

Myth #2. Religious observances and practices must be kept out of the workplace.

Many Americans believe that constitutional issues, such as freedom of religion and separation of church and state, mean that the workplace should be free of religious observances and practices, but that is not how it works.

Reality #1: Federal government workplace guidelines for freedom of religion

The federal government in 1997 adopted detailed guidelines for freedom of religion in the federal workplace. Because these guidelines incorporate, and elaborate upon, Title VII requirements, many private business firms have adopted similar guidelines. The following are some highlights of the federal workplace guidelines that speak to religious expression and discrimination in federal government workplaces (Guidelines 1997).

Religious Expression

Guidelines are given for how religion may be expressed in a person's private work area, in general interactions among co-workers, and in specific actions toward co-workers.

Religious expression in private work areas. Employees should be permitted to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression.

Religious expression among co-workers. Employees should be permitted to engage in religious expression with co-workers, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable restrictions.

Religious expression directed at co-workers. Employees are permitted to engage in expression directed at co-workers, and may even attempt to persuade co-workers of the correctness of a religious viewpoint. But employees must refrain from such expression when a co-worker asks that it stop or otherwise demonstrates that it is unwelcome.

Religious Discrimination

Guidelines to prevent and deal with religious discrimination cover several types of harassment and discrimination that can occur.

Coercion of employee's participation or non-participation in religious activities. A person holding supervisory authority over an employee may not, explicitly or implicitly, insist that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment. Nor may a supervisor insist that an employee refrain from participating in religious activities outside the workplace.

Hostile workplace environment and harassment. The law against workplace discrimination protects federal employees from being subjected to a hostile environment, or religious harassment. Whether particular conduct gives rise to a hostile environment, or constitutes impermissible religious harassment, will usually depend upon its frequency or repetitiveness, as well as its severity.

Accommodation of religious exercise. Federal law requires all federal government agencies to accommodate employees' exercise of their religion unless accommodation would impose an undue hardship on the conduct of the agency's operations.

Establishment of Religion. Supervisors and employees must not engage in activities or expression that a reasonable observer would interpret as government endorsement or denigration of religion or a particular religion.

Reality #2: Private employers cannot discriminate, must reasonably accommodate.

As mentioned earlier, freedom of religion is a guaranteed right under the First Amendment to the U.S. Constitution. Further, a section of Title VII of the Civil Rights Act of 1964 (as amended in 1972) makes it unlawful for any employer with more than 15 employees to practice religious discrimination. That means they must not fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's religion (as well as race, color, sex, or national origin)—or to limit, segregate, or classify employees or applicants for employment in any way that would tend to deprive them of employment opportunities or otherwise adversely affect their status as an employee, because of such individual's religion (et al). Religion is defined as including all aspects of religious observance and practice, as well as belief.

This federal law requires employers to reasonably accommodate an employee's religious observances, practices, and beliefs—unless the employer can show that accommodation would cause undue hardship on the conduct of the business. So far, however, court rulings indicate that if there is evidence the accommodation would impose even a minimal inconvenience or expense on the employer, it can be denied. Most large corporations have policies that attempt to make such accommodation; in fact, one-third of them have an official written policy on religious diversity. Julie Lynem, reporting on a 2002 survey by the Society for Human Resource Management, noted the following types of religious accommodation in private workplaces.

Holidays. Most employers offer only the traditional Christian holidays, and only 28% allow employees to swap holidays. A few, like Intel, offer an additional paid holiday for religious observances, which can be taken when needed.

Dress Codes. Exemptions from dress codes for religious reasons are allowed by only 20% of employers. Such exemptions address issues like head coverings, beards, and hair length.

Religious Displays. Displaying religious materials in work areas is the least controversial aspect, with 75% of companies saying yes in 2002, compared to only 24% in 1997. Examples of displays include religious figurines, pictures, or sayings as well as beads, crosses, crystals, and similar artifacts.

Prayer Breaks. Least popular is providing a designated space for religious observances, such as the Muslim requirement for prayer breaks during the day—only 8% offer that accommodation.

Human Resources experts recommend that organizations develop and distribute effective policies regarding religion in the workplace, perhaps using guidelines for freedom of religion in the federal workplace as a reference source. Organizations should include their policies in diversity training seminars.