

May an employer enforce dress and grooming standards?

Yes. An employer may establish and require an employee to adhere to reasonable workplace appearance, grooming and dress standards that are directly related to the nature of the employment ; dress codes are not precluded by state or federal law as long as an employer allows an employee to appear, groom and dress consistent with the employee's gender identity.

Does the new law require employers to eliminate gender-segregated restrooms?

No. It is still legal in Iowa for employers to maintain gender-segregated restrooms. The new law does require, however, that employers permit employees to access those restrooms in accordance with their gender identity, rather than their assigned sex at birth.

What is meant by "harassment" and "hostile work environment"?

Workplace harassment is any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion toward a person on the basis of sexual orientation or gender identity that:

- ◆ Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- ◆ Has the purpose or effect of unreasonably interfering with an employee's work performance; or
- ◆ Affects an employee's employment opportunities or compensation.

Employers should ensure their employees are protected not only from other supervisors and coworkers, but also from harassment by third parties, such as service users and vendors.

Harassment based on sexual orientation and gender identity can include malicious conduct, sexual advances, and intentional misuse of gender specific pronouns.

This guidance document is designed for general educational purposes only and is not intended, nor should it be construed as or relied upon, as legal advice.



Iowa Civil

Rights Commission

For Additional Information:

Iowa Civil Rights Commission
Grimes State Office Building
400 E. 14th St
Des Moines, IA 50319

Phone: (515) 281-4121
(800) 457-4416
Fax: (515) 242-5840

www.state.ia.us/government/crc

Iowa Civil Rights Commission

SEXUAL ORIENTATION & GENDER IDENTITY

An Employer's Guide to Iowa Law Compliance



The mission of the Civil Rights Commission is enforcing civil rights through compliance, mediation, advocacy, and education as we support safe, just, and inclusive communities.

Iowa Law

Effective July 1, 2007, the Iowa Civil Rights Act (Iowa Code Chapter 216) was expanded to add sexual orientation and gender identity to the list of protected characteristics. It is now illegal in Iowa to discriminate against a person because of his/her actual or perceived sexual orientation or gender identity.

What do these new terms mean?

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality or bisexuality.

“Gender Identity” means a gender-related identity of a person, regardless of the person’s assigned sex at birth.

“LGBT” means lesbian, gay, bisexual, or transgender.

The law prohibits discrimination in:

- ◆ Recruitment and hiring;
 - ◆ Job assignments;
 - ◆ Pay;
 - ◆ Leave or benefits;
 - ◆ Promotion;
 - ◆ Discipline;
 - ◆ Referrals;
 - ◆ Training;
 - ◆ Lay-off and firing;
 - ◆ Retaliation for a civil rights claim; and
 - ◆ Harassment.
- ◆ The law applies to employers as well as Labor Organizations and Employment Agencies. Employers may not retaliate against employees for making a discrimination complaint or taking any other action to oppose discriminatory conduct.



The Iowa Code may be found at www.legis.state.ia.us/iowaLaw.html

AVOIDING DISCRIMINATION

May an employer fire an LGBT employee for poor performance?

An employer is still allowed to fire an employee for non-discriminatory reasons, such as poor job performance. The law does not grant immunity to protected classes; it simply ensures that the protected class status does not affect the employment decision.

Must an employer provide benefits to an LGBT employee?

Benefits must be provided to employees without regard to their sexual orientation or gender identity. Benefits include such things as vacation time, insurance policies, holiday time, and other things that are provided to the employees by the employer. Benefits, such as insurance, must be provided to gay and lesbian employees to the same extent that the same benefits are provided to other employees in similar circumstances.



Is an individual protected if an employer thinks the employee’s sexual orientation is different than it really is and acts on that perception?

Yes, it is illegal for an employer to discriminate against someone based on perceived sexual orientation, even if the perception is wrong.



Contact the ICRC for more information: (515) 281-4121

Does this mean that employers will have to establish hiring quotas?

No. This is not an affirmative action law. Employers are not required to ensure that a certain percentage of their workforce be of a particular sexual orientation or gender identity.

How can an employer be both inclusive of LGBT employees and their families, and yet respect their privacy?

Employers can demonstrate that they recognize not everyone is heterosexual by using inclusive language in any invitations to social gatherings which are extended to partners of the employees. At the same time, employers should recognize that, by their very nature, sexual matters are private and confidential and not all employees are comfortable talking about their sexual orientation, or the identity of their partner. Managers should not forget that personnel information, even something as basic as a partner’s name, is confidential.

Are any employers excluded?

Yes. The Iowa Civil Rights Act does not apply to employers who regularly employ fewer than 4 individuals, nor those whose employees work within the home of their employer if the employer resides there at the same time. In addition, there may be exceptions for bona fide religious institutions in certain circumstances. Please see our Employment FAQs or the Iowa Code for details.

What are appropriate inquiries?

Employers may ask about an employee’s employment, criminal, or credit history when it is relevant to the job position, and may still ask for personal references, in addition to other non-discriminatory questions. The most important thing is that employers must ask the same questions of all applicants/employees. For example, if the employer checks references of one applicant, it must check references of all applicants.

An interviewer should not ask questions designed to detect a person’s sexual orientation or gender identity, including asking about his/her marital status, spouse’s name, or relation of household members to one another.

How is the law enforced?

Persons who believe they may have been discriminated against may file a complaint with the Iowa Civil Rights Commission within **300 days** of knowing about the alleged discrimination. Many cities also have local ordinances and protections. See our website for more information. Publications are updated as the law changes or more FAQ’s are developed.