

# Religious Diversity in the Workplace... An Emerging Issue

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*It's Friday. The office staff is gathered in the conference room for an employee recognition lunch. There's a choice of ham, roast beef or salami and cheese sandwiches. There's also a julienne meat salad and soda. Most think of the lunch as a nice gesture to show the workers they're appreciated. But there are a few who feel left out. The Muslims aren't there at all because the lunch is being held during one of their required prayer times. A Jewish worker looks at the display of food and moves away from the table. Meat together with cheese is not kosher. His colleague, a Hindu, cannot eat meat at all. And a couple of Christians complain to one other because the lunch is taking place during Lent. They, therefore, cannot eat meat either. With all the best intentions, a gesture of appreciation has become a medium for exclusion.*

**R**eligion-based bias is an emerging issue in the American workforce. Today's mix of trends—globalization, the “new economy,” a tight labor market, and a population growing older and more varied—is making religious diversity in the workplace the next big civil rights issue: one with bottom-line business implications. Although taking measures to deal with this issue is a sound business move, religion is largely a taboo topic that is supposed to be checked at the door. But is it—and can it be—checked at the door? A recent survey by The Tanenbaum Center for Interreligious Understanding shows the answer is no.

Religion is a core part of identity. In the United States, with its 1,500 religious denominations, 90 percent of the population professes a belief in God. Religious beliefs cannot be turned off when a person enters the office.

New demographic patterns are changing the religious make-up of the labor force. In 1970, less than five percent of the population was foreign-born and 62 percent of those came from Europe. By 1997, the percent of foreign-born more than doubled to 10.4 percent and only 17 percent came from Europe. Immigrants from Africa, Asia and the Middle East are adding Muslims, Hindus, Buddhists and other non-Judeo/Christians to the workplace. Many of these newcomers bring religious practices little known to U.S. employers and their workplace culture. A large number are entering the technology industries of the new economy. Also, older workers, past retirement age, who tend to be more religiously observant, are staying in or coming back into the

## Immigration Trends



4.7% foreign-born:

- 62% from Europe
- 17% from Latin America
- 9% from Asia



10.4% foreign-born:

- 17% from Europe
- 51% from Latin America
- 27% from Asia
- 3% from Africa or Oceania

when we asked about specific indicators of religious bias:

1. Employees are told they are not allowed time off from work to observe their particular religious holidays;
2. Employees are afraid to ask for time off from work to observe their particular religious holidays;
3. Employees are told that they are not allowed any breaks for prayer time;
4. Employees' personal property has been destroyed or damaged because of their religious beliefs or faith;

workforce. As a result of these trends, complaints of religion-based bias in the workplace have leapt nearly 30 percent since 1992, according to the Equal Employment Opportunity Commission (EEOC). And this is just the tip of the iceberg.

Billions of dollars have been spent in the U.S. since the 1960s to remedy racial, ethnic and sexual discrimination in the workplace. However, business is as loath to confront religion today as it was to counter sexual harassment in the past.

### The Tanenbaum Center Survey

In 1999, The Tanenbaum Center for Interreligious Understanding commissioned the first national survey to talk directly to workers about their experience of religious bias at work. The purpose of this exploratory survey was to sample members of minority religions and discern their views of religion-based bias in the workplace. The 675 workers polled across 47 states comprised a broad spectrum of minority religions, including Jews, Muslims, Hindus, Buddhists and Shintoists. The group yielded a sample of Christians, as well, making up a control group of sorts. Over half of our subjects were college-educated or advanced-degree professionals, managers and skilled technicians. In other words, exactly the kind of workers that business is desperate to retain in today's tight labor market.

Our general screening question revealed that 20 percent of our sample had themselves, or knew someone who had, been a victim of religious bias in their workplace. That percentage went up sharply

5. Employees are told that they cannot wear any type of beard or facial hair—even those worn for religious reasons;
6. Employees are told that they cannot wear any form of head covering even though it may be a part of that person's religion;
7. Employees who wear clothing that expresses their particular faith do not get promotions or advance as quickly as other employees;
8. Employees are dismissed for expressing their faith through the way they dress; and

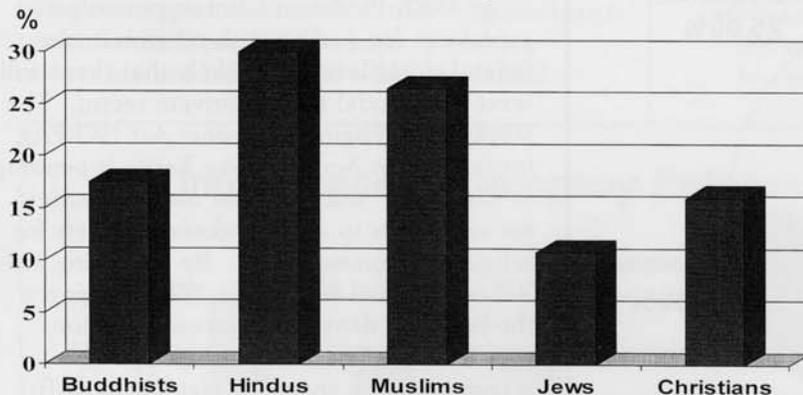
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9. Employees who wear clothing that expresses their particular faith are made fun of or talked about by other employees.

### Personally Experienced or Know Co-worker who has Experienced Religious Discrimination in the Workplace



Based on these nine behaviors, we found that *two-thirds of the workers surveyed believe that some form of religious bias has occurred in their workplace.* The survey also unearthed a major employee retention, satisfaction and productivity issue. Almost half of those who felt discriminated against said that their performance suffered. And nearly 45 percent considered changing jobs—a serious concern in a cutthroat job market.

The standard approach to keeping the workplace free of religious bias is to keep the workplace free of religious beliefs. It doesn't work. The American workplace is actually saturated with religion: Christianity. But we don't notice it because Christianity is embedded in American culture—literally built into the calendar. Few Christians in this country have to take a personal day in order to observe

Christmas. But Hindus need a personal day to observe Diwali, as Jews do to observe Yom Kippur. Many businesses are closed on Sunday, the Christian Sabbath. But members of minority religions often have to work on their Sabbath: Muslims on Fridays and Jews on Saturdays. And these are just the most obvious examples of bias.

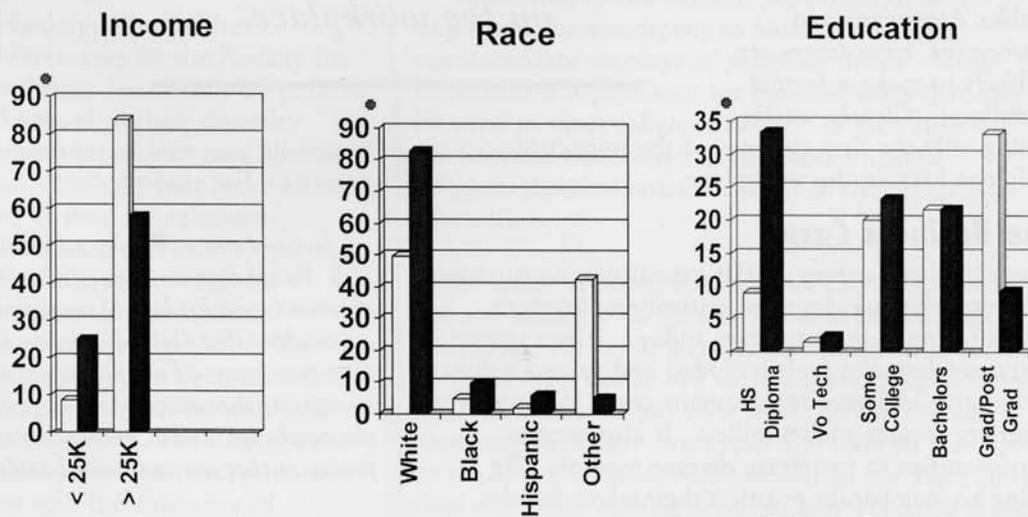
Yet even the Christians in our sample—70 percent of them—felt that religious bias in the workforce is a major problem.

#### The Tip of the Iceberg

The results of our survey and the number of complaints filed with the EEOC indicate that religious diversity is an emerging issue. The members of our survey were better educated and had a higher income level than the national average. If bias is so common in our sample of highly educated professionals, managers and skilled technicians, imagine what must go on in the lower ranks where their colleagues are likely to be less skilled and less informed!

There is a gap between the perception of HR

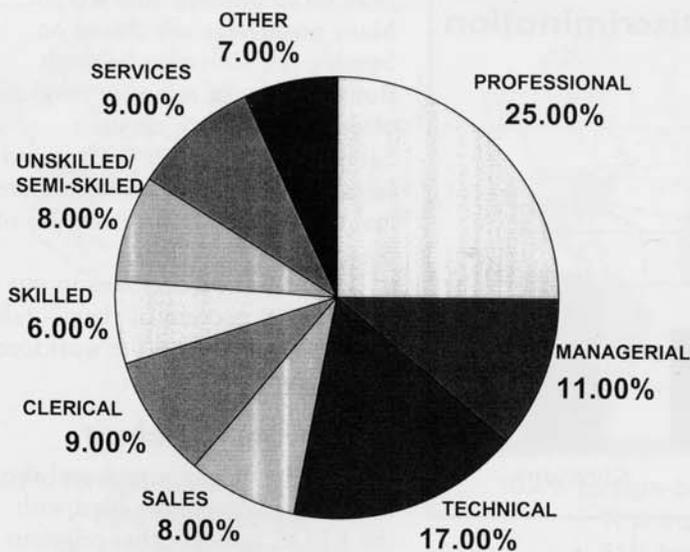
### Income, Race and Education How Do Our Respondents Compare With a Typical National Sample?\*



\*Based on International Communications Research's Excel National Omnibus

□ Survey Respondents  
 ■ National Sample  
 ● Percent of Total

### Respondents' Occupations



personnel and the actual experience of workers. Many corporate executives with whom we spoke were totally unaware of religious bias as an issue. But just because they don't hear about it doesn't mean the problem doesn't exist. The Tanenbaum Center survey showed that only 23 percent of workers who experienced or knew of discrimination reported it. Many members of minority religions—especially recent immigrants—hail from cultures that frown on challenging authority. Unlike Americans and Europeans, newcomers are unlikely to make a formal complaint. Clearly, we are seeing only the first stirrings of the impact of religious bias on the workplace.

#### The Business Case

According to a survey of HR executives, recruitment and retention are the most critical employment issues facing U.S. companies today.<sup>1</sup> It is a truism that a worker who feels included and valued will be productive and save replacement costs. Support for diversity creates such a milieu. It also creates opportunities to penetrate diverse markets. By doing so, companies position themselves for the future.

Yet, despite the ubiquity of these diversity mantras, religion is one aspect of diversity that is ignored—at our peril. Corporate, not-for-profit and

government workplaces would be wise to deal proactively with religious diversity issues rather than wait to be regulated into submission with terms that feel onerous. The handwriting is on the wall.

In 1997, President Clinton promulgated guidelines for dealing with religion in the federal workplace. It is likely that these will serve as a model for the private sector. The Workplace Religious Freedom Act (WRFA), introduced by Senator John Kerry, is pending in Congress. WRFA would make it harder for employers to deny workers' requests for religious accommodation. By amending Title VII of the Civil Rights Act, WRFA changes the basis for denying an accommodation request from "undue hardship" to "an accommodation requiring significant difficulty of expense." The Supreme Court has interpreted undue hardship as anything above a minimal cost to the employer.<sup>2</sup> But legislation is drifting away from the notion

that accommodation is required only when it does not cause a burden to the employer, to the notion that, even if it does cause a burden, the employer must accommodate.

Company policy makers need to be conscious of all religions and religious practices, especially pertaining to hair, dress and time off.

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#### Case Law

In this country's open marketplace of religious ideas, religion is both highly institutionalized and highly individualized. When discrimination suits are filed, the courts tend

to uphold personal interpretations of religion practice. For example:

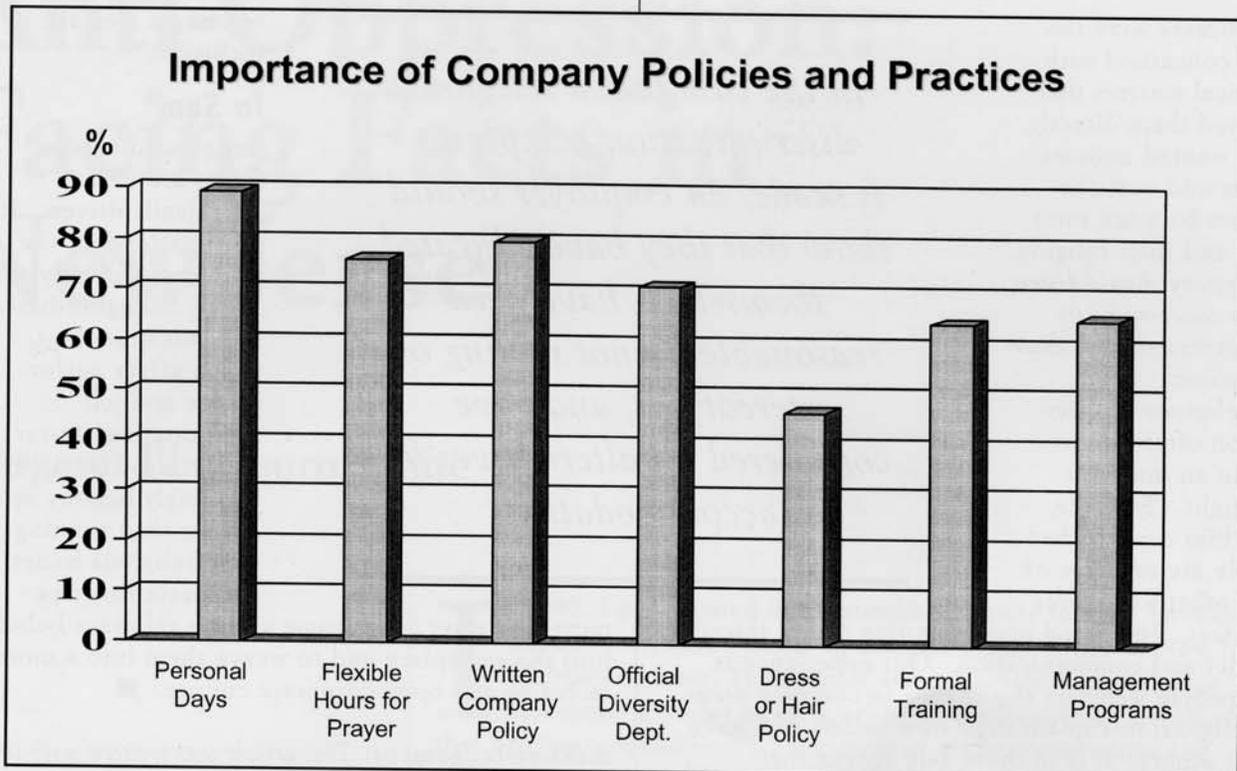
*In Cardona v. Frank, a Catholic employee of the U.S. Postal Service requested a full day of leave to observe Good Friday. Management denied the request contending that Catholic canon law required no more than two hours of attendance at mass. The EEOC recognizes that an employee's religion may be unique to the employee, and it permits employees to pursue practices that are individual interpretations.<sup>3</sup>*

*An employee whose anti-war beliefs were derived from a Quaker upbringing was practicing her religion when she refused to distribute draft-registration materials in her Postal Service job.*

Another employee who had religious objections to abortions was practicing his religion when, as an IRS employee, he refused to handle tax-exempt applications from abortion clinics.<sup>4</sup>

These examples make it clear that religious bias is experienced in unpredictable ways. Proactive measures are needed to avoid being blindsided.

- ✓flexible policies;
- ✓attentiveness to and respect for religious and racial diversity;
- ✓intolerance of all forms of bias and prejudice; and
- ✓proactive stances toward hearing and addressing the concerns of all workers, both native and foreign-born.



### Proactive Measures

Most companies are not equipped to address religious diversity. A 1997 survey by the Society for Human Resource Management found only 19 percent of companies included religion in their diversity training and only 18 percent train their managers in religious accommodation. Only 15 percent of employers provide space or time for religious observance, study or discussion, and only 13 percent accommodate the needs of different religions.

In the case that a religious discrimination complaint is made, an employer should show that they have educated themselves, have been reasonable by not relying on stereotypes, and have considered all alternatives for accommodation. The Tanenbaum Center's study clearly shows that the perception of discrimination decreases with the existence of publicized written policies. Survey findings also indicate that to benefit optimally from a diverse workforce, companies need:

According to the workers we polled, it is important for a company to have policies that accommodate employees' religious needs. Most important is a provision for personal days that may be used to meet religious needs. In fact, time off for Sabbath observance is the most litigated religious discrimination issue, as in the following illustration:

*In Spitzer v. Sears, Roebuck and Co., an Orthodox Jew was denied a job because he could not work on Saturdays. The result was a broad settlement agreement in which Sears had to hire the applicant along with four other complainants, pay their legal fees and provide them with back pay. Sears must also train its personnel on the law of religious accommodation, pay \$225,000 to fund additional training programs, pay \$100,000 to the Attorney General's Office for the cost of the investigation, and establish ten scholarships for Sabbatarians to attend technical training schools.*

Another priority is flexible work hours that allow time for prayer:

*At a Massachusetts security company, a newly hired supervisor said Muslim employees could no longer go into a guard room and pray. After a lawsuit, the company had to pay \$300,000 compensatory damages at 12.5 percent interest.*

Workers were the most concerned with practical matters that affected them directly. They wanted policies that would ease the tension between their work and their religion. *A company should listen to the concerns of its employees and seek their suggestions.*

Religious discrimination often occurs due to an innocent oversight. Typically, such bias occurs when people are unaware of each other's religious practices. Increased understanding comes through contact and communication. Our experience is that people welcome the chance to compare notes on religion; to explain their own beliefs and learn about others. It is in these safe spaces that stereotypes begin to fade.

Human resource professionals need not be theologians. However, they should have a basic knowledge of the traditions represented in their workplace. But more important, they need to provide a means for dealing with religious issues when they arise. To diminish the occurrence of religious bias, The Tanenbaum Center suggests that HR professionals work to:

**1. Create a mechanism whereby people can step outside of their established comfort zones and talk about religious issues.**

There is a tremendous hunger among workers—and even HR people and diversity managers—to talk about religion in the workplace. Corporate America can no longer afford to keep the issue bottled up.

**2. Create a safe space where people can deal with religious problems.** An open forum for discussing religious issues can provide an early warning system for problems.

Interreligious dialogue is a healing process.

**3. Focus on the small stuff.** It's the small stuff that hurts. Work to alleviate the slights that occur through inadvertence. Dealing with the practical aspects of religion that impact on everyday life in the workplace, e.g., dress, medical care, bereavement, food—can go a

long way toward sending a message of inclusion.

**In Sum**

Religious diversity issues are demographically driven. If left unattended, the problems will only get worse. Religion-based misunderstandings, which affect performance and job retention, can fester beneath the company's seemingly healthy skin. Rather than running from religious issues, corporate America

must find ways to welcome various religious beliefs into the workplace and to weave them into a more inclusive and open corporate culture. ■

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*The Tanenbaum Center for Interreligious Understanding is a secular organization whose sole purpose is to apply interreligious understanding as a tool to prevent and resolve intergroup conflicts in the workplace, classroom and public arena. The Center raises awareness of religion-based bias in the workplace and helps companies prevent religious bias and insensitivity. For more information visit [www.tanenbaum.org](http://www.tanenbaum.org).*

**Endnotes**

1. Jody Spiegel Arthur, "Facts & Figures," *Human Resource Executive* (October 1999), p. 66.
2. "Washington Scoreboard," *HR News* (November 2000), p. 12.
3. Michael Wolf, Bruce Friedman and Daniel Sutherland, *Religion in the Workplace* (Chicago: ABA Publishing, 1998), p. 32.
4. Op cit, p. 34.

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