

## **Supreme Court Issues a Landmark Decision on Gay and Transgender Rights in the Workplace**

By [Harvey R. Linder](#)

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Today, Monday, June 15, 2020, was a bellwether day for proponents of gay and transgender rights. The US Supreme Court issued its long-anticipated decision in *Bostock v. Clayton County, Georgia*. The Court held that firing an individual merely for being gay or transgender violates Title VII. The Court's 6-3 ruling extended the scope of Title VII of the Civil Rights Act of 1964, which bars discrimination on the basis of sex, race, color, national origin, and religion, to include LGBTQ people. Chief Justice John Roberts and Justice Neil Gorsuch, who authored the [majority's opinion](#), joined the liberal wing of the bench in this ruling.

Until today, workplace bias against gay and transgender employees has remained legal in much of the United States, with 28 states lacking any true measures against employment discrimination in this area. The rulings in two gay rights cases from Georgia and New York, and a transgender rights case from Michigan, recognize new worker protections in federal law.

For the Court, Justice Gorsuch stated: "Judges are not free to overlook plain statutory commands on the strength of nothing more than suppositions about intentions or guesswork about expectations. In Title VII, Congress adopted broad language making it illegal for an employer to rely on an employee's sex when deciding to fire that employee. We do not hesitate to recognize today a necessary consequence of that legislative choice: **An employer who fires an individual merely for being gay or transgender defies the law.**"

For assistance in revising your employee application forms, employee handbooks, policy statements, etc., Culhane Meadows is ready to ensure that you are legally compliant with all of your appropriate employment practices. For more information, please contact Harvey Linder at [hlinder@cm.law](mailto:hlinder@cm.law).

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