

The R.G. & G.R. Harris Funeral Homes Case

R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission



The Case Summary

Status:

On October 8, 2019, the U.S. Supreme Court will hear oral arguments.

Significance:

Whether Americans can rely on what the law says. In this case, a court has effectively redefined the word “sex” in federal law to mean “gender identity,” punishing Harris Funeral Homes for relying on existing laws.

Background:

Harris Funeral Homes is a fifth generation family business that has served grieving families in the Detroit area for more than 100 years. The organization has always maintained professional codes of dress and conduct to ensure that families focus on processing their grief rather than on the funeral home and its employees. That is why the funeral home prohibits flashy clothing and has a sex-specific dress code, consistent with industry standards and as federal law allows. In 2007, the funeral home hired a male employee, Anthony Stephens, as a funeral director—a position that serves as the face of the funeral home and works closely with the grieving families Harris Funeral Homes serves. Stephens agreed to follow all employment policies, including the sex-specific dress code. Six years later, Stephens told Harris Funeral Homes’ owner, Tom Rost, that Stephens planned to begin presenting and dressing as a woman at work while interacting with grieving families. Tom (pictured), was concerned for Stephens. He also considered the interests of the grieving families he serves and his female employees—including an 80-year-old woman—who would be sharing the women’s restroom with Stephens. Tom decided he could not agree to Stephens’s plan. This prompted the EEOC (a federal agency) to sue Tom to redefine the word “sex” in federal law to mean “gender identity.” Even though the federal government has since changed its position in this case and now supports the funeral home, the ACLU intervened and argues that the Supreme Court should uphold the lower court opinion redefining “sex” discrimination in federal law.



Know the Key Points



Harris Funeral Homes

Harris Funeral Homes should be free to rely on what the law says and focus on serving grieving families without fear of unjust government punishment.

Small Businesses

Small businesses are allowed to differentiate between men and women in their dress codes. The EEOC's own compliance manual says that a "dress code may require male employees to wear neckties at all times and female employees to wear skirts or dresses at all times."

Title VII and Other Civil Rights Laws

Title VII and other civil rights laws protect equal opportunities for women; changing sex discrimination to mean discrimination based on gender identity undermines 50 years of advances for women.

- It undermines equal opportunities for women. Men identifying as women will take women's places on athletics teams and the award podium, as recently happened at the Connecticut girls' high school track finals where Selina Soule, Alanna Smith, and other female athletes were denied fair opportunity to compete.
- It jeopardizes bodily privacy rights of women by forcing organizations to open women's shelters, locker rooms, restrooms, and showers to men who say they are women. For example, in Alaska, an Anchorage commission tried to force a women's shelter to allow a man who identifies as female to sleep three feet from women who have been raped, trafficked, and abused.



Know the Bottom Line

Unfair to Women and Girls

Americans should be able to rely on what the law says. Redefining "sex" to mean "gender identity" creates chaos and is unfair to women and girls.

#SexNotGender



ADFLegal.org/Harris