

BRAIN TEASER

Religious Accommodation

You run a 24 hour/7 day a week manufacturing operation. On the application form, you ask applicants for their availability throughout the week. On his application, Kevin stated he can work any time, any day of the week. Once hired, he lets you know he cannot work on Saturdays for religious reasons. Company policy states all employees will be rotated to work weekends and no accommodations will be made for any reason. While you can probably accommodate Kevin's request, you fear others will complain the accommodation is unfair and employee morale will be affected.

How should you handle this issue?

- A. You must accommodate the employee. Your policy or the fact that other employees think it is unfair has no bearing on your requirement to accommodate under the law.
- B. You cannot accommodate Kevin's schedule. Your company policy does not allow for any accommodation. This would not be fair to others and would be "reverse discrimination."
- C. Kevin did not indicate his need for accommodation and lied on his application; therefore, he forfeited his right to a religious accommodation.

See below for answer



The correct answer is A.

Explanation:

According to the Equal Employment Opportunity Commission, refusing to accommodate an employee's sincerely held religious beliefs or practice would be discrimination based on religion under Title VII of the Civil Rights Act of 1964, unless the accommodation would impose an undue hardship.

Employees may obtain exceptions to rules or policies in order to follow their religious beliefs or practices. A common example of accommodation is not scheduling an employee to work on Saturdays in order to observe the Sabbath. The fact that Kevin did not divulge this information during the interview and selection process is unfortunate, but does not absolve an employer from adhering to the law.

An undue hardship is defined as "more than a minimum burden on operation of the business." If the facts were presented differently and the employer would not have sufficient workforce without this employee working on Saturday, it might meet the "minimum burden" standard. If a schedule change would impose an undue hardship, the employer must allow co-workers to voluntarily substitute or swap shifts to accommodate the employee's religious belief or practice. Co-worker jealousy would not constitute an undue hardship.

The following link provides further guidance on religious accommodation: http://www.eeoc.gov/eeoc/newsroom/wysk/workplace_religious_accommodation.cfm