

“Onionhead” is a Religion Under Title VII: Court Finds in Favor of Employees in Reverse Religious Bias Case

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A federal district court recently ruled that an employer-initiated program known as Onionhead was a religion for the purposes of Title VII of the Civil Rights Act of 1964. In *Equal Employment Opportunity Commission v. United Health Programs*, No. 14-CV-3673 (September 30, 2016), the U.S. District Court for the Eastern District of New York held that Onionhead (also sometimes known as Harnessing Happiness) “qualifies as a religion” under Title VII.

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In 2007, officers of United Health Programs, a company that provides discount medical plans to groups, felt that a change of corporate culture was needed. They hired an advisor who had developed programs

known as Onionhead to hold workshops with employees. The advisor visited the company for days at a time over several months. She met with employees individually and in groups and the meetings included chanting and prayers. Employees were encouraged to share personal information and the advisor offered unsolicited advice about their personal lives. Emails between management and the advisor included references to “God,” “spirituality,” “demons,” “Satan,” “miracles,” and “higher guidance teachings.” Onionhead written materials, which were provided by the advisor and used in workshops with employees, referred to faith, the soul, heaven, and commitment to a “Universal Plan.”

The Equal Employment Opportunity Commission (EEOC) filed suit on behalf of employees who were discharged by the defendant alleging several theories, including that former employees were subjected to reverse religious discrimination because they were fired for refusing to adopt religious practices and beliefs imposed by the employer. United Health moved for summary judgment, asserting that Onionhead was simply a conflict-resolution tool, not a religion within the meaning of Title VII.

One of the issues before the court was whether beliefs or practices rooted in Onionhead were religious beliefs within the meaning of Title VII.

In reaching its conclusion, the court applied a two-part test: (1) were the Onionhead beliefs sincerely held, and (2) were the beliefs religious to the believer? The court concluded that Onionhead beliefs qualified as religious beliefs under Title VII. Among other things, according to the court, Onionhead beliefs dealt with “ultimate concerns” that signify “religiosity” and were “more than intellectual.” The court noted that nontraditional beliefs can be religious and do not have to be widely-held to qualify as a religion under Title VII. Given the remedial purpose of Title VII to protect against religious discrimination at work, the court found that an expansive definition of religion was appropriate. However, whether the religious beliefs were sincerely held by the applicable employees was a question of fact for the trial court to decide.

Practical Impact

As the court in *United Health Programs* noted, it is a “difficult and delicate task” and a “tricky proposition” to define religion. Most employers are not faced with the unique facts of this case. Typically, an employee is seeking some form of a religious accommodation at work, such as a modified schedule (i.e. no Saturday shifts) or exceptions to the company’s dress code because the work rule conflicts with a sincerely held religious belief or practice. Under Title VII, employers must attempt to reasonably accommodate a religious belief or practice that is in conflict with a job requirement before taking adverse action against an employee. In these more common situations, employers will not (and should not) spend their time debating with an employee on whether his or her beliefs are truly religious. Instead, employers should focus on whether accommodating the asserted religious belief would impose an undue burden on its business operations.

Remember, an employer is not required to accommodate religious beliefs at work if doing so would create an undue hardship on operations. Plus, an undue hardship under Title VII is a much lower threshold for employers to meet than exists under the Americans with Disabilities Act: anything more than a de minimis monetary cost or burden on operations will create an undue hardship relieving the employer of a duty to accommodate. However, before denying a requested religious accommodation, check applicable state law. Many states require religious accommodation beyond what Title VII mandates.

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