

The Rise Of Employee Religious Discrimination Claims

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Title VII of the Civil Rights Act prohibits discrimination based on race, color, sex, national origin and religion. While the first four categories often dominate the news headlines and court dockets, the fifth category — religion — should not be underestimated.

Possibly due to the U.S. Supreme Court's June 2015 *Abercrombie* decision — a religious accommodation case — or the increasing focus on immigration laws and the challenges faced by people of different religions and ethnicities seeking to assimilate into the U.S., many employers are seeing an increase in requests for religious accommodations, as well as a rise in the number of different religious practices that need to be accommodated.[1] Further, employees who are rebuffed — told “no, we cannot accommodate you” — seem to be increasingly willing to file a charge or seek out a lawyer to challenge that decision.

In a separate phenomenon, clergy are also getting involved. An employer will often see the local imam or pastor writing a letter on an employee's behalf to explain the need for the accommodation and then supporting the employee before a court or agency. In addition, religious discrimination claims are often combined with retaliation claims, forcing employers to fight two battles at once.

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