BREAKING: The U. S. Supreme Court Holds That Title VII Protects LGBTQ Employees

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In a 6-3 decision, the U.S. Supreme Court ruled today that Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on an employee’s sexual orientation and/or transgendered status. Though Title VII does not expressly mention “sexual orientation” or “transgender,” the Court held that “homosexuality and transgender status are inextricably bound up with sex” and that “it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex”—a protected class under Title VII.

Accordingly, the Court set forth a clear, bright-line rule:

“[I]n Title VII, Congress outlawed discrimination in the workplace on the basis of race, color, religion, sex, or national origin. Today, we must decide whether an employer can fire someone simply for being homosexual or transgender. The answer is clear. 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.”
Though the Court acknowledged that Congress might not have expected “this particular result” when it enacted Title VII, the Court held that “Congress adopted broad language making it illegal for an employer to rely on an employee’s sex when deciding to fire that employee,” leading to the “necessary consequence” that “[a]n employer who fires an individual merely for being gay or transgender defies the law.”

Though a growing number states have enacted legislation in recent years to protect LGBTQ employees, the Court’s ruling ushers in a sweeping change to Title VII and outlaws sexual orientation and transgender-based discrimination throughout the country, regardless of the underlying state law. Employers should update their policies and practices to reflect this change.

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