

6th Circuit: Feds can strong-arm those who minister to the grieving

Related Case: [Equal Employment Opportunity Commission v. R.G. & G.R. Harris Funeral Homes](#)



CINCINNATI – A three-judge panel of the U.S. Court of Appeals for the 6th Circuit **ruled** Wednesday that the federal government can force a Michigan funeral home to allow a male employee to dress as a woman despite the family business's sex-specific dress code. Alliance Defending Freedom

attorneys represent R.G. & G.R. Harris Funeral Homes, which has locations in Detroit, Garden City, and Livonia.

“American business owners, especially those serving the grieving and the vulnerable, should be free to live and work consistently with their faith,” said ADF Senior Counsel Gary McCaleb. “The funeral home’s dress code is tailored to serve those mourning the loss of a loved one. Today’s decision misreads court precedents that have long protected businesses which properly differentiate between men and women in their dress and grooming code policies.”

In 2016, a federal district court ruled in favor of the Detroit funeral home and its workplace dress code. The Equal Employment Opportunity Commission had sued over the discharge of the employee, who refused to comply with the male dress code. The court ruled that the federal Religious Freedom Restoration Act protects the freedom of a business to maintain a dress code consistent with its sincerely held faith convictions. The EEOC appealed the decision.

The company’s sole corporate officer and majority owner, Thomas Rost, is a devout Christian whose faith informs the way he serves customers with compassion during one of life’s most challenging moments.

The male employee served as a funeral director, regularly interacting with the public and grieving family members and friends. After informing the funeral home of his intention to begin dressing as a female at work, the employee was dismissed for refusing to comply with the same company dress code that all other men are required to follow while on the job.

ADF attorneys explain that, not only would Rost be violating his faith if he were to pay for and otherwise authorize his funeral directors to dress as members of the opposite sex while at work, and that the dress code was designed to be sensitive to customers' needs at an especially delicate time of their lives.

"Court opinions should interpret legal terms according to their plain meaning when Congress passed the law." McCaleb added. "This opinion instead re-writes federal law and is directly contrary to decisions from other federal appellate courts. We are consulting with our client to consider their options for appeal."

The U.S. District Court for the Eastern District of Michigan had [ruled for the funeral home](#) in *Equal Employment Opportunity Commission v. R.G. & G.R. Harris Funeral Homes*, noting that, under the federal Religious Freedom Restoration Act, the government cannot force someone like Rost to violate his faith unless it demonstrates that doing so is the "least restrictive means" of furthering a "compelling government interest."

Preferred Funeral Directors International awarded the funeral home the Parker Award in 2011 for demonstrating exemplary service, and the Livonia location was voted "[best hometown funeral home](#)" in 2016.

Alliance Defending Freedom is an alliance-building, non-profit legal organization that advocates for the right of people to freely live out their faith.

