

JUSTICE NEWS

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Attorney General Holder Directs Department to Include Gender Identity Under Sex Discrimination Employment Claims

New Memo Applies to All Department of Justice Components and U.S. Attorneys

Attorney General Holder announced today that the Department of Justice will take the position in litigation that the protection of Title VII of the Civil Rights Act of 1964 extends to claims of discrimination based on an individual's gender identity, including transgender status. Attorney General Holder informed all Department of Justice component heads and United States Attorneys in a memo that the department will no longer assert that Title VII's prohibition against discrimination based on sex excludes discrimination based on gender identity per se, including transgender discrimination, reversing a previous Department of Justice position. Title VII makes it unlawful for employers to discriminate in the employment of an individual "because of such individual's...sex," among other protected characteristics.

"This important shift will ensure that the protections of the Civil Rights Act of 1964 are extended to those who suffer discrimination based on gender identity, including transgender status," said Attorney General Holder.

"This will help to foster fair and consistent treatment for all claimants. And it reaffirms the Justice Department's commitment to protecting the civil rights of all Americans."

The Attorney General's memo is designed to foster consistent treatment of claimants throughout the government and reduce confusion. In addition to applying to the department's civil obligations in defending federal interests, this memo clarifies the Civil Rights Division's ability to file Title VII claims against state and local public employers on behalf of transgender individuals. The Department of Justice does not have authority to file suit against private employers.

14-1429  [Title VII Memo](#)

[Civil Rights Division](#)