

## Employment Law Q&A: Can an employer require prayer in the workplace?



Ryan Neumeyer | Friday, October 11, 2019

### **Q. CAN AN EMPLOYER REQUIRE PRAYER IN THE WORKPLACE?**

A. An employer cannot *require* prayer in the workplace. This would violate Section VII of the 1964 Civil Rights Act, which protects workers from employment discrimination based on their race, color, religion, sex, national origin, or protected activity. As explained more fully below, however, while prayer may not be *required* in the workplace, it is *permissible*.

Solely with respect to religion, Title VII also requires reasonable accommodation of employees' sincerely held religious beliefs, observances, and practices when requested, unless accommodation would impose an undue hardship on business operations. Undue hardship under Title VII is defined as "more than *de minimis*" cost or burden -- a substantially lower standard for employers to satisfy than the "undue hardship" defense under the Americans with Disabilities Act (ADA), which is defined instead as "significant difficulty or expense."

This does not mean that an employer cannot include prayer in the workplace, even at mandatory meetings. Employers may integrate their own religious beliefs or practices into the workplace. However, if the employer holds religious services or programs or includes prayer in business meetings, Title VII requires that the employer accommodate an employee who asks to be excused for religious reasons absent a showing of undue hardship. Excusing an employee from religious services or prayer does not cost the employer anything. The EEOC provides the following example:

## Employment Law Q&A: Can an employer require prayer in the workplace?

---

Michael's employer requires that the mandatory weekly staff meeting begin with a religious prayer. Michael objects to participating because he believes it conflicts with his own sincerely held religious beliefs. He asks his supervisor to allow him to arrive at the meeting after the prayer. The supervisor must accommodate Michael's religious belief by either granting his request or offering an alternative accommodation that would remove the conflict between Michael's religious belief and the staff meeting prayer, even if other employees of Michael's religion do not object to being present for the prayer.

Thus, while prayer cannot be required in the workplace it is certainly permitted. If an employee does not wish to take part in prayer or other religious service, he or she must be excused from that portion of the meeting. Further, the employee must not be subjected to retaliation for related to a request for a religious accommodation.

Should you have any questions regarding prayer in the workplace or other religious freedom issues your McDonald Hopkins employment lawyer is available to discuss other ideas as well.

---



**Ryan Neumeyer**