

# Religious Freedom in the Workplace

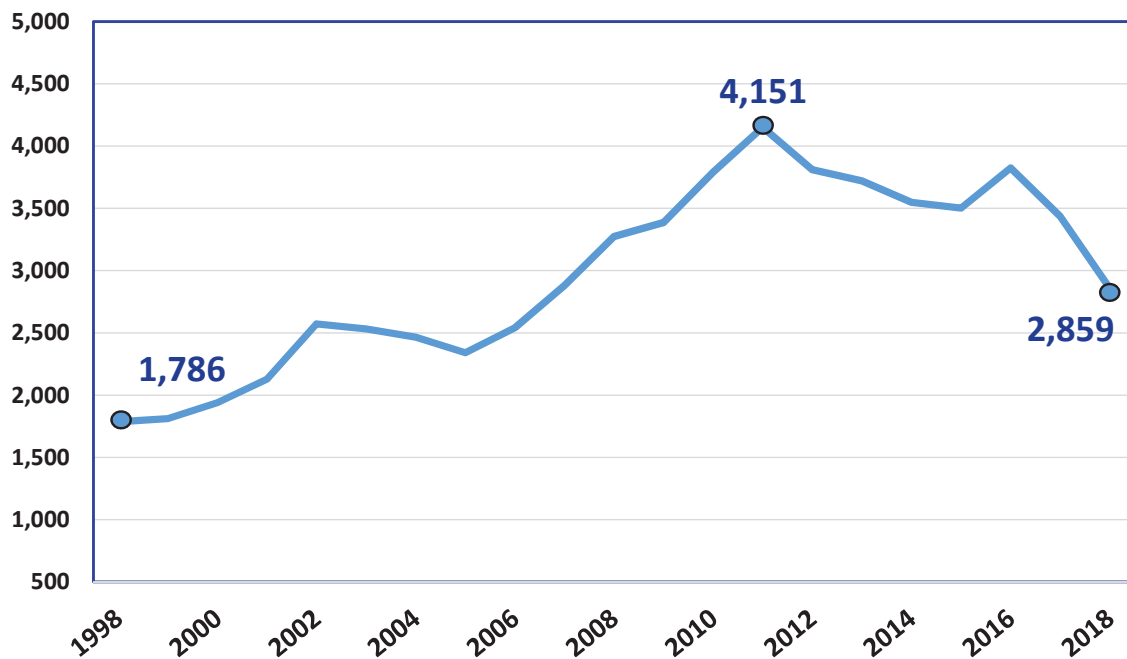
## Balancing Employee and Employer Rights and Duties

University of Texas School of Law  
26<sup>th</sup> Annual Labor and Employment Law Conference  
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B. Lee Crawford Jr.  
City of Austin Law Department

1

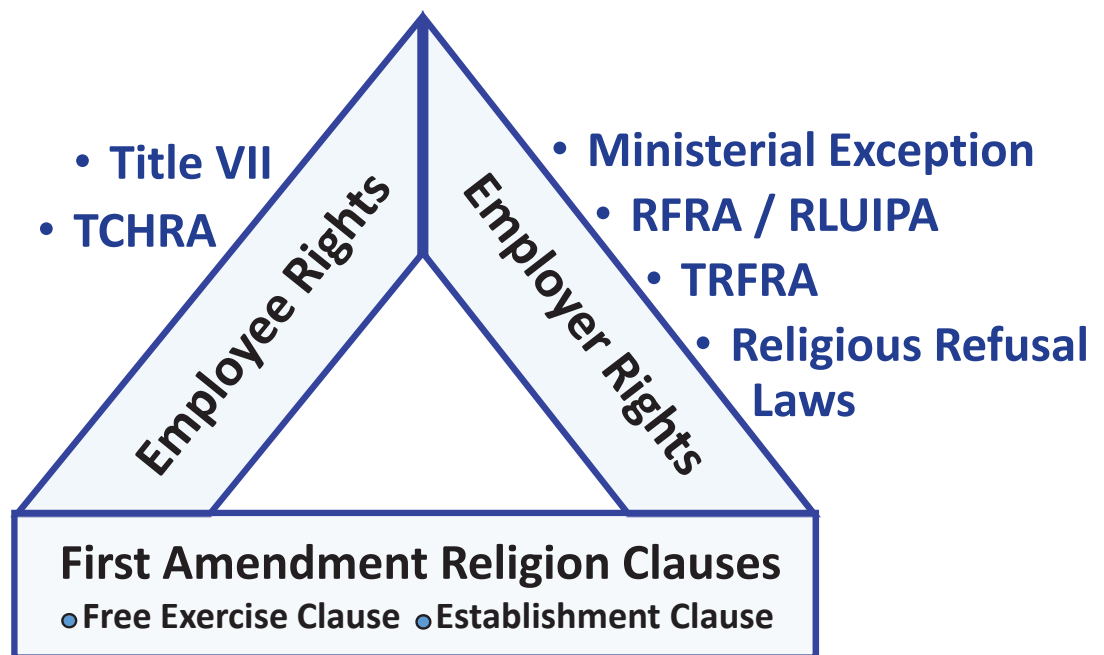
## EEOC Charges – Religious Discrimination 1998-2018



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# Laws Protecting Religion in the Workplace



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## I. Constitutional Foundations of Religious Protection

### The Free Exercise Clause – Key Supreme Court Cases

- ***Sherbert v. Verner*** (1963) [p.2] A law that burdens an individual's religion must (1) further a compelling state interest, (2) in the least restrictive manner possible
- ***Employment Div. v. Smith*** (1990) [p.3] Free Exercise Clause creates no right to exemption from "neutral and generally applicable" laws
- ***Church of the Lukumi Babalu v. City of Hialeah*** (1993) [p.4] Local ordinances that applied only to a specific religious practice – not "generally applicable"

3

4

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