

# 5 Things You Should Know About Intersex Discrimination in Employment

*Intersex is a term used to describe people who are born with or develop sex traits, such as genitalia, hormones, internal anatomy, or chromosomes, that do not fit the medical definition of male or female sexual or reproductive anatomy. Did you know that, nationally, 74% of intersex people say that discrimination negatively affects their salary or their ability to be promoted, and 84% report that discrimination has prevented them from being hired? – Center for American Progress, October 2021*



**In New Jersey, discrimination cannot stop you from thriving in the workplace.**

The New Jersey Law Against Discrimination (LAD) prohibits discrimination and harassment based on actual or perceived gender, including intersex status. It protects you from discrimination and gender-based harassment from coworkers, supervisors, and patrons.



**Your employer may not make decisions based on your intersex status.**

This means an employer cannot make decisions about hiring or firing, promotions, and benefits (including healthcare, parental leave, and family leave) based on your intersex status. For example, your employer cannot deny you full participation in the company health benefits plan because you are an intersex employee.



**Others cannot harass you because of your intersex status.**

Your employer must act to stop harassment they know or should have known about if it would create a hostile work environment. Bias-based gender harassment includes unwelcome, offensive conduct because of a person's intersex status, such as a coworker or patron making disparaging remarks about intersex persons.



**You must be treated in a manner consistent with your gender identity or expression.**

An employer's dress code and policies regarding bathroom use must treat you in a manner consistent with your gender identity or expression. For example, an intersex employee who identifies as a man must be allowed to use a men's bathroom. You also have the right to self-identify and be addressed by your name, title, and pronouns.



**Your employer cannot refuse to provide you with a reasonable accommodation because you are intersex.**

For example, an employer cannot refuse to give you scheduling flexibility to accommodate your medical appointments for fertility treatments solely because the employer does not believe intersex people should become pregnant.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General  
[NJCivilRights.gov](https://www.njcivilrights.gov)

