Wedding cake ruling didn't OK anti-gay bias

The U.S. Supreme Court's June 4 decision in favor of a Colorado baker who refused to make a wedding cake for a same-sex couple was not a signal to employers that it is acceptable to discriminate on the basis of sexual orientation.

So say Fisher Phillips attorneys Cynthia Doll and Lisa McGlynn, who wrote on the firm's website that the decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* "certainly does not extend a green light for businesses or employers to freely discriminate against customers, patrons, guests, or employees due to their sexual orientation or any other protected class status."

Writing for the majority in the 7-2 decision against the gay couple who sued, Justice Anthony Kennedy went out of his way to make that point. "Our society has come to the recognition that gay persons and gay couples cannot be treated as social outcasts or as inferior in dignity and worth," Kennedy wrote.

Kennedy also authored the Supreme Court opinion in *Obergefell v. Hodges*, the landmark 2015 decision that legalized same-sex marriage nationwide and granted same-sex married couples the same rights as opposite-sex married couples.

The Supreme Court's ruling in *Masterpiece Cakeshop* focused narrowly on how the Colorado Civil Rights Commission treated the bakery owner when the case began in 2012. The court said the commission's process was tainted by anti-religious bias. That was why the Supreme Court ruled in favor of Masterpiece Cakeshop.

Kennedy wrote, "The laws and the Constitution can, and in some instances must, protect gay persons and gay couples in the exercise of their civil rights, but religious and philosophical objections to gay marriage are protected views and in some instances protected forms of expression."

Final note: The EEOC and numerous courts take the position that discrimination against lesbian, gay, bisexual and transgender employees is a form of unlawful sex discrimination that violates Title VII of the Civil Rights Act.