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**U.S. SUPREME COURT RULES LGBTQ WORKERS ARE PROTECTED FROM JOB DISCRIMINATION**

On June 15, 2020, the majority of the United States Supreme Court ruled that workers cannot be discriminated against on the basis of sexual orientation or gender identity. In a 6-3 ruling, the Court said that the federal anti-discrimination law, Title VII of the Civil Rights Act, applies to gay, lesbian, bisexual, and transgender employees in a trio of linked cases.

The majority opinion held: "Title VII makes it unlawful...for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual...because of such individual's race, color, religion, sex, or national origin..... An employer who fired 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."

However, Title VII has not, until today, been recognized as covering gay or trans employees. Across the nation, 21 states have their own laws prohibiting job discrimination based on sexual orientation or gender identity. Those laws remain in force, but the Supreme Court's ruling means federal law now provides similar protection for LGBTQ employees throughout the entire US.

Justice Gorsuch wrote the majority opinion and was joined by Justices Roberts, Sotomayor, Ginsburg, Breyer, and Kagan. The Court ruled on three cases in which each employee was fired when his/her employer discovered they were gay or transgender. In *Bostock v. Clayton County*, the employee was fired after he joined a gay softball team. In *Altitude Express Inc. v. Zarda*, a skydiving instructor was fired after he told a female client not to worry about being strapped tightly to him during a jump because he was "100 percent gay." The third case involved Aimee Stephens, who is transgender. In *RG&GR Funeral Homes v. EEOC*, Ms. Stephens was fired from her job at a Michigan funeral home two weeks after she told the company she was transgender and planned to live as a woman.

In each instance, the Court ruled that the employers had violated Title VII's prohibition against discrimination "on the basis of sex."

The Trump administration had urged the Court to rule that Title VII does not cover cases like these, in a reversal from the position the government previously took during the Obama administration. The Justice Department most recently took the position that "the ordinary meaning of 'sex' is biologically male or female; it does not include sexual orientation. An employer who discriminates against employees in same-sex relationships thus does not violate Title VII as long as it treats men in the same-sex relationships the same as women in the same-sex relationships." The Supreme Court disagreed.

Prior to this decision, Title VII did not protect employees on the basis of gender identity or sexual orientation. However, in light of the Supreme Court's decision, companies must immediately make sure that their employee handbooks and all other documents prohibiting discrimination include gender identity and sexual orientation.

To discuss how this ruling may affect you or your business, please contact Claire Saady, Esq. at [claire@saadyandsaxe.com](mailto:claire@saadyandsaxe.com) or (727) 291-2900 or (813) 909-8855.