



## Virginia Workplace Law

### We Are Rich In the Gift of Our Diverse Society

By: Annemarie Cleary. *This was posted Tuesday, December 14th, 2010*

This time of year, more than any other, presents us with the opportunity to celebrate the contributions to our society from a multitude of cultures around the world. Whether we wish one another Happy Hanukkah, Merry Christmas, or Happy Kwanza, we are rich in our varying traditions.

The benefit of this richness is sometimes diminished by the issues it raises for employers in accommodating those differences. Recent news reports claim an uptick in [religious discrimination claims](#) in the workplace. For example, the EEOC filed suit in August against JBS Swift & Co. claiming the company had discriminated against Muslim employees by failing to provide reasonable accommodations for Muslim employees who wished to pray during their breaks. The suit also claims the company fired employees for requesting that their evening breaks be rescheduled to sundown during the holy month of Ramadan so they could break their fast and pray. This time of year, when so many cultures' celebrations converge, is a good time to reflect on how to prevent religious discrimination claims.

Under Title VII of the Civil Rights Act of 1964 (and similar state laws), employers have a [duty to accommodate](#) employee's religious observances and practices unless those practices would cause an undue hardship on the employer's business. Title VII's protections do not apply just to organized or established religions. The EEOC guidelines provide that [protected religious practices](#) include any moral or ethical beliefs about right versus wrong that the employee holds with the strength of a religious conviction. On the other hand, employers are not required to accommodate employee's social, economic, or philosophical beliefs.

Accommodations may include adjusting work schedules in order to accommodate religious practices such as prayer, meditation and special days of celebration. However, if the accommodation request causes considerable expense, violates the terms of a valid seniority system or requires denying other employees' their job preferences, then the accommodation request may be unreasonable. Employers may require employees to provide supporting documentation of their religious practices and beliefs.

There are a number of things employers can do to ensure compliance with Title VII's prohibition on religious discrimination. Establishing a diversity policy and educating managers about different religions goes a long way toward establishing an atmosphere of tolerance. Making sure that the company policy regarding decoration of

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work spaces allows religious decoration to the same extent that it allows other personal decorations may ease workplace tensions. Employers should also have a well-publicized policy against harassment that states clearly what is prohibited, the procedures for bringing a complaint and how complaints will be investigated. Once an employer is on notice of a claim of harassment, it must investigate and, if founded, take steps to end the harassment.

With respect to reasonable accommodation of religious beliefs, employers should train managers and supervisors on how to recognize religious accommodation requests and how to assess such requests. Employers should avoid assumptions when considering a request and should confer with the employee requesting the accommodation to understand his or her religious needs and possible options. This might mean, for example, that an employer who is asked to accommodate an employee's request to pray at a certain time or to provide a room for those prayers does so because the time away from the job is not remarkably different than the time other employees spend on coffee breaks.

The EEOC has listed other [helpful information](#) regarding religious discrimination on its website. The employment attorneys at Sands Anderson also are available to help answer any questions you might have.

Happy Holidays to all of our clients and friends, whatever holiday you might be celebrating this time of year.

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