Statement of Support for the Workplace Religious Freedom Act

Endorsed August 2015

WHEREAS, Title VII of the Civil Rights Act of 1964, as amended in 1972, requires an employer to “reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship”;

WHEREAS, the current standard requires an employer to accommodate the religious practices of its employees unless such accommodation imposes merely more than a minimal, or de minimus, cost to the employer;

WHEREAS, the de minimus standard affords inadequate legal protection against religious discrimination, especially among Asian Pacific American workers, many of whom are members of minority religious groups;

WHEREAS, religious discrimination against Asian Pacific American employees has particularly increased since 9/11, with profiled groups such as Sikhs and Muslims being denied employment opportunities because of religiously mandated grooming practice, attire, or holidays; and

WHEREAS, the Workplace Religious Freedom Act would revise and strengthen the existing requirements imposed on employers to accommodate the religious practices of their employees, specifically by clarifying the definition of “undue hardship” under Title VII to mean “significant difficulty or expense” as it relates to accommodation of religious grooming, dress, and observance of holy time – the three areas comprising the majority of religious accommodation claims.

THEREFORE BE IT RESOLVED, that NAPABA:

1. Supports the passage of the Workplace Religious Freedom Act and similar measures and legislation for the reasons set forth above.

2. Authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary.

3. Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.