

# EEOC Issues Guidance on Religious Accommodations for Religious Garb and Grooming Under Title VII

## Labor & Employment Law Update

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On March 6, the EEOC issued guidance on Title VII's application to the issue of religious garb and grooming in the workplace. The guidance does not create any new obligations for employers. Rather, it illustrates the complex nature of accommodating religious beliefs and practices, and provides insight into how the EEOC views employers' legal responsibilities with respect to religious garb and grooming under Title VII. It also indicates this will be an area of increased EEOC enforcement in coming years.

Title VII protects all aspects of religious observance, practice, and belief. Title VII defines religion broadly to include not only traditional, organized religions, but also uncommon religious beliefs that are not part of a formal church or sect. Title VII's protection extends to any practice motivated by religious belief, even if others engage in the same practice for purely secular reasons. That being said, Title VII only applies to religious beliefs that are "sincerely held." While employers may legally question whether a religious belief is sincerely held, the EEOC's guidance cautions that the sincerity of a religious belief is usually not in dispute in a claim of religious discrimination.

The guidance stresses that employers may not automatically refuse to accommodate an applicant or employee's religious garb or grooming practice, even if it violates the employers' dress code, uniform policy or expectations regarding appearance. Instead, an employer must allow the religious practice unless it can show that accommodating the practice places an undue hardship on its business operations. An undue hardship is something more than *a de minimis* cost or burden. Title VII also prevents employers from taking actions against employees based on the discriminatory religious preferences of others, including customers, clients or co-workers. For example, it is unlawful to re-assign an employee to a non-customer service position because of customer complaints about the employee's religious garb.

In light of this guidance, employers should review their policies to make sure they clearly state a commitment to reasonably accommodate religious beliefs and prohibit discrimination and harassment based on religion. Additionally,

employers should educate their management team on the proper procedures for responding to religious discrimination complaints and accommodation requests based on religion. Finally, if faced with a request for an accommodation based on a religious belief, employers should carefully evaluate whether the belief is sincerely held and whether providing an accommodation would impose an undue hardship.

Note that the EEOC guidance does not address any applicable state or local laws regarding religious discrimination or harassment. For example, the Illinois Human Rights Act also prohibits discrimination and harassment based on religion. Employers should make sure that their policies are not only in line with Title VII, but any applicable state or local laws as well.

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