‘Gender neutral’ employee quits, then sues former bosses for $518,000 because they called her ‘lady’

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PORTLAND, OR, February 11, 2014 (LifeSiteNews.com) – A Portland catering company is being sued for $518,000 by a former employee who alleges her coworkers would not stop referring to her as a woman even after she asked them to stop, reports *The Oregonian*.

Valeria Jones, the lawsuit’s plaintiff, identifies herself as “gender neutral,” according to the suit. When she applied to work at the Bon Appetit Management Company, a corporate catering service, she says she purposely left the boxes beside “male” and female” on the application form unchecked, but the company never mentioned the omission.

Jones claims her coworkers repeatedly referred to her as “miss,” “lady,” and “little lady” even after she told them she believes she is “not a female or a male” and asked them to use gender neutral words when speaking to or about her. According to the suit, her coworkers failed to do so, insisting that she “looked like a woman” and comparing her to a female celebrity whom they believed looked similar to Jones.

The suit states Jones asked her bosses to require all employees to attend a diversity training session focused on gender identity issues, but the request went unheeded. Jones also claims she complained to human resources, but was never contacted in return.

Jones “cried regularly at work and at home” over her fellow employees’ refusal to embrace her androgynous identity, according to the lawsuit. After a few months, she quit.

Now, she is suing the company for $18,682 in wages and benefits she believes she would have received if she had not quit, plus an additional $500,000 for “humiliation and suffering.”

Bon Appetit spokeswoman Bonnie Azab Powell told LifeSiteNews the company is unable to comment on the case because it involves a personnel matter and ongoing litigation. However, said Powell, “We can say that we are an equal opportunity employer that embraces diversity of all kinds.”

Darren McKinney, a spokesman for the American Tort Reform Association, told LifeSiteNews he thinks Jones’ claim is likely “meritless.”

“Generally speaking, if one quits one’s job, one is not entitled to ‘lost wages,’” McKinney said. But he stopped short of calling the lawsuit “frivolous.”

“The phrase ‘frivolous’ is frequently misused in connection with lawsuits,” said McKinney. “There’s actually a strict legal definition of a frivolous lawsuit: one that has no basis in fact or in law.” He said he was not familiar enough with Oregon employment law to say whether Jones might have a chance to win her case.

Oregon state law currently includes ‘gender identity’ in its anti-discrimination laws, meaning that schools, employers and other institutions must accommodate people based on their chosen gender, not their biological sex. The law has resulted in one Portland bar owner being forced to pay $400,000 in damages to a group of transvestites he kicked out of his bar after telling them he was losing business because of their inappropriate behavior in the ladies’ restroom, and the state ordering private health insurance companies to cover sex-change procedures for policyholders who consider themselves transgendered.

While the law is clear that people in Oregon must be treated according to their chosen, not biological, sex, it is unclear what the law prescribes for those who consider themselves ‘genderless,’ as Jones does.

Robert Levy, a legal expert with the Cato Institute, did not shy away from calling Jones’s lawsuit frivolous. “My impression is that this is much ado about nothing,” Levy told LifeSiteNews.

However, Levy warned that under the Employment Non-Discrimination Act (ENDA) now being debated in Congress, such lawsuits could soon become commonplace nationwide – and maybe even justifiable under the law.

“If this law passes, this ENDA, which is specifically designed to incorporate the same kind of law that applies to racial, … gender, … disability, … and age discrimination, it would now extend over to sexual preference discrimination, and maybe that would apply here; I don’t know.”

But ultimately, even under ENDA, Jones’ case would be a stretch, said Levy.

“Frankly, I doubt even if ENDA were passed that this would qualify as discrimination based on sexual preference,” Levy told LifeSiteNews. “It has nothing to do with her sexual preference. She’s not being critical of someone for calling her gay, or calling her lesbian, or being homophobic in any sense. This is simply about her desire to be called by some gender-neutral term” – something Levy maintains she had no right to expect, regardless of the law.

“There are all kinds of different laws in different states giving people all sorts of ‘rights’ that justifiably shouldn’t exist,” Levy said. “But as a matter of public policy, I think it’s ridiculous to suggest people have a ‘right’ to be called something or something else. If they don’t like it, then don’t talk to that person. It’s pretty simple.