verbal or physical conduct relating to an individual’s membership in a Protected Class...constitutes harassment when the conduct: (i) has the purpose or effect of creating an intimidating, hostile or offensive environment; (ii) has the purpose or effect of unreasonably interfering with an individual’s full use of the public accommodation; (iii) otherwise adversely affects an individual’s full use of the public accommodation.

Section 5-8-010, Chicago Municipal Code (Fair Housing Ordinance)

### **Discriminatory Practices in Housing**

It is...the policy of the City of Chicago that no owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent or lease any housing accommodation, within the City of Chicago, or any agent of any of these, should refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations because of the race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status or source of income of such person or persons or discriminate...in the terms, conditions, or privileges of the sale, rental or lease of any housing accommodation or in the furnishing of facilities or services in connection therewith.