

The Workplace, Religious Observance and the Law

Question:

My boss keeps scheduling me to work on Saturdays even though I've repeatedly told him my religious beliefs prohibit me from working on the Sabbath. Is this legal?

Answer:

Employers usually don't like hearing excuses for why employees cannot work, especially over the weekend. However, when a request for a Saturday off comes from, for example, a Seventh Day Adventist or a Sunday, for example, from a Mormon for the purpose of observing the Sabbath, employers need to listen carefully.

With the nation's religious landscape changing dramatically since 1990, partly because of more Americans switching faiths and an influx of Hispanic immigrants, many employers are encountering new religions within their labor forces. This trend is playing out in New York state, which saw Catholic representation among its adult population drop from 44 percent in 1990 to 37 percent in 2008, according to a Trinity College survey.

Employers who fail to recognize the unique aspects of religions with which they are unfamiliar could put themselves at risk of committing unlawful religious discrimination.

Under Title VII of the Civil Rights Act of 1964 and New York State Human Rights Law employers cannot discriminate against an employee because of his or her religious beliefs. This means employers in most cases cannot refuse to hire a Muslim woman for wearing a hijab (religious head scarf) or fire a member of the Sikh religious faith for refusing to shave his beard, for example. Employers are usually required to make reasonable religious accommodations for the religious practices of employees. When it comes to the Sabbath, this could mean allowing the employee to voluntarily switch shifts with another employee or scheduling the employee to work after sundown instead of in the afternoon.

Even if you have worked at a business for several years and at some point decide to more closely abide to your faith and observe the Sabbath, employers should try to provide you with a reasonable accommodation. However, employers do not have to provide such accommodations if they pose an undue hardship by imposing on other co-workers hazardous or burdensome work. Such accommodations could also amount to an undue hardship if they result in the violation of seniority rights or the terms of a collective bargaining agreement.

Workers whose employers ignore requests for religious accommodations could file an Equal Employment Opportunity (EEO)

complaint alleging religious discrimination.

In New York state, employees generally have 300 days after the alleged act of religious discrimination to file an EEO complaint. A shorter, 30-day filing deadline applies to cases when a state or local agency notifies an aggrieved worker about the conclusion of a proceeding under state or local laws on an alleged unlawful employment practice.

Between 2000 and 2010, the number of religious-based charges with the Equal Employment Opportunity Commission (EEOC)

has jumped 95 percent to 3,790. The monetary benefits awarded in such cases during the same period has risen 81 percent to \$10 million, according to EEOC statistics.

People who have been subjected to employment discrimination should contact an employment law attorney.

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