

Pennsylvania Federal District Court Rules Federal Protections Expanded for Transgendered Employees

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According to one federal court judge, a transgendered former employee can proceed with an employment discrimination case under the ***American With Disabilities Act (“ADA”)*** alleging that she was mistreated and fired based on her gender-identity-related disability. ***Blatt v. Cabela’s Retail, Inc.***, No. 5:14-cv-04822 (E.D. Pa. May 18, 2017).

While courts have recognized federal protections for transgendered individuals under theories that the person did not conform to gender stereotypes or under a typical sex discrimination analysis, the Court in *Blatt* recognized a new theory – that is, a transgendered individual’s claims of discrimination based upon “gender dysphoria” under the ADA. In arguing for coverage under the ADA, Blatt argued that her gender dysphoria limits her in several major life activities such as reproduction and interacting with others.

The rights and protections afforded to transgendered employees under federal, state, and local law rapidly are expanding. Employers should ensure that their policies and processes are compliant under all applicable laws to protect members of the LGBTQ community.

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