

New Law Protects Religious Dress and Grooming Practices Effective January 1 2013

November 16, 2012

California Governor Jerry Brown recently signed into law a bill that amends California's Fair Employment and Housing Act (FEHA) to explicitly protect applicants and employees from discrimination based on religious dress and grooming practices. The new law goes into effect January 1, 2013.

Existing law prohibits discrimination against an employee or job applicant on the basis of, among other things, religious creed. The new law clarifies that a "religious dress practice" or a "religious grooming practice" constitutes a religious belief or practice that is protected from discrimination. The two concepts are to be construed broadly. "Religious dress practice" includes the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her religious creed. "Religious grooming practice" includes all forms of head, facial, and body hair that are part of the observance by an individual of his or her religious creed.

Employers subject to FEHA must reasonably accommodate an employee's religious creed, unless the employer proves that the accommodation would be an undue hardship on the conduct of the business. The new law explicitly provides that an employer cannot attempt to accommodate an employee's religious dress or grooming practice by segregating that individual from other employees or the public.

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