

Religious accommodation and seniority

Q. We are a nonunion plant that uses a seniority-based bidding system for work shifts. A recent hire has complained that due to his lack of seniority, he is consistently being scheduled to work on Saturday, which is his Sabbath. Do we have to accommodate his religion by honoring his request to never work on Saturdays?

A. Probably not. Under Title VII of the Civil Rights Act of 1964, an employer must accommodate an employee's religious-based request *as long as it does not cause an undue hardship for the employer*. One of the most common requests is to be excused from particular workdays or shifts.

For larger companies, such requests are often found to be reasonable, even if they create some additional administrative work for supervisors or scheduling coordinators. For smaller companies that employ a limited number of people, courts are often more sympathetic to claims that accommodating regular days off is an undue hardship.

Courts have consistently held, however, that a company's obligation to comply with a bona fide (that is, established, consistent and fair) seniority system supersedes most requests for religious accommodations. Thus, if accommodating a request for particular dates and times off would result in a disruption to your company's established bidding system, there is a strong argument that accommodating the request would constitute an undue hardship for the business.