

Texas judge rules religious businesses exempt from LGBTQ bias claims

by [Kathryn Post](#) in the [December 1, 2021](#) issue



(Photo by Daniel James on Unsplash)

For-profit businesses with sincerely held religious beliefs are exempt from LGBTQ discrimination liability under a decision by a federal judge in Texas. The October 31 ruling came in response to the US Supreme Court's 2020 landmark ruling in *Bostock v. Clayton County, Georgia*, which held that LGBTQ people are protected from discrimination under Title VII of the 1964 Civil Rights Act.

The *Bostock* ruling left open the question of whether and how the antidiscrimination provisions apply to religious entities. "How these doctrines protecting religious liberty interact with Title VII are questions for future cases too," wrote Justice Neil Gorsuch in the 2020 majority opinion.

In answer to these questions, US district judge Reed O'Connor in Fort Worth held that Braidwood Management Inc., which operates three Christian health-care businesses in Katy, Texas, is exempt from LGBTQ antidiscrimination protections in Title VII of the 1964 Civil Rights Act under both the First Amendment and the Religious Freedom Restoration Act.

Currently, Braidwood Management Inc. does not employ individuals “who are engaged in homosexual behavior or gender non-conforming conduct of any sort” and does not recognize same-sex marriage or extend employee benefits to same-sex partners. The company also enforces a sex-specific dress and grooming code, according to court documents.

Separately, O'Connor ruled that religious nonprofits, including Bear Creek Bible Church, a nondenominational church in Keller, Texas, can fire or refuse to hire LGBTQ employees under Title VII's religious exemptions.

The case arose after both Braidwood and Bear Creek sued the US Equal Employment Opportunity Commission in response to the *Bostock v. Clayton County* decision. This new ruling allows both organizations to continue their employment practices unhindered by fear of liability for LGBTQ discrimination. However, the decision can be appealed to federal appellate court.

This is the latest in a series of cases aimed at pinpointing where religious rights end and antidiscrimination protections begin. The debate is set to continue on Capitol Hill as Congress is expected to consider the Equality Act, a sweeping LGBTQ rights bill passed by the House of Representatives in February, and Fairness for All, a rival bill that would ban discrimination based on sexual orientation and gender identity while carving out religious exemptions for faith-based organizations. —Religion News Service