

06.15.20



U.S. Supreme Court Makes History: LGBTQ Employees Are Protected From Discrimination Under Federal Law

Today, the U.S. Supreme Court handed down a landmark decision ruling that LGBTQ people are protected from discrimination in employment under Title VII.

Title VII of the Civil Rights Act enacted by Congress in 1964 prohibits employers from discriminating against employees on the basis of sex and other protected categories. Before today, the lower courts were in disagreement over whether the term "sex" includes sexual orientation and gender identity. The Supreme Court's 6-3 decision holds that "sex" includes sexual orientation and gender identity, making it unlawful for an employer to fire an employee based upon an employee's sexual orientation or gender identity.

The majority opinion was written by Chief Justice John Roberts and Justice Neil Gorsuch. Justice Gorsuch wrote in part: "In Title VII, Congress adopted broad language making it illegal for an employer to rely on an employee's sex when deciding to fire that employee. We do not hesitate to recognize today a necessary consequence of that legislative choice: an employer who fires an individual merely for being gay or transgender defies law."

While many states and municipalities had their own laws protecting the gay and transgender community in the workplace, until today, it was not part of federal law. Today's decision issued during LGBT Pride month leaves no ambiguity that Title VII prohibits discrimination and harassment against LGBTQ employees.

Comment: Employers are encouraged to promptly review all of their policies to make sure they protect LGBTQ employees, update training and ensure that their supervisors and managers are aware anti-discrimination and anti-harassment policies apply to LGBTQ employees.