BREAKING: US Supreme Court – Title VII Prohibits Discrimination In Employment Based On Sexual Orientation And Gender Identity

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Resolving a question that previously had vexed lower courts and resulted in inconsistent rulings across the country, on Monday, June 15, 2020, the United States Supreme Court ruled that the prohibition against sex-based discrimination in employment set forth in Title VII of the Civil Rights Act of 1964 includes claims of sexual orientation and gender identity-based discrimination.

In a 6-3 decision authored by Justice Gorsuch, the Court stated that Title VII’s prohibition on discrimination “because of” “sex” means that “[a]n employer violates Title VII when it intentionally fires an individual employee based in part on sex,” explaining that “[a]n individual’s homosexuality or transgender status is not relevant to employment decisions.” The majority’s opinion is rooted in what Justice Gorsuch said are the express terms of Title VII, noting that although the drafters of that law may not have foreseen that it be applied to sexual orientation or gender-identity discrimination claims, “[w]hen the express terms of the statute give us one answer and extratextual considerations suggest another, it’s no contest. Only the written word is law, and all persons are entitled to its benefit.”
We are analyzing the Court’s lengthy (172 page) decision and will post an update soon with a comprehensive in-depth analysis.

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