

Attorney General Raoul Files Brief In Support Of LGBTQ+ Workers

by Submitted by Attorney General Raoul's Office
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CHICAGO — Attorney General Kwame Raoul joined a coalition of 18 attorneys general in filing a brief in support of a substitute teacher at a North Carolina Catholic high school whose employment was terminated after announcing plans to marry his same-sex partner. The coalition argues that the First Amendment does not give an employer the right to illegally discriminate against an employee because of their sex.



The brief, filed with the U.S. Court of Appeals for the 4th Circuit in *Billard v. Charlotte Catholic High School et al.*, supports a ruling by the North Carolina federal district court in favor of the teacher's arguments that the school violated Title VII of the federal Civil Rights Act by discriminating on the basis of sex.

"No employer has the right to fire an employee based on who they love or who they are," Raoul said. "I am committed to standing with my fellow attorneys general to fight workplace discrimination by ensuring that all employers are made to follow federal anti-discrimination laws."

According to the brief, the school's argument that it had the right to fire the teacher because of its freedom not to associate under the First Amendment's protection for freedom of expressive association does not apply to the employer-employee relationship at issue in the case. Raoul and the attorneys general argue that accepting the expansive theory of expressive association put forward by the school would severely undermine the ability of states to ensure job employment opportunities remain open to everyone.

Workplace discrimination remains a pervasive problem across the country, according to the brief, with more than 60% of American workers reporting they have experienced or witnessed discrimination on the basis of race, age, gender or LGBTQ+ status. Nearly half of LGBTQ+ workers in a recent survey reported having “suffered adverse treatment at work because of their sexual orientation or gender identity, and nearly a third reported such treatment within the last five years.”

Raoul and the coalition argue in the brief that if the school’s interpretation of the First Amendment’s protection for freedom of expressive association were upheld, the results could be catastrophic and widespread. The coalition warns that there would be nothing to stop employers from discriminating based on race, religion or other attributes currently protected by the Civil Rights Act.

Raoul was joined in filing the brief by the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Michigan, Minnesota, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island and Washington.