



## LGBTQ+ Psychology Group Applauds U.S. Supreme Court Employment Discrimination Decision

The Society for the Psychology of Sexual Orientation and Gender Diversity, Division 44 of the American Psychological Association (APA), applauds the June 15, 2020 [decision](#) of the United States Supreme Court.<sup>1</sup> This landmark decision ruled that the language of the 1964 Civil Rights Act, which prohibits sex discrimination in employment, applies to discrimination based on sexual orientation and gender identity.

The court's opinion decided three cases: two involving situations where people were fired for being gay (*Altitude Express Inc. v. Zarda*, *Bostock v. Clayton County*) and one where someone was fired for being transgender (*G.R. Harris Funeral Homes v. EEOC*).

Prior to the ruling, about half of the 8.1 million lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ+) people age 16 and older worked in a state that did not provide them with employment protections.<sup>2</sup> Workplace protections are a critical component of LGBTQ+ people's financial stability. Further, LGBTQ+ workers employed by organizations that offer anti-discrimination protections report greater job satisfaction, higher levels of commitment to their employer, and are more productive.<sup>3</sup> Thus, workplace protections are good for workers and good for business.<sup>4</sup>

In addition to providing much-needed employment protections, equalizing legislation, including anti-discrimination legislation, has significant mental health benefits for sexual and gender minorities (Hatzenbuehler et al., 2009). APA's recent resolution [Opposing Discriminatory Laws, Policies, and Practices Aimed at LGBTQ+ Persons](#)<sup>5</sup> calls for nondiscrimination and equalizing legislation as a way to reduce stigma, as stigma carries negative effects on the well-being of LGBTQ+ individuals. For instance, research has found that marriage equality laws were associated with lower suicidality among LGBTQ+ adolescents<sup>6</sup> and increased likelihood that LGBTQ+ people would seek medical care<sup>7</sup>. Taken together, the psychological science suggests that legislation and policies that provide protections for LGBTQ+ people are a vital component to their mental health and well-being.<sup>8</sup>

This ruling is a hallmark achievement. It is also a call to action. In many states, it is still legal to discriminate against LGBTQ+ people in housing, credit, public accommodations, education, and adoption settings, among others. Many transgender people have been banned from military service. There is no federal legislation protecting trans and gender diverse people's rights to access public restrooms, and as a result, many transgender and gender diverse community members who are harassed in public restrooms remain without legal protections. This ruling also does not address heterosexist and cisgenderist discrimination that LGBTQ+ customers may face in restaurants and retail stores. It does not protect LGBTQ+ people who are undocumented, including Deferred Action for Childhood Arrivals (DACA) recipients and asylum seekers. Nor does it address the pervasive and longstanding racist violence and discrimination against Black individuals, families, and communities, and indigenous and other communities of color (BIPOC), including LGBTQ+ BIPOC individuals who have not been liberated or protected by law. Murders of trans women of color--most of whom are Black—are [increasing](#).<sup>9</sup> In the context of the global COVID-19 pandemic, the Trump administration's stripping of protections for transgender patients in healthcare remains harmful, legal discrimination when care is most needed.

To address many forms of such discrimination targeted at LGBTQ+ individuals, necessary work continues to pass the [Equality Act](#), which is supported by the American Psychological Association.<sup>10</sup>

## References

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- <sup>3</sup> Badgett, M., Durso, L. E, Mallory, C., & Kastanis, A. (2013). *The Business Impact of LGBT-Supportive Workplace Policies*. Retrieved from <https://escholarship.org/uc/item/3vt6t9zx>
- <sup>4</sup> Badgett, M. V. L. (2020). *The economic case for LGBT equality: Why fair and equal treatment benefits us all*. Boston: Beacon Press.
- <sup>5</sup> American Psychological Association. (2020). Resolution on opposing discriminatory laws, policies, and practices aimed at LGBTQ+ persons. <https://www.apa.org/pi/lgbt/resources/policy/opposing-laws>
- <sup>6</sup> Raifman, J., Moscoe, E., Austin, S.B., & McConnell, M. (2017). Difference-in-differences analysis of the association between state same-sex marriage policies and adolescent suicide attempts. *JAMA Pediatrics*, 171, 350–356. doi:10.1001/jamapediatrics.2016.4529
- <sup>7</sup> Hatzenbuehler, M.L., O’Cleirigh, C., Grasso, C., Mayer, K., Safren, S., & Bradford, J. (2012). Effect of same-sex marriage laws on health care use and expenditures in sexual minority men: A quasi-natural experiment, *American Journal of Public Health*, 102(2), 285-291. doi:10.2105/AJPH.2011.300382
- <sup>8</sup> Hatzenbuehler, M.L., Keyes, K.M., & Hasin, D.S. (2009). State-level policies and psychiatric morbidity in lesbian, gay, and bisexual populations. *American Journal of Public Health*, 99, 2275 – 2281. <https://www.ncbi.nlm.nih.gov/pubmed/19833997>
- <sup>9</sup> New York Times. (2020). 18 Transgender Killings This Year Raise Fears of an ‘Epidemic’. <https://www.nytimes.com/2019/09/27/us/transgender-women-deaths.html>
- <sup>10</sup> American Psychological Association. (2019). Why APA Supports the Equality Act. <https://www.apa.org/advocacy/civil-rights/sexual-diversity/equality-act>