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Labor and Employment Alert: New Hampshire Prohibits Gender Identity Discrimination

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New Hampshire recently amended its laws against discrimination to prohibit discrimination based on gender identity. Gender identity is now included in the list of protected classes under state law: age, sex, sexual orientation, race, creed, color, marital status, familial status, physical or mental disability and national origin. The law becomes effective on July 8, 2018.

The law defines "gender identity" as a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence such as medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity. The law provides, however, that "gender-related identity shall not be asserted for any improper purpose."

New Hampshire joins California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont and Washington in expressly prohibited gender identity discrimination. New Hampshire employers should review their non-discrimination policies, procedures, and training to ensure that gender identity is included. Contact your Vorys lawyer if you have questions about equal employment opportunity requirements.