

## Dear New Yorkers,

New York State has a rich history of religious diversity, a tradition conceived in our nation's Bill of Rights and enshrined by laws that protect everyone's right to practice their faith freely.

As Attorney General, I am committed to protecting this proud history of religious tolerance. I have created an initiative in our Civil Rights Bureau to address religious freedom violations and aggressively enforce anti-discrimination laws. Through education, outreach, and litigation, our Civil Rights Bureau will root out practices of religious discrimination and ensure compliance with laws regarding reasonable accommodations for people of faith in the workplace.

Americans hold dear the right to practice, openly and faithfully, the religion of their choice. If you are concerned that your rights are being violated, this brochure may help you find the answers and resources you need. You may also contact the Civil Rights Bureau's Religious Rights Initiative at (212) 416-8250 or (800) 771-7755.

Sincerely,

*Letitia James*



Attorney General  
of New York  
**Letitia James**

## Resources

If you think that your religious rights have been violated, you may seek assistance from the following offices:

### **New York State Office of the Attorney General, Civil Rights Bureau—Religious Rights Initiative**

28 Liberty Street, New York, NY 10005

(212) 416-8250 or (800) 771-7755

(800) 788-9898 – TDD

[civil.rights@ag.ny.gov](mailto:civil.rights@ag.ny.gov) / [ag.ny.gov/bureau/civil-rights](http://ag.ny.gov/bureau/civil-rights)

### **New York State Division of Human Rights**

One Fordham Plaza, 4th Floor, Bronx, New York 10458

(718) 741-8400

TDD: 718-741-8300

[dhr.ny.gov](http://dhr.ny.gov)

The New York State Division of Human Rights handles individual complaints of religious discrimination that violate the New York State Human Rights Law.

### **United States Equal Employment Opportunity Commission**

33 Whitehall Street, 5th Floor, New York, NY 10004

(800) 669-4000

TDD: (800) 669-6820

[eeoc.gov](http://eeoc.gov)

The U.S. Equal Employment Opportunity Commission handles charges of religious discrimination in employment that violate federal Title VII.

The EEOC provides additional information for employers and employees regarding religious discrimination at: [eeoc.gov/religious-discrimination](http://eeoc.gov/religious-discrimination).

## Religious Rights

### In the Workplace



New York State Office of the  
Attorney General  
**Letitia James**



## Know Your Rights—Balancing Faith with Work

Regardless of what religion you practice, fitting religious observance into a demanding workplace can be difficult for workers and employers. Federal and state laws ensure that New Yorkers are able to balance work responsibilities while also being faithful observers of their religion.<sup>1</sup>

## Protection From Religious Discrimination, Harassment and Retaliation

Under state and federal law, employers may not:

- Treat applicants or employees differently based on religious beliefs or practices, in any area of employment, including recruitment, hiring, assignments, discipline, promotion, and benefits;
- Subject employees to harassment because of religious beliefs or practices; or
- Retaliate against applicants or employees for reporting alleged religious discrimination in the workplace.

## Days of Religious Observance

New York State law requires employers to permit workers to observe holy days, unless doing so would cause an “undue hardship.”

The employer may require workers to:

- Make up work missed at another time;
- Charge time missed against paid leave, other than sick leave; or
- Take leave without pay for time not made up or charged to paid leave.

If you are concerned that your rights are being violated, you may contact the Civil Rights Bureau’s Religious Rights Initiative at (212) 416-8250 or (800) 771-7755. The information contained in this brochure is not a substitute for advice from a qualified lawyer or other expert.

<sup>1</sup>In New York State, protections against religious discrimination are governed by the New York State Human Rights Law; at the federal level, protections are found in Title VII of the Civil Rights Act of 1964.

## Observing Other Religious Practices

Employers must also attempt to accommodate other religious practices, including religious dress and appearance requirements, and prayer during the workday.

## Types of Accommodation

Accommodations of religious practices often include scheduling changes, exceptions to dress codes, or designation of a work location for prayer. If agreeable to both parties, accommodations may include lateral transfers or changes to job requirements.

Though not required by law, employers may adopt flexible leave and scheduling policies to allow employees to meet their religious needs (i.e. flexible arrival and departure times, flexible work breaks, use of lunch time in exchange for early departure, or staggered work hours).

Under New York State Human Rights Law, employers may allow employees to swap shifts with coworkers if no other reasonable accommodation can be made.

## Implementing Sound Policies and Practices will Reduce Religious Discrimination and Harassment in the Workplace

Establishing clear policies and criteria for processing requests for religious accommodation can help reduce the potential for religious discrimination in the workplace. Effective policies and practices include provisions to:

- Inform employees of their right to request reasonable accommodations for religious observance;
- Establish a procedure to request religious accommodations;
- Train managers and supervisors to consider all available accommodation options;
- Confer promptly with employees about their religious needs, the requested accommodation and available options; and
- Fully assess each request and avoid stereotypes about religious practices, beliefs or the types of accommodations that are appropriate.

## Employers Must “Reasonably Accommodate” Religious Beliefs

State and federal laws require employers to make a reasonable religious accommodation for an employee’s sincerely held religious beliefs, unless doing so creates an “undue hardship” on the employer. A reasonable religious accommodation is one that allows employees to follow their religious beliefs with a minor change to the work environment. Protected religious beliefs include not only those of traditional, organized religions, but also beliefs that are not part of a formal religion or sect, even if practiced by relatively few people.

**To assess whether there is an undue burden or hardship, look at the specific facts of the request, such as:**

- The type of workplace;
- The nature of the employee’s duties;
- Any related cost incurred relative to the size and budget of the employer;
- The effect of an accommodation on the employer’s business;
- Collective bargaining agreements or established seniority systems;
- The number of people who need the accommodation;
- The effect on workplace safety; and
- Whether the proposed accommodation conflicts with other laws.

**It is also important to know that:**

- The law protects all aspects of an individual’s religious observance and practice, even practices that are not “required” by the religion;
- An employee must notify the employer of the need for an accommodation, and must provide sufficient time and information for the employer to assess the request;
- Employers and employees should work together to find an accommodation;
- An employer may ask questions about religious habits to evaluate the request and identify an accommodation; and
- An employer is not required to grant the specific accommodation requested, as long as the accommodation offered meets the employee’s religious needs.