

HOW U.S. SUPREME COURT RULING COULD IMPACT WORKPLACE POLICIES

News

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In a 6-to-3 decision in *Bostock* 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 an interview with *HR Dive*, **Randy Coffey** weighs-in on how the historic ruling could impact workplace policies.

Randy explains that employers will need to pay closer attention to subtle complaints related to how covered employees are treated. He notes that “[e]mployers will need to carefully consider whether employee complaints from LGBT employees potentially implicate concerns that might be considered harassment or contribute to a hostile work environment.”

Randy goes on to explain that the ruling will also likely have an impact on employee benefits plans. He explains that “[i]n light of [*Bostock*], plans making differential coverage available on the basis of same-sex spouses would open themselves to Title VII sex discrimination claims.”

In the end, Randy encourages employers to carefully review and revise their policies in light of the ruling. He adds that the “[t]he safest approach at this point is for employers to tread carefully and to protect themselves by having policies and approaches that are as broad and as inclusive of LGBT employees as the company is comfortable with, and giving consideration to how subjects that now-protected LGBT employees may find offensive should be addressed so that there this is consistency in that regard.”

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