

EMPLOYER LAW BLOG

Employer Alert: Sex Stereotyping Equals Sex Discrimination in Missouri

AUTHOR: TIMM SCHOWALTER

In a case of first impression, the Missouri Court of Appeals held that sexual stereotyping can support an inference that discrimination on the basis of “sex” occurred in the workplace. *Lamley and Frost v. MCHR*, Case No. WD80288 (Mo.App. W.D. 2017). The Appellate Court maintained that sexual orientation is not a “protected-class” under the Missouri Human Rights Act (MHRA), but held that sex-based stereotyping is a prohibited employment practice in Missouri and, therefore, can support an inference of unlawful sex discrimination.

Employer take away: Although the *Lamley* decision did not overturn Missouri decisions holding discrimination because of sexual orientation is not prohibited under the MHRA, it greatly expands the rights of employees who do not conform to gender-normative behavior to sue their employers for sex discrimination.