

LEGAL UPDATE



Supreme Court Heightens Protections for Religious Accommodations

In a decision issued on June 29, 2023, the U.S. Supreme Court has ruled that Title VII of the federal Civil Rights Act (Title VII) requires employers to meet a heightened standard for undue hardship, making it more difficult to deny requests for religious accommodations.

Title VII Background

Title VII prohibits employers with 15 or more employees from discriminating against employees and job applicants on the basis of race, color, religion, national origin or sex. It also requires employers to provide reasonable accommodations for an individual's religious observance or practice unless an employer is "unable" to do so "without undue hardship" on the conduct of its business.

Undue Hardship Standard

Lower federal courts previously held that Title VII's undue hardship standard for denying religious accommodations only requires an employer to show that any accommodation would cause the employer to bear "more than a de minimis cost."

The Supreme Court's decision in [Groff v. Dejoy](#) reverses those decisions, holding that if an employer denies religious accommodations, it must show that the burden of granting an accommodation would result in "substantial increased costs in relation to the conduct of its particular business." This requires employers to take all relevant factors of a particular situation into account, including the specific accommodations at issue and their practical impact in light of the nature, size and operating cost of employer.

The Court also clarified that this standard for undue hardship is different from the standard used when denying accommodations for disability under the Americans with Disabilities Act (ADA). In general, the ADA's undue hardship standard only requires employers to show "significant hardship and expense."

Actions for Employers

Employers subject to Title VII should become familiar with the new decision. They may also need to review their employment policies and practices to ensure that they can meet the heightened undue hardship standard outlined in the decision for any denials of their employees' or applicants' requests for religious accommodations.

In addition, all employers should be aware that state laws may also require religious accommodations and may have different undue hardship standards for denying religious accommodations. Employers that are subject to both federal and state laws on religious discrimination must follow the one that is more protective of employees and applicants.

IMPORTANT INFORMATION

- Title VII requires employers with 15 or more employees to provide reasonable accommodations for employees' religious observances, practices and beliefs, unless it would cause undue hardship.
- Undue hardship requires a showing that any accommodation would result in substantial increased costs related to a specific business.
- Employers may not deny religious accommodations based merely on the fact that granting the accommodation would result in "more than de minimis" costs.