

Transgender Bathroom Access Addressed In New EEOC Fact Sheet

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In the midst of news coming out of North Carolina, the Equal Employment Opportunity Commission (EEOC) has issued a new fact sheet that addresses bathroom access rights for transgender employees. The fact sheet's key point is that transgender employees have the right to equal access to bathrooms that correspond to their gender identity. This right is provided by Title VII of the Civil Rights Act of 1964's protection against sex discrimination—even if there is state law to the contrary. Employers should note that, as described on the fact sheet, it is not compliant with Title VII to restrict a transgender employee to a single-user bathroom. Employers can, however, make a single-user bathroom available to all employees who might choose to use it, including transgender employees. Employers should also note that the EEOC has taken the position that co-worker discomfort with respect to a transgender employee must not interfere with the provision of a workplace free from discrimination and is not a valid justification for imposing discriminatory terms or conditions a transgender employee. The EEOC fact sheet can be found [here](#). You can download a [guide of best practices](#) on this topic, published by OSHA.

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