

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 32.—Discrimination Because of Sex

21-32-2. Fringe benefits.

"Fringe benefits," as used herein includes medical, hospital, accident, life insurance and retirement benefits; profit sharing and bonus plans; leave and other terms, conditions and privileges of employment. (a) It shall be an unlawful employment practice for an employer to discriminate between men and women with regard to fringe benefits.

(b) Where an employer conditions benefits available to employees and their spouses and families on whether the employee is the "head of the household" or "principle wage earner" in the family unit, the benefits tend to be available only to male employees and their families. Due to the fact that such conditioning discriminatorily affects the rights of women employees, and that "head of the household" or "principle wage earner" status bears no relationship to job performance, benefits which are so conditioned will be found a prima facie violation of the prohibitions against sex discrimination contained in the act.

(c) It shall be an unlawful employment practice for an employer to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees which are not made available for male employees. An example of such an unlawful employment practice is the situation in which wives of male employees receive maternity benefits while female employees receive no such benefits.

(d) It shall not be a defense to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other.

(e) It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages on the basis of sex, or which differentiates in benefits on the basis of sex.

(Authorized by K.S.A. 1974 Supp. 44-1004(3) and 44-1009; effective, E-73-5, Nov. 16, 1972; effective, E-74-14, Dec. 28, 1973; effective May 1, 1975.)

***** Authenticated Kansas Administrative Regulation *****