

Supreme Court Rules that Title VII prohibits discrimination based on sexual orientation, gender identity, and gender expression.

In a landmark 6–3 decision on Monday, June 15, 2020, the Supreme Court ruled in [Bostock v. Clayton County, Georgia](#) that Title VII of the Civil Rights Act of 1964 protects gay and transgender individuals from employment discrimination.

The Court considered three cases in which employers allegedly fired long-term employees because they were either gay or transgender. In one case, a male employee was fired after joining a gay recreational softball league. In another case, a male employee was fired from his skydiving job just days after mentioning that he was gay. In the third case, a transgender employee, who presented as a male when she was hired, was fired after informing her employer that she now planned to “live and work full-time as a woman.”

Title VII protects employees from discrimination on the basis of their race, color, religion, sex, or national origin. The Court reasoned that because discrimination based on the employee’s sexual orientation, gender identity, or gender expression requires an employer to “intentionally treat individual employees differently because of their sex,” an employer violates Title VII when it intentionally penalizes an employee for this reason. “An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.”

This decision expands Title VII’s prohibitions to include discrimination based on employees’ sexual orientation, gender identity, or gender expression. Employers should immediately review their existing policies to explicitly include sexual orientation, gender identity, and gender expression protections. Employers should also update orientation materials for new employees and provide training updates to existing employees. Updated training for managers, supervisors, and human resource professionals is especially important.

If you have any questions about this Supreme Court decision and its impact on your organization, please contact a member of the Labor and Employment Law Practice Group.



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