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Recent
Developments

THE EEOC UPDATES ITS POSITION REGARDING DISCRIMINATION ON THE BASIS OF RELIGION, ETHNICITY AND NATIONAL ORIGIN (November 7, 2001)

Concerned that anger arising out of the September 11th terrorist attacks may be misdirected against innocent individuals because of their religion, ethnicity or national origin, the EEOC has released a statement reminding employers that discrimination on the basis of such factors is prohibited.

Specifically, the EEOC emphasized that the law prohibits harassment, or any other employment action, on the basis of (1) an affiliation with a particular religious or ethnic group; (2) physical, cultural, or linguistic characteristics, such as accent or dress associated with a particular religion, ethnicity, or national origin; (3) a perception that a person is a member of a particular religious or racial group, or of a certain national origin; or (4) an association with a person or organization of a particular religion or ethnicity.

The EEOC also reminded employers that they are required to provide a workplace free of harassment on the basis of religion, ethnicity, and national origin. Additionally, employers must reasonably accommodate the religious practices of an employee or prospective employee, unless doing so would create an undue hardship for the employer.

WHAT THIS MEANS:

Employers should have in place a strong policy against harassment that includes training for managers and employees, as well as a clear mechanism for complaints and investigations. Employers should also familiarize themselves with reasonable religious accommodations, such as providing employees leave for religious observances, a time and/or place to pray, and the flexibility to wear religious attire. While the obligation to accommodate an individual's religious beliefs is less than the obligation to accommodate disabilities, it is important not to overlook the requirement of thoroughly investigating and evaluating potential accommodations if issues concerning religion arise.

This E-Update is offered as general information to our clients and friends. The Update is not intended as legal advice applicable to any specific situation and should not be taken as such.

Send comments to info@paulplevin.com. Last modified 12/03/01