

KANSAS CITY PARTNER TALKS TO MEDIA ABOUT U.S. SUPREME COURT RULING ON LGBTQ WORKPLACE DISCRIMINATION

News

Jun 16, 2020

In a 6-to-3 decision on June 15, 2020, the U.S. Supreme Court ruled that workplace discrimination because of an individual's sexual orientation or gender identity — including being transgender — is unlawful discrimination “because of sex” under Title VII of the Civil Rights Act of 1964. In interviews with *SHRM* and *Law360*, partner **Randy Coffey** discussed what employers need to know about this historic decision.

In his interview with *SHRM*, Randy encouraged employers to use the ruling as an opportunity to review their job application, hiring practices and ongoing work processes. Randy also explained that the Supreme Court reiterated that the focus of Title VII is on individuals not groups, and he adds that “[i]t is not a function of labels or terms.” As a result, managers and supervisors should understand that discrimination can still occur even without the intention to harm an employee because of his or her sex.

In his conversation with *Law360*, Randy commented on how the ruling has set the stage for a new wave of legal battles over LGBTQ rights in the workplace. An issue that almost certainly will arise quickly will be the extent to which the Religious Freedom Restoration Act (RFRA) will provide any exceptions to the ruling for those with sincerely held religious beliefs and the scope of the “ministerial exception” for entities that are religiously-based, particularly for scholastic institutions. In the interview, Randy predicts that the “ministerial exception” will have a narrow application and

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warns that “[t]o the extent you are a private employer, those [defenses] are going to be very difficult to press forward.”

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