CRITICAL THINKING APPLICATION 3-B

Allegations of Religious Discrimination

In 2004, the Equal Employment Opportunity Commission (www.eeoc.gov) received 2,466 charges of religious discrimination, resolved 2,676 religious discrimination charges, and recovered $6 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation). Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Title VII covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Under Title VII:

Employers may not treat employees or applicants less—or more—favorably because of their religious beliefs or practices. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee’s religious beliefs or practices.

Employers cannot be forced to participate—or not participate—in a religious activity as a condition of employment.

Employers must reasonably accommodate employees’ sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his or her religion. Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfer, and modifying workplace practices, policies and/or procedures are examples of how an employer might accommodate an employee’s religious beliefs.

An employer is not required to accommodate an employee’s religious beliefs and practices if doing so would impose an undue hardship on the employer’s legitimate business interests. An employer can show undue hardship if accommodating an employee’s religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees’ job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee’s share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

Employers must permit employees to engage in religious expression if employees are permitted to engage in other personal expression at work, unless the religious expression would impose an undue hardship on the employer. Therefore, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.

Employers must take steps to prevent religious harassment of their employees. An employer can reduce the chance that employees will engage in unlawful religious harassment by implementing an anti-harassment policy and having an effective procedure for reporting, investigating, and correcting harassing conduct.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Assignment

Consider each of the four scenarios below and answer the questions after each one.

1. Muhammad, who is Arab American, works for XYZ Motors, a large used car business. Muhammad meets with his manager and complains that Bill, one of his co-workers, regularly calls him names like “camel jockey,” “the local terrorist,” and “the ayatollah,” and has intentionally embarrassed him in front of customers by claiming that he is incompetent. How should the superior respond?

2. Three of the 10 Muslim employees in XYZ’s 30-person template design division approach their supervisor and ask that they be allowed to use a conference room in an adjacent building for prayer. Until making the request, those employees prayed at their workstations. What should XYZ do?

3. Susan is an experienced clerical worker who wears a hijab (head scarf) in conformance with her Muslim beliefs. XYZ Temps places Susan in a long-term assignment with one of its clients. The client contacts XYZ and requests that it notify Susan that she must remove her hijab while working at the front desk, or that XYZ assign another person to Susan’s position. According to the client, Susan’s religious attire violates its dress code and presents the “wrong image.” Should XYZ comply with its client’s request?

4. Anwar, who was born in Egypt, applies for a position as a security guard with XYZ Corp., which contracts to provide security services at commercial and government projects across the United States. As part of the application process, XYZ requires applicants to complete a questionnaire. The questionnaire includes a section asking whether the applicant has any “bad habits” or “negative character traits” and includes a box for the applicant to check if they are a Muslim. Should XYZ use this questionnaire in the hiring process?