

## Do I have to work on Sabbath?

No. Of course not. But the real question is, can I avoid working on Sabbath and keep my job? No one can predict human behavior in a sinful world, and obviously, some companies break the law.

### What Law?

The First Amendment to our Constitution protects everyone's right to the free exercise of religion. Congress passed important civil rights laws in 1964 protecting the rights of workers, even in private businesses, to equal employment opportunities, free of discrimination. The law is Title VII of the Civil Rights Act of 1964.

Under Title VII, employers must provide "reasonable accommodation" of their workers' religion, unless doing so would cause "undue hardship." And "religion" is defined broadly to include practices such as Sabbath observance. Companies are required to make good faith efforts to adjust schedules to accommodate those who worship on Sabbath. In fact, the Supreme Court held that companies cannot hide behind religion neutral policies - such as scheduling policies - to avoid accommodating a worker's religion.



### Introducing the Church State Council

The Church State Council was established in 1964 by the Pacific Union Conference of Seventh-day Adventists to carry out its ministry of Public Affairs & Religious Liberty. This was the same year Congress enacted Title VII of the Civil Rights Act prohibiting discrimination in employment. The Council is the natural outgrowth of the Seventh-day Adventist commitment to religious liberty which began in the latter part of the 19th century, with the establishment of the Religious Liberty Association, and publication of the precursor to *Liberty* magazine, the *Liberty Sentinel*.

The Church State Council is a non-profit organization engaged in education, legislative advocacy, and providing legal services to those suffering religious discrimination, especially in relation to their jobs. Consistent with the golden rule, the Council represents people of any and all religious faiths who experience discrimination because of their religious beliefs or practices.

The Council also advocates for stronger laws protecting against discrimination, and provides speakers to both preach and conduct seminars / webinars / evangelism in churches. The Council welcomes speaking invitations.



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## **Equal Employment Opportunity Commission v. Abercrombie & Fitch**

The popular retailer refused to hire a young Muslim woman who wore a head scarf. The company argued it was not discrimination to forbid all workers from wearing any hats or anything on their head. The Supreme Court disagreed, holding instead that even though company policies may apply evenhandedly to everyone, special exceptions must be made for workers' religious practices. The Supreme Court held that companies are required to give workers' religious needs "favored treatment!" Companies cannot simply schedule everyone the same, they must make exceptions for those who observe the Sabbath. In fact, the Supreme Court even used a worker needing Sabbath off as an example of a situation where a company had to give "favored treatment" to religious practices.

### **In California**

For Californians, the law is even stronger thanks to a bill co-sponsored by the Church State Council. The California Workplace Religious Freedom Act enacted in 2012 clarified that companies can only refuse religious accommodations where they would result in a "significant difficulty or expense." Most companies faced with requests from workers not to work on Sabbath can easily modify their schedule without such difficulty or expense.

### **What do I do when applying for a job?**

Many are asking whether companies can refuse to hire job applicants because of Sabbath observance. The law is very clear: companies cannot screen out job applicants who are unavailable to work on Sabbath. Companies are not allowed to ask questions that would require you to disclose your need for Sabbath off, nor do you have any obligation to inform companies of your Sabbath practice before you are given a job offer. Both Federal and California regulations tell employers

they cannot ask such questions. California goes further, thanks to diligent efforts by Church State Council leadership. California employers must include a warning on job applications, telling applicants not to disclose if they are unavailable to work certain days or times because of their religion.

### **Can anyone help me so I don't have to work on Sabbath?**

Many sincere Seventh-day Adventists struggle with a conflict between keeping a job and observing the Sabbath. If you look around your own congregation on Sabbath, you will discover members missing because they are at work. Maybe you are the missing member.

For the past fifty years, the Church State Council has provided legal assistance to Adventist church members who seek scheduling accommodations so they don't have to work on Sabbath. These services are provided at no charge. We proudly teach people the joys and blessings of worshipping God on Sabbath. But we can't stop there. We must also help those who are at risk of losing their jobs when they begin to observe Sabbath.

With God's blessing, the Church State Council has helped countless church members keep jobs. But not every conflict is a success story. When people lose their jobs because of Sabbath, the Council aggressively asserts their legal rights, in court if

necessary. The Council can help you, or someone you love, if such help is needed.

### **How do I get help?**

The first hurdle to overcome is the fear of asking. Many are afraid even to ask for religious accommodation. Yet, Federal and state law clearly protect your right to ask. It is illegal for the boss to punish you for asking. Many who do overcome this fear are surprised when their request is granted. They rejoice and praise God that they are free to obey God, and faithfully attend church, while still doing their job.

When accommodation requests are denied, church members are urged to contact the Church State Council. The Council's intervention often leads to a happy resolution. The Council's success rate is especially high when contacted before someone is fired from their job. It is much easier to help someone keep a job than to get someone's job back after being fired.

The Council's website, [www.churchstate.org](http://www.churchstate.org), has many sample letters for church members and pastors to use in asking not to work on Sabbath.

***If you or anyone you know believes they have suffered religious discrimination, the Church State Council can help. Call us. We always have those who can speak to you in Spanish, as well as English.***

FOR MORE INFORMATION, CONTACT:



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### **OFFICE LOCATIONS**

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