



Getting to Know Your Religious Civil Rights Civil Rights



DDS Office of Diversity, Equal Opportunity and Civil Rights



OVERVIEW OF THE LAW

Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits most employers like DDS from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Title VII also requires employers to reasonably accommodate the religious practices of actual or prospective employees, unless that would create an undue hardship upon the employer. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.

Therefore:

- Employers may not treat employees more or less favorably because of their religion. This means that employees may not be discharged or otherwise disciplined based on their religious beliefs or non-beliefs or rewarded based on religious considerations.
- Employees cannot be required to participate or forced to refrain from participating in a religious activity as a condition of employment.
- Employers must reasonably accommodate employees' sincerely held religious practices unless undue hardship would result;
- Employers must take steps to prevent religious harassment of their employees.
- Employers may not retaliate against employees for asserting rights under Title VII.

How Do I Request Information?

If you have questions, concerns or believe that you are experiencing or have experienced religious discrimination, you should first contact the Agency's Office of Diversity.

Complaints must be filed within 300 days after you learned of the alleged violation.

Religious Discrimination:

Adapted from EEOC guidance

Religious discrimination involves treating people such as applicants or employees unfavorably because of their religious beliefs. The law protection extends beyond traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism. In fact, the United States Supreme Court has said that religious beliefs are "religious" in employees or applicants' own scheme of things and sincerely held by employees or applicants. There is no simple test for determining the sincerity of religious beliefs. However, the EEOC has said that employers like DDS should assume that requests for religious accommodation arise from sincerely held beliefs even if unfamiliar with particular beliefs or practices. Additional corroborating information may be sought when employers like DDS have an objective basis for questioning the sincerity of applicant or employee beliefs. Employees must explain the religious nature of beliefs or practices if the Agency requests that information.

Scope of Protection:

Laws forbidding religious discrimination are broad. Indeed, they apply to all phases of the employment relationship including but not limited to hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment

Harassment:

Harassment of people because of their religion would violate Agency Policy. There are many examples of such harassment including but not limited to offensive remarks about religious beliefs or practices. Harassers can be the target's coworkers, supervisors, visitors, vendors or contractors.

The Federal and State guidance notes: "[t]o establish a case of religious harassment, an employee must show that the harassment was: (1) based on his religion; (2) unwelcome; (3) sufficiently severe or pervasive to alter the conditions of employment by creating an intimidating, hostile, or offensive work environment; and, (4) that there is a basis for employer liability."

Segregation:

Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

Accommodations:

Once on notice, employers like DDS must reasonably accommodate employees whose sincerely held religious beliefs or practices conflict with a work requirement, unless providing accommodation would create an undue hardship. Employees are responsible for notifying the Agency that they need accommodation and for clearly describing it.

According to Federal and State guidelines, reasonable accommodation may include: "(1) flexible scheduling; (2) voluntary substitutes or swaps of shifts and assignments; (3) lateral transfers and/or change of job assignment; and, (4) modifying workplace practices, policies, and/or procedures."

Accommodation/Dress & Grooming Policies:

Unless undue hardship would result, employers like DDS must reasonably accommodate dress or grooming practices that employees have for religious reasons. Just as examples these might include wearing particular head coverings or such as a yarmulke or a headscarf, or wearing certain hairstyles or facial hair such dreadlocks or uncut hair and beard, or being exempted from wearing certain garments such as pants or miniskirts.

When applicants or employees need a dress or grooming accommodation for religious reasons, they should notify the DDS Office of Civil Rights (OCR) of their need for accommodation for religious reasons. If more information is needed, OCR and the employee will engage in an interactive process to discuss the request. If, after discussion, it is determined that undue hardship would not result, the accommodation must be granted.



*Getting to Know
Your Civil Rights*

Resource List

- Interfaith Calendar

<http://www.interfaithcalendar.org/>

- Bridges to Faith

<http://www.bridgestofaith.org/>

- Spiritual Connections
774-488-5337 Fax is 508679-6211.

- Heath Care and Religion

<http://lomalindahealth.org/media/medical-center/departments/employee-wholeness/healthcare-religious-beliefs.pdf>

- Mass Office on Disability

[MGL Chapter 6, Section 185 \(1981\)](#)

- Department of Justices

<http://www.justice.gov/crt/about/spl/documents/rluipa.php>

- EEOC:

http://eeoc.gov/policy/docs/qanda_religion.html

- Mass. Office of Diversity and Equal Opportunity

<http://www.mass.gov/anf/employment-equal-access-disability/oversight-agencies/hrd/office-of-diversity-and-equal-opportunity.html>

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The information and materials in this brochure are intended for informational purposes only and are not intended to be treated as legal advice. And is general in nature, pertains to laws and policy which may become quickly dated, and may not apply to particular factual or legal circumstances.

In the State of Massachusetts, protections against religious discrimination are governed by MGL 151.B, also protections are found in Title VII of the Civil Rights Act of 1964.

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