

Don't Hate Me 'Cause I'm Beautiful: Termination Based on "Irresistible Attraction" is Not Unlawful Sex Discrimination



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Christmas came a few days early for Iowan employers, when the Iowa Supreme Court ruled that a male employer acted legally when he fired a female employee because he had become irresistibly attracted to her – a situation the employer’s wife, also an employee, found objectionable.

In [***Nelson v. James H. Knight DDS, P.C., et al***](#), the plaintiff had worked as a dental assistant for the defendant dentist for more than ten years before she was fired. By all accounts, she was a good employee. Over the last year and a half of her employment, however, the dentist began complaining to his assistant that her clothing was too revealing, and distracting. Although his criticisms escalated, and

became more explicit, the employee did not complain. In fact, over the last six months of her employment, they began texting back and forth to each other about both work and personal matters outside the workplace. The dentist's wife, who worked with them both, demanded that her husband fire the employee. Concerned about the impact his assistant's continued employment could have on his marriage, he complied.

The dental assistant sued, claiming that she would not have been fired "but for" her sex. Although the Court found that the fired employee had done nothing wrong and her termination was not fair, the Court nonetheless found that the employer's decision did not constitute sex discrimination under Iowa law. In so holding, the Court drew a distinction between an employment decision driven by individual feelings and emotions regarding a specific person and a decision based on gender itself.

The [press](#) reacted strongly to the decision, with some news outlets ([The Huffington Post](#) and [ABC News](#), for example) focusing on the all-male composition of the court. Nevertheless, based both on precedent and the underlying purpose of anti-discrimination laws, the Court properly found that **the law does not protect an employee from unfair decisions or romantic jealousy.**

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