

Religious Discrimination

The Office of Civil Rights (OCR) manages the Department of Commerce’s Equal Employment Opportunity (EEO) Complaint Process and other EEO programs. This fact sheet includes basic information about discrimination based on religion, which is prohibited by Title VII of the Civil Rights Act of 1964.

Q. What protections do federal employees have from discrimination based on religion?

A. Title VII of the Civil Rights Act of 1964 protects employees and job applicants from discrimination based on religion.

Title VII also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless doing so would create an “undue hardship” on the employer.

Q. What is religious discrimination?

A. Religious discrimination is treating individuals differently because of their religious beliefs and practices, and/or their request for accommodations of their religious beliefs and practices. It also includes treating individuals differently because of their lack of religious beliefs or practices.

Religious practices are not just those required by a church or other religious group, but include moral or ethical beliefs as

to what is right and wrong that are sincerely held with the strength of traditional religious views.

Beliefs may be “religious” in nature even if no religious group holds such beliefs or religious groups to which others in the workplace belong do not accept such beliefs.

Q. What kinds of discriminatory practices are prohibited?

A. It is illegal to discriminate based on religion in any aspect of employment, including hiring, firing, compensation, assignment, and classification of employees. Harassment based on religion is also prohibited.

The law also prohibits harassment or any other employment action based on any of the following:

- **Affiliation:** An individual’s affiliation with a particular religious group. For example, harassing an individual because she practices Buddhism.
- **Characteristics:** Characteristics, such as dress, associated

with a particular religion. For example, harassing a man wearing a yarmulke or a woman wearing a hijab (a body covering and/or head-scarf worn by some Muslims).

- **Perception:** Harassing or otherwise discriminating because of the perception or belief that a person is a member of a particular religious group whether or not that perception is correct. For example, firing a Sikh man wearing a turban because the supervisor thought he was Muslim.

- **Association:** Harassing or otherwise discriminating because of an individual’s association with a person or organization of a particular religion. For example, giving an employee less desirable assignments because her husband is Catholic, or refusing to promote an employee because he attends a particular church.

Title VII also forbids retaliation against a person because he or she has opposed unlawful religious discrimination or participated in the complaint process by filing a claim, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under Title VII.

Q. What is unlawful harassment based on religion?

A. Employers must provide a workplace that is free of unlawful harassment based on religion.

Harassment based on religion can take many different forms, including religious slurs, workplace graffiti, or other offensive verbal or physical conduct directed towards any religious group that is so severe or pervasive that the individual being harassed reasonably finds the work environment to be hostile or abusive. Employers may be liable not only for harassment by supervisors, but also by co-workers or by non-employees under the supervisor's control.

Q. What is reasonable accommodation in the context of religious beliefs and practices?

A. Title VII requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer.

Reasonable accommodation is a change in a workplace rule or policy. Some examples are flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers.

In addition, employers may not schedule examinations or other selection activities in conflict with a prospective employee's religious needs, inquire about an applicant's future availability at certain times, maintain a restrictive dress code, or refuse to allow observance of a Sabbath or religious holiday, unless the employer can prove that not doing so would cause an undue hardship.

Q. When are employers required to accommodate employee's religious beliefs and practices?

A. Generally, where workers articulate a need for an accommodation of their religious beliefs or practices in the workplace, the employer is required to accommodate them. However, employers are not required to make accommodations that would cause them undue hardship.

Q. What does "undue hardship" mean in the context of religious accommodation?

A. Generally, an accommodation that would require more than minimal cost to the employer, considering its size and resources, is considered an undue hardship in the context of accommodating religious beliefs and practices. Undue hardship also may be shown if changing

a bona fide seniority system to accommodate one employee's religious practices denies another employee the job or shift preference guaranteed by the seniority system.

Q. If I request an accommodation, do I have to answer questions about my religious beliefs or practices?

A. In most cases, whether or not a practice or belief is "religious" is not at issue. If it is at issue, the employer has some room to ask you about your beliefs, to determine whether the beliefs are "religious" within the meaning of Title VII and whether they are sincerely held.

Q. How can I raise a claim of religious discrimination in the EEO complaint process?

A. Contact your bureau EEO Officer to initiate EEO Counseling. To preserve your right to file a formal complaint, you must do this within 45 days of the action you believe is discriminatory or when you first knew or should have known of the possible discrimination. Your EEO Counselor can also give you information about other possible avenues of redress for your claim.

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