

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 32.—Discrimination Because of Sex

21-32-1. Sex as a bona fide occupational qualification.

(a) The bona fide occupational qualification exceptions as to sex should be interpreted narrowly. Labels—"men's jobs" and "women's jobs"—tend to deny employment opportunities unnecessarily to one sex or the other.

The commission will find that the following situations do not warrant the application of the bona fide occupational qualification exceptions:

(1) The refusal to hire a woman because of her sex, based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(2) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of nondiscrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(3) The refusal to hire an individual because of the preference of co-workers, the employer, clients or customers.

(4) The fact that the employer may have to provide separate facilities for a person of the opposite sex will not justify discrimination under the bona fide occupational qualification unless the expense would be clearly unreasonable.

(b) The employer must not make any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment.

(Authorized by K.S.A. 1974 Supp. 44-1004(3), 44-1009; effective, E-73-5, Nov. 16, 1972; effective, E-74-14, Dec. 28, 1973; regulation modified by 1975 HB 2633, May 6, 1975.)

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