Facts About Gender Identity or Expression Discrimination

Nevada state law protects individuals against employment discrimination on the basis of gender identity or expression. Title VII of the Civil Rights Act of 1964, as amended, protects individuals against employment discrimination on the basis of sex. Discrimination against an individual because of gender identity, including transgender status, is discrimination because of sex in violation of Title VII.

Gender identity is a person's internal sense of being male or female. Gender expression includes the external personal characteristics an individual exhibits regarding being male or female, such as appearance, clothing, hair, mannerisms and behaviors. The law applies to employers with 15 or more employees, including state and local governments, employment and temporary staffing agencies, and to labor organizations.

It is unlawful to discriminate against any employee or applicant for employment because of his/her gender identity or expression in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment.

Harassment

Harassment on the basis of gender identity or expression violates the law. Slurs, "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's gender identity or expression constitute unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance.

Employers have a responsibility to maintain a workplace free of harassment. Employers may be responsible for any on-the-job harassment due to gender identity or expression, by their agents and supervisory employees, regardless of whether the acts were authorized or specifically forbidden by the employer. Under certain circumstances, an employer may be responsible for the acts of non-employees who harass their employees at work.

Disparate Treatment

The law prohibits employment decisions based on gender stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of gender identity or expression. State law prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of gender identity or expression and that are not job related.

An employer *may* impose grooming standards on its employees, so long as the grooming standards are applied equally to all covered employees. An employer may *not* prevent or discourage an employee who identifies with a particular sex from using the dedicated bathroom for that particular sex.

Retaliation

It is unlawful to retaliate against an individual for opposing employment practices that discriminate based on gender identity or expression or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under state or federal law.

Public Accommodations

Nevada state law prohibits discrimination because of gender identity or expression in places of public accommodation.

Places of "public accommodation" include any establishment or place to which the public is invited or which is intended for public use.

If You Think You Have Been Discriminated Against Because Of Gender Identity or Expression, Contact The Nevada Equal Rights Commission

Nevada Equal Rights Commission 7220 Bermuda Road, Suite 100 Las Vegas, NV 89119 PH: (702) 486-7161 Fax: (702) 486-7054	Nevada Equal Rights Commission 1325 Corporate Blvd., Room 15 Reno, NV 89502 PH: (775) 823-6690 Fax: (775) 688-1292

Or visit us on the Internet
www.detr.nv.gov/NERC

A complaint must be filed within 300 days of the date of the alleged discriminatory conduct.

You may also contact the federal Equal Employment Opportunity Commission (EEOC)
at 1-800-669-4000 or on the Internet at www.eeoc.gov

An equal opportunity employer/program
Auxiliary aids and services available upon
request for individuals with disabilities
TTY (775) 687-5353
Relay 711 or (800) 326-6868