

# Cleveland Law Allows Transgender Employees to Use Restroom Associated With Gender Identity

By **Michelle E. Phillips** and **Stephen R. Beiting**

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Companies in Cleveland, Ohio, now must permit transgender employees and patrons to use the bathrooms, showers, locker rooms, and dressing facilities associated with the individual's gender identity or expression.

Cleveland Mayor Frank Jackson has signed [legislation](#) making it an unlawful discriminatory practice for places of public accommodation in the city to refuse, deny, segregate, discriminate, or make a distinction in offering goods, services, facilities, or accommodations to any person based on the person's gender identity or gender expression. *See* Codified Ordinances of Cleveland Section 667.01. Religious or denominational groups are exempt from the ordinance.

Cleveland's ordinance was initially proposed in 2013, but was not voted into law until July 13, 2016. Cincinnati, Ohio, also has passed laws protecting the rights of transgender individuals.

The term "gender identity" as used in the Cleveland ordinance is defined as "the gender-related identity, external presentation of gender identity through appearance, or mannerism or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth."

Violation of Cleveland's ordinance potentially subjects businesses to both civil and criminal penalties. Individuals who believe this law has been violated may file a complaint with Cleveland's Fair Housing Board.

While the state of Ohio has not yet passed legislation prohibiting discrimination against transgender employees, some federal government agencies have issued guidance requiring that companies allow workers to use the facilities that correspond with their gender identity. The Occupational Safety and Health Administration (OSHA) issued "[A Guide to Restroom Access for Transgender Workers](#)," and the U.S. Office of Personnel Management issued "[Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace](#)." The Equal Employment Opportunity Commission (EEOC) and the Departments of Labor, Justice, and Education also have issued guidance on the subject. See our articles, [EEOC Stresses Title VII Bars Discrimination against Transgender Workers, Including Regarding Bathroom Access](#), [OFCCP's New Sex Discrimination Regulations Imposes a Few New Obligations on Employers](#), and [U.S. Departments of Justice and Education Issue 'Significant Guidance' on Transgender Rights under Title IX](#).

## Meet the Authors



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Please contact Jackson Lewis to discuss the implications of the Cleveland ordinance in more detail and how employers can best comply with the ordinance. It is critical that employers train and educate their staff on this important law, the relevant transgender terminology, the adoption of a transgender policy, and other preventive measures.

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