

Case 11

Faith Moncivaiz worked for two years as a part-time secretary in the Women, Infants, and Children (WIC) Program in the DeKalb County (Illinois) Health Department. WIC is one of five programs within the Maternal Child/Health Division, which also includes the Family Planning Program. In August 2002, Moncivaiz, who is bilingual in English and Spanish, was asked if she would be able to translate for the Family Planning Program. Moncivaiz stated her unwillingness to perform this function because of her religious belief opposing abortion. In September of 2002, Moncivaiz was informed that she did not receive the promotion. She continued to work as a part-time secretary for the WIC Program until she resigned in March, 2003. In May, the American Center for Law and Justice filed a suit on her behalf, contending that the action of the DeKalb County Health Department violated both her constitutional rights and the Illinois Health Care Right of Conscience Act. The Act prohibits discrimination in employment decisions, including promotion, because of a person's refusal to "participate in any way in any particular form of health care services contrary to his or her conscience." The suit claims that although she was as qualified as the candidate who was hired, Moncivaiz was denied promotion because of her religiously based pro-life beliefs.

A majority of states have enacted conscience clauses that protect healthcare providers who refuse to participate in activities that are in opposition to their religious or moral beliefs. In an American Center for Law and Justice press release, attorney Francis Manion is quoted as saying: "The issue here is very clear - you cannot deny an employee a promotion because of that employee's religious beliefs." Conscience clause laws do not require employers to give preference to individuals whose religious beliefs are incompatible with the organization's mission, services, or job expectations.

The DeKalb County Health Department provides "programs to meet the special health needs of women," including complete reproductive information. The Department notes that clients often have multiple needs from several programs, which, in the opinion of the Department, are best served when employees cooperate in the provision of services. The Maternal Child/Health Division expects that all employees will provide complete and factual information to clients about their health options.

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