

# AMA takes a stand for transgender Americans in Supreme Court filing

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To protect transgender individuals' physical and mental health—and reduce stigma—LGBTQ+ individuals must be protected from discrimination in the workplace, the Litigation Center of the American Medical Association and State Medical Societies tell the U.S. Supreme Court in an amicus brief.

The AMA Litigation Center, American College of Physicians, Medical Association of Georgia, Michigan State Medical Society and a dozen other medical, mental health and health care organizations filed the joint brief in the nation's highest court July 3.

These organizations support transgender employees asking the nation's highest court to clarify that protections under Title VII of the Civil Rights Act of 1964—a federal law that prohibits employment discrimination based on race, color, religion, sex and national origin—apply to LGBTQ+ individuals.

## Workplace discrimination worsens gender dysphoria

The Litigation Center brief notes that between 67% and 78% of transgender individuals experience workplace harassment or mistreatment, and that more than one out of four individuals have been fired, denied a promotion or not hired because of their gender identity or expression.

That discrimination “frustrates the treatment of gender dysphoria by preventing transgender individuals from living with their true gender identity and impeding access to needed medical care,” the brief says.

On top of that, when transgender individuals lose income or health insurance after facing workplace discrimination, that leads to a lack of treatment that then “increases the rate of negative mental health outcomes, substance abuse and suicide,” the brief tells the court. “This gap in coverage also

promotes dangerous forms of self-medication, for example, self-surgery, self-injection with unregulated silicone to change body shape, and the use of nonprescription hormones.”

## Discrimination leads to negative health outcomes

The presence of employment discrimination reinforces the stigma associated with being transgender, the Litigation Center notes. And the stressful environment created when stigmatization is allowed can ultimately lead to hypertension, diabetes, anxiety and mental health issues that “are the direct result of stigma and not the product of any inherent psychological impairments,” the brief says.

However, it tells the court, when an individual lives in congruence with one’s gender identity and policies prohibit employment discrimination, there are positive health outcomes in the transgender community, including fewer mood disorders and less self-violence compared to transgender individuals in states where employers can discriminate.

## Lower courts split on decision

The Supreme Court is considering whether federal protections apply after lower courts have split on whether people in the LGBTQ+ community who have faced discrimination based on gender identity should be protected under the law.

In *Bostock v. Clayton County, Georgia* the 11<sup>th</sup> U.S. Circuit Court of Appeals in Atlanta upheld a lower court decision that Title VII does not protect employees from discrimination based on sexual orientation when it refused to hear the appeal of a case in which a man says he faced homophobic comments in his workplace and that the true reason he was fired from his job was his sexual orientation, not for improperly handling funds.

In *Altitude Express, Inc., et al v. Zarda, et al.* the 2<sup>nd</sup> U.S. Circuit Court of Appeals in New York said Title VII does not prohibit discrimination after a skydiving instructor claimed he was fired based on sexual orientation and for not conforming to male gender stereotypes after revealing his sexual identity to a customer during a skydiving session.

And in *R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission, et al.*, the 6<sup>th</sup> U.S. Circuit Court of Appeals in Cincinnati ruled that Title VII protections did apply in a case where a funeral home director, who had worked at the home for six years, was fired after writing a letter to the owner stating that she planned to transition from male to female.



Learn more from the AMA about advocating for the LGBTQ community and consider getting involved in the AMA Advisory Committee on LGBTQ Issues.