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**ALLEGHENY COUNTY LABOR COUNCIL
REPORT OF LEGAL COUNSEL
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Hobby Lobby Implications for Organized Labor

Earlier this year, the United States Supreme Court ruled in *Burwell v. Hobby Lobby* that for-profit corporations with religious objections can legally withhold health insurance coverage for contraception even though such coverage is required by the Affordable Care Act. In essence, this decision allowed for-profit corporations to obtain an exemption from federal laws under the guise of religious beliefs protected under the Religious Freedom Restoration Act. This decision poses significant concern for advocates of workers’ rights because of the possibility that an employer could raise religious objections to federal laws, such as the minimum wage, civil rights, and even labor rights.

In the NLRB case of *Pacific Lutheran University*, No. 19-RC-102521, SEIU Local 925 is seeking to organize full-time and part-time contingent faculty at Pacific Lutheran University. This university is a private, religiously-affiliated university located in Tacoma, Washington. During the course of the case, the National Right to Work Legal Defense Foundation—an organization with the sole purpose of undermining labor rights—filed a motion for special leave to file a brief regarding the implications of *Hobby Lobby*. The National Right to Work Legal Defense Foundation filed a brief arguing that being compelled to collectively bargain with a union infringed upon its religious freedom as a university. The brief also contended private universities should be able to obtain religious exemptions from federal laws under the Religious Freedom Restoration Act just as for-profit corporations are able to obtain religious exemptions from federal laws. In essence, the brief made the ridiculous argument that a private university should not be subject to the National Labor Relations Act if it objects on religious grounds.

However, on October 22, 2014, the NLRB issued an order denying the motion for leave to file a supplemental brief. As such, the Board will not be considering the arguments contained in the brief filed by the National Right to Work Legal Defense Foundation when it ultimately issues a ruling in the case. For now, the NLRB has not shown a willingness to allow religious exemptions to the National Labor Relations Act under the guise of claims for religious exemptions pursuant to *Hobby Lobby*. We will keep the Allegheny County Labor Council posted regarding any new developments.

Respectfully submitted,

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