

## Attorneys React To High Court's EEOC v. Abercrombie Ruling

*Law360, New York (June 1, 2015, 7:30 PM ET)* -- On Monday, the U.S. Supreme Court ruled in EEOC v. Abercrombie & Fitch Stores Inc. that in order to prevail on a disparate treatment claim, a job applicant only has to show that her need for a religious accommodation was a motivating factor in the employer's decision, not that the employer had knowledge of the need. Here, attorneys tell Law360 why the decision is significant.

### **Kathryn Barcroft**

“This is an important decision for employers to be aware of in the hiring process, because when interviewing prospective employees to work for their company they must be aware of the need to accommodate an applicant’s religious practices whether or not the need for an accommodation is actually communicated to them by the applicant. An employer faces the burden, if the company has some idea that accommodation is necessary, to accommodate an applicant with a religious need such as wearing a religious headscarf. An employer may face liability under Title VII if the company’s desire not to accommodate the applicant’s religious need is a motivating factor in the decision not to hire the applicant.”