

More than 30 Transgender and Ally Organizations File Amicus Brief in Support of Worker Who Was Fired for Being Transgender



(NEW YORK, NY - July 3, 2019) - Transgender Legal Defense & Education Fund (TLDEF) today filed a [“friend of the court” brief](#) with 33 other signatories in support of Aimee Stephens in her case before the U.S. Supreme Court. In 2013, a Michigan funeral home fired Ms. Stephens from her job because she is a transgender woman. The case *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission* could reverse longstanding precedent that transgender people are protected from employment discrimination under Title VII of the Civil Rights Act of 1964.

TLDEF’s amicus brief asks the Supreme Court to affirm a Sixth Circuit Court of Appeals decision that ruled Ms. Stephen’s employer violated Title VII, which prohibits sex discrimination in employment, when they fired her for being transgender.

“Our brief makes it clear that federal employment law protects Aimee Stephens and other transgender people across the country who simply want the opportunity to work without fear of losing their job because of who they are,” said TLDEF Executive Director Andy Marra. “Federal courts and agencies have long established that firing someone for being transgender is unlawful sex discrimination. Today, we join with 33 transgender rights groups and our allies to ask the Supreme Court to uphold the law and ensure that everyone in this country is able to maintain a job free from discrimination.”

The brief advances three main arguments:

- **Aimee Stephen’s abrupt firing from her job is a straightforward case of sex discrimination under Title VII.** To hold otherwise would unfairly single out and exclude 1.55 million transgender people from existing employment protections enjoyed by all other workers.
- **There is both medical and legal consensus that “sex” is comprised of myriad factors, including gender identity.** Numerous lower court rulings affirm that transgender people have the right to work, attend school, receive health care, and obtain identity documents in accordance with their gender identity.
- **The U.S. Supreme Court case *Price Waterhouse v. Hopkins* established the legal precedent of sex stereotyping that also applies to Ms. Stephen’s wrongful termination** because she fails to conform to the core stereotype that physical anatomy at birth solely determines a person’s sex as opposed to their gender identity.

There is a long line of court precedent finding that transgender people are protected from sex discrimination in employment. A ruling against Aimee Stephens would break from decades of established case law and strip away employment protections from transgender people and anyone who might be considered “too feminine” or “too masculine.”

The amicus brief was organized by TLDEF in partnership with pro bono counsel Cleary Gottlieb Steen & Hamilton LLP, a preeminent global law firm with offices on four continents.

The 33 signers of the brief consist of local and state-based organizations from every region of the United States who directly serve transgender people, particularly those most vulnerable to discrimination. **Transgender rights groups and allies signing the brief include:**

APIENC (API Equality - Northern California); Bradbury-Sullivan LGBT Community Center; Brave Space Alliance; Callen-Lorde Community Health Center; Compass LGBTQ Community Center; Fairness Campaign; FORGE, Inc.; Gender Justice League; GMHC; Hudson Pride Center; Indiana Legal Services, Inc.; Joan Watke Stacy, P.C., L.L.O; Lavender Rights Project; LGBT Community Center of Greater Cleveland; Los Angeles LGBT Center; Ministries Beyond Welcome; OutCenter of Southwest Michigan; San Diego Pride; Stowell & Friedman, Ltd.; The LOFT LGBT Community Services Center; The TransLatin@ Coalition; Trans Advocacy in Rural Places; Trans Pride Initiative; Transcend Legal; Transcend the Binary; TransFamily Support Services; Transgender Children's Legal Defense Fund; Transgender Education Network of Texas; TransOhio; TransVisible Montana; Tranzmission; True Colors, Inc.; and U.T.O.P.I.A. SEATTLE.

Seven in ten Americans favor laws that would protect lesbian, gay, bisexual, and transgender (LGBT) people against discrimination in the workplace. In addition, majorities in every state across the country favor employment protections for LGBT workers.

Transgender people in the United States are confronted by severe barriers to job security. Thirty percent of transgender people who had a job reported being fired, denied a promotion, or experiencing mistreatment in the workplace because of their gender identity. In addition, fifteen percent of transgender people are unemployed, which is three times the national unemployment rate.

The Trump-Pence Administration has attempted to redefine sex discrimination by proposing changes to federal regulations that would strip away protections for transgender people. Recent efforts include the removal of transgender people from accessing emergency shelter and housing and inviting medical providers to turn away transgender patients seeking life-saving care.

Media Contact

Jonathan Adams, Director of Communications

Phone: [646-845-4205](tel:646-845-4205)

Email: communications@transgenderlegal.org

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