



# THE CASE FOR INCLUSION

News and Legal Analysis on Issues Related to Diversity and Inclusion

## EEOC Gives Guidance On How Employers Should Treat Transgender Employees

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Until January of this year, it was unclear what accommodations an employer was legally required to make for its transgender employees. It was not until the settlement of the Minnesota case of [EEOC v. Deluxe Financial Services, Inc.](#) that the public received some guidance on the issue from the Equal Employment Opportunity Commission (EEOC).

Britney Austin, a transgender woman, was an employee of Deluxe. She sued Deluxe for violation of Title VII, claiming that she was subjected to name-calling, that Deluxe refused to change her name on company records and deliberately referred to her using her given name and biological sex, and that Deluxe refused to allow her access to the women's bathroom.

The EEOC intervened in the lawsuit on behalf of Austin, taking the position that deliberately calling a transgender employee by his/her original name or birth gender is employment discrimination. The Commission also argued that employers should agree to change names and gender designations as well as allow transgender employees to use bathrooms that match their gender identities.

The EEOC is in charge of interpreting Title VII – meaning if the EEOC says it's discrimination, it's discrimination.

The case ultimately settled, with Deluxe paying Austin \$115,000. While Deluxe did not admit wrongdoing in the settlement, it did issue an apology to Austin and has changed its human resource policies to properly accommodate transgender employees.