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The William L. Guy Federal Building is seen in Bismarck, N.D., April 2, 2024. (AP/Jack Dura, File)

Jack Dura

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More than 9,000 Catholic employers do not need to abide by federal regulations requiring accommodations for workers who [seek abortions](#) and fertility treatments, according to a ruling issued this week by a federal judge in North Dakota.

The Catholic Benefits Association and the Bismarck Diocese filed a lawsuit last year challenging the Equal Employment Opportunity Commission's regulations on implementing the Pregnant Workers Fairness Act, which requires employers to make reasonable accommodations for pregnancy and childbirth-related needs. The EEOC interpreted the statute to include abortion and fertility treatments as among those needs, which the Catholic groups argued violated their religious rights.

The Catholic groups also challenged separate EEOC guidelines for enforcing anti-harassment laws, which the agency updated last year to specify that workers cannot be harassed over their gender-identity or for seeking or contemplating having abortions.

U.S. District Judge Daniel Traynor ruled Tuesday that he would make permanent an earlier [preliminary injunction](#) that blocked the EEOC from enforcing both its [final rule for the Pregnant Workers Fairness Act](#) and the harassment guidelines against the Catholic employers.

Traynor, who was appointed by President Donald Trump in 2020, wrote last year: "It is a precarious time for people of religious faith in America. It has been described as a post-Christian age. One indication of this dire assessment may be the repeated illegal and unconstitutional administrative actions against one of the founding principles of our country, the free exercise of religion."

### **Pregnant Workers Fairness Act initially had bipartisan support**

The Pregnant Workers Fairness Act passed with widespread bipartisan support in December 2022, and it had the support of the U.S. Conference of Catholic Bishops. But controversy ensued when the EEOC [adopted an expansive view](#) of conditions related to [pregnancy and childbirth](#) that required accommodations, including for abortion, fertility treatment and birth control. While the rule includes an exemption for religious employers, it says determinations must be made on a case-by-case basis.

In earlier court papers, the association and the diocese said, "The combined effect of EEOC's pronouncements is that they require CBA Members, contrary to their Catholic

faith, to accommodate their employees' abortions and immoral fertility treatments, to use false pronouns when requested by transitioning employees, to abstain from expressing Catholic teaching regarding sexual issues, and to give employees of one sex access to private spaces reserved to those of the other sex."

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Traynor was a board member of the North Dakota Catholic Conference, which represents the state's Catholic bishops, according to a Senate Judiciary Committee judicial nominee [questionnaire](#). In March 2024, he blocked the government from enforcing federal laws and regulations requiring a Christian employers' organization to provide insurance coverage for gender-transition surgeries, counseling and other care.

## **Those that sued are 'thankful ... for vindicating religious freedom rights'**

Attorney Martin Nussbaum said his clients are "very thankful to the federal judiciary for vindicating religious freedom rights" in the case and previous ones involving the association.

"One of the things that we've seen is an emerging practice on behalf of some of the federal administrations — we also see this in certain states — a desire not only to mandate immoral benefits but to impose speech codes that would be contrary to Catholic values," Nussbaum said. "But the speech codes go beyond pronouns to even speaking about what Catholic teaching is, and we're just grateful to this court for protecting the freedom of speech of Catholic organizations as well."

Bishop David Kagan, of Bismarck, said: "The Court has upheld our religious freedom rights and that is all we ever wanted."

A Better Balance, a legal advocacy group that led a decades-long campaign for the passage of the Pregnant Workers Fairness Act, condemned the ruling.

"This ruling is part of a broad trend of attacks on women's rights and reproductive freedom. The fact that IVF — a highly popular and common medical procedure that millions of Catholics and Christians support — is being targeted speaks to the extremist nature of this case," A Better Balance President Inimai Chettiar said in a

statement.

## **Backers of Pregnant Workers Fairness Act say ruling could add to confusion**

She said the ruling would contribute to confusion over implementation of a law that "was designed to close gaps in the law and bring clarity to pregnant workers and employers alike." Chettiar emphasized that the entirety of the law remains in effect for most workers.

In an interview, she said it will be interesting to see whether the Justice Department appeals.

The EEOC declined to comment. It had previously asked the judge to deny a permanent injunction and said the other side can't back up its claims.

However, [the EEOC's priorities have shifted dramatically](#) under the administration of Trump, [who fired two of the agency's Democratic commissioners](#) in January. The new acting EEOC chair, Andrea Lucas, a Republican, has said she intends to push for a commission vote to change both the Pregnant Workers Fairness Act rules and the updated harassment guidelines.

The Catholic Benefits Association serves more than 9,000 Catholic employers and has about 164,000 employees enrolled in member health plans, according to its website.