

Sex Discrimination: Male Psych Aide's Case Not Proven.

A male psychiatric attendant at a state hospital filed suit for gender discrimination.

His lawsuit claimed, among other things, that he was often singled out on the basis of his gender to participate in incidents that required physical restraint of patients who had gotten physically out of control, work he described as physically demanding and dangerous.

The US District Court for the Southern District of Indiana found the evidence inconclusive that he was actually required to respond to such incidents more often than his female co-workers.

Physical Size vs. Gender

Even if his number was being called more frequently, the Court said, a patient-safety emergency involving physical restraint requires supervisors to make choices based on necessity.

The aide is 5' 10" tall and weighs 245 lbs. The Court said relying on him because of his stature, physical presence and physical strength was not necessarily gender-based and was permissible in an emergency. Wilkerson v. Indiana Family and Social Services, 2010 WL 2091895 (S.D. Ind., May 25, 2010).