

REDEFINING EMPLOYMENT DISCRIMINATION CLAIMS: HOW RECENT TITLE VII SUPREME COURT DECISIONS HAVE EXPANDED THE POTENTIAL PLAINTIFF CLASS

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Executive Summary: Since the passage of the Civil Rights Act in 1964, employers have been prohibited under Title VII from discriminating against an individual on the basis of race, color, religion, sex, or national origin. The judicial framework for bringing a Title VII claim in years directly following the Act’s passage allowed plaintiffs to challenge both direct employer discrimination and employer policies that caused disproportionate harm, and those claims were analyzed under a burden-shifting framework. This framework remained largely unchanged until the past three years when the Supreme Court published three major opinions that widened the door for potential plaintiffs and lowered standards for relief. Barriers to bringing Title VII claims were lowered in these decisions by holding that employers must grant religious accommodations unless they impose substantial increased costs in relation to the employer’s business, that job transfers can be challenged without a plaintiff needing to show that it would cause a materially significant disadvantage, and that plaintiffs in majority groups do not bear a higher evidentiary standard for proving employer discrimination.

I. THE HISTORY OF TITLE VII

Congress passed the Civil Rights Act of 1964 with the goal of recognizing and protecting minorities in each sector of society.¹ Among its most significant provisions is Title VII, which specifically seeks to eliminate workplace discrimination and promote equal employment opportunity.² Title VII makes it unlawful for an employer to discriminate against an individual based on race, color, religion, sex, or national origin.³ The Act spans public and private employment sectors and prohibits discrimination in “recruitment, hiring, wages, assignment, promotions, benefits, discipline, discharge, [and] layoffs,” covering nearly every stage of employment.⁴ The Act also created the Equal Employment Opportunity Commission (EEOC), the agency responsible for administering and enforcing civil rights laws in the employment sector.⁵ Since its inception in 1964, Title VII has laid the foundation for proper employment practices and has been marked as a starting point for various legislation with regards to pregnancy, age, and disability discrimination.⁶

¹ Christine J. Back, *The Civil Rights Act: An Overview*, LIBRARY OF CONGRESS (Sept. 21, 2020) <https://www.congress.gov/crs-product/R46534>.

² *Id.*

³ Title VII, 42 U.S.C. § 2000e-2.

⁴ *Id.*; see also *EEOC History: The Law*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION [hereinafter EEOC] <https://www.eeoc.gov/history/eeoc-history-law> (last visited Dec. 29, 2025).

⁵ See EEOC, *supra* note 4.

⁶ Pregnancy Discrimination Act, Pub. L. No. 95-555, 92 Stat. 2076 (1978) (amending Title VII to expand employment protections to pregnant women); Americans with Disabilities Act of 1990, 42 U.S.C. § 12101. (1990) (expanding employment protections to qualifying individuals with disabilities under Title II); Age Discrimination in Employment Act, 29 U.S.C. § 621 (1967) (expanding employment discrimination laws to protect individuals age forty or older).

Several Supreme Court cases have established the standards surrounding Title VII claims. In *McDonnell Douglas Corporation v. Green*,⁷ the Court created the prima facie burden-shifting framework for Title VII claims.⁸ This framework requires a plaintiff to establish a prima facie case of employment discrimination.⁹ Next, the defendant-employer may respond with a non-discriminatory justification for the employment decision.¹⁰ Finally, the burden shifts back to the plaintiff to establish pretext, or show that the employer's provided justification is false and the real determinative factor was discriminatory.¹¹ To this day, the *McDonnell Douglas* burden-shifting framework is a plaintiff's pathway to relief for employment discrimination.

In *Griggs v. Duke Power Company*,¹² the Supreme Court established that plaintiffs could seek Title VII relief for disparate impact, or employment practices that disproportionately harm a particular group even though the employer did not have the intent to discriminate.¹³ Because of *Griggs*, plaintiffs can demonstrate an employer's Title VII violation through direct discriminatory treatment or through fair practices that are discriminatory in operation, ultimately widening the potential plaintiff class.¹⁴

II. THE MODERN APPLICATION OF TITLE VII

Title VII's role as the cornerstone of the Civil Rights Act has often brought the provision widespread judicial and media attention. While the statutory text has seldom changed over the years, judicial interpretation of the Act has evolved with each case. Shortly after the Act's passing, the Supreme Court passed down decisions that assisted potential parties in establishing a case or a defense. But, in recent years, Title VII decisions have become more transformative, both lowering barriers to relief and expanding the potential class of relief-seeking plaintiffs.

In the last three years alone, the Supreme Court handed down three major Title VII-related decisions that have changed the scope of the long-settled law. In *Groff v. DeJoy*,¹⁵ the Court addressed standard for employers who refuse an employee's request for religious accommodations.¹⁶ Previously, the Court held that an employer could refuse a request for religious accommodations if the request imposed more than a *de minimis* cost on the employer.¹⁷ The Court found that this bar was too low, enabling employers to easily deny religious

⁷ 411 U.S. 792 (1973).

⁸ *Id.* at 803–05.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² 401 U.S. 424 (1971).

¹³ *Id.* at 429–33.

¹⁴ *Id.*

¹⁵ 143 S. Ct. 2279 (2023).

¹⁶ *Id.* at 2286.

¹⁷ *See id.*

accommodation requests without proper justification.¹⁸ *Groff* established the new rule, which requires employers to show that the burden of granting a religious accommodation would result in “substantial increased costs in relation to the conduct of [the employer’s] particular business.”¹⁹

This modern adjustment to the religious accommodation standard raised the bar for employers to justify denying requests while also expanding the number of plaintiffs with access to relief.²⁰ For instance, prior to the *Groff* decision, a plaintiff who was denied a religious accommodation due to minor costs or inconvenience of the business would likely fail in their Title VII claim.²¹ Now, without significant business-related burdens on the specific business at hand, the plaintiff’s claim would likely prevail, ultimately expanding religious protections for employees.²²

A year later, in *Muldrow v. City of St. Louis*,²³ the Court clarified the standard for employee-transfer discrimination claims under Title VII.²⁴ The Court held that Title VII does not require a heightened standard, or for an employee to show a “materially significant disadvantage,” to challenge a job transfer.²⁵ The Court explained that Title VII’s text prohibits discrimination with respect to the “terms, conditions, or privileges of employment,” with no language pointing to a heightened threshold for discriminatory harm.²⁶ Instead, an employee must only show that the transfer caused some harm to an identifiable term or condition of their employment and was motivated by a protected characteristic.²⁷ Thus, even if the employee’s pay, rank, and formal title remain the same, they can still challenge the employer’s decision under Title VII.²⁸

The Court’s decision to reject the “materially significant disadvantage” standard clarified that discriminatory transfers may still be actionable even if they only result in diminished prestige or responsibilities, so long as the decision meaningfully impacted the employee’s work.²⁹ By removing the previously applied heightened standard, the Court expanded the reach of Title VII discrimination claims to a higher number of impacted transferees.³⁰

Most recently, in *Ames v. Ohio Department of Youth Services*,³¹ the Court held that Title VII does not require courts to impose a higher evidentiary standard on plaintiffs who are members of

¹⁸ *See id.* at 2287.

¹⁹ *Id.* at 2295.

²⁰ *See Groff*, 143 S. Ct. 2279 at 2294–95.

²¹ *Id.*

²² *Id.*

²³ 144 S. Ct. 967 (2024).

²⁴ *Id.* at 974–75.

²⁵ *Id.* at 975.

²⁶ *Id.* at 974.

²⁷ *See id.* at 976.

²⁸ *Muldrow*, 144 S. Ct. 967 (2024).

²⁹ *Id.* at 974–75.

³⁰ *See id.* at 974.

³¹ 145 S. Ct. 1540 (2025).

majority groups.³² In this case, the plaintiff was a heterosexual woman who filed suit after she was denied a promotion and later demoted because of her sexual orientation, showing that the positions were instead given to homosexual co-workers.³³ The Supreme Court denied the “background circumstances” requirement imposed by the lower courts, which required majority-group plaintiffs to show additional evidence suggesting that the employer was unusually disposed to discriminate against majority-group members.³⁴ Instead, the Court explained that because Title VII’s text prohibits discrimination without regard to whether the claimant is from a historically disadvantaged group, minority- and majority-group plaintiffs alike need only meet the prima facie burden of the McDonnell Douglas framework with no higher evidentiary standard imposed for majority-group plaintiffs.³⁵

III. THE BROAD IMPLICATIONS OF RECENT TITLE VII SUPREME COURT DECISIONS

The Supreme Court’s recent Title VII decisions illustrate a shift toward lowering procedural and substantive barriers for plaintiffs seeking relief under Title VII and eliminating employer-friendly standards read into the statute by lower courts. The holdings in *Groff*, *Muldrow*, and *Ames* demonstrate the Court’s inclination to accept statutory readings over judicially-created standards that lack grounding in Title VII.³⁶ As a result, employees now face lower barriers to relief for employer.³⁷

According to some legal scholars, the litany of Supreme Court decisions on Title VII in recent years has created a variety of possible building blocks to litigation for relief-seeking plaintiffs.³⁸ Because the standards for plaintiffs have been lowered while the bar for employers has simultaneously been set higher, the pool of potential plaintiffs seeking litigation could dramatically expand.³⁹ Some companies have even began implementing stricter policies regarding employment decisions and expanding workplace policies to reflect decisions such as *Ames*.⁴⁰ Employers, with less defenses available to them, must be ready with documentation that reflects the reasoning behind an employment decision, while also ensuring that the method has been applied equally to all majority and minority employees.⁴¹ The recent decisions have

³² *Id.* at 1542.

³³ *Id.* at 1544–46.

³⁴ *See id.* at 1545–46.

³⁵ *Id.* at 1545–47.

³⁶ *Recent Supreme Court Decisions Allow More Title VII Claims*, HALL BENEFITS LAW, LLC, (Aug. 22, 2025) <https://hallbenefitslaw.com/recent-supreme-court-decisions-allow-more-title-vii-claims/>.

³⁷ *Id.*

³⁸ Allen Smith, *Supreme Court Decisions Open Door to More Title VII Claims*, SOCIETY OF HUMAN RESOURCES MANAGEMENT (July 1, 2025) <https://www.shrm.org/topics-tools/employment-law-compliance/supreme-court-decisions-opened-door-to-more-title-vii-claims>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

ultimately reinforced the meaning of Title VII in the workplace for employers and led many to reassess employment decision-making approaches.⁴²

Recent Title VII litigation has opened the door to more frequent and stronger employee discrimination claims.⁴³ Specifically, the decision in *Ames* will have the greatest impact on the number of employees seeking relief.⁴⁴ The Court’s decision to reject the “background circumstances” standard for majority-group plaintiffs has not only lowered the standard for relief, but has also brought attention to the issue for potential majority-group plaintiffs moving forward.⁴⁵ As a result, the judicial system will likely encounter majority-group discrimination claims at a higher rate than ever before and thus shift the makeup of Title VII claims that reach litigation.⁴⁶

IV. CONCLUSION

With three major Supreme Court decisions handed down on Title VII litigation in just the last three years, the Court has reminded employers and employees across the country of the importance of Title VII’s anti-discrimination roots. Since its inception, Title VII litigation has developed various routes to litigation for employees and created various employer-friendly defenses along the way. In this new employee-friendly era of litigation, we can expect to see more plaintiffs bringing Title VII claims that will have a better chance of success under the new standards.

⁴² *Id.*

⁴³ Samia M. Kirmani, Michael D. Thomas, Carolyn G. Burnette, Ana C. Shields & Patricia Anderson Pryor, *U.S. Supreme Court Reverses ‘Reverse’ Employment Discrimination Pleading Standard*, JACKSONLEWIS (June 5, 2025) <https://www.jacksonlewis.com/insights/us-supreme-court-reverses-reverse-employment-discrimination-pleading-standard>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*