



Supreme Court Extends Equal Employment Protections To LGBTQ Workers

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Today, the U.S. Supreme Court expanded the 1964 Civil Rights Act to include LGBTQ workers in its equal employment protections.

The Supreme Court, divided 6-3, issued its long-awaited decision in [Bostock v. Clayton County, Georgia](#), holding that an employer who fires an individual merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964.

The high court's decision resolves conflicting rulings in cases from three separate courts of appeals – the Eleventh Circuit (Georgia), the Sixth Circuit (Michigan), and the Second Circuit (New York) – in which the employees claim they were discharged because of their sex. The question was whether the federal law that provides equal employment opportunities based on “sex” includes homosexuality and transgender status.

Writing for the majority, Justice Neil Gorsuch said that the “straightforward application of Title VII’s terms interpreted in accord with their ordinary public meaning at the time of their enactment resolves these cases.” Regarding the employers’ decisions to fire the affected employees, the Court wrote, “Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.”

Justice Gorsuch’s opinion was joined by Chief Justice John Roberts, and Justices Ginsberg, Breyer, Sotomayor and Kagan. Justice Alito penned one

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dissent, joined by Justice Thomas. Justice Kavanaugh filed a separate dissenting opinion.

The Supreme Court's decision represents perhaps the most significant expansion of Title VII since the recognition of same-sex sexual harassment in *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998), a unanimous court decision written by the late Justice Antonin Scalia.

The *Bostock* opinion, including its two separate dissents, totals 119 pages. Barnes & Thornburg's team will have more analysis soon.