SUPREME COURT PROTECTS LGBTQ+ EMPLOYEES FROM DISCRIMINATION

June 24, 2020

Supreme Court Protects LGBTQ+ Employees From Discrimination

The Supreme Court of the United States issued a decision on Monday, June 15, 2020 making it illegal for employers to discriminate against employees on the basis of gender identity and sexual orientation.

The case expands workplace rights for employees who are members of the LGBTQ+ community. The case, which consisted of three separate cases consolidated into one, reached the Supreme Court after frustrations over the lack of workplace protections for LGBTQ+ individuals. In one case, an employee of Clayton County, Georgia was fired from his job after his employer found out that he played in a gay recreational softball league. In another case, a skydiving instructor was fired after telling a client of his that he was gay. In the third case, a funeral director was fired after disclosing to her employer that she was transgender and was intent on living her life as a woman.

The decision expands on the language in Title VII of the Civil Rights Act of 1964, making it illegal under federal law for employers to discriminate against employees on the basis of sexual orientation or gender identity. LGBTQ+ persons are now included in the "sex" category of Title VII of the Civil Rights Act of 1964. Justice Neil Gorsuch wrote in the opinion that inherent discrimination exists when firing an employee based on sexual orientation or gender identity because, in that circumstance, the employer is discriminating on the bases of actions and traits that wouldn't typically be questioned in someone of another gender or sexuality.[fusion_builder_container hundred_percent="yes" overflow="visible"][fusion_builder_row][fusion_builder_column type="1_1" background_position="left top" background_color="" border_size="" border_color="" border_style="solid" spacing="yes" background_image="" background_repeat="no-repeat" padding="" margin_top="0px" margin_bottom="0px" class="" id="" animation_type="" animation_speed="0.3" animation_direction="left" hide_on_mobile="no" center_content="no" min_height="none"][1] Justice Gorsuch expanded further, writing: "Sex plays a necessary and undisguisable role in the decision [to fire an employee], exactly what Title VII forbids."[2] The court left unclear the future of the religious exemption granted to faith-based organizations, who are allowed to hire with an eye toward one's religious qualifications.

Formally addressing the rights of LGBTQ+ individuals in the workplace is an indication that America is making strides towards providing an equal opportunity for all citizens in their pursuit

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of happiness. Surely in the coming days, weeks, and months, employers *and* employees alike will have questions about what this decision means for them.

Please do not hesitate to contact our office if you have any questions or concerns about what this change in federal law means for you. If you have a question or concern, one of Cohen Cleary P.C.'s attorneys would be happy to assist you. We can be reached at 508-880-6677.

[1] Bostock v. Clayton County, 590 U.S. _____, 2 (2020).

[2] Bostock v. Clayton County, 590 U.S. _____, 2 (2020).[/fusion_builder_column][/fusion_builder_row][/fusion_builder_container]

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