



PRIDE@WORK

Lesbian, Gay, Bisexual,
and Transgender Labor and our Allies.

Religious Exemption Laws and LGBTQ Working People

The ability to choose, believe, and practice a chosen faith - or none at all - has been a protected right in our Constitution since the founding of our nation. Religious freedom is such a fundamental American liberty that it is guaranteed in the First Amendment. Sadly, throughout history, some have tried to use this fundamental liberty to justify discrimination against African-Americans and women by claiming their religious beliefs exempt them from civil rights laws. Courts across the nation have repeatedly ruled that civil rights protections allow for very narrow religious exemptions for interchurch policies and beliefs.

Lately, in response to the civil rights advances of LGBTQ Americans, many who are opposed to these protections have begun promoting yet another interpretation of religious freedom that would allow them to pick and choose which laws they follow.

Religious exemption laws such as these are incredibly dangerous because they are often written so broadly and in such haste, they could be used to sidestep a wide range of important laws and policies. Additionally, after the Supreme Court ruled that corporations can claim religious beliefs in order to exempt themselves from certain laws in the Hobby Lobby case, it is more important than ever to push back against these attempts to circumvent the civil rights laws under the guise of religious freedom.



While LGBTQ people are by-and-large the intended targets of the recent legislation, the effects of such laws can be far more sweeping. The unintended consequences of religious exemptions laws vary based on the language of the bill and existing state laws, but don't be fooled – they're a danger to us all. If public servants, businesses, and everyday citizens can claim religious beliefs to pick and choose which laws they follow, we could see some terrible things happen, such as:

- **Fire, police, and EMS services could be denied or deferred** based on differences of faith, LGBTQ status, or other religious beliefs
- Doctors, nurses, and other professionals could **deny healthcare or refuse to perform certain services** for an individual or an entire group of people
- Pharmacists could **decline to fill prescriptions** for birth control, HIV medications, or other prescriptions
- Doctors opposed to ending a pregnancy could **refuse to give women clinically appropriate medical advice**, even for life-threatening complications
- Healthcare providers could **refuse to treat unmarried pregnant women or deny rape victims emergency contraception**
- Employers could **decline to provide access to birth control** in company healthcare plans
- Employers could also **be free to fire, demote, or refuse to hire** an unmarried pregnant woman or an LGBTQ person
- A landlord could **refuse to rent an apartment** to an unmarried couple, a single parent, a mixed race couple, or an LGBTQ couple
- A business owner could **refuse to serve someone** of a different faith - such as a Christian refusing to serve a Muslim

- Foster care and adoptive agencies could **refuse to place a child in an otherwise loving and qualified home**

While these laws don't name specific groups, the legislative history and debate make it abundantly clear LGBTQ people are the intended targets of such legislation. And since lawmakers do not want to seem like they are targeting any particular group for discrimination, the poorly conceived laws they enact end up affecting a broad range of people. This impacts all of our members, not just our LGBTQ compatriots.

None of this is a coincidence. The recent surge in these laws is a direct reaction to the expansion of the freedom to marry for same-sex couples, the expansion of nondiscrimination protections for LGBTQ people, and the passage of the Affordable Care Act (ACA) with its inclusion of a mandate to cover essential health benefits, including contraception and LGBTQ-specific care.

Though the recent spike in religious exemption legislation is directed at LGBTQ people, these sorts of claims have been directed at other groups for years. Now, instead of claiming religious exemptions for racist segregation laws, refusal to fill contraception prescriptions, or perform medical procedures for women, the focus has shifted to refusal to bake wedding cakes and sign marriage licenses for gay couples.

As we have in so many civil rights advances, labor unions can have a dramatic impact in stopping these attempts to misuse a core freedom and ending these attacks on LGBTQ workers and their families:

- **A collective bargaining agreement is enforceable in every state**, so even with these laws in place, we can protect our members by ensuring our contracts have strong nondiscrimination language that prohibits discrimination the basis of sexual orientation or gender identity and expression.
- In many communities, labor's voice is powerful. When our leaders speak out publicly about the harm these laws will do to workers and their families, it can have a dramatic impact on the debate around this type of legislation. **We must stand up and speak out every time these bills come up.**
- Labor's legislative advocacy is in support of our members' needs. **It is vital that we add LGBTQ nondiscrimination to our legislative portfolios in every lawmaking body where we have a voice.** Labor has legislative advocates - both paid and volunteer - in every state and there are LGBTQ members of every union.
- **Pride at Work staff is always ready to provide support on this or other LGBTQ-related topics.** - We can help ensure your contract language is inclusive of LGBTQ working people and uses the most up to date language. We can also review talking points to help hone your message when talking to the media or lobbying state and local government. Other resources include: trainings for leadership, staff, or rank-and-file members; convention, conference, or meeting speakers and panelists; and much more.

Together, we can push back on these anti-worker, anti-LGBTQ laws. Please contact Pride at Work at info@pridatwork.org or 202-637-5014 for more information.