

EEOC Sues Burger King Franchisee Over Employee's Religious Accommodation Request

August 27, 2012 | [EEOC, Employment Discrimination, Currents - Employment Law](#)

The Equal Employment Opportunity Commission (EEOC) is suing a Burger King franchisee – Fries Restaurant Management, LLC – for religious discrimination, a violation of Title VII of the Civil Rights Act of 1964.

The facts underlying the lawsuit are straightforward: Ashanti McShan, a member of the Pentecostal Church, adheres to an interpretation of scripture regarding the wearing of clothing that is befitting of one's gender. McShan allegedly informed Burger King of her religious belief during her employment interview, and was told she could wear a skirt instead of Burger King uniform pants. However, when McShan arrived at orientation, she was told by management that her skirt was unacceptable and sent home. According to the EEOC, McShan's calls to upper-level management went unreturned and she was never asked to return to work.

The EEOC's lawsuit seeks back pay, compensatory and punitive damages, and injunctive relief. The EEOC's press release regarding the lawsuit can be [found here](#).

In order to avoid religious discrimination claims like the one raised above, employers must ensure that their supervisors are trained on proper procedures for handling religious accommodation requests. This includes conferring with the employee to the extent needed to obtain any necessary information about the employee's religious needs and the available accommodation options. For a quick resource, employers should familiarize themselves with the EEOC's "Best practices for Eradicating Religious Discrimination in the Workplace." The resource can be [found here](#).

RELATED PRACTICE AREAS

Arbitration and Grievances
EEO Compliance
Labor and Employment
Workplace Culture 2.0

RELATED TOPICS

EEOC
Religion
Title VII