



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 the First Amendment to our Constitution since the founding of our nation. Sadly, throughout history, some have tried to use this fundamental liberty to justify discrimination by claiming their religious beliefs exempt them from various laws, including civil rights statutes. 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 LGBTQ discrimination. These religious exemption laws are incredibly dangerous, particularly now after the Supreme Court ruled in the Hobby Lobby case that corporations can claim religious beliefs of their own.

While LGBTQ people are by-and-large the intended targets of this recent spate of legislation, the effects of such laws can be far more sweeping. If public servants, businesses, and everyday citizens can claim their religious belief allows them to pick and choose which laws they follow, we open ourselves up to a variety of dangerous outcomes:



- **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

These laws don't name specific groups, of course, but the legislative history and debate make it abundantly clear LGBTQ people are the intended targets. Lawmakers don't want to be seen as targeting LGBTQ people directly, which leads to broad, ambiguous language that impacts us all.

None of this is a coincidence. The recent surge in these laws is a direct reaction to gains made by LGBTQ people over the past decade. 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.
- **We must stand up and speak out every time these bills come up.** 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.
- **It is vital that we add LGBTQ nondiscrimination to our legislative portfolios in every lawmaking body where we have a voice.** Labor's legislative advocacy is in support of our members' needs. 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, review any talking points to help hone your message when talking about these issues, provide training for your members and staff, and much more.

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