

Gause, John P

From: Gause, John P
Sent: Tuesday, May 25, 2010 5:00 PM
To:
Cc: Ryan, Patricia
Subject: RE: Question

I do not think such a dress code would, by itself, violate the Maine Human Rights Act. I agree with the reasoning in *Pecenka v. Fareway Stores, Inc.*, 672 N.W.2d 800, 804 (Iowa 2003), that it is not unlawful sex discrimination for an employer to allow women but not men to wear earrings. I think it would, however, constitute "sexual orientation" discrimination for an employer to refuse to make an exception for a transgender employee under the policy.
John

From: [mailto:
Sent: Friday, May 07, 2010 10:42 AM
To: Gause, John P
Subject: Question

John,
I have a question regarding dress codes. Do you see any issue with having a dress code that says women can wear earrings in the workplace and men cannot (and these are people who have to deal with the public)? Please let me know your thoughts.
Thanks,