



Virginia Commonwealth University
VCU Scholars Compass

Auctus: The Journal of Undergraduate Research and Creative Scholarship

2016

Aftermath of the Hobby Lobby Decision: Implications for Women in the Workforce

Hirsh Shah

Virginia Commonwealth University

Follow this and additional works at: <https://scholarscompass.vcu.edu/auctus>

 Part of the [Law and Gender Commons](#), [Legal Studies Commons](#), and the [Organization Development Commons](#)

© The Author(s)

Downloaded from

<https://scholarscompass.vcu.edu/auctus/50>

This Social Sciences is brought to you for free and open access by VCU Scholars Compass. It has been accepted for inclusion in Auctus: The Journal of Undergraduate Research and Creative Scholarship by an authorized administrator of VCU Scholars Compass. For more information, please contact libcompass@vcu.edu.

Aftermath of the Hobby Lobby Decision: Implications for Women in the Workforce

By Hirsh Shah

Introduction: Burwell v. Hobby Lobby Stores, Inc.

Hobby Lobby is a chain of 640 arts and crafts stores owned by the Green family, based in Oklahoma City. This company is required to follow the Affordable Care Act (ACA), which mandates that larger employers—those with more than 50 employees—have to include coverage for the full range of preventative care, including contraceptives, in their female employees' health insurance plans. However, the Green family holds deeply religious views and did not want to include four of the twenty contraceptives covered by the ACA, including long acting reversible contraception and emergency contraception, in their female employee coverage. The family believed that providing those contraceptives would go against their Christian values by making them complicit with abortion. Therefore, the Green Family challenged the contraceptive mandate in the landmark Supreme Court case *Burwell v. Hobby Lobby Stores, Inc.* by citing the Religious Freedom Restoration Act (RFRA) of 1993. This act prohibits the federal government from enacting laws that substantially burden a person's free exercise of religion. A corporation like Hobby Lobby can be considered a person as well, due to a series of Supreme Court rulings from the past 200 years that have granted corporate personhood and rights.

In consideration of the RFRA, the Supreme Court, in a highly controversial five to four decision, sided with Hobby Lobby, and declared that the contraceptive mandate was an unnecessary and substantial burden on Hobby Lobby's exercise of religious freedom. All three female Supreme Court justices voted against the ruling, but were unable to change the outcome. The majority claimed that the ruling only applied to "closely-held" for-profit corporations run on religious principles; however, Justice Ruth Bader Ginsburg, writing for the dissent, attacked the majority opinion as a careless decision that could apply to all corporations and numerous laws (Charo 1538).

The immediate effect of this decision is on female employees in the workforce who are left to wonder why male contraception is covered while theirs is not. In addition, by dropping coverage of more expensive methods of contraception, Hobby Lobby is driving its female employees towards less expensive and less efficient methods, leading to more unintended pregnancies and abortions. This portrays the idea of a corporate world that is not interested in the well-being of its female employees. By the Religious Freedom Restoration Act of 1993, and by not providing certain types of long-acting reversible contraceptive coverage for women, corporations such as Hobby Lobby are essentially creating a hostile work environment for female employees.

Rise of Corporate Personhood

According to Norm Ornstein in "Corporations: Still Not People," the textbook legal definition of a corporation is "an association of individuals, created by law or under authority of law, having a continuous existence independent of the existences of its members, and powers and liabilities distinct from those of its members" (2). Following the logic of this definition, it is clear that corporations have rights and powers distinct from those of its employees, differentiat-

ing employee rights and corporate personhood. In addition, Josh Clark sets up a key distinction by asserting that a corporation is not a person, but rather a business: a pool of investors' money used to conduct transactions and hopefully make a profit (2). Profit-making is the key end goal for corporations, regardless of how employees are treated in the process.

Nina Totenberg reports that corporations are not mentioned anywhere in the Constitution, and therefore the courts determine the personhood of said corporations (1). At first, corporations were given extended constitutional protections to encourage incorporation, helping the United States become the richest nation in the world. Overtime, however, certain Supreme Court decisions helped fuel corporate personhood to levels that had unintended consequences. The first case to do so was *Pembina Consolidated Mining and Milling Co. v. Pennsylvania*, in which a corporation fought taxation by its charter state. The Supreme Court ended up deciding that corporations are people under the 14th amendment, which states that there is equal protection under the law to every person, and are subject to the same protection under the law as anyone else (Clark 3). Alex Park in "Ten Supreme Court Rulings-Before Hobby Lobby-That Turned Corporations into People," cites another ruling, the landmark 2010 case *Citizens United v. FEC*. In this case, the Supreme Court ruled that the government cannot limit a corporation's independent political donations because people's or corporations' campaign donations are a protected form of speech (2). These cases led Ornstein to proclaim that through a series of rulings that favored corporations over labor or other interests, corporations became superior to individual Americans, with all the treatment in taxes and protection from legal liability that are unavailable to regular individuals (2).

In general, all of these authors agree that corporations are capable of acting at the expense of society. Binyamin Applebaum in "What the Hobby Lobby Ruling Means for America" reasons that the special legal powers given to corporations by the government which allow them to play a valuable role in the economy can also give them the financial power to obtain further benefits beyond that already given to them (2). It is easy for corporations to take advantage of the rights given to them. Josh Clark further relates a corporation to a "superhuman" in saying that it can function beyond the natural limits of age that governs humans, and can live indefinitely so long as it is profitable (1). The laws that take human weakness into account fail to affect corporations, creating the potential for unchecked control.

Ultimately, it is up to the Supreme Court to make decisions about what rights corporations have since the Constitution does not clearly define corporate personhood. This raises an interesting dilemma because if corporations are almost treated as fairly and given the same rights as humans, then it is hard to discriminate between corporations. If corporations like Hobby Lobby are free to exercise religious freedom, what about such extremist corporations like the National Rifle Association or the Ku Klux Klan? The Supreme Court has ruled without checks in place, giving corporations rights without responsibilities.

Hobby Lobby, Religious Freedom Restoration Act, & Contraceptive Coverage

Glenn Cohen, Holly Fernandez Lynch, and Gregory D. Curfman in "When Religious Freedom Clashes with Access to Care" claim that the main challenge in the Hobby Lobby case had to do with the Religious Freedom Restoration Act of 1993 (RFRA). This was Congress' response to a Supreme Court decision that even if a law burdened religion, it could stand as long as it was not intended to burden religion (was "neutral"), applied without regard to religious beliefs or practices (was "generally applicable"), and was rationally related to a legitimate government interest (1). George J. Annas in "Money, Sex, and Religion—The Supreme Court's ACA Sequel" also brings up the fact that corporations have always been treated in law as entities

separate from their human owners. This idea was overlooked by the majority, which concluded that a for-profit corporation can exercise religion (2). Annas also mentions another key finding by the majority, which claimed that contraceptive-coverage regulations were substantial burdens upon a corporation's exercise of religion. According to Annas, this arose because if the corporation excluded contraceptives in accordance with their religion, the economic consequences would be severe under the ACA with taxes up to \$100 per day for each affected individual (2). In the end, the Supreme Court decided that the contraceptive mandate was an unnecessary and substantial burden on Hobby Lobby's corporate exercise of religious freedom, allowing them not to provide certain types of contraceptives in accordance with their religious beliefs.

In the U.S., the Third Amendment states that one is allowed to practice his or her religious beliefs, provided it does not harm others. Regardless of one's religion, one must comply with U.S. federal laws and regulations. Hobby Lobby is the first person or corporation allowed by the Supreme Court to depart from these long-held traditions. In doing so, the Court is allowing the beliefs of employers to trump the beliefs and needs of their employees, influencing the type of care employees have access to and can afford. Few employees dare complain or take legal actions because they are afraid to make waves and risk losing their paycheck (Bloom 1). This narrow ruling has far-reaching implications according to Mother Jones; 90 percent of all American businesses and 52 percent of America's workforce are considered closely held corporations (Park 3).

According to the Health Resources and Services Administration, the new ACA covers preventive services such as well-woman visits, screening for gestational diabetes, and specific contraceptive methods and counseling (983). Linda Rosenstock, MD, MPH, dean of the School of Public Health at the University of California Los Angeles and chair of the Institute of Medicine committee in charge of the new legislation, claims that the shift toward preventive care outlined in the health reform legislation has the potential to benefit women in particular because they have a separate set of reproductive concerns and have traditionally been medically underserved (Kuehn 1070).

According to the Institute of Medicine's report, women's health care needs differ from men's. Diseases may present differently in women than in men, and women may respond differently to treatment. The cost of healthcare creates a particular challenge to women, who typically earn less than men and who have disproportionately lower incomes (Kuehn 1070). To overcome these cost barriers, the report recommends that insurance companies should provide 100% coverage for several preventive services with no required co-payment. It is important that insurance companies cover a wide range of contraceptive choices, due to the variability in price and effectiveness. Certain populations will have easier access to more effective contraceptive care, while others will not. When making this recommendation, the IOM committee considered only the medical evidence and not personal views on contraception. Religion-affiliated corporations need to be mindful of the various demographics of their female employees when deciding not to provide certain contraceptives because this could negatively impact their lives.

The benefits of providing contraceptive care are plentiful, especially considering that it is an important part of a woman's life for upwards of 30 of her fertile years (Charo 1538). Supreme Court Justice Ruth Bader Ginsburg, in the dissent to the Hobby Lobby decision, states "the ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives" (Charo 1538). By giving women access to contraceptive care, corporations help them focus on succeeding in the workforce without worrying about their reproductive care needs. When given access to birth control, the benefits are plentiful. As Cecile Richards says, "it's good for women, it's good for

families, and it's good for this country" (2).

There is quite a bit of controversy over how Hobby Lobby fought over dropping contraceptive coverage. According to Charo, Hobby Lobby dropped contraceptive coverage after the ACA was passed, in time to file their lawsuit (1541). This convenient drop was overlooked in the case and failed to trigger any alarms during the trial. Hobby Lobby's entire objection was the inclusion of four FDA-approved contraceptives, which include two types of intrauterine devices (IUDs), and the emergency contraceptions Plan B and Ella, because they believed that these devices or drugs were abortifacients, substances that induce abortion. According to Annas, Hobby Lobby's owners believe that life begins at conception and that it would be a violation of their religion to "facilitate access to contraceptive drugs or devices that operate after that point" (866). However, this has been proven to be scientifically false; according to the FDA, these methods prevent fertilization, rather than preventing implantation of a fertilized egg in the uterus (Grossman 2). Dr. Barbara Levy, vice president for health policy for the American Congress of Obstetricians and Gynecologists and the American Medical Association, says that a pregnancy exists once a fertilized embryo has implanted in the uterus, and that prior to that implantation there is no viable pregnancy (Grossman 1). Following this logic, emergency contraception and long-acting reversible contraception such as IUDs and implants cannot prevent implantation of a fertilized egg and are not effective after viable pregnancy; therefore, they are not abortifacients. This all raises an interesting dilemma, because by dropping coverage of intrauterine devices and emergency contraception that it deems morally wrong, Hobby Lobby is driving its female employees towards more ineffective and cheaper methods of coverage, and according to Charo, more unintended pregnancies and pregnancy terminations (1542). This comes full circle, because if Hobby Lobby's original goal was to prevent abortions from happening by refusing to provide abortifacients, then they are complicit with the unintended pregnancy terminations to follow, which is against their religious views in the first place.

Amanda MacMillan in "Study: IUDs, Implants Vastly More Effective Than the Pill" emphasizes the fact that IUDs and implants, two of the four types of contraceptives not covered by Hobby Lobby, are designed to be foolproof: an IUD, a T-shaped piece of plastic inserted into the uterus by a gynecologist, is a safe and highly effective form of birth control that can remain in place for five to ten years, while an implant is a thin rod inserted under the skin on a woman's upper arm that releases a steady amount of the hormone Etonogestrel in order to prevent pregnancy for up to three years (3). In Europe, where there is almost universal contraceptive coverage in every country and far fewer unwanted pregnancies than in the U.S., IUDs are the clear-cut number one contraceptive choice for women (Bloom 2). This is a real-life example of the positive correlation of women being provided with and using IUDs and pregnancy prevention for women. IUDs and other long-acting reversible contraception (LARCs) have also proven to be far more effective than short-term options like the pill, which actually has been shown to have negative side effects when used extensively in the long run, such as links to cervical and liver cancer, and rare risks of heart attack, stroke, among other risks (Gallenberg 1). In addition, the pill is not recommended for women who smoke, are breast-feeding, or have certain medical conditions, such as blood-clotting disorders or uncontrolled blood pressure (Gallenberg 1). Other less expensive contraceptive methods, such as the condom and diaphragm, have the highest rate of failure due to misuse and carelessness. Amanda MacMillan analyzed a study that compared the effectiveness of various types of birth control in a group of about 7,500 sexually-active women in St. Louis. According to the study, over a period of three years, 9.4% of women who used short-term methods such as birth control pills, patches, or vaginal rings became pregnant accidentally, compared to just 0.9% of women who opted for IUDs or implants (2). By leaving women with no choice but to take short-term contraceptives, corporations are

excluding certain groups of women from contraceptive coverage and leaving others at risk of damage to their health. In addition, Implanon or Nexplanon (forms of implants) range in cost from \$400 to \$800 for insertion and \$100 to \$300 for removal, and IUDs range from \$500 to \$1000 upfront for the device and insertion, which, according to Charo, can cost as much as a month's take-home pay for low-income women (1541). Also, government data shows that just 5.5% of women on birth control use IUDs and less than 1% use implants (MacMillan 3). From this, realistically, one can expect that if women aren't getting LARCs covered by insurers, and in this case their corporations, they are highly unlikely to go out and buy them themselves due to their high price. This is unfortunate, because according to Jeffery Peipert, M.D., a study author and professor of obstetrics and gynecology at Washington University Medical School, the effectiveness of LARCs is comparable to a drug for cancer and should be prescribed to every woman.

Egg Freezing: A Temporary Fix

In a recent development, Silicon Valley giants Apple and Facebook are now paying for female employees to freeze their eggs. Eggs are dehydrated initially and the water they contain is replaced with an "anti-freeze" prior to freezing in order to prevent ice crystal formation, which can destroy the cell; they are then frozen using either a slow-freeze method or a flash-freezing process known as vitrification (Friedman 2). The egg-freezing offering has been met with both positive and critical reviews; according to Danielle Friedman from NBC, by offering this benefit, companies are investing in women and supporting them in carving out the lives they want (Friedman 2). However, on the flip side of the coin, Claire Cain Miller of The New York Times points out "workplaces could be seen as paying women to put off childbearing" (Friedman 4). Supporters claim that by covering egg freezing, corporations are rewarding women for their commitment. Egg freezing is also a costly procedure, at almost \$10,000 for every round plus \$500 or more annually for storage. By offering this for free, corporations are providing a positive incentive for women to come and work for them. Advocates also claim that egg freezing levels the playing field between men and women, because without a ticking biological clock behind them, so to speak, women have more freedom to do as they please (Friedman 4). Author Emma Rosenblum boldly claims, "Not since the birth control pill has a medical technology had such potential to change family and career planning" (Friedman 4).

Not all people view this new egg-freezing perk as a boon. Critics in the most cynical light claim "egg-freezing coverage could be viewed as a ploy to entice women to sell their souls to their employer, sacrificing childbearing years for the promise of promotion" (Friedman 3). Though the effects may not be as drastic, this viewpoint is validated in many ways. For starters, inclusion of egg freezing coverage could create a culture of expectation for women surrounding its use. If company leaders are encouraging female employees to freeze their eggs, women will feel pressure to delay childbirth in favor of career advancement (Allen 2). Secondly, instead of targeting the delay of childbirth, corporations should focus on adopting measures to accommodate women who actually have children during the span of their careers. Egg freezing is just a temporary solution and a flashy PR move that is trying to show women that these corporations are capable of providing a supportive environment for female employees and their reproductive needs, when in reality it is not. Samantha Allen in "Don't Be Fooled by Apple and Facebook, Egg Freezing Is Not a Benefit" contends that tech corporations need to focus on the staples of maternity policy, such as extended leave, flexible work arrangements, and a corporate culture in which mothers are comfortable (3). By actually supporting female employees in raising children, and not just throwing temporary solutions like egg freezing at them, corporations will be able to invest in females' long-term success. Women's participation accounted for 47 percent of the total U.S. labor force population; tapping into this valuable community is crucial to corpo-

rate success, and this makes retaining them that much more important. Lastly, these companies are encouraging women to make use of relatively unproven medical technology in the name of their careers (Allen 4). Although the American Society for Reproductive Medicine (ASRM) no longer labels egg freezing as an “experimental” technique, they have not yet endorsed the “widespread use of egg freezing for elective use,” because of ASRM’s concerns for its “safety, efficacy, cost-effectiveness, and potential emotional risks” (Allen 4). By pushing female employees towards a flashy yet unproven technology, companies are putting women at risk of danger to health. Future hopes of families could be broken by the use of a technology meant to defer pregnancy in order for females to work longer. Overall, despite some benefits, egg-freezing is a hasty and dangerous form of preventative care for women; it creates the image of an unsupportive corporate environment that refuses to find long-term solutions for female employees and motherhood concerns and instead throws temporary stopgaps at them.

Beyond Contraceptive Coverage

Although the Supreme Court tried to limit the impact of the Hobby Lobby ruling by limiting it to closely held corporations, its logic can be extended to any corporation, regardless of size or whether it is private or public. In addition, even though the Hobby Lobby case addressed just four of the twenty contraceptives covered under the ACA, the ruling opens the gates for corporations to refuse any type of contraception. There are already 49 pending cases in which for-profit organizations have claimed “religious objections” to the ACA and 51 that involve non-profit organizations (Applebaum 15). This leads to worries that corporations could cite RFRA (Religious Freedom Restoration Act) to “cloak illegal discrimination as a religious practice,” according to Justice Ginsberg (Annas 865). For example, in a recently developing case, a group of religious leaders wrote a letter to President Obama asking to be exempt from an executive order that prohibits federal contractors from discriminating against the LGBT community in hiring practices. There are also worries that corporations can discriminate against same-sex spouses in regards to the benefit packages they provide.

In the past, there has been precedent for limited Supreme Court rulings having wide and expansive interpretation. By accepting Hobby Lobby’s view of what constitutes “complicity” without caution for the validity of the view, the Supreme Court allows for more claims in this vein. For example, a corporation could lie about their religious views in order to save money on different medical procedures. Annas suggests that the logic behind Hobby Lobby could apply to employers with religious objections such as blood transfusion (Jehovah’s Witnesses), antidepressants (Scientologists), and medications derived from pigs (certain Muslims, Jews, and Hindus) (864).

Jehovah’s Witnesses belief about blood transfusion is not derived from a medical reason such as fear of acquiring an infectious disease, but rather from a deeply held religious belief. Both the Old and New Testaments command committed Jehovah’s Witnesses to not accept whole blood nor its main components, including red blood cells, white blood cells, platelets, and plasma (Bloom 3). In general, they believe that any blood removed from the body including their own is unholy and cannot be given back. By citing Hobby Lobby, Jehovah’s Witnesses could be excused from providing blood transfusions for their employees, which could prove disastrous. According to WebMD, blood transfusions are needed in situations where too much blood has been lost, including injury and major surgery, and illnesses that cause bleeding and destroy blood cells, such as a bleeding ulcer or hemolytic anemia. These operations are costly as well; by not providing blood transfusion services, Jehovah’s Witnesses could place employees at serious risk of death in case of emergency, and discriminates against employees who may have illnesses that require periodic transfusions.

Within days of Hobby Lobby, the Court accepted a claim from Wheaton College, a religion-affiliated institution in Illinois, that it could not fill out a form indicating its objection to providing contraceptive coverage to its employees (Charo 1539). This form did not directly relate to an “immoral act,” as it merely recorded the objection so that the other party would be notified that an outside insurer would cover the cost of contraceptives. In essence, Wheaton College did not want to pay for birth control, and it did not want outside parties paying for it either, claiming it made them complicit with abortion. According to Justice Ginsberg, there are too many breaks in the link in a case like this between the corporation owners and results of the use of contraception by an employee for there to be a valid case to argue (Cohen, et. al 598). The notion of being complicit with abortion is being taken too far when filling out paperwork allowing access to contraceptives is considered in this aforementioned category. This type of manipulating and stretching of the law is what makes people wary of the future negative implications of the Hobby Lobby case.

Justice Ginsberg questions whether the burden on the religious beliefs of a corporation’s owners is “substantial” if a female employee uses one of the four religiously objectionable contraceptives. There is a valid argument here, as the connection between the possible results of the use of contraception by an employee and the corporate owners is full of breaks. There are actions taken by the employer, the physicians, pharmacists, and others that have to be considered in this situation. In addition, corporate owners have one goal, and that is to make a profit; it is unlikely that they will even shed a tear for any pregnancy-related conditions or deaths that could have been prevented by the use of the four religiously excluded birth control methods. By making female employees purchase the banned contraceptive methods with their personal wages, corporations save a lot of money, all in the name of religious excuses.

Hobby Lobby sets a dangerous precedent for future cases, where employers can discriminate based on personal religious beliefs. This could lead to workplace discrimination in the future, where people must interview potential employees about their religious and political views. Employees will feel compelled to accept a work environment increasingly shaped by their employers’ beliefs (Applebaum 15).

Solution 1: European Model

Contraceptive coverage, maternity leave, and preventative care for women all go hand-in-hand with providing a supportive environment for female employees. It is surprising, then, to see that the U.S., one of the world’s richest and most industrialized nations, doesn’t cover the full range of contraceptives and doesn’t guarantee job-protected paid leave for mothers of newborns. We are, in fact, according to Katy Hall and Chris Spurlock in “Paid Parental Leave: U.S. vs. The World,” the only industrialized nation not to mandate paid leave for mothers of newborns (1). In terms of laws that support women’s ability to physically recover from birth and bond with a child, we trail such countries like Afghanistan, which has nine million people living on a dollar or less a day and still provides new mothers with 12 weeks off with pay, and the Democratic Republic of Congo, one of the poorest nations, that still offers mothers 15 weeks off with full pay (Lerner 2). Some countries go above and beyond and even offer new fathers paid time off to spend with the family. The country Sweden actually provides an extravagant 480 paid days per child, to be shared between the two parents and used any time before their child turns eight (Hall 1). All these countries provide women with the ability to become mothers and still maintain their success in the workforce.

In Europe, the Parliamentary Assembly of Council of Europe (PACE) made a resolution to provide contraception at a reasonable cost, reduce the number of unwanted pregnancies, and eliminate discriminatory effects of abortion restrictions on women who have limited

access to information and few financial resources (Hall 2). So far the results have been effective, with unintended pregnancy rates much lower than other industrialized nations such as the U.S. The resolution worked because it was enforced; PACE set strict punishments and fines if corporations didn't follow regulations, and there were set rewards for meeting goals. The U.S. would be wise to adopt some similar measures regarding the ACA and the contraceptive mandate, to ensure that the law was followed.

Though asking the U.S. to match the parental leave provided by Sweden may be too much, it is not unreasonable to ask for better leave policies for potential mothers. According to Hall, only about 16 percent of employers in the U.S. offer fully paid maternity leave and many families take on significant debt or turn to public assistance during the time around a birth of a child (2). In addition, in a report by the International Labor Organization (ILO), the majority of the United States received a failing grade in providing women and new mothers support entering motherhood (Charo 1538). This is unacceptable for a nation that prides itself upon being the best in the world. The benefits of extending paid leave and other benefits to new moms are well documented, including happier workers and lower employee turnover. Mothers who feel appreciated will feel inclined to produce better work. By investing in women's long-term success, corporations are providing a supportive environment for women and growing their business simultaneously. In addition, now more than ever, women are entering the workforce in full force, and measures must be taken to ensure that they are able to fulfill family responsibilities and stay happy with their jobs. As local women's health leader Kristin Rowe-Finkbeiner, co-founder of MomsRising.org, says, "America is just waking up to the fact that women are 50 percent of the labor force for the first time in history, and we need to update our outdated workplace policies to match our modern labor force and to build a vibrant economy. It's time to move forward, not backwards for the good of our economy and our families" (Rowe-Finkbeiner 3).

Solution 2: U.S. Government Intervention

The Affordable Care Act was a revolutionary piece of legislation, one that combined years of science and research to standardize healthcare for all of the U.S. The shift toward preventative care in the new legislation has the potential to help women who have been traditionally underserved receive the care they need. Specifically, the new contraceptive mandate covers all forms of birth control for the various populations of working women in the U.S. A simple fix to the Hobby Lobby situation, in which by granting corporations religious rights they are able to discriminate against women by creating an unsupportive working environment, is for the government to step in and write new legislation enforcing the contraceptive mandate, regardless of the Hobby Lobby decision. By limiting the corporate personhood of corporations and stopping them from growing even more powerful, the government can override the mistakes by the Supreme Court in the past and fix the corporate system. The idea of corporations having religious freedom is ridiculous to begin with; it is being way too liberal with the idea of corporate personhood. Strong and swift action from the government could ensure that women have equal and fair access to all forms of contraceptives, helping to create a more supportive environment for them. In addition, it could overturn all the cases that are being built based on the religious freedom restoration act and the Hobby Lobby case, stopping the problems before they even begin. Nobody would have to worry about corporations discriminating based on religious preference, such as Jehovah's Witnesses and blood transfusion patients, and political ideals such as same-sex marriage. The government has the power to fix the fall-out from the Hobby Lobby decision; new legislation enforcing full contraceptive coverage could override the Supreme Court's decision.

Another issue is the relatively unknown efficiency and safety of long-acting reversible contraception. According to the American College of Obstetricians and Gynecologists, barriers to wide use of LARC methods include a lack of familiarity with or misperceptions about the methods, the high cost, the lack of access, and health care providers' concerns about the safety of LARC use (2). In addition, MacMillan quotes Rosenstock, who states that many gynecologists today still aren't trained to insert IUDs, a form of LARCs, and others believe that many women are not good candidates for the method, even though they may be (MacMillan 2). Also, another problem, according to MacMillan, is that IUDs have a bad reputation stemming from the 1970s, when an early device known as the Dalkon Shield was pulled from the market after it was found to cause infection and injury (3). These problems can be all solved by more informative teaching and counseling for gynecologists, to ensure that they are up to date with the most updated facts and techniques of birth control. Long-acting reversible contraception is currently only used by 5 percent of the female population, but that number could grow to higher numbers if they were properly informed of its many benefits over short-term options like the pill. By providing LARCs, corporations are encouraging women to pursue these birth control methods, and therefore it is crucial that gynecologists are readily prepared to offer them.

Conclusion: Bringing It Full Circle

One of the more profound mandates under the new Affordable Care Act (ACA) has been the requirement of larger employers, those with more than 50 employees, to include coverage for the entire range of preventive care, including 20 different forms of contraceptive methods, in their employees' health insurance plan. This was met with some resistance, however, and the owners of one closely held for-profit organization named Hobby Lobby challenged the mandate, claiming that providing certain types of contraceptives, such as long-acting reversible contraception and emergency contraception, went against their religious beliefs by making them complicit in abortion. In a controversial five-to-four decision in *Burwell v. Hobby Lobby Stores, Inc., et al.*, the Supreme Court ruled that the contraceptive mandate was an unnecessary and great burden on Hobby Lobby's corporate exercise of religious freedom, protected by the Religious Freedom Restoration Act of 1993. This decision was not the first time that the Supreme Court had expanded corporate personhood, but rather the latest in an almost 200-year-long line of rulings giving businesses the same rights as humans. Because corporations are more superhuman than human in the way that they can function beyond natural age limits and are emotionless, the laws that govern people by taking human weaknesses into account do not affect corporations. Corporations have one and only one purpose in life: to be successful or profitable in the most efficient way possible, even if this means neglecting their employees whether purposely or accidentally.

By not providing certain types of contraceptives, corporations are creating the image of an unsupportive environment that is not interested in the long-term success of its female employees. In addition, some corporations are offering new methods such as egg-freezing in an attempt to show women that they are invested in their success; however, this is sending the wrong message, instead encouraging women to put their career over their family by delaying childbirth or else risk falling behind in the corporate world. Also, by offering temporary solutions such as egg freezing instead of permanent fixes such as extended maternity leave and paid leave, corporations are showing their clear lack of dedication to providing a reliable and supportive environment for potential mothers. The narrow ruling outlined by the Hobby Lobby decision is not just limited to contraceptive coverage; instead, it is open to many expansive and wide interpretations from different religious viewpoints. There are currently over 100 cases being built by corporations citing religious freedom as an excuse from providing a certain type of medical

service, such as Jehovah's Witnesses refusing to provide blood transfusions, and federal contractors asking to be excused from legislation outlawing hiring practice discrimination towards LGBT groups. There is reason to worry that corporations are cloaking illegal discrimination and trying to save money under the guise of religious freedom. In the future workplace, employees may feel compelled to accept a work environment shaped by their employer's personal beliefs and views.

Solutions can be found to these problems outside and within the U.S. itself. In Europe, government-mandated guidelines regarding maternity leave, contraceptive coverage, and preventive care, all essential for women health, have proven effective in reducing the number of unintended pregnancies and providing a supportive work place environment. Countries such as Sweden provide up to 480 paid days for both parents to take off and spend with the child; techniques like these have improved the satisfaction and happiness of the female employees, leading to greater work production and long-term success. The U.S. would be wise to adopt such measures to change the current women care system in place, in order to allow women success while maintaining a family. Within the U.S. itself, the government can issue new legislation forcing corporations to obey the contraceptive mandate, regardless of their religious views. The contraceptive mandate, and in general the new preventive service mandate outlined in the ACA, are based on years of scientific research and experience. All the contraceptives listed are essential to provide the best forms of birth control to all the various female populations in the U.S. Accordingly, providing long-acting reversible and emergency contraception allows female's access to the highest quality of birth control for free, keeping them focused on the workplace without worry about personal reproductive care issues.

By overriding the Supreme Court's decision in the Hobby Lobby case, the government can take the first step in reducing the unchecked power of corporate personhood. The Supreme Court was responsible for corporate power spiraling out of control, and now the government has an opportunity to step in and put a lid on it, so to speak. By taking a stand against Hobby Lobby, the government can stop workplace discriminatory problems before they arise, and can ensure female employees have free access to all types of contraceptives covered by the ACA. This is the beginning of a solution to creating a less hostile workplace environment for female employees. Additionally, this brings the problem and the solution full circle: unchecked corporate personhood is the reason why women are being discriminated against in the corporate world, and limiting corporate power is the initial solution towards fixing this problem.

Works Cited

- “Adolescents and Long-Acting Reversible Contraception: Implants and Intrauterine Devices.” Committee Opinion No. 539. American College of Obstetricians and Gynecologists. *Obstetrics & Gynecology* 2012; 120:983–8.
- Allen, Samantha. “Don’t Be Fooled by Apple and Facebook, Egg Freezing Is Not a Benefit.” *The Daily Beast: Work Forever*. The Daily Beast, 17 Oct 2014. Web. 24 Nov 2014.
- Annas, George J. “Money, Sex, and Religion-The Supreme Court’s ACA Sequel.” *The New England Journal of Medicine*, 2014: 862-866. Web. 23 Sept. 2014.
- Applebaum, Binyamin. “What the Hobby Lobby Ruling Means for America.” *The New York Times*, 22 July 2014: 14-15. Web. 20 Oct 2014.
- Bloom, Katy. “Why the Hobby Lobby Decision Is a Stunning Setback for Women’s Rights.” *Huffington Post: Women*. Huffington Post, 7 Jul 2014. Web. 29 Nov 2014.
- Charo, Alta R. “The Supreme Court Decision in the Hobby Lobby Case: Conscience, Complicity, and Contraception.” *Journal of the American Medical Association: Internal Medicine*. The Jama Network, Oct. 2014: 1537-1542. Web. 29 Sept. 2014.
- Clark, Josh. “Why Do Corporations Have The Same Rights As You?” *How Stuff Works: Economics*. How Stuff Works. Web. 11 Nov 2014.
- Cohen, Glenn, Holly Fernandez Lynch, and Gregory D. Curfman. “When Religious Freedom Clashes with Access to Care.” *The New England Journal of Medicine*, 2014: 596-599. Web. 05 Oct 2014.
- Friedman, Danielle. “Perk Up: Facebook and Apple Now Pay for Women to Freeze Eggs.” *NBC U.S. News*. NBC, 14 Oct 2014. Web. 6 Nov 2014.
- Gallenberg, Mary M. “How Long Can I Safely Continue Taking Birth Control Pills?” *The Mayo Clinic: Healthy Lifestyle*. The Mayo Clinic. Web. 23 Nov 2014.
- Grossman, Cathy Lynn. “What’s Abortifacient? Disputes over Birth Control Fuel Obamacare Fight.” *The Washington Post: Religion*. The Washington Post, 28 Jan 2014. Web. 23 Nov 2014.
- Hall, Katy, Chris Spurlock. “Paid Parental Leave: U.S. vs. the World.” *Huffington Post: Parents*. Huffington Post, 4 Feb 2013. Web. 22 Nov 2014.
- Kuehn, Bridget M. “U.S. Requires Coverage for Contraceptives, Other Women’s Preventive Health Services.” *JAMA* 306.10, 2011: 1070-1073. Web. 08 Oct 2014.

- Lerner, Sharon. "Why Paid Leave Could Pass in Obama's Second Term: Americans Want It." *The Atlantic: Sexes*. The Atlantic, 3 Dec 2012. Web. 3 Dec 2014.
- MacMillan, Amanda. "Study: IUDs, Implants Vastly More Effective Than The Pill." *CNN Health*. CNN, 23 May 2012. Web. 8 Nov 2014.
- Ornstein, Norm. "Corporations: Still Not People." *The Atlantic: Business*. The Atlantic, 3 Jul 2014. Web. 20 Nov 2014.
- Park, Alex. "10 Supreme Court Rulings –Before Hobby Lobby- That Turned Corporations into People." *Mother Jones: Politics*. Mother Jones, 10 Jul 2014. Web. 22 Nov 2014.
- Richards, Cecile. "The Only Controversy about Birth Control Is That We're Still Fighting For It." *Time Opinion: Politics*. Time, 1 Jul 2014. Web. 8 Nov 2014.
- Rowe-Finkbeiner, Kristin. "Don't take Birth Control Options Away From Moms – The U.S. Supreme Court is Wrong on Hobby Lobby." *Huffington Post: Politics*. Huffington Post, 1 Jul 2014. Web. 23 Nov 2014.
- Schulte, Brigid. "Discrimination against Pregnant Workers Has Been Rising Report Says." *The Washington Post: Local*. The Washington Post, 17 June 2013. Web. 11 Nov 2014.
- Totenberg, Nina. "When Did Companies Become People? Excavating the Legal Evolution." National Public Radio, 28 July 2014. Web. 23 October 2014.