

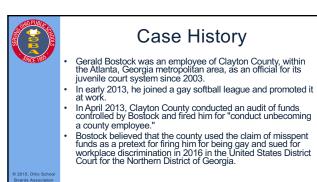
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Bostock v. Clayton County

A landmark United States Supreme Court civil rights case in which the Court held that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because they are homosexual or transgender.

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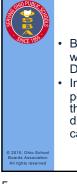


Case History

The county sought to dismiss the claim of prohibited discrimination—the District Court agreed to dismiss, on the basis of precedent established in 2017.

 Evans v. Georgia Regional Hospital decided by the Eleventh Circuit (of which the District is part) held that the Civil Rights Act's Title VII does not include protection against discrimination towards sexual orientation.

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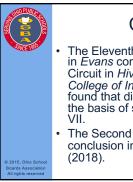


Case History

Bostock appealed to the Eleventh Circuit, where the three-judge panel affirmed the District Court's ruling in 2018.

 In upholding the ruling, the Eleventh Circuit pointed to their ruling in *Evans* that dismissed the Supreme Court's precedent against sex discrimination established by two previous cases (*Price Waterhouse* and *Oncale*).

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Case History

The Eleventh Circuit's ruling in *Evans* conflicted with that of the Seventh Circuit in *Hivley v. Ivy Tech Community College of Indiana* (2017) in which the Circuit found that discrimination in employment on the basis of sexual orientation violated Title VII.

The Second Circuit came to the same conclusion in *Zarda v. Altitude Express, Inc.* (2018).

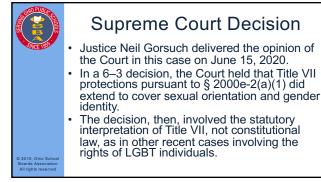


Case History

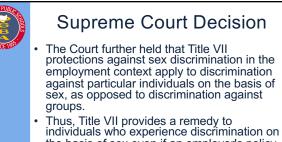
Thus the Eleventh Circuit, on the one hand, and the Second and Seventh Circuits, on the other, were divided on the question of the interpretation of Title VII.

These cases and a related case, R.G. & G.R. Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission, in which the Sixth Circuit found Title VII also covered transgender employment discrimination, set the stage for the Supreme Court's decision in Bostock.

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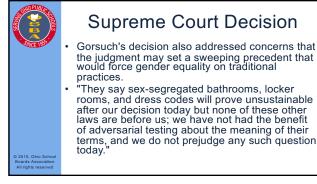
the basis of sex even if an employer's policy on the whole does not involve discrimination.



Supreme Court Decision

Gorsuch wrote: "An employer who fired 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. Those who adopted the Civil Rights Act might not have anticipated their work would lead to this particular result. But the limits of the drafters' imagination supply no reason to ignore the law's demands. Only the written word is the law, and all persons are entitled to its benefit."

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Important Take-aways

- Bostock clearly establishes that homosexual and transgender employees now have workplace protections under the 1964 Civil Rights Act (Title VII).
- Religious liberties violations are not addressed by this decision.

