



Regarding **PUBLIC ACCOMMODATIONS**

specifically:

What is a place of “Public Accommodation”? A public accommodation is any place of business engaged in offering sales or services of any kind to the public, as well as any place offering facilities, privileges, advantages

or other accommodations to the public. Typical examples of public accommodations include, but are not limited to, hotels, restaurants, stores, hospitals, clinics, and health clubs.

What is prohibited by the expanded Colorado Anti-Discrimination Act in places of public accommodation?

Places of public accommodation may not deny any person participation, entry, or services based upon the person’s sexual orientation or transgender status.

Is “harassment” prohibited in public accommodations?

Yes. Harassment by staff or other customers may be illegal discrimination in a place of public accommodation if it unreasonably interferes with an individual’s participation or access, and management has been made aware of the harassment but fails to remedy it.

I am a heterosexual man. Each time I stop by a coffee shop near my house the staff talks to me as if I were a homosexual man and they tease me with rude and derogatory words that the rest of the customers hear and which embarrass me. Does the statute offer me any help?

You have described what can be considered “harassment” and it is illegal for a place of public accommodation, which is what a coffee shop is, to discriminate against you in that manner, even if their perception is mistaken. Management should be made aware of the harassment and if it does not stop immediately, you may want to consider filing a discrimination charge with the Civil Rights Division, but with a charge regarding Public Accommodation, you must do so quickly (see directly below).

By when must I file a charge with the Civil Rights Division if I believe I have been discriminated against in a matter involving a public accommodations?

A charge of public accommodations discrimination must be filed within **60 days** of the last date of the alleged discriminatory action.

If you need an accommodation for a disability in order to file a complaint, please contact the Division for assistance.

www.dora.state.co.us/civil-rights

Colorado Civil Rights Division

If you are Hearing Impaired, to call CCRD, dial: 711
Bilingual staff available (Spanish/English)

DENVER

1560 Broadway, Suite 1050
Denver, Colorado 80202
303.894.2997/800.262.4845
email: CCRD@dora.state.co.us
fax: 303.894.7830

GRAND JUNCTION

222 South 6th Street, Suite 301
Grand Junction, CO 81501
970.248.7303 or 970.248.7304
email: CCRD@dora.state.co.us
fax: 970.242.1262

PUEBLO

200 West B Street, Suite 234
Pueblo, CO 81003
719.542.1298
email: CCRD@dora.state.co.us
fax: 303.869.0498



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DORA is dedicated to preserving the integrity of the marketplace and is committed to promoting a fair and competitive business environment in Colorado. Consumer protection is our mission.



Sexual Orientation & Transgender Status Discrimination Employment, Housing & Public Accommodations



Colorado Civil Rights Division



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Department of Regulatory Agencies



Frequently Asked Questions

What does the expanded Colorado Anti-Discrimination Act now prohibit? The Colorado Anti-Discrimination Act has been expanded to include prohibition for acts of discrimination against a person based upon that person's sexual orientation, which includes transgender status, to the list of protected classes. Colorado now prohibits discrimination against individuals who are straight, lesbian, gay, bisexual or transgender in employment, housing and public accommodations.

Some Important Terms and Frequently Asked Questions. "Sexual Orientation" means heterosexuality, homosexuality (lesbian or gay), bisexuality and transgender (which means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth).

What is discriminatory "Harassment" based upon sexual orientation? Discriminatory harassment is created when an intimidating, hostile or offensive working environment is created based upon a person's sexual orientation or transgender status. Harassment may include, but is not limited to, malicious behavior, sexual advances, use of derogatory names or terms, or intentional misuse of gender pronouns and names.

What does the term "Gender Identity" mean? A person's gender identity is that person's innate sense of his or her own gender.

What does the term "Gender Expression" mean? A person's gender expression is his or her external appearance, including characteristics or behavior which are typically associated with a specific gender.

I am a business owner—do the new anti-discrimination laws mean that I will have to eliminate gender-segregated bathrooms? You do not have to eliminate gender-segregated bathrooms. You may still maintain gender-segregated restrooms (and other facilities such as dressing rooms or locker rooms). Employees must be allowed to use restrooms appropriate to their gender identity rather than their assigned gender at birth without being harassed or questioned.

Do the new anti-discrimination laws mean that I may not have my employee dress code? As before, you may require an employee to follow reasonable workplace grooming and appearance standards. Dress codes are not precluded as long as an employer allows an employee to appear, groom and dress consistent with the employee's transgender status.

If I think that I have been discriminated against, how do I file a charge with the Colorado Civil Rights Division? After you read through this brochure, one way to start is to visit the website of the Colorado Civil Rights Division: www.dora.state.co.us/civil-rights and on the first page, look to the left index and enter the section in the left index entitled "Complaint Process." Complete the forms that are provided and bring them by the or mail them to our office, making sure that you are well-within the time limits allowed for the filing of each type of charge. Another way to follow-up is to telephone the office nearest to you (those office are all described on the last flap of this flyer) and ask whatever questions you may have and then come by the office to fill out the forms or ask the office to mail you a packet of forms.

Regarding **EMPLOYMENT** specifically:

The statute applies to employers, employment agencies and labor organizations. It is prohibited to limit membership, refuse to list jobs or to hire, promote, demote, harass, and discriminate in compensation based upon sexual orientation or transgender status, or the perception of that orientation. Additionally, no employer, employment agency or labor organization may circulate or publish discriminatory materials, or make pre-employment inquiries concerning the sexual orientation or transgender status of applicants.

Does the new law mean an employer may not discharge a gay or transgender employee for poor performance? No. An employer may still discharge an employee for non-discriminatory reasons. An employer is

not prohibited from having reasonable workplace standards.

By when must I file a charge with the Colorado Civil Rights Division if I believe I have been discriminated against in employment matters?

A charge of employment discrimination must be filed within **6 months** of the date of the last alleged discriminatory action.

Regarding **HOUSING** specifically:

Who must comply with the law? Landlords, lessors, sellers, homeowner's associations, lenders, real estate agencies, insurers, advertisers, cities, counties, government agencies, and any other entities whose practice or policies affect housing, including their agents, must comply with the law.

What does the law prohibit? If action is taken because of sexual orientation, prohibited discrimination concerning residential real estate or housing includes denying that housing is available when it is actually available or publishing an ad indicating to the market a preference or limitation based upon sexual orientation. The Colorado Anti-Discrimination Act prohibits discrimination in the terms, conditions or privileges of any residential real estate or housing transaction due to sexual orientation or transgender status.

Are covered housing entities, such as dormitories or shelters, required to provide unisex facilities? No. Covered entities may continue to maintain gender-segregated facilities, however they must allow nondiscriminatory access to individuals appropriate to their gender identity and gender expression rather than their assigned gender at birth.

By when must I file a charge with the Colorado Civil Rights Division if I believe I have been discriminated against in housing matters? A charge of housing discrimination must be filed within **one year** of the date of the last alleged discriminatory action.

