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Abercrombie Decision: What's Next For Employers?

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The Supreme Court scored a victory for the EEOC yesterday, and, notably, for religion. The court's majority decision emphasized that religion is a protected class that requires "favored treatment." The decision also underscores that religious practices are equivalent to one's religious beliefs, and are accorded the same protection. Although the court could have limited its decision to the facts of this particular case (as did Justice Alito in his concurring opinion), it rejected the employer's view that disparate treatment requires an employee to prove that an employer has "actual knowledge" of the need for an accommodation. The opinion itself describes its central finding as "straightforward: An employer may not make an applicant's religious practice, confirmed or otherwise, a factor in employment decisions." This is good advice for employers, but practically, the *Abercrombie* decision makes life incrementally more complicated. Front-line supervisors and managers should be trained on key decisions for individuals where disability, pregnancy and religion are involved—because all of those characteristics may require some form of reasonable accommodation. Requiring all employees to follow all the same rules ignores the nuances of the laws, and potentially will land companies in court. Read more about the Supreme Court's decision: EEOC Wins Big At Supreme Court On Religious Accommodation Case

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