

JUSTIA

Religious Discrimination in Employment

Employment Discrimination on the Basis of Religion

Both federal and state laws prohibit religious discrimination. Many people associate religious discrimination with adverse treatment based on someone belonging to an organized religion like Christianity, Islam, Judaism, Hinduism, or Buddhism. However, this type of discrimination can also involve adverse treatment based on a sincere ethical or moral belief.

It is illegal under **Title VII of the Civil Rights Act** to treat an employee differently with regard to any aspect of employment, including hiring, firing, compensation, fringe benefits, training, promotion, and layoffs based on his or her religious, ethical, or moral beliefs. Taking an adverse action against an employee is also prohibited if it is based on his or her association with a religious individual or group. Title VII is enforced by the **Equal Employment Opportunity**

Commission (EEOC) and applies to employers with 15 or more employees.

Both disparate treatment and disparate impact are prohibited under Title VII. Disparate treatment is an employer's practice or policy that is intentionally discriminatory on its face. Disparate impact involves a practice or policy that is neutral on its face, but has an adverse impact on a group with a particular religious belief. State laws also prohibit religious discrimination, and usually they cover smaller employers than federal laws.

i Not a Believer? You're covered too!

You cannot be discriminated because you hold no religious beliefs.

Workplace Harassment Based on Religion

Workplace harassment based on religion is illegal whether that harassment comes from an employee's supervisor, a supervisor in a different department, a coworker, or a customer. Harassment includes derogatory comments or adverse actions taken due to an employee's religious beliefs. A minor, isolated event does not count as actionable

harassment. Instead, the behavior must be so severe or pervasive that a reasonable person would believe that it created a hostile work environment.

Even minor events can become severe or pervasive if they occur on a near-daily basis over a long period of time. For example, a coworker who makes remarks to about Muslims being terrorists for weeks will probably be found to be harassing a Muslim employee who brings a claim. However, if the coworker makes a single remark about Muslims being terrorists and stops when rebuked for it, this comment probably isn't actionable.

An employer also cannot force you to participate in any religious activity as a condition of employment. For example, a Christian employer cannot require you to attend church service as a mandatory team-building exercise.

What Accommodations Must Be Made for an Employee's Religious Beliefs?

Under **Title VII**, employers must provide reasonable accommodations so that employees can practice their religion of choice, unless



Belief in All Forms

It's illegal to discriminate against

providing that accommodation creates an undue hardship. A “reasonable accommodation” for religious beliefs is a moderate adjustment to the work

someone based on their religion, no matter how small the denomination or sect.

environment. Appropriate changes may include changes to schedules, shift substitutions, job reassignments, or modifications to a workplace policy or practice.

For example, an employer may have to modify its policy with regard to head coverings and facial hair. A workplace prohibition on head coverings may have an adverse impact on Orthodox Jews, Muslims, and Sikhs. A workplace prohibition on facial hair could affect a Sikh person. Similarly, an employer who has a policy that requires employees to work on Saturdays might need to adjust it for an Orthodox Jewish employee.

If you need an accommodation for religious reasons, you should notify your employer of this need and specify the religious rule or moral belief related to the accommodation you request. Assuming your request doesn't pose an undue hardship, the employer must grant the accommodation to avoid violating **employment discrimination** laws.

An accommodation is an undue hardship if it is very expensive, compromises workplace safety, infringes on other workers' rights, reduces efficiency, or requires other employees to do more than their fair share of potentially burdensome or dangerous work. For example, your employer might have a sound defense of undue hardship if you asked for a separate prayer room at work and breaks for prayer several times a day.

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