

# *Religion at Work:* **A Guide for Employers**

*Over the past few months, there have been a number of charges filed by the Equal Employment Opportunity Commission (EEOC) involving religion in the workplace. As workplaces become more religiously diverse, now may be a good time for your organization to review its practices relative to the issue.*



## *Religion as Defined by the Courts*

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Title VII of the Civil Rights Act prohibits religious discrimination in the workplace which includes hiring, firing, compensation, training, advancement, and other terms or conditions of employment.

The courts say that an employee's religious beliefs should function as a "religion" in his or her life, but that religious beliefs should not be confused with personal preferences. Although religious beliefs do not need to be widely acceptable, logical, or consistent with others' beliefs, there should be evidence that religious beliefs are sincerely held and are honest convictions.

That being said, courts rarely question the sincerity of employees' religious beliefs, so from a compliance perspective, employers should be cautious in trying to determine whether an employee's set of religious beliefs is truly a religion (Source: Gregory, R.).

## Common Types of Religious Issues in the Workplace

Religion may enter the workplace in various forms and will likely need to be accommodated unless the religious accommodation is too costly, compromises safety, decreases efficiency, violates other employees' rights, or burdens other employees (Source: EEOC). Here are some common types of religious issues in the workplace.

### Work schedules

The most common religious issue is usually related to work schedules. In many cases involving religious discrimination, employees seek to be excused from work on certain days (such as Sundays or specific holidays) due to their religious observances.

When these situations emerge, employers must determine if a conflict between a job requirement and an employee's religious practice can be accommodated without undue hardship. In many cases, organizations can accommodate religious observances easily through allowing substitutions and shift swapping.

### Religious conduct

Religious conduct, such as wearing specific attire or jewelry, grooming habits associated with religious practices like hairstyles or facial hair, participation in religious discussion, and actual expressions of religious faith (prayer, meditation, etc.), may also present a need for religious accommodation.

In general, employers should make efforts to accommodate an employee's religious conduct and be flexible to accommodate their religious expressions. Religious conduct, however, is not acceptable when it is harassing, disruptive, uncomfortable, or coercive. If another employee is offended by the conduct, employers should take steps to investigate and end it. For example, excessive religious discussion is a common form of conduct that can be taken too far and make other employees uncomfortable.







### *Organizational religious biases*

Organizations sometimes hold religious biases or beliefs, such as a religious mission or purpose, and may ask unlawful questions about employees' religious activities and beliefs in the hiring process to select candidates that hold these same beliefs. In a recent case, Voss Lighting did exactly this, and though a candidate was considered qualified for a position, he was denied employment as a result of his religious beliefs.

The EEOC says that religion should not affect hiring decisions such as failing to hire a qualified job applicant when their religious beliefs do not match those of the organization or its leadership.

### *Job duties*

Employees may not be able to perform certain job duties as a result of their religious beliefs. For example, two employees at Star Transport refused to deliver alcohol because of their Islamic religious beliefs and were fired as a result of failing to perform this duty. In this specific case, the organization could have provided an accommodation for their religious beliefs.

There are other examples of job duties such as being involved in assignments that are inconsistent with religious beliefs, such as developing a product or delivering a service that is not aligned with their religious beliefs or practices. If a job duty is essential to the job and it would cause undue hardship to accommodate, however, employers may not need to make an accommodation.

### *Required training or staff activities*

Required training, workshops, education, or staff activities that employees do not want to attend because of their religious practices may also need to be accommodated for in the workplace.

In a recent lawsuit, employees asked not to attend required courses that involved Scientology religious practices at Dynamic Medical Services, but when they refused to participate, they were terminated, as attendance at these courses was a job requirement. Employees claimed that the organization did not provide an accommodation for their religious beliefs.



## Best Practices for Handling Religion in the Workplace

In summary, employers should use these best practices when dealing with religion in the workplace.

1. Develop a well-communicated and consistently applied discrimination and harassment policy that covers religious discrimination and religious harassment.
2. Train supervisors on how to recognize and accommodate religious needs.
3. Be aware that religious protections also extend to anti-religious behavior. Encourage your staff to be sensitive to the beliefs and non-beliefs of other employees.
4. Do not ban religious conduct or expression in the workplace.  
Do not ask questions about an employee's religious beliefs in the hiring process.
5. Do not require or mandate training that has a religious basis.
6. Consider adopting alternative work schedules, floating holidays, flexible shifts, and systems of substitutions or shift-swapping to help accommodate religious needs.
7. Do not automatically reject requests for religious accommodation without having a dialogue about an employee's needs and possible accommodations.
8. Communicate to employees that they must explain what religious accommodation is needed and why it is necessary given their religious practice.
9. Encourage managers to intervene when religious expression is questionable or if other individuals are offended by it.

Most HR professionals and managers encounter religion at work in some capacity, and dealing with it can be a sensitive issue. As employers, you should be equipped for the balancing act of better understanding and accommodating the faith, spiritual, and religious lives of your employees, but also creating a respectful and inclusive organization.

### Have a question?

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#### HR Help Desk

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Source: Gregory, R. (2011). Encountering Religion in the Workplace: The Legal Rights and Responsibilities of Workers and Employers

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