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BLOGS

Discrimination

Anti-Discrimination Training v. Religious Accommodation: EEOC Provides Clue for Employers

How should an employer react if an employee claims that mandatory anti-discrimination training conflicts with the employee's religious beliefs? Two recent EEOC decisions shed some light on this question. In both cases, the employer provided mandatory training on treating co-workers and customers with dignity and respect to prevent discrimination and harassment. In one case, an employee sought to be excused from any portion of the training which discussed LGBTQI+ issues because he asserted that this conflicted with his sincerely held Catholic religious beliefs. In the other case, an employee sought to be excused entirely from a training which was specifically directed to ensuring nondiscriminatory behavior towards LGBTQI+ individuals based on the training conflicting with Christian religious beliefs. After engaging in the interactive process by discussing the matter with the employees, the employers denied the requests.

In addressing the subsequent complaints, the EEOC first determined that the employees were not entitled to an accommodation. There was no showing that merely attending the training, or listening to statements with which the employees disagreed, would cause them to change their religious beliefs or would impact a religious observance or practice. Moreover, the trainings did not attempt to require the employees to change religious beliefs or encourage the employees to endorse or actively support LGBTI+ rights.

The EEOC went on to find that, even if the employee had been entitled to an accommodation, the employer was correct to deny the request, because granting the accommodation would have been an undue hardship on the employer. This was because the employer was required to comply with the anti-discrimination laws which were the subject of the training and excusing the employees from a portion of the training would have hindered its ability to promote compliance. Importantly, the EEOC noted that "undue hardship" does not mean simply financial cost, but can include non-monetary considerations such as legal requirements.

In these cases, *Colin R. v. Vilsack*, 2024 WL 1483698 (March 27, 2024) and *Barrett V. v. Vilsack*, 2024 WL 1155256 (March 7, 2024), the employer was a federal agency. Thus, the EEOC's decision is not controlling authority in a case involving a private employer. However, it does reflect the EEOC's thinking on a situation that can arise for both public and private employers and the decisions can be persuasive authority. They also help provide a framework for employers when thinking about the design and purpose of their anti-discrimination training.