

Seventh Circuit Rules Sexual Orientation Discrimination Not Protected By Title VII, But Ruling Has Little Overall Impact

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The United States Court of Appeals for the Seventh Circuit recently held that, consistent with existing case law, discrimination on the basis of sexual orientation is not Title VII discrimination "on the basis of sex," and, therefore, is not protected by Title VII. The court upheld the dismissal of a lawsuit by a former part-time college instructor, who claimed the college did not hire her for full-time employment because she is a lesbian. The court's **opinion** recognized that its decision is contrary to a July 2015 decision of the Equal Employment Opportunity Commission (EEOC), in which the EEOC concluded that an allegation of discrimination based on sexual orientation "is necessarily an allegation of sex discrimination under Title VII." The Court of Appeals also noted the paradox created by its recent decision in light of the United States Supreme Court's 2015 decision that legalized same-sex marriage, stating: "We allow two women or two men to marry, but allow employers to terminate them for doing so." The Court of Appeals was clear in its opinion that it does not condone employees being discriminated against "solely based on who they date, love, or marry," but stated that any change on the subject must come in the form of a ruling from the Supreme Court or in the form of new legislation from Congress. The Court of Appeals' ruling is less impactful in states like Illinois, which already have anti-discrimination statutes that explicitly protect employees from discrimination and/or harassment on the basis of their sexual orientation and marital status.

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