



# What You Should Know: Workplace Religious Accommodation

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What You Should Know: Workplace Religious Accommodation

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This document provides information about workplace religious accommodation under Title VII.

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Title VII, 29 CFR Part 1605

**Document Applicant:**

Employees, Employers, Applicants, HR Practitioners

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No

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

**1. Are employers required to accommodate the religious beliefs and practices of applicants and employees?**

Yes. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employee's sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship (more than a minimal burden on operation of the business). A religious practice may be sincerely held by an individual even if newly adopted, not consistently observed, or different from the commonly followed tenets of the individual's religion.

**2. What does Title VII mean by "religion"?**

Title VII defines "religion" very broadly. It includes traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism. It also includes

religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people.

Some practices are religious for one person, but not religious for another person, such as not working on Saturday or on Sunday. One person may not work on Saturday for religious reasons; another person may not work on Saturday for family reasons. Under Title VII, a practice is religious if the employee's reason for the practice is religious.

Social, political, or economic philosophies, or personal preferences, are not "religious" beliefs under Title VII.

### 3. What are some common religious accommodations sought in the workplace?

Applicants and employees may obtain exceptions to rules or policies in order to follow their religious beliefs or practices. Remember that employers may grant these accommodations for religious reasons but still refuse to grant them for secular reasons. Examples of common religious accommodations include:

- an employee needs an exception to the company's dress and grooming code for a religious practice, e.g., Pentecostal Christian woman who **does not wear pants** (<https://www.eeoc.gov/newsroom/brinks-pay-30000-peoria-area-woman-failure-accommodate-religious-beliefs-0>) or short skirts; a Muslim woman who wears a **religious headscarf** (<https://www.eeoc.gov/newsroom/alamo-car-rental-guilty-religious-bias-federal-court-rules-eeoc-lawsuit>) (hijab); or a Jewish man who wears a **skullcap (yarmulke)** (<https://www.eeoc.gov/reports/fy-2005-annual-report-operations-and-accomplishments-office-general-counsel#Blockbuster>).

The EEOC has developed a **technical assistance document** (<https://www.eeoc.gov/publications/religious-garb-and-grooming-workplace-rights-and-responsibilities>) "Religious Garb and Grooming in the Workplace: Rights and Responsibilities" along with a **fact sheet** (<https://www.eeoc.gov/publications/fact-sheet-religious-garb-and-grooming-workplace-rights-and-responsibilities>) explaining these issues due to the frequency of their occurrence.

- a **Catholic employee** ([http://www.eeoc.gov/policy/docs/religion.html#example\\_3](http://www.eeoc.gov/policy/docs/religion.html#example_3)) needs a

schedule change so that he can attend church services on Good Friday;

- an **atheist needs to be excused** ([http://www.eeoc.gov/policy/docs/religion.html#\\_ftnref13](http://www.eeoc.gov/policy/docs/religion.html#_ftnref13)) from the religious invocation offered at the beginning of staff meetings;
- a Christian pharmacy employee needs to be excused from **filling birth control prescriptions** ([http://www.eeoc.gov/policy/docs/religion.html#\\_ftnref175](http://www.eeoc.gov/policy/docs/religion.html#_ftnref175)), or a Jehovah's Witness seeks to change job tasks at a factory so that he will not have to work on **producing war weapons** (<https://www.eeoc.gov/newsroom/dresser-rand-settles-eeoc-religious-discrimination-lawsuit>);
- an adherent to Native American spiritual beliefs needs unpaid leave to attend a ritual ceremony, or a Muslim employee needs a break schedule that will permit **daily prayers at prescribed times** (<https://www.eeoc.gov/newsroom/eeoc-and-electrolux-reach-voluntary-resolution-class-religious-accommodation-case-0>);
- an employee needs accommodation of a religious belief that **working on his Sabbath** (<https://www.eeoc.gov/newsroom/eeoc-resolves-religious-bias-suit-seventh-day-adventist-fired-over-observing-sabbath-0>) is prohibited.

#### **4. How does an employer determine if a religious accommodation imposes more than a minimal burden on operation of the business (or an "undue hardship")?**

Examples of burdens on business that are more than minimal (or an "undue hardship") include: violating a seniority system; causing a lack of necessary staffing; jeopardizing security or health; or costing the employer more than a minimal amount.

If a schedule change would impose an undue hardship, the employer must allow co-workers to voluntarily substitute or swap shifts to accommodate the employee's religious belief or practice. If an employee cannot be accommodated in his current position, transfer to a vacant position may be possible.

Infrequent payment of overtime to employees who substitute shifts is not considered an undue hardship. Customer preference or co-worker disgruntlement does not justify denying a religious accommodation.

It is advisable for employers to make a case-by-case determination of any requested religious accommodations, and to train managers accordingly.

**5. What other protections might apply, and where can I get more information?**

Title VII also prohibits disparate treatment, job segregation, or harassment based on religious belief or practice (or lack thereof), as well as retaliation for the exercise of EEO rights.

EEOC publications on religious discrimination and accommodation are available on our **website. (<https://www.eeoc.gov/religious-discrimination>)**