

ACLJ Continues Fight to Help Employees Keep the Sabbath

The ACLJ's mission has always been to protect the fundamental right of Americans to practice religion freely and without discrimination. In terms of companies requiring their employees to work on the Sabbath, we want you to know that you have rights that cannot be violated.

In the past two months the ACLJ has received at least five legal help requests by employees hoping to be able to attend church on Sunday. For some, their employer ignored their verbal request to change their schedule that conflicts with their weekend service; and for others, their employers changed their previously set schedule to begin including Sundays. As a result, these individuals sought help from us to receive religious accommodations in their scheduling.

While many employees might be unaware of their rights, it seems that employers are forgetting their responsibility to reasonably accommodate their employees' sincerely held religious beliefs. The ACLJ intervened and secured reasonable accommodations for all of these employees with the proper application of federal law under Title VII, including from major corporations such as Walmart.

As we've explained before, Title VII of the Civil Rights Act of 1964 prohibits employers (with 15 or more employees) from discriminating based on religion. Congress has defined "religion" broadly to include all aspects of religious observance and practice, as well as belief. Title VII requires that an employer reasonably accommodate the employee's religious beliefs—unless such accommodation would result in undue hardship to the employer—once they learn that an employee's schedule conflicts with the sincerely held belief of not working on the Sabbath.

Thus Title VII places an affirmative duty on the part of the employer to make a good faith effort to arrange the employee's schedule so that he can keep the Sabbath. As the Supreme Court has stated, "[B]ilateral cooperation is appropriate in search for an acceptable reconciliation of the needs of the employee's religion and the exigencies of the employer's business." The employer violates Title VII if it has "made no real effort" in accommodating the employee or has taken a "don't care" attitude to the request for religious accommodation.

If you are experiencing an employer that is not reasonably accommodating your schedule for church attendance, you have options and the ACLJ can help! We can walk you through these initial steps for requesting a reasonable accommodation from your employer:

- The request must be made in writing to your employer.
- This written request must put your employer on notice that you hold a sincere religious belief that conflicts with an employment requirement.
- And the request must specifically ask your employer for an accommodation of your schedule as a result of this sincerely held religious belief.

If your employer rejects your request, the ACLJ can provide you with a legal memorandum describing the employer's affirmative duty found in Title VII for you to submit to your employer. This is often convincing enough to secure your reasonable accommodation.

Unfortunately, religious discrimination is becoming more prevalent in our society, but no law requires the workplace to be a religion-free zone. However, there is a long-standing tradition, based in federal and state law, of protecting the religious freedom of employers and employees. The more you hold your employer accountable to uphold your rights under

Title VII, the more that employer will understand and recognize their affirmative duty to accommodate your religious beliefs. The ACLJ is committed to defending the rights of believers in the workplace, and we are here to fight for you.

Please reach out to if you are experiencing a similar situation. {eo}

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