

Jason Habinsky Discusses SCOTUS Employment Cases to Watch with Law360 and HR Dive

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Law360 and *HR Dive* quoted Haynes Boone Partner [Jason Habinsky](#) in articles about notable employment cases related to lesbian, gay, bisexual and transgender (LGBT) rights before the U.S. Supreme Court.

Here is an excerpt from *Law360*:

There is little doubt among employment observers that the big-ticket item on the high court's docket this term will be its decision in a trio of cases that ask whether Title VII of the Civil Rights Act protects gay and transgender people from workplace bias.

In those cases — *R.G. & G.R. Harris Funeral Homes v. EEOC*, *Bostock v. Clayton County* and *Altitude Express Inc. v. Zarda* — the justices will determine whether Title VII's prohibition against employers discriminating "on the basis of ... sex" includes sexual orientation and gender identity, a hot-button issue that has split circuit courts.

Jason Habinsky, a partner at Haynes Boone, said that while the impact of the decision "will vary greatly depending on where employers are located," given that many states and localities already have legal protections in place for LGBT workers, the fallout could be "monumental" in places where those protections don't exist.

"Should the Supreme Court rule that Title VII does not afford such protections, this would deliver a devastating blow to the LGBTQ community, particularly in jurisdictions without any local protective legislation," Habinsky said.

"However, it is possible that such a decision could encourage other states and local governments to intervene by introducing local laws recognizing these rights," he added. "Regardless of where an employer may be based, a Supreme Court decision recognizing these rights would reinforce the need for employers to maintain policies and practices targeted at protecting the LGBTQ community in the workplace."

To read the full article, click [here](#). (Subscription required)

Here is an excerpt from *HR Dive*:

Regardless of the outcome of these arguments, it will be "monumental," according to Haynes Boone Partner Jason Habinsky. "If they decide that the rights are not protected, it'll deal a crushing blow to the community and really have a longstanding effect confirming that the community doesn't have these protections in the workplace," Habinsky told *HR Dive* in an interview preceding the oral arguments.

But 20 states and the District of Columbia have enacted laws that address discrimination based on sexual orientation and gender discrimination. "In those parts of the country, employers should

already be dedicated to protecting those rights. A decision favoring protection shouldn't impact that," Habinsky said. "For those parts of the country that don't have legislation, it'll be a critical and substantial decision."

Should the Supreme Court issue a ruling that denies LGBTQ workers protection under Title VII, it may spur more state and local legislation.

To read rel="noopener noreferrer" the full article, click [here](#).