

## When “I Love You” May Be Too Much

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Normally, the words “I love you” make a person feel good, happy, confident and host of other emotions. However, in the employment context, saying these three little words can cause a host of potential issues for both employers and employees. Typically, as employment attorneys, we see these words leading to claims of sexual harassment. But, now it appears saying “I love you” (among other things) also can create a claim of religious discrimination. In June of this year, the U.S. Equal Employment Opportunity Commission (EEOC) filed suit against United Health Programs of America, Inc. and Cost Containment Group, Inc., as joint employers, for religious discrimination and retaliation in violation of both Title VII and the New York State Human Rights Law. According to the Complaint, the employers required its employees to participate in certain religious-based practices which, among other things, saying “I love you” to fellow co-workers. The Complaint continued with allegations that the employers also required the employees to take part in “Onionhead” (or “Harnessing Happiness”) practices on a daily basis at work, which included requiring employees to attend mandatory discussions about spiritual and religious literature, complete “homework” related to these readings and discussions and wear Onionhead pins while at work. The Complaint also alleged the employers required the employees to attend a “spa weekend” during which Onionhead-related religious practices took place, including prayer sessions and mandatory hand-holding. According to the Complaint, after certain employees spoke out against the mandatory Onionhead practices, the employers engaged in a series of retaliatory actions. Allegedly, the employer moved those opposing employees out of their offices and into open areas, reducing their responsibilities and ultimately terminating these individuals. On August 7, the employers wrote to the presiding Court (U.S. District Court for the Eastern District of New York), seeking to file a motion to dismiss. In a scathing response, on August 12, the EEOC defended the Complaint, arguing that the Onionhead practices imposed by the employers were “actually compelled religious activities led by their spiritual advisor . . . and other management. . . .” The EEOC argued that Title VII coverage extended to “religious practices [that include] moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” The EEOC continued by stating that a hostile work environment is created through compelled religious activities in the workplace. The employers’ request to file a motion to dismiss remains pending before the District Court.

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