

RELIGIOUS LIBERTY PROTECTIONS IN THE WORKPLACE

YOU HAVE RELIGIOUS LIBERTY RIGHTS AT WORK.

WHAT ARE MY LEGAL RIGHTS AT WORK?

Title VII of the Civil Rights Act of 1964 is the federal employment discrimination law that protects you from religious discrimination in the workplace. The law also prohibits harassment based on your religious beliefs or practices. Additionally, it allows you to request a religious accommodation from your employer if you need one to be able to do your job in a way that is faithful to your religious beliefs. You also have the right not to be retaliated against for opposing religious discrimination at work.

DOES FEDERAL EMPLOYMENT DISCRIMINATION LAW APPLY TO MY JOB?

This federal law applies to every workplace that has 15 or more employees. Title VII protects employees, as opposed to independent contractors. Some states have similar state laws that apply to people who work at organizations with fewer than 15 employees, and some states have laws applicable to contractors.

If you work at a religious employer, like a house of worship, religious school, or faith-based nonprofit, these organizations generally have the right to create a community with shared religious beliefs. Religious employers, therefore, usually can make employment decisions on the basis of religion. By contrast, secular employers under Title VII cannot discriminate on the basis of religion.

WHAT COUNTS AS RELIGIOUS DISCRIMINATION?

Under federal law, employers may not fire you, demote you, refuse a promotion, or otherwise take any adverse employment action against you on the basis of your religion. Religion is defined broadly to include religious beliefs and practices. If an employer's actions against you are motivated even in part by your religion, they may be unlawful.

WHAT COUNTS AS RELIGIOUS HARASSMENT?

Employers may not create a hostile work environment on the basis of religion, which means that employers cannot tolerate "severe or pervasive harassment" on the basis of religion. One isolated offensive comment likely will not rise to the level of harassment. If you are being bullied or harassed at work because of your religious beliefs, tell your employer. If your employer does nothing to stop the harassment, this may violate the law.

WHAT ARE MY RIGHTS TO REQUEST A RELIGIOUS ACCOMMODATION?

Title VII requires that employers grant reasonable religious accommodation requests unless doing so would cause an undue hardship on the business. Undue hardship is currently defined as something more than a minimal cost to your employer. You have the right to ask for a religious accommodation when you may be called to do something on the job that violates your sincerely-held religious beliefs. You should ask for an accommodation in writing and be flexible in trying to find a win-win solution with your employer.

WHAT SHOULD I DO IF MY WORKPLACE RELIGIOUS LIBERTY RIGHTS ARE BEING VIOLATED?

If you believe that your rights are being violated, reach out to an attorney to discuss filing a complaint with the Equal Employment Opportunity Commission or the appropriate state agency. Don't wait. There are time limits on when discrimination charges can be filed. First Liberty attorneys are standing by to help protect your religious freedom at no cost to you. Go to FirstLiberty.org to submit a request for legal assistance.

