Understanding Gender-based Discrimination

**Gender-based Discrimination** - the perception that an individual's gender appearance, identity, or behavior is inappropriate based on their biological sex, and using that perception as the basis for how that individual is treated.

In everyday language, the terms “gender” and “sex” are used interchangeably, however, the two are actually distinct terms. The term “sex” refers to one’s biological/physical sex, while “gender” refers to the collection of characteristics culturally associated with maleness or femaleness.

Gender-based discrimination operates in the same way as sexual orientation discrimination, in that it is based on the expectation that people will conform to social norms commonly associated with their biological sex, and it is often mistaken for sex discrimination. In addition, when an individual’s gender expression challenges conventional gender norms, others often question their sexual orientation as well, so gender-based discrimination is often masked by homophobia.

Examples of Gender-based Prejudice (Transphobia):

- Teasing or putting down males for engaging in activities or behaviors that are stereotypically “female,” such as playing with dolls, playing dress-up, taking dance classes, singing in a choir, studying to be a nurse, etc.

- Teasing or putting down females for engaging in activities or behaviors that are stereotypically “male,” such as playing certain sports, liking mechanical things, riding a motorcycle, achieving a high-level or powerful career position, etc.

- Questioning a male’s masculinity for crying or expressing emotion; questioning a female’s femininity for being assertive or expressing anger

- Assuming a male in a predominantly female profession is gay; assuming a female in a predominantly male profession is lesbian
Examples of Gender-based Discrimination:

- Firing or not hiring an individual because he or she acts, dresses, or behaves in ways an employer considers “too masculine” or “too feminine.” The employer is not making their decision based on the person’s biological sex, but on their perception of what is an appropriate way for a man or woman to act, dress, or behave.

- Refusing to rent to an individual because a landlord perceives the individual’s appearance, manners, or behavior to be inappropriate for a person of that biological sex. The landlord may base their refusal on an assumption of homosexuality based on stereotypes, however, they are not making their decision based on actual knowledge of the person’s sexual orientation. Rather, they are reacting to gender cues.

- Asking an individual to leave a restaurant or a hotel or a medical facility, or other place of business, based on his or her gender appearance or identity

- Treating crime victims whose appearance is different from that traditionally associated with their sex as if they “asked for it”

- Firing individuals who are transsexual from their jobs when they undergo a medically required period of transition in order to change their sex to match their gender identity

- Refusing to allow transgender individuals to use facilities such as bathrooms or locker rooms appropriate for their sex, thus exposing them to discomfort and possible danger

- Refusing to provide proper medical care or treatment due to fear or bias based on gender identity or presentation