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## Coming to an office near you: gender-neutral restrooms?

By: DANIELLE BRAFF



At Northwestern University's Norris University Center, there are men's bathrooms, women's bathrooms and bathrooms for everyone in between. Illinois State University just converted its family bathrooms to "all-gender" restrooms, and Ann Sather's facilities sport middle-of-the-road loos.

Caitlyn Jenner is now welcome in any ladies' room, but during her transition, she may have had a hard time deciding—or feeling welcome—in a men's room or a women's room.

There are more than 4,500 gender-neutral public bathrooms in the United States, according to [Refuge Restrooms](#), a website that compiles and lists every public all-gender bathroom in the

country—and that number may escalate soon in the Chicago area, should an ordinance Mayor Rahm Emanuel is expected to introduce have its way, said Ald. James Cappleman, 46th.

“I am aware that the mayor is in the process of introducing a gender-neutral bathroom ordinance, and we're in the process of moving forward to introduce the issue,” Cappleman said. “It's something that I feel very strongly about.” The mayor's office declined to comment.

If Chicago moves to make gender-neutral bathrooms mandatory in public areas, it wouldn't be the first. Washington, D.C., Philadelphia and Austin have ordinances in place, and West Hollywood, Calif., just passed a measure, though it's not as broad, says Alison Gill, senior legislative counsel at the Human Rights Campaign in Washington.

In Washington, single-occupancy bathrooms at restaurants, offices and other public places must be gender neutral (i.e., they can't be labeled male or female).

Many of the Chicago-area bathrooms on the Refuge site are in restaurants, colleges and public areas such as libraries, but it's crucial that offices start to follow the trend, said Carol Jones, an associate who specializes in LGBT law at Jill Metz & Associates in Chicago.

“The great thing about them doing this proactively is that the supportive, accepted environment is already in place for the individual instead of having them go to human resources and having to ask for accommodations,” she said.

Asking for accommodations at work has entered the courtroom for about a dozen clients of Scott Eldridge, principal attorney at Miller Canfield, who focuses on labor and employment law in Lansing, Mich.

“Transgender employees, unlike some of the other protected classes of employees, add a certain complexity to the workplace that require an employer's attention, including workplace rules related to bathroom use, locker rooms and dress codes,” Eldridge said. “Appropriate communication with the transitioning employee is important to reduce legal risk in these areas.”

That's what one of Jones' clients did, and it made for a smooth transition in the office. One of her male clients spoke with his employer before he began transitioning into a woman. “Her employer used it as an educational opportunity,” speaking to the staff on a day when the employee wasn't there, Jones said.

When the employee returned, she returned to work dressed as a woman and began using the gender-neutral bathroom the employer had provided.

Offices throughout Illinois are making accommodations for transgender employees. A study released in July by [Equality Illinois](#) found that 49 percent of Illinois law firms surveyed have written gender-transition guidelines documenting firm policy on issues such as name changes, restroom accommodations, dress codes and harassment.

“More employers are coming to realize they need to have policies in place that are trans-inclusive,” said Bernard Cherkasov, CEO of Equality Illinois. “The standard for good employers in Illinois is to allow employees to use the bathroom that they identify with.” He added that having a private gender-neutral bathroom in offices also could be useful for nursing mothers and people with disabilities.

But while some firms are making allowances, they aren't mandatory, as long as the employers aren't discriminating, Cherkasov says. Illinois nondiscrimination law allows any employee who is transgender to use the bathroom that comports with his or her identity.

With that in mind, adding gender-neutral bathrooms into offices and elsewhere isn't necessary, says Peter LaSorsa, a Chicago attorney specializing in employment law and sexual orientation.

“I understand that transgender people should have rights, but I don't think you should have a right to a special bathroom, and I don't think you should ask for extra rights, or ask that anyone else's rights should get thrown in the toilet,” LaSorsa says. “There has to be a line drawn. What's next? That the workout room should have a gender-neutral shower?”