

North Carolina Governor Keeps ‘Bathroom Bill’ Mostly Intact, Pending Court Review

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As a follow-up to my [previous post about transgender bathroom access](#) in the workplace, earlier this week, on July 18, North Carolina Governor Pat McCrory signed into law a revised ‘bathroom bill’ that leaves intact the provisions that sparked national controversy by limiting protections for transgender people. The bill was revised to restore workers’ ability to use state law, and not just federal law, to sue for employment discrimination. However, it leaves intact the provisions that require transgender people to use public bathrooms that correspond to their sex at birth rather than the gender with which they identify. Apparently, lawmakers unintentionally blocked the right of employees to sue for workplace discrimination in state court when they first passed the bill in March. The recent revision restores this right, though it imposes a one-year, as compared to the previous three-year, statute of limitations for filing discrimination suits. With respect to bathroom access, the governor released a statement essentially punting to the courts, saying the “issue of gender identity and expression in regards to access to bathrooms, locker rooms and changing facilities is a national issue that will be settled in the courts, in response to North Carolina and 21 other states challenging the federal overreach by the Obama administration.” While LGBT activists and most Democratic legislators have called for the North Carolina law to be repealed, those in favor of the bill say that they are trying to ensure that women and children are safe in public bathrooms. The U.S. Justice Department and six North Carolina residents have separately sued to stop the law from taking effect. Up next month are arguments in the suit brought by the six North Carolina residents before the federal judge on whether to block the law while the lawsuit is pending. Stay tuned for further developments.

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