

Common religious accommodations and how to implement them

Creating an inclusive work environment often requires some flexibility around accommodating employees with different cultures, abilities, and beliefs. Employers also have a legal obligation to accommodate the sincerely held religious beliefs of their employees.

However, this is one area of inclusivity and employment law that many employers struggle with. A lot of that has to do with the wide range of religions and religious practices in the world. There are so many different belief systems and religions, and even within each religion, there can be significant differences in how individuals practice their religion.

Employers want to get it right, but navigating religious accommodations can be tricky. We strongly recommend that employers speak with employment attorneys to handle specific situations within their workforce. However, this article does provide practical information designed to help employers better understand their general obligations and the different types of religious accommodations that employees may be entitled to.

Religious accommodations to employee schedules

Employers may need to make some adjustments to employees' schedules to accommodate religious practices or holidays.

Breaks

Some religions like Islam require prayer to take place at a specific time or time of day. Employers should provide breaks to accommodate this practice. Employees may also request additional reasonable accommodations for prayer such as a private space to pray.

Time off

Many company holiday schedules are centered around Christian holidays such as Christmas and Easter, which can put employees of other faiths at a disadvantage in terms of scheduling and PTO. There are some steps that employers can take to make their time off policies more inclusive.

Many employers have started offering floating holidays as part of their PTO offerings. This is a great way to make your time off policy more inclusive to people with different religious affiliations if you don't want to go the unlimited PTO route. Another option is to allow employees to work on scheduled holidays and take different holidays off instead. However, this unfortunately doesn't always work well in roles that require a large amount of communication with customers or colleagues. Lastly, offering unpaid time off is also an option for accommodating religious holidays.

Scheduling adjustments or limitations

Some employees may need time off for religious observance as part of their regular schedule, beyond just

accommodations for prayer breaks or religious holidays. This often isn't a particularly common accommodation request for office-based businesses that follow a traditional Monday through Friday 9-5 schedule. However, businesses that are open on weekends often receive accommodations requests for permanent schedule changes or restrictions. Many people go to church on Sunday and may need the day off or may only be able to work later in the day after their preferred service has ended.

In Judaism, Saturday is Shabbat, a day of rest. Those that observe this practice often do not work or use technology during Shabbat. As such, you may need to allow them to adjust their availability to avoid working on Saturdays (and Friday nights as Shabbat begins at sundown on Fridays).

Religious accommodations to dress code policies

One of the more common types of religious accommodations that employers need to make is dress code accommodations. Title VII of the Civil Rights Act of 1964 requires employers to make a reasonable effort to accommodate employees' sincerely held religious beliefs, including their religious attire or grooming habits. The law requires employers to grant wardrobe accommodations so long as the requested accommodations do not pose an undue hardship on the business.



Company dress codes have spawned a large number of religious discrimination lawsuits over the years. One of the most famous examples is *EEOC v. Abercrombie & Fitch*. A young Muslim woman applied for a job with retailer Abercrombie & Fitch. The firm refused to hire her in part because her headscarf did not fit the image the store was trying to project. She sued, claiming the employer failed to accommodate her religious garb. The company countered that she had not asked for a religious accommodation. (*EEOC v. Abercrombie & Fitch*, No. 14-86, U.S. Supreme Court 2015). The case went all the way to the Supreme Court. It sided with the employee, noting that applicants may sue as long as the religious garb was one factor in the decision not to hire.

Many conflicts with employer dress codes have arisen over hijabs, or head coverings worn by some Muslim women, and beards worn by some men to observe their faiths. Title VII requires employers to make a reasonable effort to accommodate them. Also, dreadlocks, religious tattoos, prayer caps, and religious symbols have been protected under Title VII.

Employers can make some reasonable requests of employees when it comes to religious attire. Employers may specify that religious clothing must be neat, clean, and in a color that does not clash with the company uniform.

They may also ask workers to tuck in loose clothing to keep it from getting caught in any equipment or machinery.

There are times, however, when such accommodations may be difficult. For example, beards and facial hair can impact the seal on oxygen masks and other safety equipment. In those cases, emergency first responders, utility workers, and others that may work near hazardous fumes may need to remain cleanly shaven for safety purposes.

Religious accommodations to vaccination policies

Religious accommodations to vaccination policies have become a hot button due to the covid-19 vaccine. Title VII of the Civil Rights Act requires employers to reasonably accommodate employees' religious beliefs, including freedom from vaccination. This applies to vaccinations for common endemic diseases like flu shots as well as emerging diseases like the coronavirus.

Employers need to hear employees out on any religious objections, even if the workplace has mandated vaccinations. Remember that generally you must reasonably accommodate sincerely held religious beliefs that bar vaccinations.

However, it is with noting that relatively few religious organizations are against vaccines. Christian Scientists and the Dutch Reformed Church are among the major Christian denominations to oppose vaccines on religious grounds. The other religions that have religious objections to vaccines often only have concerns about specific ingredients. For example, Islam generally only opposes vaccines if they contain pork by-products. Other religions may object to some vaccinations that were developed with the assistance of fetal cell tissues.

The test is whether granting the request would create an undue hardship on your organization. If you run a nursing home, excusing some workers from the flu or COVID-19 shot may create an undue hardship for patients. But you must consider each religious accommodation request individually. Be sure to document exactly why you rejected an accommodation. That is, show why it would be unreasonable to allow the employee an exemption. Employers may make the case, depending on the public health conditions present, that accommodating the objection endangers co-workers and is therefore an undue hardship. Accommodations such as telecommuting or temporary reassignment may be a better alternative.

Religious expression

Religious expression in the workplace can be a sticky situation, particularly when it comes to proselytizing in the workplace. Some religions heavily emphasize proselytizing, or sharing religious information for the purpose of converting others to their religion, as part of their religious practices and duties. Employers often worry that this could create a disruption in the workplace or make other employees uncomfortable.

The Equal Employment Opportunity Commission (EEOC) advises employers to avoid speculating on potential disruptions. Instead, the EEOC recommends that employers train managers to observe and document actual disruptions. This can also include complaints from customers or employees. If employees are simply inviting coworkers to church or giving them an opportunity to learn about the religion, that is often considered protected religious expression. If it is causing an undue burden on your business or disrupting a workplace, employers are often legally allowed to intervene. Religious proselytizing may also veer into harassment if hostile language is being used or if an employee is using language that may be discriminatory towards other protected classes. For example, sexual orientation is a protected classification in the United States, even though different religions have strong viewpoints on the topic. When in doubt, tread carefully and speak to an attorney.

Religious accommodation process

It can be helpful to set up a formal accommodation process for religious accommodations. This process is fairly similar to the ADA accommodation process. Most companies prefer to receive accommodation requests in writing, so it can be helpful to create a religious accommodation request form to collect all of the required information.

If the employee's request qualifies as a reasonable religious accommodation, the company should do its best to provide the proposed accommodation unless it would cause an undue burden to the company. If the particular accommodation requested would be too burdensome, the HR or leadership team should work with the employee to find an alternate accommodation.

General best practices for religious inclusion

The above categories are the most common types of religious accommodations. In addition to making the necessary accommodations, there are also some extra things that employers can do to make their workplace more inclusive.

Harassment and discrimination prevention

First, all employers need to have strong harassment and discrimination policies in place. Religion is a protected classification and should be included in these policies. It is important that employees know how to file complaints if they feel that they are experiencing harassment or discrimination based on their religious affiliation.

Human resources staff should have a thorough understanding of how to respond to harassment based on religion. It is also a good idea to provide HR staff with cultural awareness training on the major world religions so that they can be sensitive to the needs of all employees.

Inclusive holiday parties

As the holiday season approaches, it is a great time to start thinking about how to make your holiday parties and end-of-year activities inclusive to those of all faiths. There has been a lot of discussion over the past several years about changing the language around the winter holidays. Labeling end-of-year festivities as a holiday or winter party or celebration can feel more inclusive than using the term Christmas party.

Beyond language, it's also a good idea to consider how you can make workplace parties or gatherings more inclusive to those of all faiths. Employers may want to consider ordering halal and kosher food options for those that have dietary restrictions for religious reasons. It can also be helpful to avoid centering activities around alcohol as alcohol consumption is prohibited in some religions including Mormonism and Islam. Try to provide plenty of food and beverage options to accommodate different religious and personal preferences so that everyone can have a good time at your work events.