

Civil rights win for LGBTQ employees: Implications for employers

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David Barron spoke with *Benefits Pro* about the Supreme Court's ruling that the protections imposed by the 1964 Civil Rights Act extended to gender identity and sexual orientation. "This decision is significant in that it will now create a consistent rule of law nation-wide with regard to the prohibition of discrimination against LGBTQ employees in the workplace. That said, it is important to note that most states, and many localities, already had such anti-discrimination laws on the books before this decision. Similarly, the Equal Employment Opportunity Commission, the agency handling federal discrimination claims, has long taken the position that such claims are actionable under Title VII, and most large companies prohibit such discrimination in their policies. As a practical matter, these protections already existed in most workplaces across America. The breadth of the decision is also important in that it takes a very expansive view of discrimination based on sex, that casts aside terminology and labels. Employers will need to ensure their training makes clear that stereotyping, harassment, or discrimination based on any aspect of sex or gender (not just orientation or sexual preference) is unlawful. One meaningful impact of this decision will be the scope of the ruling as it pertains to quasi-religious organizations like schools, and to employers who seek to argue there should be some room for employment decisions that are perhaps discriminatory, but made in good faith due to religious beliefs. That debate was part of the disagreement between the justices and will likely divide the lower courts for years to come," said David.

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