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LAWSUIT CHALLENGES NONPROFIT'S DENIAL OF BENEFITS TO EMPLOYEE'S SAME-SEX SPOUSE

Baltimore, Maryland (June 12, 2020): In a lawsuit filed today in Maryland federal court, a married gay employee challenges the Catholic Relief Service's withdrawal of health insurance benefits for his husband. "John Doe," filing under a pseudonym because of fears of harassment, alleges that he came to work for CRS after the organization promised that its employee benefits covered all an employee's dependents, including same-sex spouses. CRS later renege on that promise and canceled his husband's insurance coverage because he and his husband are both men.

Mr. Doe filed under Title VII of the Civil Rights Act and the federal Equal Pay Act, as well as under Maryland Fair Employment Practices Act and Equal Pay for Equal Work Act. In addition, Mr. Doe alleges breach of contract, misrepresentation, and retaliation claims.

In addition to facing discrimination in hiring and promotion, gay and bisexual men earn 11% to 16% less than similarly qualified heterosexual men. Allowing employers to discriminate in benefits exacerbates the wage gap even further. CRS explicitly does not require its employees to comply with the Catholic faith, and Mr. Doe's job is not ministerial.

"Despite the legalization of gay marriage, discrimination against LGBT families continues," said Shannon Leary of Gilbert Employment Law, who represents Mr. Doe. "Employers have no right to define who your family is differently for straight people than for gay people. The sex of your spouse makes no difference to how well you do your work and is not your employer's business."

Maryland's Fair Employment Practices Act specifically prohibits discrimination based on both sex and sexual orientation. The U.S. Supreme Court is currently considering whether Title VII protects gay and lesbian employees from discrimination on the basis of sex. The Equal Employment Opportunity Commission has held that Title VII prohibits sexual orientation discrimination, and federal appellate courts have split on the question. The Supreme Court has found religious organizations exempt from the Affordable Care Act's requirements to provide health insurance coverage for contraception if contraception is contrary to their religious beliefs under the Religious Freedom Restoration Act. However, Mr. Doe only seeks coverage of medical procedures that are already covered by CRS's employee insurance.

According to Regina Kline, of Brown Goldstein & Levy, LLP, who also represents Mr. Doe, “CRS argues that Catholic principles forbid homosexual relationships. But Mr. Doe is not asking the church to marry him or to fund any health procedure it forbids. CRS’s religion does not prohibit taking the labor of openly LGBT people – it can’t be an excuse not to pay them fairly for that labor. The Church similarly opposes *in vitro* fertilization but could not refuse coverage to an employee’s dependent child who happened to be conceived through IVF.”

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