



## EEOC: “Wanted: Younger Workers Who Want To File Religious Discrimination Claims”

Insights

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The Equal Employment Opportunity Commission (EEOC), the federal watchdog agency patrolling the nation for workplace law violations, recently announced its intention to target younger workers to see if they feel victimized by religious discrimination. To that end, the agency created a one-page information sheet released on July 22 intended to educate younger workers about their rights under federal law when it comes to religious discrimination, harassment, and accommodations. Because the gig economy uses a workforce that skews somewhat younger, it seems likely that you will need to understand your obligations with respect to this area of law or face legal consequences.

The one-page information sheet obviously is intended to appeal to younger workers. How do we know? Well, for one thing, the font on the top of the page is hip and edgy (or, hip and edgy if you are a teenager just awakened from a state of hibernation that started in 1998 or so). It’s a step up from Comic Sans, no doubt, but just barely. Also – the EEOC uses an “@” symbol in the “Youth @ Work” title. Instant youth appeal! It’s somewhat surprising that they didn’t use an emoji (stay tuned for an EEOC fact sheet published in about 10 years that will include a winky face).

All kidding aside, the three examples provided in the fact sheet describe young workers at a coffee shop, a grocery store, and a retail clothing store, each facing workplace problems due to their religion. Some of the examples are extreme and fairly obvious legal violations – “wait, you mean I can’t accuse my Muslim employee of praying to terrorists while forcing her to work in the back of the store? I can’t call my Hindu employee ‘silly’ for wearing a red dot on her head, and I can’t mock her by drawing a circle on my own forehead and claim that I’m now a Hindu, too?” – but the fact sheet does provide some good reminders about religious discrimination basics. For example:

- The law protects those who don’t believe in religion, too. No forcing prayer meetings, employers.
- The law also protects newer and less common religions like Rastafarianism.
- Employers need to provide workplace changes (accommodations) if they would cause little to no burden on the business (such as shifting schedules, or altering dress codes).

The EEOC also announced that it will soon begin requesting more detail from those who file religious discrimination claims in order to gather more statistical data. Each time a worker files a claim, the agency will ask the charging party to indicate what religion they practice. The agency said it hopes the information gathered will assist it in better recognizing and responding to trends in

charge data. Given that the agency issued a publication earlier this year aimed at combatting discrimination against Muslim individuals, it seems that this is of particular concern to the EEOC at the present time. The agency's information gathering efforts will help it determine whether its assumptions about this particular vein of discrimination are borne out by hard evidence.

The backdrop on all of this activity? The number of religious discrimination charges filed with the EEOC has doubled in the past 20 years or so. Back in 1997, the agency only received 1,709 charges of religious discrimination from aggrieved workers, comprising about 2% of the total number of claims it handled that year. In 2015, that number increased to 3,502, comprising about 4% of the total number of claims. The agency is obviously concerned about the relatively large jump in these numbers, and believes that one of the ways to combat the problem is to aim younger. Gig employers, they're looking at you.

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**Richard R. Meneghello**  
Chief Content Officer  
503.205.8044  
[Email](#)