

THE EEOC'S RECENT AGENDA ON WORK-FAITH CONFLICTS

Publication
Aug 2, 2010

It has been nearly two years since the U.S. Equal Opportunity Commission issued a compliance manual update on religious discrimination. Religious discrimination involves disparate treatment, harassment, retaliation or refusal to reasonably accommodate religious beliefs or practices. At the time of the release of Section 12 of the new Compliance Manual on "Religious Discrimination" on July 22, 2008, the EEOC announced that it "issued this section in response to an increase in charges of religious discrimination, increased religious diversity in the United States, and requests for guidance from stakeholders and agency personnel investigating and litigating claims of religious discrimination." Since 2000, religion-based charges filed with the EEOC increased from 1,939 to 3,386 in 2009.

Employers seem to be especially challenged by the duty to accommodate and the EEOC appears to be particularly interested in pursuing enforcement of the accommodation requirement. An EEOC regional attorney observed in a Commission press release: "This should not be a difficult question for employers to address in a constructive manner." Yet, a federal district court judge presiding over EEOC litigation in Florida noted in a July 2009 ruling against the EEOC that the law regarding what an employer may or may not do in handling accommodation requests "is undeveloped and far from settled."

This article appeared in the August 2, 2010 edition of *Bloomberg Law Reports – Labor & Employment*. Click on the link below to view the full article. A version of this article

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also appeared in the Fall 2010 issue of *Trux Magazine* from the Georgia Motor Trucking Association.