

Peter Oiler and Winn-Dixie Stores

Winn-Dixie Stores fired Peter Oiler, a truck driver who had worked for the Louisiana supermarket chain for 21 years. Oiler loaded groceries from the company's warehouse and drove them to Winn-Dixie stores in Louisiana and Mississippi. A good worker, he received above-average performance ratings and was promoted three times. Oiler had been married to his wife, Shirley, for 23 years.

Two years before he was fired, Oiler asked his supervisor, Greg Miles, to squelch a company rumor that he was gay. A year later, Miles met with Oiler and asked him if the rumor still bothered him. Oiler said it did because he was not gay, but a "transgender," a person whose anatomical sex is inconsistent with their feelings about their gender. Oiler said he had no intention of changing his sex or of "transitioning" to live full-time as a woman.

A month later, Miles again met with Oiler. Miles said a supervisor had seen Oiler off-duty dressed as a woman. Oiler responded he sometimes dressed as a woman but never on company time. Miles replied he might harm the company image, and so he should resign and look for another job. Oiler said he was

happy at Winn-Dixie and did not want another job. When consulted, Michael Istre, president of Winn-Dixie, agreed with firing Oiler because "I was concerned about my business and what kind of impact and effect that this type of behavior would have on my business and my customer base if my customers saw him."

Over the next three months, Oiler met five times with Winn-Dixie managers and was told repeatedly to look for another job because he was to be fired. Although his job performance was fine, they said, his off-work dressing as a woman could harm the company's image with the public. At the final meeting, Oiler was terminated while continuing to protest that he adhered to company policy for at-work dress. Said Oiler: "To be fired after 21 years with the company felt like a knife in my chest. I showed up for work on time, did a good job and followed all the rules, but I was fired because I cross-dress off-duty. We lost our health insurance, and nearly had our home foreclosed. The unbearable stress took, and still takes, a toll on our health and continues to affect our 24-year marriage." Although Oiler sued, a U.S. district judge decided federal laws against discrimination do not apply to transgendered people.



Winn-Dixie

With more than 500 stores in Florida, Alabama, Louisiana, Georgia, and Mississippi, Winn-Dixie Stores, Inc. says it aspires to be the "leading neighborhood grocer in every market it serves."