

## Discrimination and Religious Freedom Issues in the Work Place

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### 1. The Basics

- A. Title VII of the Civil Rights Act of 1964 prohibits religious discrimination in the work place.
- B. Frequently asked questions (according to the Equal Employment Opportunity Commission)
  1. What is “religion” under Title VII?
  2. Are there any exceptions?
    - a. Religious organization exception
    - b. Ministerial exception
  3. What is the scope of the Title VII prohibition on disparate treatment based on religion?
    - a. Hiring
    - b. Promoting
    - c. Discharging
  4. What constitutes religious harassment under Title VII?
  5. When is an employer liable for religious harassment?
  6. When must an employer accommodate an applicant or employee’s religious belief, practice, or observance?
  7. How does an employer learn that accommodation may be needed?
  8. Does an employer have to grant every request for accommodation?
  9. When does an accommodation pose an “undue hardship”?
  10. Does an employer have to provide an accommodation that would violate a seniority system or collective bargaining agreement?
  11. What are common methods of religious accommodation in the workplace?
    - a. Scheduling changes, voluntary substitutes, and shift swaps
    - b. Changing an employee’s job tasks or providing a lateral transfer
    - c. Making an exception to dress and grooming rules
    - d. Use of the work facility for religious observance
    - e. Accommodations relating to payment of union dues or agency fees
    - f. Accommodating prayer, proselytizing, and other forms of religious expression
  12. Does Title VII prohibit retaliation?
  13. How might First Amendment constitutional issues arise in Title VII religion cases?

2. Some recent United States Supreme Court cases
  - A. EEOC v. Abercrombie & Fitch Stores, Inc., June 1, 2015
  - B. Mach Mining, LLC v. EEOC, April 29, 2015