

THE FIFTH CIRCUIT REAFFIRMED ITS POSITION THAT TITLE VII DOES NOT INCLUDE PROTECTION FROM DISCRIMINATION BASED UPON SEXUAL ORIENTATION

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The Fifth Circuit recently reaffirmed its position that Title VII does NOT protect against discrimination on the basis of sexual orientation or transgender statuses. During recent years, plaintiffs, attorneys, and advocates alike have endeavored to expand the reach of Title VII of the Civil Rights Act by arguing for courts to include transgender and sexual orientation statuses under the umbrella of “sex” as a protected classification. Although some circuits have held and reasoned Title VII protects such statuses, the Fifth Circuit addressed its reasoning for declining to extend such protections recently in *Wittmer v. Phillips 66 Company*.

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Labor and Employment

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