



7 FACTS
- about -
RELIGIOUS RIGHTS
- in the -
WORKPLACE

FIRST



LIBERTY

7 FACTS ABOUT RELIGIOUS RIGHTS IN THE WORKPLACE

Lack of awareness of religious liberty in the workplace has led to violations of the lawful rights of citizens who merely want to peacefully live out their religious beliefs as they earn a living and contribute to our society. Here are seven facts every person in the workplace should know, assembled by the attorneys at First Liberty:

1 EMPLOYERS CANNOT DISCRIMINATE ON THE BASIS OF RELIGION

Religious discrimination occurs when religion is used as a factor in: Hiring decisions or promotions, treating employees unequally, or harassment.

Employers may also have an affirmative duty to accommodate an employee's religious practices in the workplace, unless the employer can show that such an accommodation would impose an undue hardship on the employer.

2 EMPLOYERS AND EMPLOYEES DO NOT LOSE THEIR RELIGIOUS LIBERTY RIGHTS BY ENGAGING IN BUSINESS

In its 2014 Hobby Lobby decision, the Supreme Court recognized that all Americans, including business owners, **have freedom of conscience rights to live and work according to their beliefs** without the fear of government compelling them to violate their beliefs.

The majority opinion is a broad ruling upholding RFRA (Religious Freedom Restoration Act) rights: “[T]he federal courts have no business addressing (whether the religious belief asserted in a RFRA case is reasonable).” (p. 36) “[I]t is not for us to say that their religious beliefs are mistaken or insubstantial. Instead, our ‘narrow function . . . in this context is to determine’ whether the line drawn **reflects ‘a honest conviction’**, and there is no dispute that it does.” (pp.37-38) (citations omitted, emphasis added). Courts looked to **each business’s written documents** in finding this “honest conviction.”

3 EMPLOYERS MAY RUN THEIR BUSINESSES IN ACCORDANCE WITH THEIR RELIGIOUS PRINCIPLES

An employer does not discriminate on the basis of religion by affirming the faith of its owners in business objectives. Employers must be careful, however, not to give prospective or current employees the perception that employment or advancement with the company depends on acquiescence in the religious beliefs of the employer. This can be accomplished in a number of ways.

For instance, applications for employment should state that applicants are considered for all positions without regard to religion. This statement should also be included in any orientation materials, employee handbooks, and employee evaluation forms. Of course, employers must also be sure that this statement is accurate by not discriminating on the basis of religion.

4 EMPLOYERS AND EMPLOYEES MAY ENGAGE IN RELIGIOUS SPEECH IN THE WORKPLACE

An employer can talk about his religious beliefs with employees as long as employees know that continued employment or advancement within the company is not conditioned upon acquiescence in the employer’s religious beliefs. Employers must be careful, however, not to persist if the employee objects. Such uninvited proselytizing could be deemed harassment.



As with spoken religious speech, employers can share their religious beliefs with their employees in print form such as pamphlets, books, and newsletters.

Employers must be careful, however, not to give employees the impression that they have to agree with the employer's religious beliefs in order to keep their job or get a promotion. If an employer shares religious convictions with employees, and the employee disagrees or protests, no adverse action can be taken against the employee. Furthermore, employers should be ready to accommodate any employee's objections to the printed religious speech.

Sufficient accommodation may be to provide the objecting employee with a publication that does not contain the religious content. It is also recommended that publications with religious material state that the employer does not discriminate on the basis of religion for purposes of continued employment, employee benefits, or promotion.

5 EMPLOYERS AND EMPLOYEES MAY HAVE PRAYER MEETINGS AND BIBLE STUDIES IN THE WORKPLACE

Employers can hold regular devotional meetings for employees so long as attendance is not required. To ensure that employees understand that devotional meetings are voluntary, notice of the meetings should state that they are not mandatory and it is wise to hold these meetings before the work day begins, during breaks, or after work.

6 EMPLOYERS MAY HAVE EMPLOYEE TRAINING BASED ON BIBLICAL PRINCIPLES

Employers can use training programs that are based on the Bible. Employees cannot, however, be required to undergo religious training, participate in religious services or religious activities, or engage in behavior that would violate their sincerely-held religious beliefs.

7 WE ARE HEADED FOR A COLLISION BETWEEN YOUR RELIGIOUS FREEDOM AND THE NEW SEXUALITY ORTHODOXY IN THE WORKPLACE


First Liberty is representing employees who were fired because of their religious beliefs concerning marriage. These include a case against the State of Georgia. Other cases have been resolved favorably for religious liberty, and we expect to win even more. But so-called "sexual liberty" will trigger continued conflict.

TAKE ACTION

If you believe your religious rights have been compromised in the workplace – or you know of someone who has experienced religious discrimination while on the job – please contact First Liberty so we can determine how we may be able to help.

Request legal help online: [FirstLiberty.org/request-legal-help](https://www.FirstLiberty.org/request-legal-help)
By phone: 972.941.4444

Visit [FirstLiberty.org/workplacerrights](https://www.FirstLiberty.org/workplacerrights)
for full legal citations and more information



First Liberty is our nation's largest legal organization solely dedicated to protecting religious liberty for all Americans, offering pro bono legal assistance to defend Americans' religious freedom in four vital areas:

In our schools

For our churches

In our military

Throughout the public arena (including government and the marketplace)

First Liberty has guided people of faith through hundreds of vital legal matters. We have won cases at all court levels, including the United States Supreme Court, federal and state courts, and administrative courts and agencies.

First Liberty is a non-profit legal firm and a tax-deductible organization supported by like-minded Americans.

Visit FirstLiberty.org to learn more about First Liberty, to donate, or to learn how to report a potential violation of religious liberty.



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