

Discrimination Based Upon Religion

The Seventh Circuit Court of Appeals recently decided an interesting religious discrimination case under Title VII, Civil Rights Act of 1964. *Adeyeye v. Heartland Sweeteners, LLC.*, 721 F.3d 444 (7th Cir. 2013). Title VII prohibits discrimination in employment based upon a number of grounds, including that of religion. As an employer, UAH is, of course, covered by this law. To comply with the statute, one important duty of an employer is to reasonably accommodate an employee's religious beliefs or practices, as long as doing so would not cause the employer undue hardship.

Sikiru Adeyeye requested five weeks unpaid leave from his employer, Heartland Sweeteners, to attend the funeral of his father in their native homeland of Nigeria. Adeyeye explained that his attendance was "compulsory" and that if he did not lead the burial rites, he and his family would suffer spiritual death. The employer denied his request, but Mr. Adeyeye went anyway. He was fired when he returned and attempted to report to work. Adeyeye filed suit against Heartland under Title VII for its failure to accommodate his religion. The federal district court dismissed the suit, but it was reinstated by the Seventh Circuit Court of Appeals.

The Seventh Circuit noted that, before an employer can be found liable under Title VII for denial of a reasonable accommodation for a religious activity, it must first be given notice of the religious character of the requested accommodation. Whether a request is based upon "religion," according to the court, depends upon "whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God." 721 F.3d at 447. It then concluded: "Thus, a genuinely held belief that involves matters of the afterlife, spirituality or the soul, among other possibilities, qualifies as religion under Title VII." *Id.*

Religious convictions vary widely, and an employer is not charged with knowledge of each employee's particular religious beliefs. The employee is, therefore, under a duty to inform the employer about the connection between the requested accommodation and his/her religious belief or practice. In the instant case, the Court held that the following written request from Adeyeye satisfied this duty:

I hereby request for five weeks leave in order to attend funeral ceremony of my father. This is very important for me to be there in order to participate in the funeral rite according to our custom and tradition. The ceremony usually cover from three to four weeks and is two weeks after the burial, there is certain rite[s] that all of the children must participate. And after the third week, my mother will not come out until after one month when I have to be there to encourage her, and I have to [k]ill five goats, then she can now come out. This is done compulsory for the children so that the death will not come or take away any of the children's life.

721 F.3d at 551. Heartland denied the request because it was aware that Adeyeye was a Christian, and, arguably, this negated the view that he adhered in good faith to the religious rites of his "culture and tradition." The Court observed, however, that a person may hold varying

religious beliefs, and it was convinced of the sincerity of Mr. Adeyeye's statement of the tenets of his faith.

Employers must be aware that the courts have given a very broad definition of what is, and what is not, a sincerely held religious belief under Title VII. When a request for a religious accommodation is sincerely made and does not cause undue hardship for the employer, the request must be given serious consideration.