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EEOC Issues New Guidance on Religious Garb and Grooming in the Workplace

On March 6, the Equal Employment Opportunity Commission (EEOC) released additional guidance on religious accommodations under Title VII of the Civil Rights Act of 1964 (Title VII), with a special focus on issues of religious garb and grooming in the workplace. The guidance reminds employers that in most circumstances Title VII requires employers to make exceptions to their usual workplace policies to permit applicants and employees to observe their religious dress and religious grooming practices. Employers must consider accommodating an employee's request to wear religious garb or engage in religious grooming practices unless the accommodation would cause the employer undue hardship. Furthermore, the EEOC considers undue hardship as a "more than de minimis" cost or burden on the employer. The EEOC guidance specifically provides the following:

- Title VII requires employers to accommodate an employee's religious dress or grooming custom, even if it is inconsistent with dress codes or appearance guidelines established by the employer.
- Preferences of customers or co-workers are not valid reasons to refuse a religious accommodation request nor are they a defense to a religious discrimination claim.
- Employers may not assign an employee to a non-customer contact position because the employer fears that its customers will be uncomfortable with the employee's religious garb.
- An applicant or employee is not required to use any "magic words" to make an accommodation request. For example, if a new employee tells his employer that he wears a beard for religious reasons, that alone is sufficient to trigger the accommodation request.
- In most situations, an employer cannot rely on its marketing image to deny an accommodation relating to religious clothing or religious grooming practices.
- Employers may refuse to accommodate an employee's religious attire or grooming practice based on workplace safety, security or health reasons, but only if the requested accommodation poses an undue hardship to the business operation.
- It is unlawful to retaliate against any employee who has made a religious accommodation request, because such a request is protected activity under Title VII.

Employers should review their workplace policies, especially regarding grooming and dress, to ensure they take into consideration these new EEOC guidelines and to ensure that their employees are properly trained on them. While the guidelines are not "law," they provide an outline of what the EEOC's position will be on these issues when it investigates allegations of religious discrimination.