

insights

TYPES NOT MAPPED YET February 01, 2017 | TTR not mapped yet | John L. Viola

March 1 is just around the corner - Have you installed transgender restroom signs?

The New Law

Pursuant to new California Health & Safety Code section 118600, beginning March 1, 2017, all single-user toilet facilities in any business establishment, place of public accommodation or government agency, must be identified as "all-gender" toilet facilities and be designated for use by more than one occupant at a time or for family or assisted care.

The Department of Fair Employment and Housing has proposed regulations relating to the use of restrooms. While the regulations are pending, the DFEH has given guidance as to how it will interpret the law and focus enforcement rights regarding use of bathrooms, showers and locker rooms:

- All employees have a right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's assigned sex at birth.
- Employers, where possible, should create single user or unisex restroom facilities, but should not require a transgender employee to use that facility. The unisex or single user restroom should be open to all employees.

What Should Employers Do?

Employers should purchase and install compliant all gender restroom signs on all single user restrooms on or before March 1, 2017.

Employers also may wish to educate their employees about concerns they may have regarding sharing restroom facilities. Co-worker or supervisor discomfort over sharing of rest room facilities does not justify discriminatory treatment.

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