

# RELIGIOUS ORGANIZATIONS CAN DISCRIMINATE IN HIRING - THEY'RE ABOVE THE LAW PROTECTING WORKERS

News

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Candice Pinares-Baez, an attorney in the Fort Lauderdale office, was interviewed for the *Lawyers.com* article "Religious Organizations Can Discriminate in Hiring - They're Above the Law Protecting Workers." The article cites a January 11, 2012 Supreme Court decision that ruled religious organizations have the right to hire and fire employees who perform religious duties based on any criteria they choose. The decision both clarifies that the ministerial exception is an absolute bar to employment discrimination suits brought on behalf of a minister based on employment decisions made by the employer, and illustrates that the ministerial exception may apply to a range of employees of religious institutions. Candice predicted that the Court's ruling will pave the way for "upcoming litigation in the district courts" involving lay employees and to what extent the ministerial exception applies to them. The outcome of future cases will depend on "what the factors are," including whether religious organizations hold out employees as ministers, whether individuals hold themselves out as ministers, academic training, and the extent to which an employee's job duties involve "preaching the word to students and the congregation on a regular basis."