



Bostock v. Clayton County, Georgia (S. Ct.)

Topics Covered: Lesbian Gay Bisexual Transgender and Queer (LGBTQ) Rights, Civil Rights

Issue

The issue in this case is whether discrimination against an employee because of sexual orientation constitutes prohibited employment discrimination “because of . . . sex” within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.

AMA Interest

The AMA opposes any discrimination based on an individual’s sex, sexual orientation, gender, identity, race, religion, disability, ethnic origin, national origin or age and any other such reprehensible policies.

Case Summary

Gerald Bostock is a gay man who was first employed as the Child Welfare Services Coordinator for the Clayton County Juvenile Court System in 2003. During his time with Clayton County, he received favorable performance reviews and was recommended to serve on a national standard setting committee for child welfare services.

In 2013, Bostock joined a gay recreational softball league. He claims that his sexual orientation was subsequently disparaged. Eventually, the County terminated Bostock due to “conduct unbecoming of a county employee.” Bostock denies any such conduct and alleges that Clayton County fired him because of his sexual orientation. He asserts that, after the County learned of his sexual orientation, his participation in the softball league, and his promotion of volunteer opportunities with the County to league members, the County falsely accused him of mismanaging public funds as a pretext for terminating his employment because of his sexual orientation.

Bostock then sued the County alleging sex discrimination in violation of Title VII. The district court dismissed Bostock’s complaint, holding that, “[a]s a matter of law, the Eleventh Circuit has . . . foreclosed the possibility of a Title VII action alleging discrimination on the basis of sexual orientation as a form of sex discrimination[.]”

Bostock then appealed to the United States Court of Appeals for the 11th Circuit, which upheld the dismissal of Bostock’s complaint.

Bostock appealed to the United States Supreme Court.

Litigation Center Involvement

The Litigation Center, along with the Medical Association of Georgia filed an *amicus* brief before the United States Supreme Court, which supported Bostock. The brief argued: (1) sexual orientation results from biological factors and is not a matter of choice by the individual; (2) societal disapproval of homosexuality frequently causes profoundly negative health consequences to the homosexual person; (3) as a rule, homosexual people can contribute as much to society as can heterosexual people; and (4) diversity of any sort, including sexual orientation, is likely to improve and strengthen society.

United States Supreme Court brief