

10.4: Case Study: UPS to Pay \$4.9 Million to Settle EEOC Religious Discrimination Suit

Package Delivery Giant Discriminated Against Class of Applicants and Employees Whose Religion Conflicted with the Company's Uniform and Appearance Policy, Federal Agency Charged

NEW YORK - United Parcel Service, Inc., the world's largest package delivery company, will pay \$4.9 million and provide other relief to settle a class religious discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The suit was resolved by a five-year consent decree entered by Judge Margo K. Brodie on December 21, 2018, on the eve of the government shutdown. The EEOC reopened today.

UPS prohibits male employees in supervisory or customer contact positions, including delivery drivers, from wearing beards or growing their hair below collar length. The EEOC alleged that since at least January 1, 2005, UPS failed to hire or promote individuals whose religious practices conflict with its appearance policy and failed to provide religious accommodations to its appearance policy at facilities throughout the United States. The EEOC further alleged that UPS segregated employees who maintained beards or long hair in accordance with their religious beliefs into non-supervisory, back-of-the-facility positions without customer contact.

All this alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits employers from discriminating against individuals because of their religion and requires employers to reasonably accommodate an employee's religious beliefs unless doing so would impose an undue hardship on the employer. EEOC filed its lawsuit (*EEOC v. United Parcel Service, Inc.*, Civil Action No. 1:15-cv-04141) on July 15, 2015 in the U.S. District Court for the Eastern District of New York after first attempting to reach a pre-litigation settlement through its conciliation process.

"For far too long, applicants and employees at UPS have been forced to choose between violating their religious beliefs and advancing their careers at UPS," said Jeffrey Burstein, regional attorney for the EEOC's New York District Office. "The EEOC filed this suit to end that longstanding practice at UPS, and we are extremely pleased with the result."

Under the terms of the decree, UPS will pay \$4.9 million to a class of current and former applicants and employees identified by the EEOC. In addition to the monetary relief, UPS will amend its religious accommodation process for applicants and employees, provide nationwide training to managers, supervisors, and human resources personnel, and publicize the availability of religious accommodations on its internal and external websites. UPS also agreed to provide the EEOC with periodic reports of requests for religious accommodation related to the appearance policy to enable the EEOC to monitor the effectiveness of the decree's provisions.

Kevin Berry, director of the EEOC's New York District Office, said, "Federal law requires employers to make exceptions to their appearance policies to allow applicants and employees to observe religious dress and grooming practices."

Elizabeth Fox-Solomon, the EEOC's lead trial attorney for the case, said, "UPS's strict appearance policy has operated to exclude Muslims, Sikhs, Rastafarians, and other religious groups from equal participation and advancement in the workforce for many years. We appreciate UPS's willingness to make real changes to its religious accommodation process to ensure equal opportunity for people of all backgrounds."

Individuals who believe they may have been denied a position at UPS or otherwise discriminated against by UPS because of a religious conflict with the appearance policy should contact the EEOC toll-free at 1-833-727-6581, or by e-mail at ups-religion.lawsuit@eoc.gov.

The EEOC's New York District Office is responsible for processing discrimination charges, administrative enforcement, and the conduct of agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New Jersey, Rhode Island, and Vermont. The Buffalo Local Office conducted the investigation resulting in this lawsuit.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eoc.gov.

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