

## **EMPLOYERS MUST BALANCE RIGHTS REGARDING RELIGIOUS EXPRESSION IN THE WORKPLACE**

**By: Frank S. Schwerin**

More workers are expressing their religious beliefs at work. One study has reported that as many as 18 percent of workers do so and that 9 percent of their co-workers find such activities harassing. Additionally, more employers are bringing religion into the workplace. Employer religious activities are not limited to proselytizing, but include other actions, such as bringing in workplace chaplains.

Title VII of the Civil Rights Act of 1964 defines religion to include all aspects of religious observance, practice and belief. EEOC guidelines prohibit employers from treating individuals more or less favorably because of their religious beliefs. Employers may not force workers to participate or refrain from participating in religious activity as a condition of employment. In addition, if employers permit other types of personal expression at work, they must permit employees to express their religious views in the workplace, yet they also must do what is reasonably necessary to prevent the religious harassment of any employee. Employers generally must provide reasonable accommodations for their employees' religious beliefs, but an accommodation is not required in situations where the employer can show it would cause an undue hardship.

In order to balance competing interests in the workplace, employers should

- Make certain anti-discrimination policies cover religion.
- Act immediately when aware that an employee objects to a co-worker's religious expression.
- If the harassed employee does not object, but it is clear that the religious expression is objectively abusive, intervene.
- If it is not clear that the religious expression is objectively abusive, but the employer thinks the target of the expression might feel harassed, inquire.
- Advise managers and supervisors that they need to be extra careful about proselytizing, because when such behavior by a manager or supervisor is directed at a subordinate, it might be viewed as more coercive.

The best way to protect against religious harassment in the workplace is to keep all personal matters out of the workplace. The approach, however, must be applied consistently.

For further information about religious discrimination in the workplace, please contact **Frank Schwerin** at [fschwerin@schwartzcooper.com](mailto:fschwerin@schwartzcooper.com) or 312-845-5109 or any other member of the Employment Law Practice Group.