



Harris Funeral Homes v. EEOC, 140 S. Ct. 1731 (2020)

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

Outcome: Very Favorable

Issue

The issue in this case was whether Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-2(a)(1), prohibits discrimination against transgender people based on (1) their status as transgender persons or (2) sex stereotyping.

AMA Interest

The AMA opposes any efforts to deny an individual's right to determine their stated sex marker or gender identity.

Case Summary

Aimee Stephens, a woman who is transgender, served as a funeral director/embalmer at R.G. & G.R. Harris Funeral Homes, Inc., a closely-held for-profit Michigan corporation ("the Funeral Home"). The Funeral Home requires its public-facing male employees to wear suits and ties and its public-facing female employees to wear skirts and business jackets. After Stephens worked at the Funeral Home for over five years with a publicly male identity, Stephens informed the Funeral Home that she had been struggling with a "gender identity disorder" her entire life, and that she had decided to wear female clothing and have gender affirming surgery. However, before she could have the operation, the Funeral Home fired her.

Stephens filed a sex-discrimination charge with the Equal Employment Opportunity Commission ("EEOC"), alleging that the only explanation she received for her termination was that "the public would [not] be accepting of [her] transition." The EEOC determined that the Funeral Home had discharged Stephens due to her sex and gender identity and had thus violated Title VII.

The EEOC and the Funeral Home were unable to resolve the dispute through a conciliation process, and the EEOC filed a complaint against the Funeral Home in the United States District Court for the Eastern District of Michigan. Stephens intervened in the lawsuit as a plaintiff.

The district court found that transgender status is not a protected trait under Title VII, and therefore, the EEOC could not sue for alleged discrimination against Stephens based solely on her transgender and/or transitioning status. It entered summary judgment in favor of the Funeral Home.

The EEOC and Stephens appealed to the Sixth Circuit, which disagreed with the district court. It held that the Funeral Home had engaged in unlawful discrimination against Stephens because of her sex, and it reversed.

The United States Supreme Court granted the Funeral Home's petition for certiorari. The Supreme Court consolidated this case with *Bostock v. Clayton County, Georgia*. The following question was certified for review: Whether Title VII prohibits discrimination against transgender people based on (1) their status as transgender or (2) sex stereotyping. By a split decision, the Supreme Court affirmed the Sixth Circuit's decision. It held that, regardless of what may have been the surmised intent of Congress when Title VII was enacted, the statutory language prohibits employment discrimination based on sex, which includes one's sexual orientation and gender identity.

AMA Involvement

The Litigation Center, along with the Michigan Medical Society, filed an *amicus* brief which argued that discrimination against employees, either because of their failure to conform to sex stereotypes or their transgender and transitioning status, is illegal under Title VII.

United States Supreme Court brief