



Supreme Court Rules That Title VII Protects LGBTQ From Employment Discrimination

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This morning, the United States Supreme Court issued its opinion (authored by Trump appointee Neil Gorsuch) holding that Title VII's protections against sex discrimination in the workplace apply to LGBTQ employees. This resolves a split of authority among lower courts and now confirms that under federal law, Title VII prohibits employers from discriminating against employees on the basis of sexual orientation and gender identity. This has long been the law in California, so this should not be a game-changer for California employers in terms of their anti-discrimination policies and practices. Any multi-state employers who do not already have policies in place prohibiting discrimination and harassment on the basis of sexual orientation and gender identity will want to revise their policies to be in compliance with today's ruling.

Today's Supreme Court decision was issued in three different cases that were consolidated for

purposes of review. In the first case, *Bostock v. Clayton County*, the plaintiff, a long-term employee, was fired by his County employer for conduct “unbecoming” of a County employee after he joined a recreational gay softball league and certain influential members of the community expressed criticism of him. In the second case, *Zarda v. Altitude Express*, the plaintiff worked several seasons for the employer as a skydiving instructor until he was fired shortly after disclosing that he was gay. In the third case, *Stephens v. R.G. & G.R. Funeral Homes*, the plaintiff worked for the employer for six years as a male but then disclosed to the employer that he intended to transition and to live and work as a female. The employee was fired shortly thereafter.

In *Bostock*, the Eleventh Circuit Court of Appeals held that Title VII does not bar sexual orientation discrimination and, thus, dismissed the employee’s claim. The Second Circuit in *Zarda* and the Sixth Circuit in *Stephens* disagreed, allowing the discrimination claims of those employees to proceed under Title VII. These split rulings on the same issue set the stage for Supreme Court review and today’s ruling resolving that split and pronouncing that Title VII indeed prohibits discrimination against an employee on the basis of sexual orientation and transgender status. The complete ruling is available [here](#).