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Court limits church's authority over workers

Niels Sorrells Religion News Service | Sep. 28, 2010

BERLIN -- The European Court of Human Rights ruled Sept. 23 that a church organist's employment rights were ignored when he was fired by a Catholic church for remarrying outside the church.

The court said German churches have some latitude in firing staff who violate the faith's moral tenets, but said it must be weighed against the prominence of the job and the worker's own rights.

The case involved Bernhard Schuth, the longtime organist at St. Lambert parish in Essent, who separated from his wife in 1994 and started a relationship with another woman in 1995.

The new relationship might have gone unnoticed until Schuth's child mentioned a new sibling at school in 1997. Schuth was fired in 1998 because, the church said, an extramarital relationship violated basic Catholic teaching.

Beside adultery, the church also accused Schuth of bigamy since his first marriage was never annulled.

The course worked its way through Germany's courts before heading to the European court in Stasbourg, France, where judges ruled that German courts had weighed the church's interests more heavily than Schuth's.

Specifically, the court noted that Schuth's signature on a labor contract did not give the church control over his private life and that ?his signature on the (employment) contract could not be interpreted as an unequivocal undertaking to live a life of abstinence in the event of separation or divorce.?

The court also said Schuth's case had been kept private; he never openly challenged church doctrine; and that the firing left him with limited work options in other churches.

?The court found that the German labor courts had failed to weight Mr. Schuth's rights against those of the church employer,? the court said in a statement.

The ruling, however, does not completely block churches' ability to make personnel decisions based on morality. On the same day, the European court ruled in favor of a German Mormon church that fired Michael Obst, a public relations director, over an affair.

In that case, the court said the prominence of the position left church officials with few options. The court said Obst should have known that his enhanced position carried greater responsibilities, and risks.

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