



Religious Discrimination and Accommodations: An Update

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Today's Topics

- Statistics
- Religious Discrimination
- Religious Harassment
- Religious Accommodations



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Religions

- Approximately 4200 religions in the world
- 84% of Louisiana residents are Christian
- Non-Christian faiths (Jewish, Muslim, Buddhist, Hindu, Other) are only 2% of the population
- Unaffiliated is 14%



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Lies, Damn Lies, and Statistics

- 2018 EEOC Charge Statistics
 - 2859 charges filed alleging some form of religious discrimination
 - 282 charges on which the EEOC found reasonable cause
 - 3.7% of all charges included a claim based on religion



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EEOC New Fact Sheet

- EEOC issued a fact sheet directed to young workers regarding religious discrimination
- <https://www.eeoc.gov/youth/downloads/religion.pdf>



YOUTH@WORK



TITLE VII PROHIBITS RELIGIOUS DISCRIMINATION

- It is unlawful to fail or refuse to hire, to discharge, or to otherwise discriminate with respect to compensation, terms, conditions or privileges of employment; or to limit, segregate or classify to deprive of opportunities or otherwise adversely affect status as an employee or applicant because of an individual's religion.

42 U.S.C. Section 2000e-2(a)

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Forms of Religious Discrimination

- Disparate Treatment
- Harassment
- Failure to Accommodate

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What Is A Religious Belief?



- Extremely broad definition
 - All aspects of religious observance and practice
 - Even if only held by one or a few
 - Includes non-believers
- What doesn't qualify:
 - Personal preferences
 - Social, political or economic philosophies

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Prohibited Employment Practices

- Recruitment, hiring and promotion
- Discipline/discharge
- Compensation & other conditions of employment
 - Example: Denial of benefit of tuition reimbursement to a employee based on her belief in Native American spirituality

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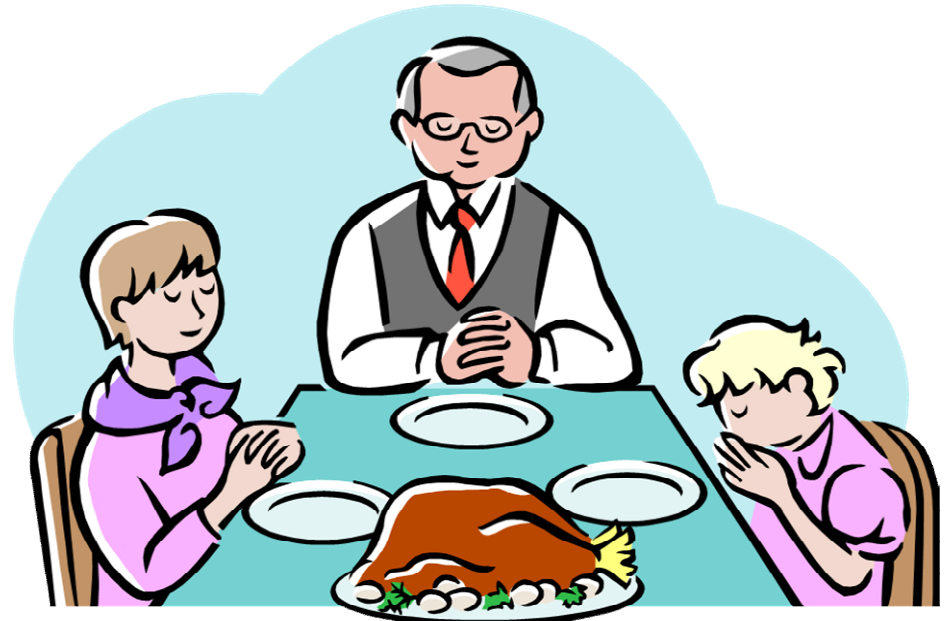
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Solutions at Work

Religious Accommodations Harassment

- Praying at work
- Religious Paraphernalia
- Buttons
- Crosses
- Proselytizing



Prohibited Conduct



Harassment Includes:

1) Religious coercion

- To abandon, alter or adopt religious belief as a condition of receiving job benefit or avoiding adverse action

2) Hostile work environment

- Based on religion
- Unwelcome
- Severe or pervasive
 - Offhand or isolated incidents not usually illegal but single incident involving physical threat may be

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Sustaining the Work

Religious Accommodation Basics

- Must accommodate
- Sincerely held
- Religious belief
- Conflicts with work requirement
- As long as no more than a *de minimis* burden



Religious Accommodations: Clothes

- Abercrombie
- Significantly less deference to employers
- Safety trumps
- Additional non-uniform clothing



Religious Accommodations Hair

- No Beard For You
- Possible ADA/Race Issue



Religious Accommodations Tattoos

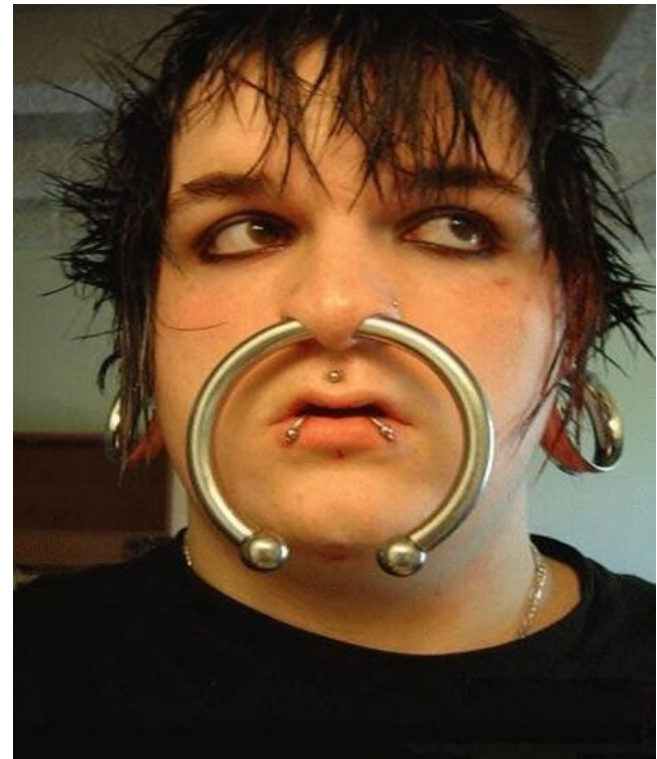
Really?



Religious Accommodations Piercings

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The Church of Body Modification



Religious Accommodations Work Hours

- Days Off
- Shift Changes
- Fasting
- Religious Holidays





Thank You

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