



Nevada Equal Rights Commission

Fosters and protects the rights of all people of the State reasonably to seek, obtain and hold employment and housing, and seek and be granted services in places of public accommodation, without discrimination, distinction or restriction, as prohibited by state and federal discrimination laws.



Nevada Equal Rights Commission

Gender Identity and Expression
Discrimination



- ❑ Oversees Nevada's equal rights/equal opportunity program in employment, public accommodations, and housing
- ❑ Investigates and resolves complaints of discrimination
- ❑ Provides information and education to businesses and community groups
- ❑ Partners with the EEOC on most employment cases.

Federal Employment Discrimination Laws



- Equal Pay Act of 1963 (amended the Fair Labor Standards Act)
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Americans with Disabilities Act of 1990 (ADA) and Amendments Act of 2008 (ADAAA)
- Genetic Information Nondiscrimination Act of 2008 (GINA)

State Employment Discrimination Laws



- **NRS 613 (Employment)**
 - includes explicit protection for sexual orientation and gender identity or expression

- **NRS 233 (Public Policy)**

Protected Categories

- Race
- Color
- Hair Texture
- National Origin
- Religion
- **Sex**
 - Pregnancy
 - **Sexual Harassment**
- Disability
- Age
- Genetic Information
- Sexual Orientation
- Gender Identity or Expression
- Retaliation
- Criminal Background (public employers)



Retaliation



State and federal employment discrimination laws prohibit retaliation against an individual because he or she has:

- 1) opposed an unlawful employment practice;
- 2) participated in a discrimination case, either as a complainant or as a witness in an investigation, proceeding, or hearing;
- 3) has a reasonable & “good faith” belief that the employer’s conduct was illegal – even if it turns out that the employee was mistaken.

Sexual Orientation



- Became a protected class in Nevada in 1999

- NRS 613.310 (7):
 - “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

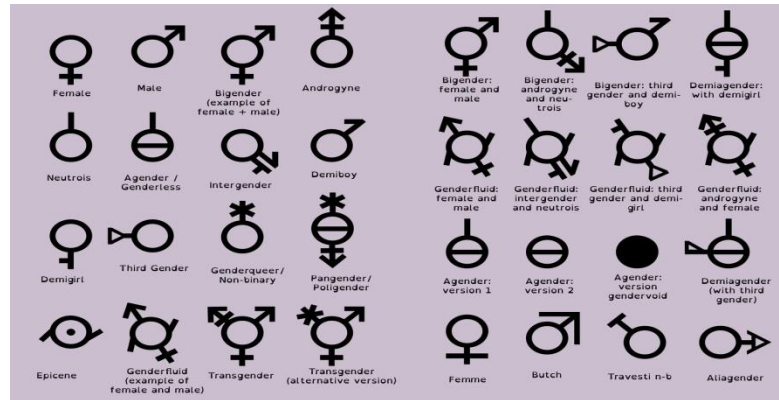
Gender Identity or Expression




- Became a protected class in Nevada effective October 1, 2011

- NRS 613.310 (4):
 - “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

Gender Identity or Expression Defined



- Gender Identity-Person's internal, deeply felt sense of being male or female
- Gender Expression-External personal characteristics such as appearance, clothing, mannerisms and behaviors

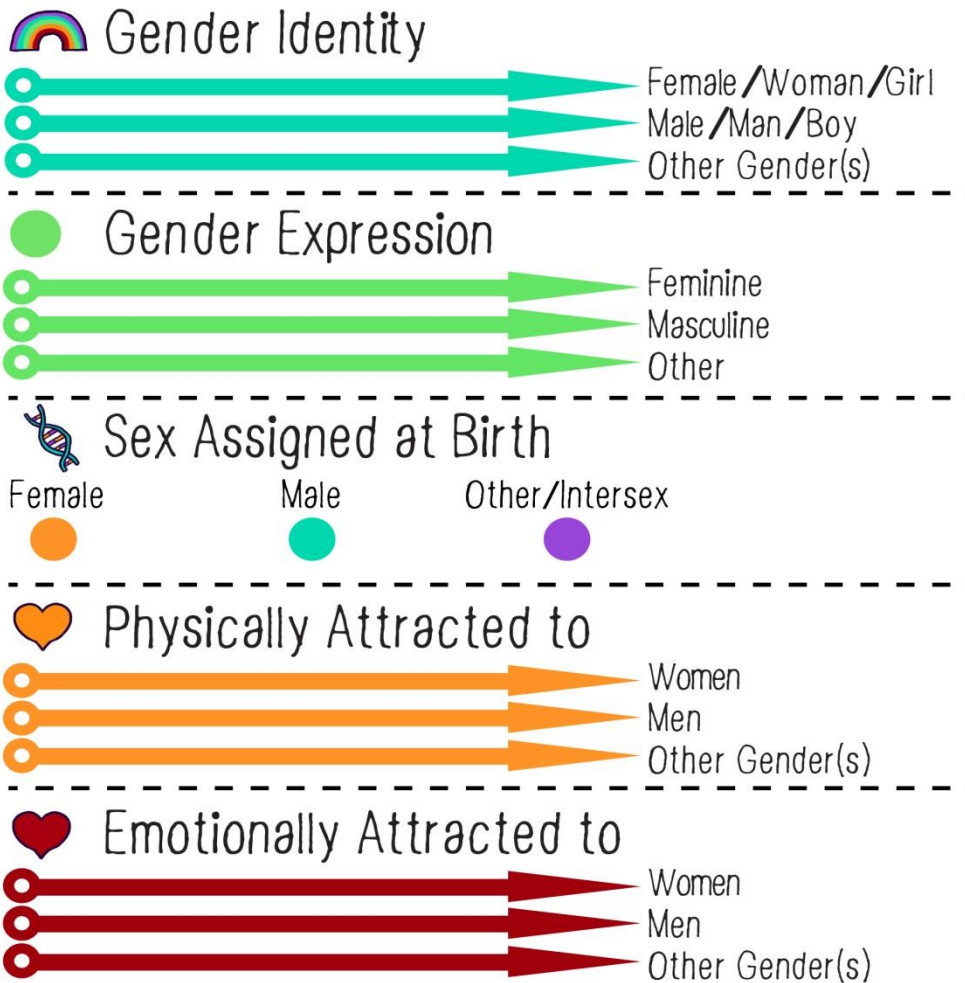
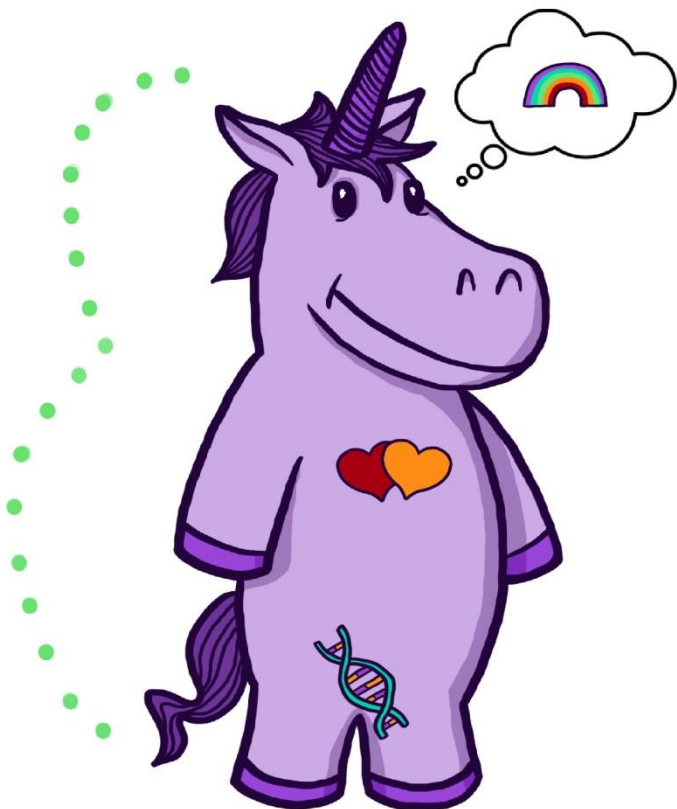


Transgender is an umbrella term that can be used to describe people whose gender identity and/or expression is different from the sex assigned to them at birth (e.g. the sex listed on his/her/their birth certificate)

- The term **Transgender woman** typically is used to refer to someone who was assigned the male sex at birth but who identifies as a female
- Likewise, the term **Transgender man** typically is used to refer to someone who was assigned the female sex at birth but who identifies as male
- **Gender non-binary** is a term for an individual who may not have the gender identity of either a male or female, or who may identify as both male and female. They may personally prefer the term genderqueer, gender neutral, agender, or non-binary

The Gender Unicorn

Graphic by:
TSER
Trans Student Educational Resources



To learn more, go to:
www.transstudent.org/gender

Design by Landyn Pan and Anna Moore

What is Employment Discrimination?

❑ Adverse employment action

A concrete action taken against an employee, motivated, at least in part, by one or more of the protected categories. Includes discipline, demotion, discharge, failure to hire, failure to promote, a change in job duties, etc.

❑ Harassment

Harassment is unwelcome conduct that is based on one or more protected categories. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Gender Identity or Expression Discrimination – Employment



- Job offer rescinded when employee announced transition, or when transgender status revealed
- Harassed, Demoted, Discharged, Assigned undesirable duties/ prevented customer interaction
- Individual denied the use of appropriate bathroom
- Intentional misuse of pronouns

Transition Process



- Some transgender individuals will find it necessary to transition from living and working as one gender to another
- These individuals often seek some form of medical treatment, however some individuals, will not pursue some (or any) forms of medical treatment
- The transition process is different for every individual
- No medical treatment is required for an individual to be considered “transitioned” to the gender they identify with

After the Transition



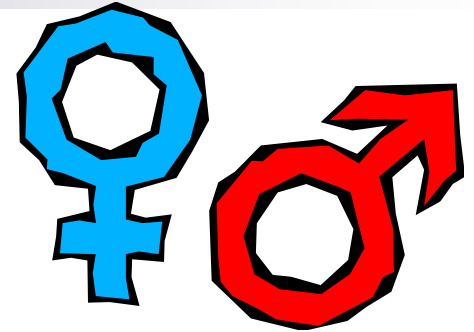
- **Confidentiality:** An employee's transition should be treated confidentially, and medical information received about an individual employee is protected under the Privacy Act and the Americans with Disabilities Act
- **Dress and Appearance:** To the extent that some employers have dress codes, dress codes should be applied to employees transitioning to a different gender in the same way that they are applied to other employees of that gender
- **Records:** all employee records should be changed to reflect the new name and gender of the employee

Gender Identity or Expression - Bathroom Usage



- In Nevada, an individual may use the bathroom, or other gender-specific facility, that coincides with his/her/their gender identity or expression
- Don't have to "prove" gender

Names & Pronouns



- Managers, supervisors, and coworkers should use the name and pronouns appropriate to the employee's new gender.
- When in doubt, just ask respectfully.
- Managers, supervisors, and coworkers should take care to use the correct name and pronouns in employee records and in communications with others regarding the employee.

Transgender Terms – Not Offensive

Transgender Woman
Transgender Man
Gender Transition
Gender Identity
Transgender People
LGBT or GLBT
LGBTQ
LGTBQ+IA



Transgender Terms - Offensive



Offensive:

Sex Change

Transvestite

She-Male or He-She

Shim

Tranny

It

A Transgender

Gender bender

Transgendered

Potentially Offensive:

*Transgenders

*Transsexual

*Pre-Operative/Post
Operative

*Cross Dresser

*These terms are sometimes used by LGBTQ community members, so in some contexts it may be socially acceptable for them to use. However, in the workplace employees should avoid these terms because most people do not consider them respectful.

Employees' Duties



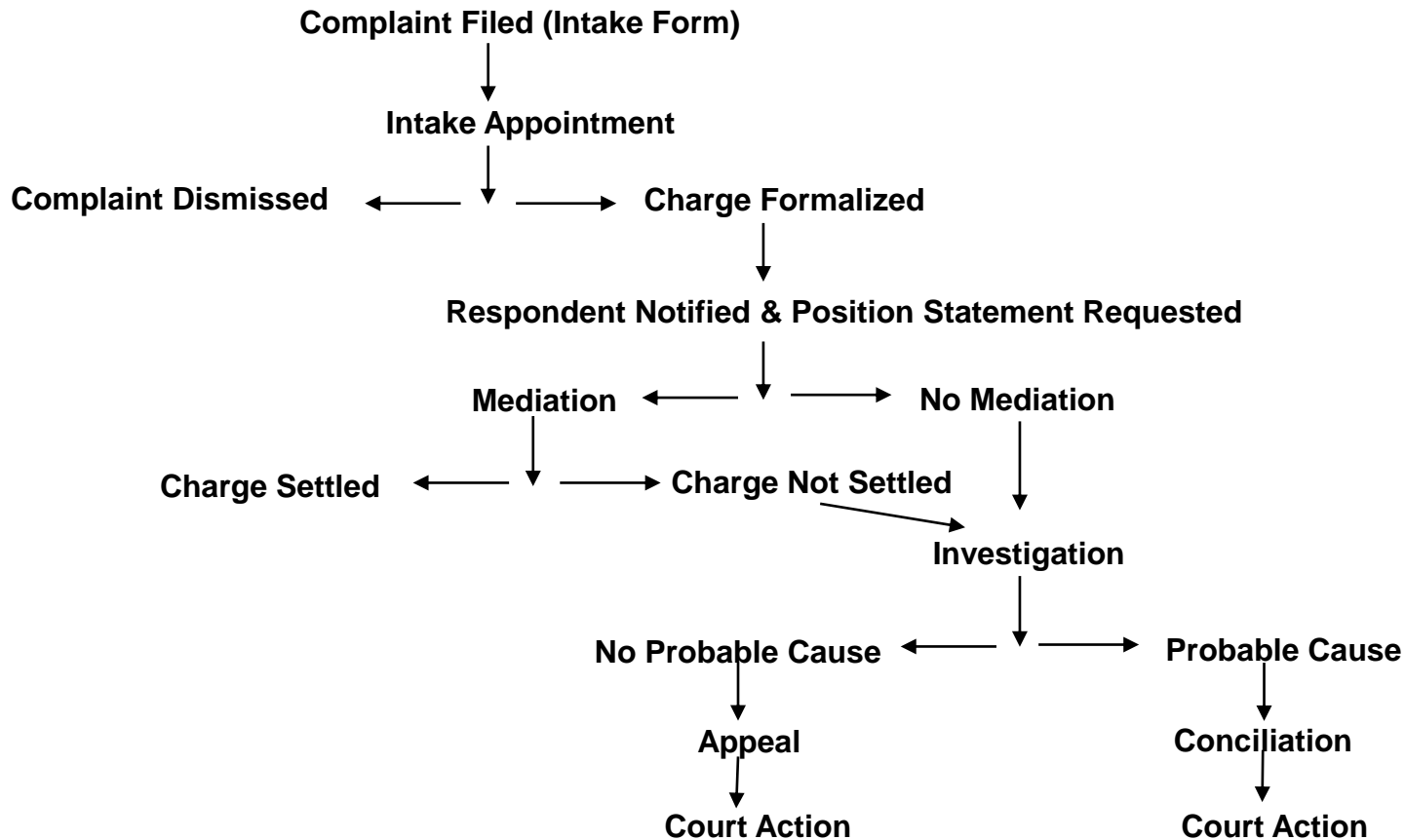
- Not engage in discriminatory/harassing conduct
- Object to discriminatory/harassing conduct
- Report discrimination/harassment using the employers' reporting mechanism

Supervisor/Manager Duties



- Be fair and consistent
- Model appropriate behavior
- Know the role you play if you receive a discrimination/ harassment complaint (know your policy)

NERC Complaint Processing



Contacting NERC

WWW.DETR.NV.GOV

OR Engine search “Nevada Equal Rights Commission”

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