

NEWS RELEASES

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U.S. Supreme Court Finds LGBTQ Employment Discrimination Illegal

HUSCH BLACKWELL-FILED AMICUS BRIEF ANTICIPATES MAJORITY DECISION

In a 6-3 decision, the United States Supreme Court held that Title VII of the Civil Rights Act of 1964 prohibits discrimination in the workplace based on sexual orientation and transgender status. Title VII’s language precludes covered private employers from discriminating against employees because of “sex,” and has long been understood to protect workers from gender bias and discrimination.

On Monday, June 15, the Court clarified that the law necessarily extends to discrimination based on an employee’s sexual orientation or gender identity. The majority opinion, authored by Justice Neil Gorsuch, explained that “[b]ecause discrimination on the basis of homosexuality or transgender status requires an employer to intentionally treat individual employees differently because of their sex, an employer who intentionally penalizes an employee for being homosexual or transgender also violates Title VII.” The decision puts to rest a long-running dispute among circuit courts in the U.S.

On behalf of a wide array of Wisconsin-based advocacy organizations committed to extending the rights of LGBTQ individuals, including the LGBT Bar Association of Wisconsin, among others, Husch Blackwell drafted and filed an amicus brief in support of the plaintiffs’ contention that the protections found in Title VII of the Civil Rights Act of 1964 extended to discrimination based on sexual orientation and transgender status. Husch Blackwell’s brief emphasized many of the textual and logical principles that the majority ultimately found persuasive. For example, the brief showed how it is logically incoherent to argue that Title VII doesn’t cover sexual orientation and

gender identity discrimination. The Court agreed, concluding that “it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”

The Husch Blackwell team included Joseph Diedrich and Angela Harden.