



For immediate release:
July 14, 2015

Contact: Carisa Cunningham
(617) 426-1350

Class Action Lawsuit Charges Walmart with Anti-Gay Discrimination

Retail Giant Denied Health Coverage to Same-Sex Spouses of Employees

(Boston, MA) Gay & Lesbian Advocates & Defenders (GLAD) and the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC) have filed a class action lawsuit against Walmart, charging the retail giant with discriminating against employees who were married to same-sex spouses by denying their spouses health insurance benefits. The Complaint was filed this morning in U.S. District Court for the District of Massachusetts, and [can be read here](#).

The lawsuit, *Jacqueline Cote, et al. v. Wal-Mart Stores, Inc.* is the first class action filed on behalf of gay workers since the U.S. Supreme Court ruled in favor of marriage equality in *Obergefell v. Hodges* on June 26, 2015, and alleges that Walmart violated Title VII of the federal Civil Rights Act by discriminating against Jacqueline Cote based on her sex. The action seeks to demonstrate how existing federal law can be used to protect lesbian, gay, bisexual, transgender, and queer (LGBTQ) workers.

The class representative, Jacqueline (Jackie) Cote, works in Walmart's Swansea, MA store, and was denied spousal health insurance for her wife, Diana (Dee) Smithson. Dee has battled ovarian cancer since 2012. Due to Walmart's sex discrimination, Dee lacked health insurance to pay for her treatment and has racked up a minimum of \$150,000 in uninsured medical expenses.

Jackie and Dee, who have been together for nearly 23 years, were married in May 2004 as soon as it was legally possible in Massachusetts. "We wanted to put our relationship in writing and show our commitment to each other," said Jackie. "Our commitment has endured through rounds of chemotherapy and bill collectors' calls." Dee added, "We are each other's rock."

"Walmart broke federal law when it denied vital benefits to workers who have same-sex spouses," said Peter Romer-Friedman, the WLC's Deputy Director of Litigation. "In an era where marriage equality is supported by the American people and the U.S. Supreme Court, it is hard to believe that Walmart would treat its LGBTQ workers so poorly. Because Walmart's discrimination harmed working families across the country, we are filing a national class action to ensure that Walmart finally provides these families the equal benefits federal law guarantees."

“Many LGBTQ people across the country live without explicit protections from employment discrimination,” said Allison Wright, staff attorney at GLAD. “Strengthening protections for LGBTQ people under Title VII will help the poverty-stricken LGBTQ community achieve economic equality and will assist all LGBTQ workers in receiving equal treatment.”

Jackie will ask the Court to certify a Class that includes all current or former employees of Walmart who prior to January 1, 2014 (a) had legal and valid marriages with a person of the same sex, (b) would have been eligible to receive spousal health insurance benefits from Walmart but for Walmart’s prohibition on same-sex spouses qualifying for spousal health insurance benefits, and (c) did not receive spousal health insurance benefits from Walmart.

Starting in 2008 and continuing through 2012, Jackie attempted to add Dee to her health insurance during Walmart’s open enrollment periods, trying to access a benefit available to other Walmart employees. But when Jackie entered her spouse’s gender as “female,” the online system repeatedly stopped her from continuing the process. When she called Walmart’s home office to investigate further, she was told that Walmart did not offer health insurance coverage to same-sex spouses. Walmart applied the same policy nationwide in all of its stores.

By the time Walmart ultimately changed its policy on January 1, 2014, Jackie and Dee were being hounded by bill collectors and lost many nights’ sleep worrying about paying back their debts.

This class action lawsuit flows from a complaint GLAD filed on Jackie’s behalf with the Equal Opportunity Employment Commission (EEOC) in September 2014. On January 29, 2014, the EEOC issued a final determination stating that Walmart’s treatment of Jackie constituted unlawful sex discrimination. On May 29, 2015, the EEOC issued a right to sue letter.

Walmart is the world’s largest public corporation and retailer, and the largest private employer in the United States.

Through strategic litigation, public policy advocacy, and education, Gay & Lesbian Advocates & Defenders works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation.

The Washington Lawyers’ Committee for Civil Rights and Urban Affairs was established in 1968 to provide pro bono legal services to address issues of discrimination and entrenched poverty. Since then, it has successfully handled thousands of civil rights cases on behalf of individuals and groups in the areas of equal employment opportunity, fair housing, public accommodations, immigrant rights, disability rights, public education, and prisoners’ rights.

###