

# **Contents**

<b>Chapter 1: Major Religions: A Global, National and Statewide View.....</b>	<b>13</b>
Major World Religions.....	13
Major Religions In the United States.....	14
Major Religions in Indiana.....	14
Changing Religious Landscape.....	15
<b>Chapter 2: Federal and State Employment Law and Its Relationship to Religion .....</b>	<b>17</b>
Title VII.....	17
The First Amendment .....	18
The Federal Religious Freedom Restoration Act.....	18
The Indiana Religious Freedom Restoration Act.....	19
<b>Chapter 3: Defining Terms .....</b>	<b>21</b>
Religion or Religious Belief Under Title VII .....	21
Sincerely Held Beliefs .....	23
<b>Chapter 4: Religious Discrimination.....</b>	<b>25</b>
Title VII.....	25
Employment Decisions .....	25
Indiana Civil Rights Act .....	27
<b>Chapter 5: Understanding the Religious Accommodation Requirement.....</b>	<b>29</b>
Defining “Reasonable Accommodation” .....	29
Defining “Undue Hardship” .....	31
Common Situations Involving Religious Accommodation.....	32
EEOC Insights on Accommodations .....	36
<b>Chapter 6: Religious Harassment .....</b>	<b>37</b>
General Definitions of Harassment .....	37
Defining Harassment in the Context of Religion .....	38
Best Practices to Avoid Harassment Claims.....	41
<b>Chapter 7: Handling Employee Religious Speech at Work .....</b>	<b>43</b>
Employee Religious Groups.....	43
Materials Displayed by Employees .....	43
Religious Expression in Company Correspondence .....	44
Situations in Which Religious Speech Intersects with Factors Affecting Employee Performance .....	45
Balancing Competing Claims: Freedom from Harassment and Freedom for Religious Expression .....	45
<b>Chapter 8: Navigating Employer Religious Speech and Practice .....</b>	<b>47</b>
First Amendment Protections.....	47
Religious Freedom Restoration Act .....	47
Title VII and “Reverse” Religious Discrimination .....	48
Applications of Exceptions to Title VII in Specific Contexts .....	49

<b>Chapter 9: Religion “Plus” .....</b>	<b>51</b>
Aftermath of 9/11 and Discrimination Against Muslim or Middle Eastern Employees .....	51
Pandemic-Related Harassment .....	52
EEOC Guidance .....	53
<b>Chapter 10: Best Practices for Avoiding Key “Points of Failure” While Balancing Competing Interests.....</b>	<b>55</b>
<b>Appendix A: Useful Flowcharts .....</b>	<b>57</b>
<b>Appendix B: Case Citations and Descriptions .....</b>	<b>61</b>
<b>Appendix C: Sample Policies.....</b>	<b>67</b>
Model Equal Employment Opportunity (EEO) Policy .....	67
Sexual Harassment and Other Unlawful Harassment Policy .....	67