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LABOR AND EMPLOYMENT BULLETIN

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EEOC PROVIDES GUIDANCE ON RELIGIOUS DISCRIMINATION

On July 22, 2008, the EEOC revised its Compliance Manual to further address religious discrimination in the workplace. The manual addresses all aspects of illegal religious discrimination, including disparate treatment, harassment, and failure to provide reasonable accommodations.

The portion of the Guidance addressing prayer, proselytizing, and other forms of religious expression, such as display of religious items in the workplace, may be of particular interest to employers. The Guidance states in part, “To determine whether allowing or continuing to permit an employee to pray, proselytize, or engage in other forms of religiously oriented expression in the workplace would pose an undue hardship, employers should consider the potential disruption, if any, that will be posed by permitting this expression of religious belief.” The Guidance explains that relevant considerations may include the effect such expression has or is reasonably expected to have on co-workers, customers, or business operations. For example, a simple religious expression by an employee to a customer of “Have a Blessed Day” may be a reasonable accommodation in certain contexts.

The EEOC’s Guidance was drafted in response to a 100 percent increase in religious discrimination charges from 1992 to 2007 and a substantial increase in religious discrimination litigation. A copy of the Guidance may be found at <http://eoc.gov/policy/docs/religion.html> and the



EEOC's discussion of best practices for employers may be found at http://eeoc.gov/policy/docs/best_practices_religion.html.

LEARN MORE

about religious expression and
discrimination in the workplace at
Balch & Bingham's **2008 Labor and
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Biloxi, MS: September 11-12
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