



SUPREME COURT ADOPTS STRICTER STANDARD FOR DENYING RELIGIOUS ACCOMMODATIONS IN THE WORKPLACE

In a unanimous decision issued June 29, 2023, the United States Supreme Court raised the standard an employer must meet in order to deny an employee's religious accommodation request in the workplace. The Court's ruling, issued in *Groff v. DeJoy*, overturned a more lenient standard that had been in place for nearly fifty years, and represents a significant victory for employees seeking religious accommodations.

The Court in *Groff* chose to abandon the "de minimis," or minimal burden standard, established by the 1977 ruling in *Trans World Airlines, Inc. v. Hardison*. Under *Hardison*, the determination of undue hardship hinged on whether an employer would incur more than minimal costs to accommodate an employee's religious request. If such costs were established, the accommodation request was deemed an undue hardship and could be legally refused. The recent *Groff* ruling did away with this approach, setting a stricter standard that employers must satisfy to prove undue hardship.

The new test set out in *Groff* permits employers to deny religious accommodation requests only when they can demonstrate "substantial increased costs" tied to their specific business operations. However, contrary to the plaintiff's request, the Court stopped short of adopting the "significant expense or difficulty" standard applied in disability accommodation cases arising under the Americans with Disabilities Act. The Court noted that such a change would need to be enacted by Congress.

The plaintiff in *Groff* is an Evangelical Christian who was employed by the United States Postal Service (USPS). When USPS asked Groff to begin working on Sundays, an act which violates his religious beliefs, he transferred to a rural station which did not have the same requirement. However, when that station eventually

asked Groff to work on Sundays as well, he refused to do so. After receiving progressive discipline for his refusal to work on Sundays, Groff eventually resigned. He then filed suit against under Title VII of the Civil Rights Act of 1964, arguing that USPS had unlawfully denied him a religious accommodation. The case was ultimately appealed to the US Supreme Court, which ruled in Groff’s favor.

The Supreme Court employed a textualist approach in reaching its decision, arguing that the *Hardison* decision had been misinterpreted and that the text of Title VII supports a higher threshold than *de minimis* for establishing undue hardship. The Court asserted that undue hardship should be evident when a burden is “substantial in the overall context of an employer’s business.” Moving forward, employers will have to give much greater consideration to any requests for religious accommodations made by their employees, including requests for modified schedules, exceptions to dress codes and grooming rules, and other workplace accommodations.

ASHER, GITTLER & D’ALBA, LTD.
200 West Jackson Boulevard, Suite 720
Chicago, IL 60606 – 312.263.1500
www.ulaw.com

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