



GENDA Myths Busted: Gender Segregated Facilities

NOTE: An online version of this resource with links to back-up materials is available at www.prideagenda.org

MYTH: GENDA would make all public accommodations, including restrooms and locker rooms, open to men and women alike.

FACT: Thirteen states and the District of Columbia, as well as many New York localities already have civil rights laws like GENDA. Not one prohibits or has done away with gender-segregated restroom or locker facilities.

The Gender Expression Non-Discrimination Act ([GENDA](#)) is first and foremost a civil rights bill that prevents transgender New Yorkers and all people from being fired from their job, denied housing, turned down for a loan or refused service in a restaurant solely because of the way they identify and express their gender.

Fortunately, there does not need to be any hypothetical guesswork about how GENDA would effect restroom and locker room use in New York State, because people in states like Illinois, Iowa, Maine, New Jersey, Rhode Island and Vermont and localities like Binghamton, Buffalo, Rochester and Suffolk, Tompkins and Westchester Counties have been living under similar laws for years. [In every one of those jurisdictions](#), nothing has prevented employers or any public accommodations from maintaining separate men's and women's restrooms and locker rooms, and they have continued to be used as such without any reported incident.

In short, there is no body of evidence to back up this myth that GENDA would be the end of gender-segregated facilities. It is about fear-mongering and nothing else.

MYTH: Sexual predators will exploit GENDA to gain legal access to restrooms and locker rooms reserved for one sex.

FACT: Anyone in restrooms for criminal purposes can and should be fully prosecuted under the criminal laws that already exist in New York State. GENDA does not change any of these laws in any way. Restroom safety is an issue for everyone—transgender and non-transgender alike—and a sign on a restroom door does not create any real protection from criminal behavior. There is no evidence that allowing transgender people to use the restroom or locker room that conforms with their gender identities will increase the incidence of sexual assault, and no such incidents have been reported in the many jurisdictions which have implemented transgender non-discrimination laws.

New York groups working to end sexual violence and represent and service people affected by sexual assault are in support of GENDA. These groups include the [New York State Coalition Against Sexual Assault \(NYSCASA\)](#), the [Vera House shelter](#) in Syracuse and the [LGBT Domestic Violence Committee of Western NY](#), which includes Child & Family Services Haven House, Gay and Lesbian Youth Services, Suicide Prevention and Crisis Services Inc., Spectrum Transgender Group of Western NY, Pride Center of Western NY and University of Buffalo, SUNY Institute for Research & Education on Women & Gender.

MYTH: Under GENDA, employers would be subjected to unmanageable complaints by employees who had to share restrooms with transgender employees and this would lead to chaos in the workplace.

FACT: The private sector has long led the public sector in combating transgender discrimination. As of early 2009, [60 of the Fortune 100 companies](#) already had equal opportunity policies that specifically include gender identity and expression. Countless workplaces have already effectively implemented restroom policies to accommodate the needs of all employees, including transgender employees. Sometimes that has been accomplished by allowing an employee transitioning from one gender to another to use a single-occupancy facility somewhere in the building. Other employers remove the gender designation for one or more single occupancy restrooms, allowing it to be used by male or female employees. Still others go with the simplest solution: having a person permanently use the restroom that corresponds to their gender identity.

A sampling of how New York employers—from a small business like the Normanside Vet Clinic to a large company like Xerox Corporation—have successfully accommodated their transgender employees and clients is available in the Pride Agenda’s report [Transgender Issues in the Workplace: Lessons from Across New York State](#).

MYTH: Schools will be confused about the use of restrooms and locker rooms in schools under GENDA creating chaos for students and staff.

FACT: There are already transgender youth attending schools across the state. As is the case with all these other bathroom issues, restroom and locker room use in schools has been worked out in the many jurisdictions that have transgender anti-discrimination laws or policies. Similar to workplace scenarios, the needs of students have been met in a variety of ways, from allowing the student to use a restroom in a nurse’s office, to installing cubicles or curtains in situations where nudity is required (e.g. locker rooms), to simply having students use the appropriate restroom for their gender identity. There is no need for the creation of new facilities to comply with GENDA as has been seen in the jurisdictions that have already adopted such a law. There are [resources available](#) to assist policymakers and administrators in making sure that all youth are safe and supported.

The Empire State Pride Agenda Foundation is the non-partisan 501(c)(3) research, education and advocacy organization affiliated with the Empire State Pride Agenda, Inc. The Foundation advances the Pride Agenda’s public policy goals by: educating public officials and policymakers; building coalitions and mobilizing allies; and organizing, empowering and educating the LGBT community in urban, suburban and rural communities across New York State.

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