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U.S. Supreme Court's Decision in Bostock v. Clayton County Extends Title VII Protections to Sexual Orientation and Gender Identity

The Authority, California Joint Powers Insurance Authority Newsletter Issue 100

On June 15, 2020, the United States Supreme Court issued a seminal opinion for the lesbian, gay, bisexual, transgender, queer or questioning ("LGBTQ") community, ruling that Title VII of the Civil Rights Act of 1964 ("Title VII"), protects LGBTQ workers from workplace discrimination. The decision was issued in a trio of cases, collectively referred to as *Bostock v. Clayton County*, 590 U.S. ___ (2020) (No. 17-1618, June 15, 2020) (*"Bostock"*).The Court ruled that though Congress may not have had discrimination based on sexual orientation in mind when it enacted Title VII, but Title VII's ban on discrimination does in fact protect LGBTQ employees. (Title VII bans employers from discriminating against any individual "because of such individual's race, color, religion, sex, or national origin.")

Factual Background

In *Bostock*, the plaintiff, Gerald Bostock, was an employee of Clayton County, in the Atlanta metropolitan area. He was an employee in the juvenile court system and had good performance records. In 2013, Bostock joined a gay softball league and told others about it at work. In April 2013, Clayton County conducted an audit of funds controlled by Bostock and fired him for conduct unbecoming a county employee. Georgia did not have any laws protecting LGBTQ individuals from employment discrimination. Bostock believed the County had used the issue of allegedly misspent funds as a pretext for firing him for being gay. Ultimately, the Eleventh Circuit upheld the lower court's dismissal of his claims. In April 2019, the U.S. Supreme Court granted review to *Bostock*, along with *Altitude Express Inc., et al. v. Zarda* (*"Zarda"*), a Second Circuit decision, and *R.G. & G.R. Harris Funeral Homes, Inc. v. EEOC* (*"Harris"*), a Seventh Circuit decision.In *Zarda*, Altitude Express had fired Donald Zarda days after he mentioned being gay, while in *Harris*, Harris Funeral Homes had fired Aimee Stephens, who had first presented as a male, after she informed her employer that she planned to live and work as a woman.

Read more.

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