



*In the brave new world of new “rights”
and increasing demands from radical
activist groups, it is paramount that
employers and employees be aware of
the rights and legal protections that
defend our religious convictions.*



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The Truth About
FAITH in the WORKPLACE





Do employers unlawfully discriminate if they base business objectives and goals upon Biblical principles?

No. An employer does not engage in discrimination if he/she is affirming the faith of its owners in business objectives. However, employers must be careful not to give prospective or current employees the perception that their employment or career advancement depends upon their compliance with the religious beliefs of the employer. If you are a secular employer, you can protect yourself by making sure that all employment applications specifically state that applicants are considered for all positions without regard to religious belief.

As an employer, can I witness to my employees?

Yes. An employer can generally talk about their religious beliefs as long as the employee knows that their continued employment or advancement is not contingent on compliance with the employer’s religious beliefs. One court has held that an employer did not discriminate against an employee for sharing the Gospel with him and inviting him to church. However, if the employer made church attendance mandatory for continued employment, the employer could be held liable.

As an employer, can I give employees religious literature or post such literature in the workplace?

Yes. Like verbal religious speech, employers can share their religious beliefs with their employees in printed form such as pamphlets, books, and newsletters. Employers must be careful, however, not to give employees the impression that they have to agree with the employer’s religious beliefs in order to keep their job or to be promoted. If an employer shares their religious convictions with the employee, no adverse action should be taken against the employee if they disagree or protest the sharing of those convictions.

As an employer, what is my obligation toward religious employees who have certain work requirements?

The religious freedom of most employees is protected by federal law under Title VII, which prohibits employment discrimination based on race, color, religion, sex, or national origin. In order to be protected by Title VII, an employee must meet the following three criteria: that a sincere religious belief

conflicts with an employment requirement; that the employer was informed of the conflict; and that termination or discipline resulted from the employer failing to make accommodations regarding the conflicting employment requirement.

Religion under Title VII is broadly defined as including all aspects of religious observance and practice, as well as belief. The Equal Employment Opportunity Commission (EEOC) defines religious practices to include moral ethical beliefs about right and wrong that are held because of sincere religious views.

As an employer, can I regulate employee speech and the literature displayed on an employee’s desk or in their office?

Yes. Employers have the right to control the image their business presents to the public. There is no right to free speech for employees of private companies because the First Amendment of the U.S. Constitution only applies to government entities.

Therefore, an employer can determine what literature can be displayed at desks and offices that are in the view of the general public. Employers can also prohibit employees from saying things to customers that they perceive would hurt business.

An employer must attempt to allow an employee’s request to display items in their work area that reflect their personal religious beliefs, as long as it does not cause disruption in the workplace.

Are religious organizations treated any differently from secular businesses for employment law purposes?

Yes. The federal government does allow religious groups to have faith-based employment standards. To qualify for this exemption, the employer must establish that the primary or exclusive purpose of the organization is to engage in religious activities.

CONCLUSION

In an era of rampant litigation and constant demands for new and expanded “rights,” it is essential that religious employers and employees know what they can and cannot do in the workplace.

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