

# PUBLICATION

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## Promoting Company Culture: Harnessing Happiness or Discriminating on the Basis of Religion?

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**Does an employer discriminate against employees when it requires them to participate in corporate wellness programs? The Equal Employment Opportunity Commission has taken the position that it does if the wellness program involves what it defines as religious activities. The EEOC brought suit for religious discrimination in June of this year in the federal district court in New York against United Health Programs of America Inc. and Cost Containment Group Inc. The defendants subscribe to the Onionhead belief system, developed by the Harnessing Happiness Foundation, a nonprofit that describes itself as "dedicated to teaching problem solving skills, conflict resolution and appropriate behavior through emotional awareness and intelligence." The Onionhead system involves activities such as group prayer and saying "I love you" to colleagues.**

At least two employees have alleged that when they indicated that they did not want to participate in the Onionhead activities, they were discriminated against, first having their desks moved and responsibilities changed, and then being fired. The defendants have argued that the case should be dismissed on the basis that the EEOC cannot state a claim for religious discrimination because the Onionhead philosophy is not a religion. The EEOC has taken issue with the defendants' stance, stating, "[w]hat defendants glibly call 'self-improvement workshops' and 'corporate wellness programs' were actually compelled religious activities led by their spiritual advisor." At issue in this case will be not only whether discrimination on the basis of religion occurred, but also the very definition of religion.