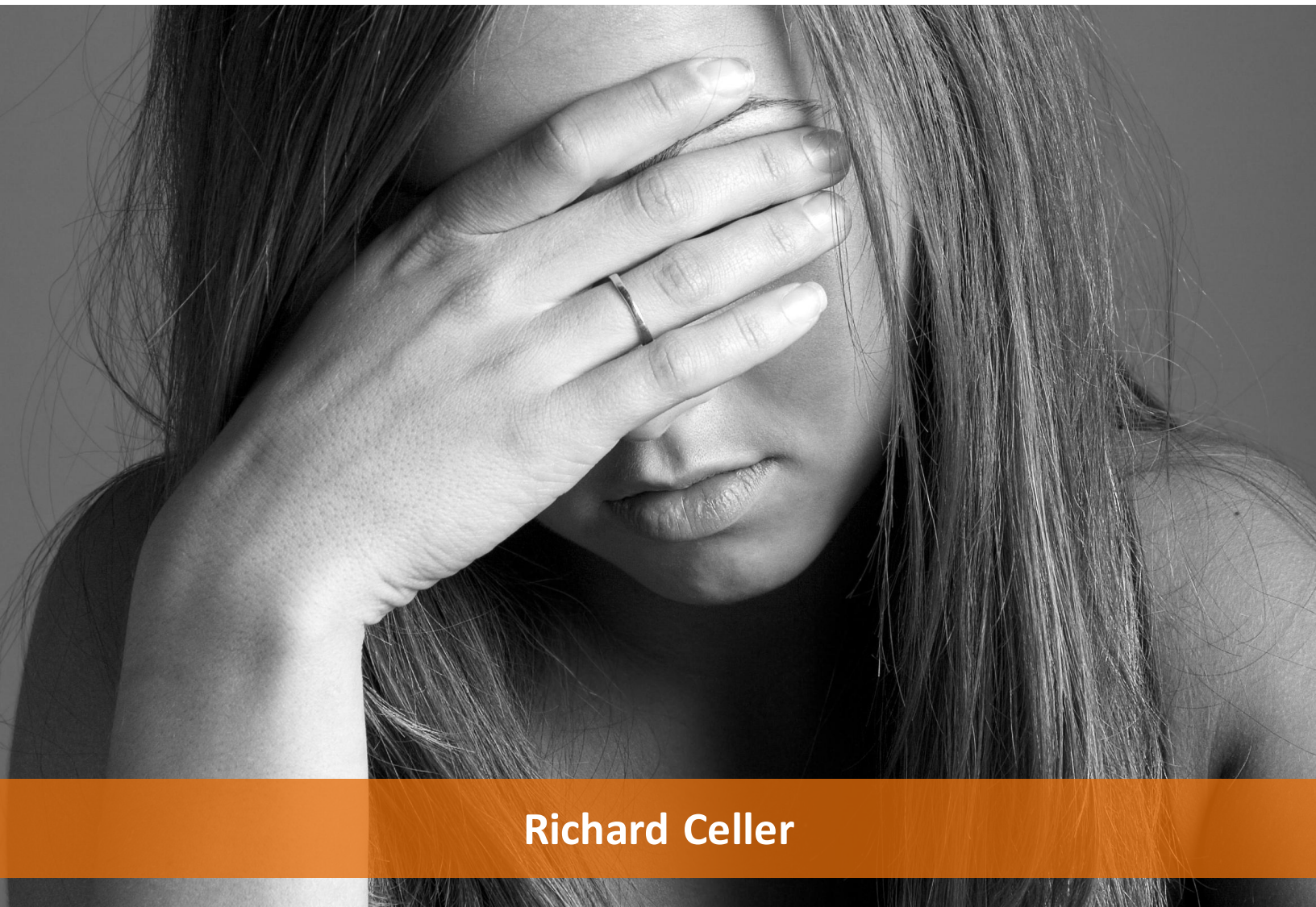


RELIGIOUS DISCRIMINATION IN THE WORKPLACE

What You Need To Know

“As an employee you should have at least a basic understanding of the laws relating to religious discrimination in the workplace so you may be able to identify a violation of your rights should one occur.”



Richard Celler



America has long been known as the “melting pot” because of the diversity of people who live and work in the U.S. That diversity can be measured by a variety of factors including ethnicity, national origin, and religious affiliation. The desire for religious tolerance, in fact, was one of the driving forces that led the original settlers to set sail across the Atlantic to the “New World.” Today, religious freedom is an important aspect of life in America and, as such, is heavily protected by law. Both state and federal laws, for example, make it illegal to discriminate against an employee on the basis of religion. What exactly does that mean though? As an employee you should have at least a basic understanding of the laws relating to religious discrimination in the workplace so you may be able to identify a violation of your rights should one occur.

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

During the “Civil Rights” decade of the 1960s, a landmark piece of legislation was passed by the United States government known as the “Civil Rights Act of 1964.” Title VII of the Civil Rights Act prohibits discrimination in employment on the basis of race, color, sex, national origin, or religion. The prohibitions found in Title VII are broad, making it illegal to discriminate in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

THE FLORIDA CIVIL RIGHTS ACT

The Florida Civil Rights Act is effectively the state counterpart to the federal Civil Rights Act of 1964. Like the federal version, the Florida Civil Rights Act, or FCRA, also prohibits discrimination in the workplace based on number of traits or characteristics, including religion.

HOW IS “RELIGION” DEFINED?

In the non-legal context it may seem easy enough to define the word “religion.” Most people think of a “religion” as a well-established, organized faith with specific practices and definite places of worship. As the term is used in the Civil Rights Act, however, “religion” is broadly defined. Religion certainly includes traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism; however, it may also include unorthodox, non-traditional, and informal beliefs. Furthermore, religious

beliefs need not be well established, common, or even held by numerous people in order to be protected.

WHAT IS A “SINCERELY HELD RELIGIOUS BELIEF?”

Because employers are required to make accommodations for religious beliefs if they are “sincerely held” it is important to understand how the law defines that term. Just as the word “religion” is broadly defined in Title VII and the FCRA, so is the term “sincerely held religious beliefs.” In their compliance manual, the Equal Opportunity Employment Commission, or EEOC, has this to say about religious beliefs:

“Religious beliefs, practices, and observances include those that are theistic in nature, as well as non-theistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” Religious beliefs can include unique views held by a few or even one individual; however, mere personal preferences are not religious beliefs.”

IS AN EMPLOYER REQUIRED TO ACCOMMODATE RELIGIOUS PRACTICES?

In the United States, religious pluralism in the workforce is the norm in the 21st century. It is common to have several very distinct religions represented in even a relatively small workplace. This can create issues for an employer given the variety of differing religious practices found even among mainstream religions. For example, Christians consider Sunday to

be the Sabbath, or day of rest, while Jews observe “Shabbat” from sundown on Friday until the appearance of three stars in the sky on Saturday night. Practitioners of Islam stop and pray several times a day as part of their religion while the Amish abide by a very strict dress code. Any of these religious beliefs or practices can conflict with an employer’s general practices or procedures in the workplace. The good news for employees, however, is that a covered employer is required to make reasonable accommodations for the religious beliefs and practices of an applicant or employee unless doing so would create an undue hardship on the employer.

WHAT IS AN “UNDUE HARDSHIP?”

The “undue burden” caveat to the reasonable accommodations requirement may, at first read, sound like the escape clause for an employer to avoid accommodating an employee’s religious beliefs or practices; however, the term “undue hardship” has been interpreted narrowly, in favor of employees, by the courts which is good news for employees. The requested accommodation must pose more than a minimal burden on the employer for the employer to refuse the request. If the request involves scheduling, an employer must allow co-workers to voluntarily switch shifts or schedules in order to facilitate the request. Examples that have been found to amount to an undue hardship include accommodations that:

- Violate a seniority system
- Cause a lack of necessary staffing

- Jeopardize security or health
- Cost the employer more than a minimal amount

WHAT ARE SOME COMMON ACCOMMODATIONS?

Given the diversity of religions represented in the United States, and the even broader scope of religious practices associated with the various religions found in the American workforce, the list of accommodations an employer could be asked to make is virtually endless; however, the following are examples of relatively common requests an employer may receive based on religious beliefs and practices:

- Being excused from the company dress code
- Being allowed to stop and pray at specific times each day
- Not working on Saturday, Sunday, or another specific day each week.
- Not working on religious holidays
- Not working on specific products in a factory (such as a Jehovah's Witness not wanting to work on the production of weapons)
- Being excused from a traditional prayer ceremony held at the beginning of meetings

WHAT CAN I DO IF MY EMPLOYER HAS VIOLATED MY RIGHTS?

If you believe your current employer, or a prospective employer, has violated your rights by discriminating against you on the basis of your religious beliefs or practices you may have the basis for a state or federal employment discrimination lawsuit. Consult with an experienced Florida employment law attorney as soon as possible to discuss your legal options.

Florida Commission on Human Relations, [Chapter 760, Florida Statutes](#)
EEOC, [Religious Discrimination](#)

EEOC, [Facts about Religious Discrimination](#)

EEOC, [Compliance Manual Religious Discrimination](#)

U.S. Department of Justice, [Religious Discrimination in Employment](#)

About the Author



Richard Celler

Richard Celler is the Managing Partner of Richard Celler Legal, P.A., a/k/a the Florida Overtime Lawyer. He created this firm after having served as the Founding Member and Managing Partner of one of the largest employee/plaintiff side employment law divisions in the United States.

In November 2013, Mr. Celler left big firm life with the idea of reopening his own litigation firm with an emphasis on something most big firms cannot provide – a lower volume of cases, and more focus on the needs and attention of every single client.

Mr. Celler's practice focuses on all areas of the employment context from discrimination, harassment, and retaliation under the Florida Civil Rights Act, Title VII, the Family Medical Leave Act, and other employment related statutes. Additionally, Mr. Celler represents individuals in whistleblower and wage and hour litigation (overtime, minimum wage, commissions, final paychecks).

Many firms charge clients for an initial consultation to discuss their claims. Mr. Celler does not. You can call him or email him to discuss your case for free. If he elects to represent you, your case will be handled on a contingency basis, which means that he only gets paid, if you get paid. We encourage you to look at the remainder of our website for information on your rights and benefits in the workplace – www.floridaovertimelawyer.com.

Richard Celler Legal, P.A.

7450 Griffin Road, Suite 230

Davie, FL 33314

Phone: 866-344-9243

Email: richard@floridaovertimelawyer.com

Website: floridaovertimelawyer.com