

Sexual Orientation & Discrimination

Does New Jersey Law Protect People from Discrimination on the Basis of Sexual Orientation?

Yes. Although Federal law does not extend protection in this area, the New Jersey Law Against Discrimination prohibits discrimination based on sexual or affectional orientation. This means that it is against the law for you to be treated differently or otherwise denied the rights and privileges extended to others on the basis of sexual orientation. The law also forbids discrimination on the basis of "perceived" sexual orientation, meaning that the Law protects you if you are subjected to discrimination because someone makes an erroneous presumption about your sexual orientation.

The law is equally applicable to men and women. The sexual orientations specifically included are:

- heterosexuality, which is attraction to people of the opposite gender
- homosexuality, which is attraction to people of the same gender
- in firing you from your job
- forcing you to retire

What Kinds of Discrimination Are Illegal?

The law protects you against discrimination in four primary areas: Employment, Access to Public Places, Business Transactions and Housing.

Unlawful Employment Discrimination

Examples of illegal employment discrimination based on sexual orientation include:

- refusal to hire
- firing you or forcing you to retire
- harassment
- unequal salary or other terms, conditions or privileges of employment

Exception

The law does not require employers to offer insurance and other fringe benefits to unmarried couples, including same-sex partners of employees, even if they provide them for married couples.

Places of Public Accommodation

Examples of places of public accommodation in which sexual orientation discrimination is not allowed include places generally open to the public where goods and services are provided. This includes restaurants, movie theaters, stores, camps, organizations, schools, professional offices (such as doctors and lawyers), and other facilities.

Exception

The law does not consider private clubs or schools operated or maintained by a bona fide religious or sectarian institution to be places of public accommodation.

Housing

Individuals are protected from discrimination in the purchase or rental of real estate. This means that a landlord, realtor, rental agent, or seller may not refuse to make available, show, list, sell, or rent a house, apartment, other dwelling unit or commercial property because of any presumptions or actual knowledge of your sexual orientation.

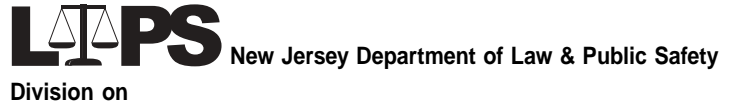
Business Transactions

Individuals are protected from discrimination in the purchase or rental of real estate. This means that a landlord, realtor, rental agent, or seller may not refuse to make available, show, list, sell, or rent a house, apartment, other dwelling unit or commercial property because of any presumptions or actual knowledge of your sexual orientation.

What Can I Do if I Am the Subjected to Sexual Orientation Discrimination?

When the parties are unable to resolve a dispute themselves, the law provides two basic ways to seek relief.

- **Judicial remedy:** With or without the assistance of an attorney, an individual can file a complaint and try his or her case in New Jersey Superior Court. A Superior Court action must be filed within two years from the act of discrimination.
- **Administrative remedy:** An alternative is to file a complaint with the New Jersey Division on Civil Rights. This type of complaint must be filed within 180 days of the act of discrimination. An initial evaluation will determine if you state a claim for relief under the law, and then the Division will conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint, and your complaint cannot be settled, a hearing will be held in the Office of Administrative Law. You may choose to retain a private attorney to represent you at the hearing, or a lawyer will be provided to prosecute the case on behalf of the New Jersey Division on Civil Rights. At the conclusion of that hearing, the Director of the Division on Civil Rights will make a final decision as to whether unlawful discrimination has been proven and damages are appropriate. Other than fees for a private attorney, there is no cost to the individual for these services.
- **Relief available:** The Division may impose penalties of up to \$10,000 for first violations, up to \$25,000 for a second violation in 5 years, and up to \$50,000 for third and subsequent offenses within 7 years. The Division or the Superior Court may award back pay, attorney fees and compensatory damages, while only the Superior Court may award punitive damages. The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the Law Against Discrimination. To complain of sexual orientation discrimination, contact the nearest Division regional office.



CIVIL RIGHTS

For More Information

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

Atlantic City Satellite Office:

26 Pennsylvania Avenue, Atlantic City, NJ 08401
Phone: (609) 441-3100
Fax: (609) 441-3578

Camden Regional Office:

One Port Center, 4th Floor, Suite 402
2 Riverside Drive, Camden, NJ 08103
Phone: (856) 614-2550
Fax: (856) 614-2568
TDD# (609) 757-2958

Newark Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: (973) 648-2700
Fax: (973) 648-4405 / (973) 648-7582
TDD# (973) 648-4678

Paterson Regional Office:

100 Hamilton Plaza, Paterson, NJ 07501
Phone: (973) 977-4500
Fax: (973) 977-4511
TDD# (973) 977-1955

Trenton Regional Office:

140 East Front Street / P.O. Box 090
Trenton, NJ 08625-0090
Phone: (609) 292-4605
Fax: (609) 984-3812
TDD# (609) 292-1785

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