

U.S. Supreme Court Eliminates Additional Hurdle for Majority Groups in Claims of Reverse Discrimination Under Title VII

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An McV Labor & Employment Law Alert

June 5, 2025

On June 5, 2025, the Supreme Court of the United States issued an Opinion in *Ames v. Ohio Department of Youth Services*, 605 U.S. ____ (2025), unanimously holding that Title VII of the Civil Rights Act of 1964 does not impose heightened requirements on plaintiffs who are members of majority groups alleging disparate treatment discrimination. This significant decision resolves a circuit split and reinforces the principle that all individuals—regardless of their majority or minority status—are entitled to the same protections and legal standard under Title VII.

In *Ames*, the Court expressly rejected the so-called “background circumstances” requirement being applied in reverse discrimination cases, which required majority-group plaintiffs to present additional evidence that the decision maker was a member of the Title VII protected group in question, or to show a pattern of discrimination against the majority group. The Supreme Court concluded that this rule was inconsistent with the text of Title VII, which guarantees equal protection to “all individuals” and makes no distinction based on whether the plaintiff is a member of a minority or majority group.

The Court’s opinion emphasized that Title VII’s disparate treatment provision applies uniformly to all, and lower courts may not impose special burdens on majority-group plaintiffs. In doing so, the Court vacated the Sixth Circuit’s prior decision. Therefore, majority-group plaintiffs bringing discrimination claims for disparate treatment under Title VII are required to establish the same *prima facie* case elements under the framework adopted for minority group members more than five decades ago in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) when there is no direct evidence of discrimination, as clarified by the Supreme Court in *Ames*.

Although the U.S. Court of Appeals for the First Circuit, whose jurisdiction includes Puerto Rico, had not adopted the background circumstances rule for reverse discrimination cases, *Ames* has nationwide impact. Furthermore, Puerto Rico Act No.4-2017, known as the Labor Reform of 2017, in Articles 2.13 and 6.2 mandates the Puerto Rico courts to interpret state employment laws, such as

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Puerto Rico's general anti-discrimination law, Act No. 100 of June 30, 1959, as amended, in a manner consistent with federal court interpretations. [So the Ames case may lead to increased litigation by majority-group plaintiffs before both the U.S. District Court for Puerto Rico and the Puerto Rico state courts.](#)

Employers are urged to evaluate employment decisions carefully to ensure compliance with Title VII and the Puerto Rico anti-discrimination laws. As the scrutiny of Diversity, Equity, and Inclusion (DEI) initiatives increases, employers are advised to prioritize merit-based decision-making processes and apply non-discriminatory practices uniformly across all employee groups. Employers should also revise their equal employment opportunity policies and practices as part of a risk containment program.

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