

A conference room with a long, dark, polished table. Several black chairs are arranged around the table. On the table, there are several white plastic water cups and some papers. The room has large windows in the background, showing a cityscape. The text "Accommodating Religion in the Workplace" is overlaid on the table.

# Accommodating Religion in the Workplace

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Religion plays a major role in the lives of many Americans, and accommodating religious beliefs poses a unique challenge to companies seeking to promote diversity within the workplace.

Employers must take care to balance the needs of their employees with the company's objectives. It is especially important to ensure that all business practices comply with federal and state laws in order to avoid litigation and maintain a healthy work environment. Through understanding the laws about religious accommodations in the workplace, HR personnel can better enact policies that will maintain productive and positive relationships with employees.

### **What the Law Says About Religion in the Workplace**

Under Title VII of the Civil Rights Act of 1964, employers are prohibited from discriminating against employees based upon matters of religion. Employers must also provide reasonable accommodations for the religious practices or habits of employees. Although the federal law applies only to businesses with more than 15 employees, many states have separate laws that may require accommodations in businesses of any size.

Religion, as defined by Title VII, is any sincerely held belief on behalf of the employee. This includes both officially recognized religions and personal beliefs

of a religious or spiritual nature. The law does not apply to political or cultural beliefs and behaviors, but issues such as racial discrimination may overlap with religious tolerance in the workplace.

While the law does require employers to provide reasonable accommodations to employees based on religious practices, employers are exempt if the accommodation would cause undue hardship to the company. According to the EEOC, "undue hardship" is defined as an action that would create "more than de minimis" cost or burden. This may include actions posing substantial cost to the company, safety concerns or issues damaging the company's public image. Moreover, the company does not need to comply with an employee's specific demands as long as a reasonable attempt at accommodation is made.

### **Hiring Practices**

Employees cannot ask applicants about religious practices on job applications or during interviews. This includes asking whether an employee's religious practices will interfere with scheduling needs. However, the employee is required to provide information about his or her particular needs after being hired. For example, the employee must state any special needs that he or she may have as soon as those needs become apparent,

such as with scheduling conflicts or specific dress code violations.

Employers also cannot discriminate against a particular candidate for reasons related to religion. This includes preferential hiring of individuals and turning down qualified applicants due to religious faith. Once hired, an individual cannot be terminated due to religious practices or requested accommodations.

### **Types of Accommodations Required**

Because religious beliefs vary tremendously between groups, numerous types of accommodations may be necessary. There are some common requests that may come up frequently in the workplace:

- Holiday observances requiring time off throughout the year
- Specific, recurring scheduling requests, such as observing the Sabbath
- Grooming or wardrobe requirements
- Specific dietary needs or restrictions
- Display of religious symbols in the employee's work area

Other requests may be made by an employee and need to be evaluated on a case-by-case basis. In general, as long as the request does not cause undue hardship for the employer, a reasonable attempt should always be made to accommodate these requests. In many

cases, the accommodation may not need to be specific to the individual's circumstance. For example, an employee may request a quiet area where he or she can pray; if the office already has a quiet room that will suit the purpose, this is sufficient for accommodating the request.

Scheduling requests can be some of the hardest to accommodate without impacting productivity or placing undue stress on other employees. Depending on the request, several options may be available. For example, an employee could trade shifts with another person or volunteer to work on one non-observed holiday in exchange for the requested religious holiday. Requiring an employee to use allotted "personal days" for religious observances is a suitable solution as well. If the employee requires only part of the day off, allowing him or her to skip lunch and leave work early may be admissible. Providing a flexible break schedule to allow for scheduled prayers is another solution to a possible employee request.

Another issue that comes up frequently is grooming practices or clothing preferences. For example, members of the Sikh faith do not cut their hair or trim their beards, so requiring that a Sikh employee conform to a company's policy about being clean-shaven would be a

violation of Title VII. If the employee's facial hair poses a safety or sanitation concern, a lateral move or assignment of different duties could be an effective solution. In situations where compliance with the corporate dress code may affect the company's overall appearance, the situation becomes more complicated. Some courts have ruled that "customer preference" can be considered undue hardship, but the hypothetical response of potential clients does not provide a strong foundation in court. It is best to work with the employee to arrive at a compromise in these situations whenever possible.

## **Dealing with Harassment**

Religious accommodations pose a unique challenge to HR teams because religious tolerance works in two ways. It is important to maintain respect for an individual employee's religious beliefs or practices without allowing those practices to infringe on the rights of others in the workplace. For example, an employee does not have the right to press his or her beliefs on coworkers or customers. Employers must also take care to prevent hostility or disputes from arising between coworkers and resolve these disputes quickly when they occur.

If an employee is harassing another employee or creating a hostile work environment due to religious intolerance,

it is the employer's job to step in and resolve the dispute. The actions taken to resolve the situation will vary depending on the severity of the infraction, but policies should be in place to handle behavioral problems on behalf of employees should this situation arise. Failure to resolve a dispute after it has been identified makes the company liable for the harassment. Additionally, a company is liable for the actions of its managers, so any discriminatory practices on part of management must be dealt with swiftly and firmly.

A company can absolve itself of liability if it can prove that it took appropriate measures to resolve the dispute and that the employee failed to take advantage of these measures. Nevertheless, it is best to take preventative measures and precautions to ensure that a workplace is free of discrimination before such harassment has the chance to take place.

When applying policies regarding religious practices, it is also crucial to maintain consistency. If an employee of one particular faith is granted leniency on a given issue, similar accommodations should be offered to others with similar needs. For example, if a Christian employee is given the opportunity to take time off on Good Friday, a Jewish or Muslim employee should be granted the same opportunity for holidays of similar significance.

## Best Practices

Although specific accommodations must be considered on a case-by-case basis, there are a few guidelines that can be followed to ensure compliance with Title VII and improve employee relations:

-- Make a genuine effort to understand religious practices and behaviors.

Although many companies incorporate diversity training programs, religion is often left out of the discussion.

Understanding where an employee is coming from will help in providing suitable accommodations that will meet everyone's needs.

-- Discuss the accommodations available and arrive at a mutual consensus whenever possible. If an employee's initial request cannot be honored, it may help to discuss the request and brainstorm mutually beneficial solutions. Including the employee in the process will help engender cooperation and foster a positive attitude about the situation.

-- Attempt to allow religious expression whenever possible unless it presents undue hardship to the company. When considering whether an action might cause undue hardship, it's important to consider the effects a particular action may have on other employees. If a religious employee's actions will not have a negative impact on his or her

coworkers, allowing religious expression is generally advisable.

-- Consider safety before all other considerations. When evaluating an employee's requests, consider whether honoring that request could cause a safety concern for that employee or others working alongside him or her. For example, certain articles of clothing may be caught in machinery; in this case, the threat of safety is a valid reason to suggest alternate accommodations or deny the request.

When evaluating an employee's request, consider whether there are any non-financial reasons to deny it. Also check to see whether similar requests have been accommodated for other people. Inconsistency can be used to support a discrimination case and fosters animosity between employees. In addition to avoiding potential litigation, companies that employ open-minded and accepting policies regarding religion will see an increase in employee morale. By maintaining an understanding and flexible approach to religious matters, a company can foster a diverse and positive work environment.

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