

Winn-Dixie fires trucker who crossdresses away from work

by Eric Ferrero,
Special to Q-Notes

NEW ORLEANS, LA — The American Civil Liberties Union has filed a federal civil rights lawsuit against grocery store giant Winn-Dixie on behalf of a heterosexual male truck driver who was fired because — away from work — he sometimes dresses in women's clothing and expresses feminine aspects of his identity.

Peter Oiler, 45, worked for 20 years at Winn-Dixie, a top Fortune 500 company with over 200 stores in the Carolinas. Last year, after Oiler's supervisors learned that he occasionally cross-dresses off the job, he was fired.

By terminating Oiler because he did not conform to the company's stereotyped notions of how a man ought to look and act, Winn-Dixie violated state and federal laws that bar sex discrimination, the ACLU contends.

"Peter Oiler followed all company policies, never violated the dress code and, most importantly, he did a good job and earned numerous promotions and raises," said Jennifer Middleton, staff attorney at the ACLU Lesbian and Gay Rights Project. "His termination strikes at the very core of why these civil rights laws exist — to keep bigotry and bias out of employment decisions."

While existing legal precedent says that employers cannot force people to conform to rigid gender stereotypes, today's lawsuit goes further by arguing that the ban on stereotyping protects gender-variant people. The lawsuit, filed in U.S. District Court in Louisiana, seeks unspecified damages as a result of lost wages and emotional distress.

"I never expected Winn-Dixie to approve of my personal life or to punish me for it — I just never thought it had any bearing on how I do my job," Oiler said. "Losing the job I've had for practically my entire adult life has been a difficult ordeal, and I'm grateful for the loving support of my wife and the transgender community in Louisiana that has stood by us steadfastly."

Oiler, who has been married for more than 23 years, has known since childhood that his gender identity is not stereotypically male, and cross-dresses to express his femininity. Like many people who are gender-variant in some way, Oiler was outcast earlier in life and consequently kept his identity secret until coming

out as a transgender individual to close friends and family in 1996.

"Anyone who isn't clear on the connections between gay issues and transgender issues should have the opportunity to talk with Peter Oiler. They would hear him talk about what it was like to be 12 years old, doing housework after his mother was severely injured in an accident and being constantly called a 'sissy' for it," Middleton said. "They would hear him talk about how years later his coworkers at Winn-Dixie realized he was different, assumed he must be gay, and whispered behind his back," Middleton continued while he indicated that it sounded familiar to many in lesbian and gay communities.

Oiler's courage to speak out drew praise in his hometown. "Peter Oiler's experience is relatively common. What's uncommon is that he is open and honest about who he is, and that he's standing up to one of America's largest corporations and

demanding to be treated fairly," said Joe Cook, Executive Director of the ACLU of Louisiana. The International Foundation for Gender Education estimates that 75 percent of cross-dressers are heterosexual men, many of whom are married. Gender nonconformance occurs in people of different sexual orientations, marital statuses and sexes.

"Most people defy gender stereotypes, sometimes subtly — like women who drive motorcycles or men who wear earrings — and sometimes more obviously, when it's part of their deeply held gender identity" Middleton said. "In fact, quite a lot of anti-gay discrimination is rooted in gender-identity stereotyping."

Of the more than two dozen municipalities that bar transgender discrimination, some only allow off-the-job gender expression and others broadly prohibit gender stereotyping. An ordinance recently passed in New Orleans protects crossdressing away from work, but the Winn-Dixie store that fired Oiler is located just outside that jurisdiction.

In Oiler's case against Winn-Dixie, he is represented by Middleton of the ACLU and by Ron Wilson, a leading civil rights attorney volunteering on the case. Winn-Dixie will have a month to file a response to the lawsuit before additional court action is scheduled. ▼

[Editors Note: The ACLU has said Oiler prefers to be referred to using the masculine pronouns.]

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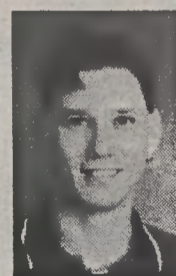
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