



Facts About Gender Identity or Expression Discrimination

Nevada state law protects individuals against employment discrimination on the basis of gender identity or expression. 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, to 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.

State law prohibits an employer from segregating employees based upon gender identity or expression, or by physically isolating them from other employees or from customer contact. It is an unlawful practice to alter an employee's terms, conditions or privileges of employment due to gender identity or expression, or to

exclude those individuals from certain positions, or to group or categorize employees or jobs so that certain jobs are generally held by those individuals.

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.

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

Nevada Equal Rights Commission
1820 East Sahara Avenue, Suite 314
Las Vegas, NV 89104

PH: 702-486-7161
Fax: 702-486-7054

Nevada Equal Rights Commission
1675 E. Prater Way, Suite 103
Sparks, NV 89434

PH: 775-823-6690
Fax: 775-688-1292

Or visit us on the Internet

www.detr.state.nv.us

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