



Barring Employees From Answering Questions About Religion May Violate Title VII

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In **Weathers v. FedEx Corporate Services**, a federal district court ruled that a former FedEx manager could proceed to trial on his claim that FedEx failed to accommodate his religious beliefs by prohibiting him from answering questions about his religion in the workplace.

Background

Eric Weathers, a self-described conservative evangelical Christian, had worked for FedEx for nearly two decades before being promoted to direct sales manager in Chicago in 2007. During his tenure at FedEx, Weathers belonged to an organization of Christian FedEx employees and had been invited to speak at FedEx sales conferences about his faith. In August 2007, one of Weathers's direct reports complained that Weathers discriminated against her by quoting biblical passages about slaves and masters and telling her that she was Weathers's slave. FedEx's human resources department investigated the allegations and concluded that Weathers's did not violate any company policy, but nevertheless issued him a letter of counseling. The letter, which was intended to be a coaching tool, as opposed to a letter of reprimand, instructed Weathers to cease discussing religious matters with other employees, even if other employees initiate the conversation. Weathers alleged that a HR representative further told Weathers he could not discuss religion because it was a "detrimental act."

In October 2007, Weathers sent his supervisor and an HR representative an email asking for clarification regarding how Title VII prohibits him from discussing religion. In his email, Weathers quoted a biblical passage which Weathers believed obligated him to answer questions about his religion when asked. Weathers alleges he did not receive a response to his email.

Less than a year later, Weathers was demoted for performance reasons and later resigned. Weathers then sued FedEx for religious discrimination, failure to accommodate his religious beliefs, hostile work environment and intentional infliction of emotional distress.

The Court's Ruling

The court granted summary judgment to FedEx on all counts except Weathers's religious accommodation claim. The court explained that Weathers could convince a reasonable jury that he had a bona fide religious belief that he was compelled to answer questions about his faith, that FedEx was aware of this belief, that his October 2007 email was a request to accommodate his beliefs, and that FedEx's failure to respond to the email was a failure to accommodate. The court further held that a reasonable jury could find that FedEx's instructions to Weathers not to discuss his religion – an exercise of his religious beliefs – was humiliating and degrading enough to constitute an adverse employment action. The court rejected FedEx's argument that it could not accommodate Weathers's request because doing so would create a hostile work environment for other employers.

Insights For Employers

The *Weathers* decision highlights a sensitive workplace issue regarding the accommodation of religious beliefs which may negatively impact other employees. Many religious faiths require their adherents to proselytize or engage with others about their faith. In most circumstances, employers may have legitimate concerns about



certain types of religious communication which may disrupt operations or create an intolerant work environment. However, it is important to remember that Title VII and many state laws require employers to provide their employees with reasonable religious accommodations when requested. As the *Weathers* decision demonstrates, all requests for religious accommodation should be taken seriously and treated on a case-by-case basis. In each case, the employer should attempt to reasonably accommodate the request unless it would cause an undue hardship to the employer to do so. If the employer cannot accommodate the request, it is important to communicate to the employee the basis of its decision.

More Information

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