

# *Sex Discrimination Policy*

## *Best Practices for Employers*

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**T**he Equal Employment Opportunity Commission (EEOC) marked another milestone in employment discrimination law when it recently ruled that refusal to hire someone based on their “gender identity, change of sex, and/or transgender status” is sex discrimination prohibited by Title VII. This provides employers with a compelling reason to review human resources policies and practices, to confirm they have kept pace with expanding interpretations of Title VII’s prohibition against gender discrimination in the workplace.

- Does your executive, hiring staff, and other managers understand what counts as workplace discrimination “based on sex?”** Title VII, EEOC rules and policies, and court cases find discrimination in many forms that concern equal pay and benefits, biased job descriptions, hiring and promotion, sexual harassment and gender stereotyping.
- Do you have a general non-discrimination policy?** The policy should commit to non-discriminatory practices including Title VII protected classes (sex, race, gender, disabled) that apply to all levels of the organization.
- Do your contractual work practices comply with Title VII?** Job descriptions, formal HR procedures, and contractual terms of employment must be free of gender bias.
- Are job descriptions, hiring practices, and career paths free of potential bias?** Employers must also ensure that job descriptions and job listings are gender-neutral and unbiased. EEOC and other regulators are suspicious of job criteria that are not clearly related to “bona fide occupational qualifications,” because requirements that may tend to disadvantage one gender (such as ability to lift X pounds) tend to have “disparate impacts.”
- Are your formal and informal working conditions, wages and benefits gender-neutral?** The human resources approach to education should not burden one gender disproportionately which also applies to: benefit and family leave policies, voluntary overtime, sick leave, layoffs, retirements, and severance packages.
- Are workers, supervisors and managers trained to avoid and prevent sex discrimination?** A growing number of states require training in sexual harassment issues (Maine was the first; California is the largest), and EEOC recommends it nationwide.
- Does the organization “walk the talk”?** Your organization should be able to demonstrate that hiring, management, promotion policies, attitudes, reporting, investigation and disciplinary policies are actually followed.

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