

Avoid That EEOC Charge for Religious Discrimination

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Religion is a personal and controversial topic in the workplace. The First and Fourteenth Amendments protect an individual's religious civil rights from state and federal interference, but not from interference from other individuals. Title VII of the U.S. Code protects employees from religious discrimination and mandates that an employer make reasonable accommodations for a person's religious practices, as long as the religious practices do not create an undue hardship on the employer's business. The law's enforcement is tasked to the Equal Employment Opportunity Commission (EEOC). The EEOC enforces Title VII as it relates to employment discrimination based on race, religion, national origin, gender, age, or disability. An employee who is the victim of alleged religious discrimination can file a charge with the EEOC. Even if the charge has no basis or is completely valid, the EEOC must contact the employer, investigate the charge, and make a finding. Responding to a charge can be expensive and time-consuming for the employer.

While employers should be sensitive to religious views, it is reasonable for employers to restrict religious practices in the workplace. There are a few ways to do this. First, make it a company policy to restrict religion in the workplace. This limits the likelihood of contentious conversations occurring about religion. Second, the company should have a neutral dress code. In *E.E.O.C. v. Sunbelt Rentals, Inc.*, a religious employee was harassed by co-workers due to unusual attire worn for religious reasons. Had Sunbelt established a neutral dress code, there would have been less reason for the employees to harass the plaintiff.

Further, employers should establish strong policies to address religious discrimination concerns. Strong policies allow companies to take appropriate action internally, and specific penalties encourage employees to refrain from harassment due to religion. Employers should conduct training regarding religious tolerance and training about internal reporting and the employer's investigation procedure for discrimination.

Because Title VII mandates that employers should make reasonable accommodations to a person's religion, an employees' religious needs should be taken into account within reason; for example, if a person wants to take a day off for Yom Kippur, the employer should be understanding since this is only one day, and it is likely the court would see this as a reasonable accommodation. In contrast, it is not reasonable if an employee utilizes a drug for religious purposes. See *Employment Div., Dept. of Human Res. of Oregon v. Smith*, 494 U.S. 872 (1990).

Because responding to an EEOC charge of religious discrimination is time-consuming, expensive, and stressful, employers must be proactive to avoid EEOC charges in the first place. The use of clear policies set out in employee handbooks, staff training, and consistent disciplinary procedures will ensure that your company is not faced with an EEOC charge.