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CLIENT ADVISORY

Equal Employment Opportunity Commission Issues Compliance Manual on Religious Discrimination

On July 22, 2008, the Equal Employment Opportunity Commission (“EEOC”) issued a new section for its Compliance Manual (“Manual”) focusing on religious discrimination under Title VII of the Civil Rights Act of 1964 (“Title VII”). The EEOC also released a companion Question-and-Answer Fact Sheet and a Best Practices Booklet. All three documents are available at www.eeoc.gov. The EEOC issued the Manual in response to what it described as a steady nationwide increase in religious diversity at the workplace and a 100% increase in the number of religious discrimination charges filed from 1992 to 2007. According to the EEOC, the new section does not change EEOC policy, but instead simply “explains the state of religious discrimination law.”

Title VII protects employees from discrimination on the basis of religion (among other characteristics) and imposes an obligation on employers to reasonably accommodate employees’ sincerely held religious beliefs, observances and practices, upon request, unless accommodation would impose an undue hardship on business operations. The Manual clarifies employee protection and employer obligations under the religion provisions of the statute. The Manual addresses what constitutes “religion” within the meaning of Title VII; disparate treatment and religious bias; religious harassment and how employers can limit their liability and damages for violations; the requirement to reasonably accommodate religious beliefs and practices; how religious discrimination may overlap with other forms of discrimination, including retaliation and discrimination on the basis of national origin, race and color. The Manual also provides guidance on the sometimes complex issues involved in balancing employee rights regarding religious expression with the employers’ need to maintain an efficient workplace. Some examples of the complex issues addressed in the Manual include dress and grooming standards, religious expression affecting customer relations, and accommodations in a collective bargaining setting.

The companion documents, the Question-and-Answer Fact Sheet and Best Practices Booklet, provide practical guidance for employers. The Question-and-Answer Fact Sheet includes a broad overview of the Manual and answers common employer questions about Title VII compliance. The Best Practices Booklet lists a number of suggestions for eradicating religious discrimination at the workplace and complying with Title VII and EEOC guidelines.

While the EEOC's Manual does not represent the state of the law, courts are likely to look to the Manual for guidance in ruling on religious discrimination issues.

We invite your questions regarding the EEOC Manual on religious discrimination and how to implement best practices at your workplace.

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