

Supreme Court of the United States issues landmark ruling on LGBTQ rights

On June 15, the United States Supreme Court issued a landmark opinion reversing one circuit court of appeals holding and affirming two others with its ruling that the Title VII of the Civil Rights Act of 1964, does indeed protect individuals from discrimination on the basis of sexual orientation or transgender status.

The decision was made 6-3 with Chief Justice John Roberts and Gorsuch joining Justices Ruth Bader Ginsburg, Sonia Sotomayor, Elena Kagan and Stephen Breyer for the majority. Gorsuch authored the majority opinion, while Justices Samuel Alito, Brett Kavanaugh and Clarence Thomas dissented.

The case consolidated three separate cases, No. 17–1623, *Altitude Express, Inc., et al. v. Zarda et al., as Co-Independent Executors of the Estate of Zarda, R. G. & G. R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission et al.*, and No. 17-1618, *Bostock v. Clayton County, Georgia*.

Title VII makes it “unlawful . . . for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual . . . because of such individual’s race, color, religion, sex, or national origin.” 42 U. S. C. §2000e–2(a)(1). Homosexuality and Transgender individuals are now protected under the Court's interpretation of the word "sex."

The employers’ argument in part was that "homosexuality and transgender status are distinct concepts from sex, and that if Congress wanted to address these matters in Title VII, it would have referenced them specifically. But when Congress chooses not to include any exceptions to a broad rule, this Court applies the broad rule." The Court rejected this argument, holding, that the answer to the question of "whether an employer can fire someone simply for being homosexual or transgender. . ." is "clear" and further reasoned that "an employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."

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