

# BREAKING NEWS

## LABOR & EMPLOYMENT

### US Supreme Court rejects heightened burden for majority-group plaintiffs under Title VII

**O**n June 5, 2025, the Supreme Court of the United States issued its ruling in the case of *Ames v. Ohio Department of Youth Services*, 605 U.S. \_\_\_\_ (2025). The case involved Marlean Ames, a heterosexual woman, who alleged that the Ohio Department of Youth Services denied her a promotion and then demoted her because of her sexual orientation. At issue was the Sixth Circuit's heightened "background circumstances" pleading standard for so-called reverse discrimination cases, which required a majority-group plaintiff to show that the employer was the "unusual employer who discriminates against the majority."

The District Court and the Sixth Circuit both ruled against Ames, applying the "background circumstances" rule requiring her to demonstrate additional evidence that the Ohio Department of Youth Services discriminated against majority-group members. Specifically, the Sixth Circuit stated that because Ames is a heterosexual, i.e., from a non-protected majority

group, "she [had to] make a showing in addition to the usual ones for establishing a prima facie case" under Title VII.

Reversing the lower courts' rulings, a unanimous Supreme Court unequivocally rejected the "background circumstances" rule. The Court held that Title VII's text protects "any individual" from discrimination based on race, color, religion, sex, or national origin—without regard to whether the plaintiff is a member of a majority or a minority group.

This decision marks a significant change in the application of Title VII to claims of individuals from majority groups to ensure equal application of the statute's protections. By eliminating the "background circumstances" rule, the Supreme Court has reinforced the principle that discrimination claims should be evaluated based on the same standards for all individuals, irrespective of the plaintiff's group membership.



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## **What does this decision mean for employers?**

By eliminating the “background circumstances” requirement, the Court has made it easier for majority-group employees (e.g., white, male or heterosexual plaintiffs) to bring discrimination claims. This change is likely to result in an increase of so-called “reverse discrimination” lawsuits.

## **What Should Employers Do?**

- Employers should anticipate a heightened litigation risk from majority-group employees and should take immediate steps to review and, if necessary, revise their internal policies to ensure that they do not exhibit favoritism toward minority groups or exclude majority groups.
- Review management training programs on discrimination and harassment to ensure fairness and objectivity with regards to majority group members.
- Reassess their approach to managing and evaluating potential legal risks. Importantly, employers must consider the potential for claims by majority group employees stemming from adverse employment actions.

**Should you have any additional questions or require legal advice regarding this case or any other labor and/or employment matters, please feel free to contact us at (787) 945-0380.**