

PUBLICATION

#WWJD? EEOC Provides Guidance on Religious Accommodation

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Last week, the EEOC issued specific guidance for employers regarding religious accommodation under Title VII. Entitled "[Religious Garb and Grooming in the Workplace: Rights and Responsibilities](#)," the guidance focuses on the scope of Title VII's protections with respect to employee dress and appearance. The guidance comes on the heels of recent high-profile religious discrimination cases, such as the case brought against Abercrombie & Fitch by a woman who alleged the retailer failed to hire her because she wore a hijab. Additionally, the number of charges for religious discrimination the EEOC receives each year more than doubled between 1997 and 2013. While religious discrimination claims still represent a small percentage of the total number of charges filed each year, employers should take heed of this growing trend and incorporate this guidance into their EEO policies and procedures.

Title VII requires that employers make religious accommodations for its employees, unless doing so would cause an undue hardship on the employer's business. An "undue hardship" is defined as a "more than de minimis" cost or burden on the operation of the employer's business. The EEOC's guidance makes clear that neither a coworker's jealousy of, or complaints about, a religious accommodation made for another employee, nor customer or client preferences, are considered undue hardships warranting denial of an accommodation request. However, workplace safety, security or health concerns may warrant denial.

The EEOC provides specific examples of required and non-required accommodations throughout its guidance. Employers looking to revamp or update their EEO training should review this helpful resource, and ensure their training includes more than a quick mention of religious discrimination, as opposed to accommodation, under Title VII.