

Religious Discrimination: Court Defines The Limits Of Exemption For Religious Institutions.

A geriatric nursing assistant who worked in a nursing home associated with the Catholic faith was a member of a religious group known as the Church of the Brethren.

As a member of that faith she wore long skirts and a head covering at all times, including on the job. Her manner of dress did not interfere with performance of patient care tasks.

The facility's director of nursing reportedly told her that her clothing was not appropriate in a Catholic institution and made residents and their families feel uncomfortable. She insisted that the nursing assistant dress in a more conventional style.

The director of nursing eventually terminated the nursing assistant, who filed a lawsuit alleging discrimination in violation of the US Civil Rights Act.

A healthcare employer associated with a particular religious denomination is permitted to discriminate in favor of persons within the same faith, as far as hiring decisions are concerned.

This narrow exemption for such institutions from the general rule of non-discrimination does not give carte blanche to other forms of discrimination based on religion.

UNITED STATES DISTRICT COURT
MARYLAND
April 30, 2010

The US District Court for the District of Maryland pointed out that religious institutions were originally exempted from the US Civil Rights Act, but then an amendment was passed subjecting them to the Act in all respects except that hiring decisions may still be made preferentially on the basis of membership in the same faith.

However, according to the Court, the Act does not allow an employer associated with a particular religious denomination to subject an employee of another faith to on-the-job harassment based on the employee's own different religious beliefs or practices.

The nursing assistant's case can go forward inasmuch as she is alleging religious harassment in violation of Federal law. ***Kennedy v. Villa St. Catherine's***, __ F. Sup. 2d __, 2010 WL 1741125 (D. Md., April 30, 2010).