



# Religious Accommodations

Provided by ToughComp



## HR How-to: Religious Accommodations

HR professionals play a crucial role in ensuring compliance with legal requirements, including Title VII of the Civil Rights Act of 1964 (Title VII), to reasonably accommodate individuals so they can observe or practice their religion. Understanding the requirements and processes surrounding religious accommodations is essential for complying with legal requirements and securing equal opportunities for all employees.

This how-to guide aims to provide employers and HR professionals with an understanding of the religious accommodation process under Title VII. It explores the definition of reasonable religious accommodations; an employer's legal obligations under the law to accommodate religious beliefs, practices and observances; the process for determining accommodations; and best practices for implementing accommodations effectively. This guide can help provide HR professionals and their organizations with the knowledge and tools necessary to confidently navigate the complexities of religious accommodations under Title VII. For a step-by-step guide for complying with religious accommodations, employers should reference the checklist in the appendix.

In many situations, employees may be entitled to protections under other federal laws, state and local laws, and collective bargaining agreements. Due to the complexities of complying with religious accommodation requirements, employers are encouraged to consult with local legal counsel if they have any specific questions or concerns.

### Overview of Title VII

Title VII is a federal law that prohibits employers from discriminating against individuals based on race, color, religion, national origin or sex. This law applies to employers with 15 or more employees on each work day in each of 20 or more calendar weeks in a current or prior calendar year. The U.S. Equal Employment Opportunity Commission (EEOC) enforces Title VII and may file charges and initiate federal court lawsuits against employers who violate the law. In Title VII lawsuits, courts may award compensatory and punitive damages to individuals who are adversely affected by an employer's violation of the law.

Title VII applies to all employment practices, including:

 <b>Recruitment</b>	 <b>Job assignments</b>
 <b>Compensation</b>	 <b>Training</b>
 <b>Hiring</b>	 <b>Leave</b>
 <b>Firing</b>	 <b>Benefits</b>

Title VII specifies that the term **“religion”** includes all aspects of religious observance and practice, as well as belief, not just practices that are mandated or prohibited by a tenet of the individual's faith.

Religion is defined broadly to include not only traditional, organized religions, such as Christianity, Judaism, Islam, Hinduism and Buddhism, but also religious beliefs that are:

- New
- Uncommon
- Not part of a formal church or sect
- Only held by a small number of people
- Illogical or unreasonable to others

According to the EEOC, **religious practices** may be based on theistic beliefs or nontheistic moral or ethical beliefs as to what is right or wrong that are sincerely held with the strength of traditional religious views. Religious observances or practices may include:

- Attending worship services
- Praying
- Wearing religious garb or symbols
- Displaying religious objects
- Adhering to certain dietary rules
- Proselytizing or other forms of religious expression
- Refraining from certain activities

Employers should note that some practices are religious for one person but may not be religious for another person, such as not working on Saturday or Sunday. One person may not work on Saturday for religious reasons, while another may not work on Saturday for family reasons. Under Title VII, a practice is religious if the individual's reason for the practice is religious, including instances when an employee's belief, observance or practice is not recognized or espoused by the religious group the individual is affiliated with. However, social, political or economic philosophies or personal preferences are not religious beliefs under Title VII.

**Religious discrimination** and **harassment** can occur when applicants or employees are required or coerced to abandon, alter or adopt a religious practice as a condition of employment or when applicants or employees are subjected to unwelcomed remarks or conduct based on religion. This also includes when employers fail to accommodate an individual's sincerely held religious beliefs, practices or observances.

## How to Reasonably Accommodate Employees' Religious Beliefs and Practices

Title VII requires covered employers to reasonably accommodate applicants' and employees' sincerely held religious beliefs, practices and observances unless doing so would cause undue hardship on the organization. A **reasonable accommodation** is any change in the work environment or in the way things are customarily done that enables an individual to comply with or practice their religion or sincerely held ethical or moral beliefs. Title VII's protections also extend to those who need an accommodation because they profess no religious belief.

Accommodations may vary depending on the beliefs, practices and observances of the individual applicant or employee. Religious accommodations are intended to relieve individuals of the burden of choosing between their jobs and their religious convictions, where an accommodation does not unduly burden others.

Examples of adjustments employers make to accommodate an individual's religious beliefs or practices include:



**Flexible or alternative scheduling**



**Voluntary shift substitutions**



**Job reassignment or lateral transfers**



**Exceptions to dress or grooming rules**

Generally, an employer must determine whether an accommodation may be made any time an applicant or employee requests an adjustment or change to the workplace for a reason related to a religious belief, practice or observance. In some instances, employers may be required to make an exception or alter otherwise neutral workplace policies to give way to an individual's need for a religious accommodation. Additionally, while Title VII allows religious organizations to give employment preferences to members of their own religion (this exception only applies to hiring and firing), it does not apply to other aspects of employment, including the requirement to provide religious accommodations.

The following steps outline best practices for religious accommodations in the workplace as recommended by the EEOC. Employers can learn more by reviewing the agency's [compliance manual](#) on religious discrimination.

### Step 1:

#### Receiving an Accommodation Request

For covered employers, their obligation to provide individuals with reasonable accommodations typically begins with a request from an applicant or employee for an accommodation. An employer generally does not have to provide a religious accommodation unless an applicant or employee has

asked for one. However, in some circumstances, an employer may become aware of an applicant or employee's religious observance or practice and that it conflicts with a workplace policy and, therefore, the individual needs an accommodation. In such circumstances, the employer may ask the employee how to solve the conflict and if the employee needs a reasonable accommodation.

A religious accommodation request must describe conflicts or problems posed by a workplace practice or policy that impedes an individual from complying with or practicing their religion or sincerely held ethical or moral beliefs. However, a request for religious accommodation does not have to be in writing or include any specific language or reference to Title VII. Moreover, an individual does not have to identify any specific accommodation in a request. Instead, the employer only needs enough information to become aware that a conflict exists between an applicant or employee's religious observance, practice or belief and that a requirement for applying for or performing the job.

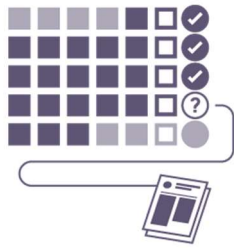
When evaluating the accommodation request, it is irrelevant that an employer does not consider the work requirement in question as implicating a religious belief or that most people of the individual's faith would not; instead, it is the applicant or employee's own religious beliefs, practices and observances that are relevant.

If the employer reasonably needs more information, the employer and the individual should discuss the request. The applicant or employee may need to explain the religious nature of the belief, observance or practice at issue. Importantly, an employer should not assume that an accommodation request is invalid because it is based on religious beliefs, observances or practices that the employer is unfamiliar with.

#### Inquiring into the Religious Nature or Sincerity of a Belief

When an applicant or employee's accommodation request does not provide enough information to allow the employer to make a determination, and the employer has a bona fide doubt as to the basis for the accommodation request (e.g., doubts regarding the religious nature or sincerity of a particular belief, practice or observance), the employer can make a limited inquiry into the facts and circumstances of the employee's claim that the belief or practice at issue is religious and sincerely held. This includes whether the belief or practice gives rise to the need for the accommodation. Whether an employer has a reasonable basis for seeking to verify the employee's stated beliefs will depend on the facts of a particular situation.

Because Title VII's definition of religion is broad and protects beliefs, observances and practices with which an employer may be unfamiliar, the employer should ordinarily assume that an applicant or employee's request for religious accommodation is based on a sincerely held religious belief. However, if an applicant or employee requests a religious accommodation, and the employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance or practice, the employer may be justified in seeing additional supporting information.



For example, if an employee who has worked every Sunday for several years suddenly claims after having a work-related dispute with their supervisor that they can no longer work that day because it is contrary to their religion, the employer may request that the employee provide additional information to support their claim that they sincerely hold a religious belief that precludes them from working on Sundays.

When determining whether an employee's religious belief is sincerely held, a limited initial inquiry can include objective, general questions without delving too far into an individual's reasons for a particular belief and without requiring input from an outside source, such as a formal religious leader. These inquiries may include asking how long the individual has followed their professed beliefs or what constitutes the basic tenets of their religion. The employer does not have to accept a high-level statement of religious observance that provides no details. An employer can ask about the specific belief, tenet or observance related to the accommodation request.

When an employer requests additional information in response to an accommodation request, the applicant or employee needs to provide information that addresses the employer's reasonable doubts. However, that information does not need to take any specific form. For example, written materials or the employee's own first-hand explanation may be sufficient. Due to the nature of religious and sincerely held beliefs, verification does not need to come from a clergy member or fellow congregant when an employer requests third-party verification. Instead, this verification can be provided by individuals who are aware of the applicant or employee's religious belief, practice or observance.

If an employer has doubts about an individual's sincerely held religious belief, they should consider proceeding with caution and obtaining legal advice before seeking additional supporting information. Employers who unreasonably request unnecessary or excessive corroborating evidence risk violating Title VII's religious accommodation provisions or having their actions challenged as retaliatory or as part of a pattern of harassment.

#### Imposing an Undue Hardship

An employer does not have to provide a religious accommodation if it imposes an undue hardship. An **undue hardship** requires a showing that any accommodation would result in substantially increased costs related to a specific business. Determining whether a proposed accommodation imposes an undue hardship must be made by considering the particular facts and circumstances of the request. Relevant factors often include:

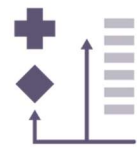
- The type of workplace
- The nature of the employee's duties
- The number of employees who will need a particular accommodation
- The identifiable costs of the accommodation in relation to the employer's size and operating costs



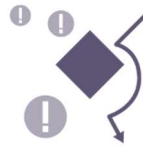
The U.S. Supreme Court has established Title VII’s definition of undue hardship. In *Groff v. DeJoy*, the Supreme Court recently held that to deny religious accommodations, an employer must show that the burden of granting it would result in “substantially increased costs in relation to the conduct of its particular business.” This requires employees to take all relevant factors of a particular situation into account, including the specific accommodations at issue and their potential impact in light of the nature, size and operating cost of the employer. Employers may not deny religious accommodations based merely on the fact that granting the accommodation would result in “more than de minimis” costs.

The Supreme Court also clarified that this standard for undue hardship is different from the standard used when denying accommodations for disability under the Americans with Disabilities Act’s (ADA) definition. In general, the ADA’s undue hardship standard only requires employers to show “significant hardship and expense.”

A religious accommodation may pose an undue hardship on an employer if it does any of the following:



**Deprives another employee of a job preference or another benefit guaranteed by a bona fide seniority system or collective bargaining agreement.**



**Infringes on a co-worker’s ability to perform their duties or subjects them to a hostile work environment.**



**Conflicts with a legally mandated federal, state or local security requirement.**

### Engaging in the Interactive Process

A request for a reasonable accommodation is the first step in an informal, **interactive process** between the individual and the employer to determine a suitable accommodation. An accommodation request triggers an employer’s responsibility to work with the requesting individual to determine whether an accommodation may be made without causing undue hardship.

The employer should review the request on its own merits, initiate a discussion with the employee about possible accommodations and assess whether an accommodation is possible. Employees have an obligation to actively participate in the accommodation process and must cooperate with an employer’s attempt to accommodate their needs.

## Step 2:

### Selecting an Accommodation

Once a religious accommodation is requested, the employer and the individual should do the following:

- Discuss the individual’s religious needs.
- Identify the appropriate reasonable accommodation.

During this process, the employer should promptly obtain whatever additional information is needed to determine whether a reasonable accommodation is available without posing an undue hardship on the operation of their business. This may include the employer and the employee sharing information to process the accommodation request.

Where more than one accommodation would work, the employer may choose the one that is less costly or easier to provide. When deciding which accommodation to implement, employers can consider the affected employee's preference but are not required to do so. An employee is entitled to a reasonable and effective accommodation—not necessarily the accommodation of their choice. However, an employer's proposed accommodation will not be considered "reasonable" if a more favorable accommodation is provided to other employees for nonreligious purposes.

Employers should promptly implement an accommodation or at least promptly begin the interactive process with an individual who requests an accommodation. Unnecessary delays can result in costly Title VII violations. If an employer cannot promptly implement a religious accommodation, it should consider offering alternative methods of accommodating the individual on a temporary basis while a permanent accommodation is being explored.

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### Step 3:

#### Determining the Reasonableness of an Accommodation

Employers and employees should interactively identify an effective accommodation that is reasonable under the circumstances. An employer can determine whether a requested accommodation is reasonable by conducting an undue hardship analysis. Whether a religious accommodation is **reasonable** depends on the type of accommodation requested by the employee and the job at issue. Employers may use a variety of methods to provide employees with reasonable accommodations.

Examples of reasonable religious accommodations include:

- Granting scheduling changes (e.g., flexible arrival and departure times, floating or optional holidays, flexible work breaks, staggered work hours)
- Allowing voluntary substitutes and shift swaps
- Changing an employee's job assignments or granting lateral transfers
- Modifying workplace practices, policies or procedures (e.g., making exceptions to dress and grooming standards that conflict with an employee's religious beliefs or practices)
- Authorizing the use of an employer's facilities (e.g., allowing an employee to use a quiet area for prayer during break time)
- Adjusting the scheduling tests or administration of other selection procedures



- Permitting alternative means of identification for matters such as government forms, building security or timekeeping
- Excusing union dues or agency fees
- Permitting prayer, proselytizing and other forms of religious expression
- Excusing employees from an employer's religious services or programs (e.g., praying in a business meeting)

## Step 4:

### Implementing the Accommodation

Implementing an accommodation is one of the most critical steps in the interactive Title VII process. Employers should carefully review all aspects of implementing the accommodation to ensure it goes smoothly. This might include:

- Training managers and employees
- Adjusting schedules and work duties
- Modifying dress and grooming standards

Not considering these aspects might undermine the effort to make the accommodation and may force an employer to try other options prematurely. Additionally, whether a religious accommodation is effective is often based on the applicant or employee's needs and the organization's resources and business operations.

## Step 5:

### Monitoring the Accommodation

An employer's obligation to provide reasonable accommodations is ongoing. Therefore, monitoring the accommodation after it's implemented is an important aspect of the process. This can ensure that the accommodation remains effective days, weeks or even years after it's implemented. Some accommodations may lose their effectiveness, especially since an employee's religious beliefs and work responsibilities may change over time, and will require the employer to find another solution.

Employers may also need to reevaluate a religious accommodation due to certain situations, including the following, because they could trigger undue hardship:

- Downsizing
- Restructuring
- Lost funding

## Summary

Title VII is intended to prevent discrimination against individuals based on certain protected characteristics, including religion. Complying with this federal law requires employers to accommodate

sincerely held religious beliefs, practices and observances. However, responding to requests for accommodations can often be difficult and presents employers with many challenges.

By understanding Title VII's religious accommodation requirements and implementing accommodations effectively, employers and HR professionals can ensure their organizations avoid potential legal pitfalls and promote inclusive and equal work environments for all employees. The steps presented in this guide can help employers engage in a thoughtful dialogue with applicants and employees when discussing reasonable religious accommodations.

Contact ToughComp today for religious accommodation resources.



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High Premiums?  
State Fund?  
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[info@toughcomp.com](mailto:info@toughcomp.com)



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# Appendix

# CHECKLIST

## RELIGIOUS ACCOMMODATIONS

Presented by ToughComp

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits covered employers from discriminating against individuals because of their religion in hiring, firing or any other terms and conditions of employment. In addition, Title VII requires covered employers to **reasonably accommodate** employees' sincerely held religious beliefs and practices. In *Groff v. DeJoy*, the U.S. Supreme Court recently held that to deny a religious accommodation an employer must show that the burden of granting it would result in "substantial increased costs in relation to the conduct of its particular business." Examples of adjustments employers commonly make to accommodate an employee's religious beliefs or practices include flexible scheduling, voluntary shift substitutions, job reassignments, and exceptions to dress or grooming rules.

When an employee requires an accommodation for religious reasons, they should notify their employer that an adjustment is needed. If the employer reasonably needs more information, they should engage the employee in an interactive process to discuss the request. The employer must provide an accommodation if it would not pose an undue hardship to their business operations.

This checklist outlines key steps to help employers like you comply with Title VII's religious accommodation requirements. The information covered in this checklist summarizes guidance from the Equal Employment Opportunity Commission. Many states have their own laws that provide additional employment protections to employees, so employers must comply with Title VII and any applicable state laws. Accordingly, employers are encouraged to seek legal counsel to address specific issues and concerns.

### Employers Subject to Title VII (Religious Discrimination)

Covered Employers	Yes	No
<p><b>Is your organization subject to Title VII's protections against discrimination based on religion?</b></p> <p>Select "Yes" if your organization is any of the following:</p> <ul style="list-style-type: none"><li>• A private-sector employer with <b>15 or more employees</b> for at least 20 weeks in the current or preceding calendar year</li><li>• A state or local government agency with <b>15 or more employees</b> for at least 20 weeks in the current or preceding calendar year</li><li>• An employment agency (such as a temporary staffing agency or recruitment company) of any size</li><li>• A labor organization that operates a hiring hall or has at least 15 members</li></ul> <p>Title VII allows religious organizations to give employment preference to members of their own religion. However, this exception only applies to hiring and firing. It does not apply to any other aspect of employment, including the requirement to provide religious accommodations.</p> <p><i>If you answer "No," you can stop here. However, be sure to check any state employment laws that may apply to your organization.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

## Religious Accommodation Process

Religious Accommodation Process	Complete
<p><b>Receive an employee’s request for an accommodation for religious reasons.</b></p> <p>An employee must ask for an accommodation and explain that it is requested due to a conflict between the employee’s sincerely held religious practices or beliefs and work rules. For example:</p> <ul style="list-style-type: none"> <li>• An employee may request an exception to the company’s dress and grooming policy for religious practice.</li> <li>• An employee may request a schedule change to attend services on a specific holy day.</li> <li>• An employee may ask to be excused from the religious invocation offered at the beginning of staff meetings.</li> <li>• An employee may seek to change job tasks so that they will not be involved with a product or service that is contrary to their religious beliefs.</li> </ul> <p>Title VII protects all aspects of religious practice and belief and defines religion very broadly. Religion includes not only traditional, organized religions (such as Christianity, Judaism, Islam, Hinduism and Buddhism) but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others. Title VII’s protections also extend to those who need an accommodation because they profess no religious beliefs.</p>	<input type="checkbox"/>
<p><b>Create and maintain records of the individual’s request and the entire accommodation process.</b></p> <p>Start recordkeeping as soon as you receive an accommodation request. Keep documenting as long as the employee remains at your organization. You should document every step of the process, including the request for accommodation, your interactions with the employee to discuss options and the reason you approved a specific accommodation.</p>	<input type="checkbox"/>
<p><b>Gather information about the individual’s accommodation request.</b></p> <p>If you reasonably need more information, engage with the employee in an interactive process to discuss the request. For example, suppose an employee has requested a schedule change to accommodate daily prayers. In that case, you may need to ask for information about the religious observance, such as the time and duration of the daily prayers, to determine whether the accommodation can be granted without posing an undue hardship on the operation of your organization’s business.</p> <p>There is usually no reason to question whether the practice at issue is religious or sincerely held; however, if you have a bona fide doubt about the basis for the accommodation request, you can make a limited inquiry into the facts and circumstances of the employee’s claim that the belief or practice at issue is religious and sincerely held and gives rise to the need for the accommodation. Note that a religious practice may be sincerely held by an individual even if newly adopted, not consistently observed or different from the commonly followed tenets of the individual’s religion.</p>	<input type="checkbox"/>
<p><b>Evaluate whether the requested accommodation would create an undue hardship for the operation of your organization’s business.</b></p> <p>You do not have to provide a religious accommodation that would result in substantial increased costs in relation to the conduct of your business.</p> <p>When evaluating a proposed accommodation, you should consider direct monetary costs associated with the accommodation and the burden on other aspects of your organization’s business. For example, consider whether the accommodation would diminish efficiency in other jobs, infringe on other employees’ job rights or benefits, impair workplace safety, cause</p>	<input type="checkbox"/>

Religious Accommodation Process	Complete
<p>co-workers to carry the accommodated employee’s share of potentially hazardous or burdensome work, or conflict with another law. To prove undue hardship, you need to objectively demonstrate how much cost or disruption the proposed accommodation would create.</p>	
<p><b>Select a reasonable accommodation for the individual.</b></p> <p>You are not required to provide an employee’s preferred accommodation if there is more than one effective alternative to choose from. You should, however, consider the employee’s proposed method of accommodation, and if it is denied, explain to the employee why their proposed accommodation is not granted. You should also consider available alternative accommodations if the particular accommodation requested would pose an undue hardship.</p> <p>Under Title VII, an employer may use various methods to provide reasonable accommodations to their employees. Some common methods of providing religious accommodations include:</p> <ul style="list-style-type: none"> <li>• Allowing schedule changes and voluntary substitutions and shift swaps</li> <li>• Changing job tasks or providing a lateral transfer</li> <li>• Making an exception to dress or grooming rules</li> <li>• Allowing the use of a workplace facility for a religious observance</li> <li>• Excusing employees from employer-sponsored religious programs</li> </ul>	<input type="checkbox"/>
<p><b>Implement the selected accommodation.</b></p> <p>Work with the employee’s managers and supervisors to implement the selected religious accommodation.</p>	<input type="checkbox"/>

Use this checklist to review your organization’s compliance with Title VII’s requirement to provide reasonable accommodations to employees and applicants based on religion. For assistance, contact ToughComp.

# Request for Religious Accommodation

In considering requests for religious accommodation, will first ensure that the absence from work would not place undue burdens on other employees.

Employee Name

Date

--	--

Department

Name of Immediate Supervisor

--	--

Explain Reason for Request (ex.: time to pray, leave for religious observance, etc.)

--

Suggested Reasonable Religious Accommodation

--

What is the frequency with which this accommodation is necessary? (ex.: daily, annually, weekly, etc.)

--

**Length of Time:** Days

Shifts

--	--

Have you requested this accommodation before?  No  Yes

If "yes," when? (insert date)

If "yes," what was the outcome of the former request?

If requested, can you obtain documentation to support the need for religious accommodation?

No  Yes

I hereby verify that the above information is accurate, and I understand that any misrepresentation within this request may result in disciplinary action.

Employee Signature

Date

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## FOR MANAGEMENT & HUMAN RESOURCES USE ONLY

Approved  Denied—Explain:

Signature of Management

Date

--	--

Signature of Human Resources

Date

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### **Religious Accommodations Policy**

respects the individual beliefs and practices of all employees.

To aid in accommodating the diverse religious practices of our employees, we will provide one day of paid leave annually to employees who, for religious reasons, must be away from the office on a day of normal operation. Beyond this, we will work with individual employees to provide reasonable accommodations that allow for personal religious practices and do not create an undue hardship for the company.

An employee whose religious beliefs or practices conflict with his or her job duties, schedule, or any company policy on dress or appearance, and who seeks a religious accommodation must submit a written request to Human Resources. The request should include the specific company policy or practice in conflict and the accommodation being requested. If needed, Human Resources will meet with the employee concerning his or her request.

The request will be evaluated considering whether a work conflict exists and whether an accommodation is available that is reasonable and that would not create an undue hardship for the company. Possible accommodations may be a change in job duties, using paid or unpaid leave, or an exception to dress and appearances. Human Resources will confer with the employee's immediate supervisor concerning the requested accommodation. The supervisor will provide the employee with the response to the request and discuss its implementation. If the employee rejects the response, he or she may appeal following the company's complaint policy.

All questions should be directed to Human Resources.