

Religion Accommodation in the Workplace

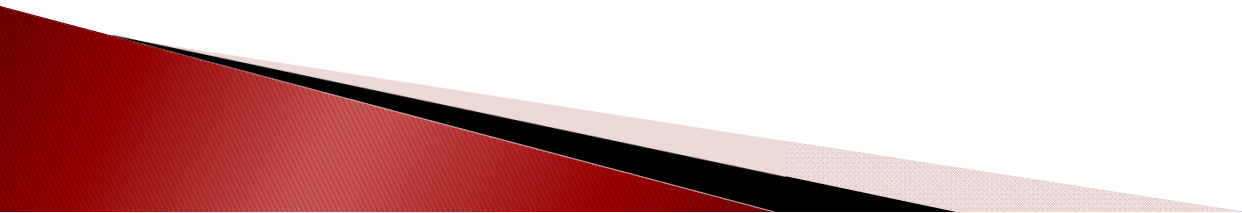
Examining Recent Federal Case Law

Kristine Farmer
Kim Nimon

ACADEMY OF HUMAN RESOURCE DEVELOPMENT
INTERNATIONAL RESEARCH CONFERENCE
ST. LOUIS, MO. USA
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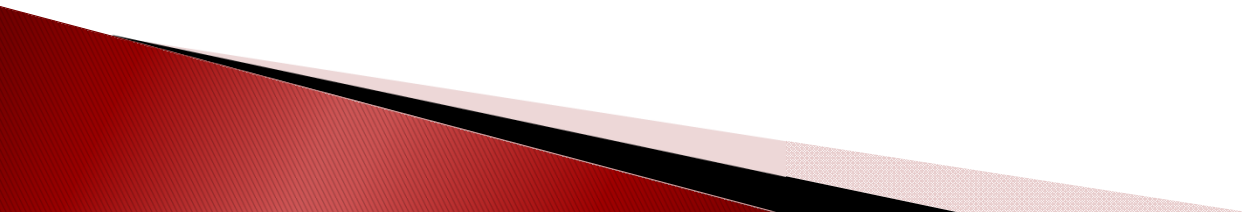
Background

- Religious discrimination cases have doubled over the past thirteen years (Nimon, 2011).
- Within the past few months, court decisions involving religious beliefs have dominated courts and the media.



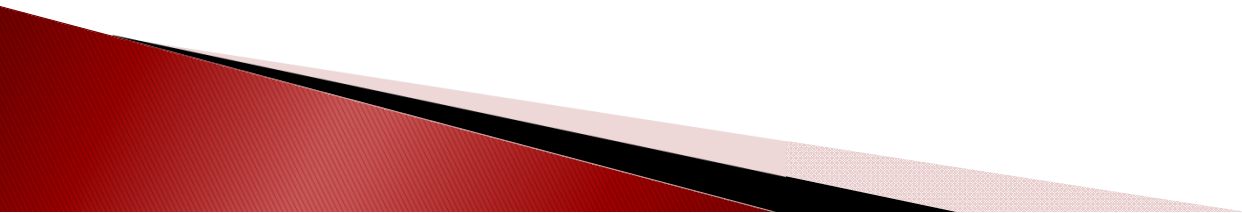
Purpose

- Integrative literature review to examine recent court opinions to provide a synthesis of how United States federal appellate courts are construing religious discrimination cases.



Research Question

- In the past five years, how have federal appellate courts construed and applied the provision of Title VII requiring an employer to “reasonably accommodate” the religious observances and practices of employees or prospective employees?



Conceptual Framework

Category of requests

Examples of requests

Observance requests
(Outside the workplace)

Holidays , ritual or event,
sabbath days, leave of absence

Manifestation requests
(At work)

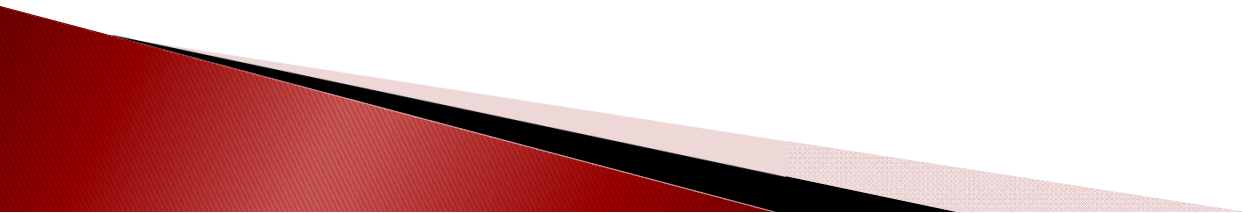
Dress, symbols,
proselytizing, informal meetings

(Cash & Gray, 2000)



Methodology

- ▶ Civil Rights Act of 1964
- ▶ 701(j) or 2000e(j)
- ▶ U.S. Supreme Court and Federal Courts of Appeal
- ▶ Decided after January 1, 2009 until present
 - Returned 16 cases



Cases Included

A total of 16 cases were included as relevant to review and address research question:

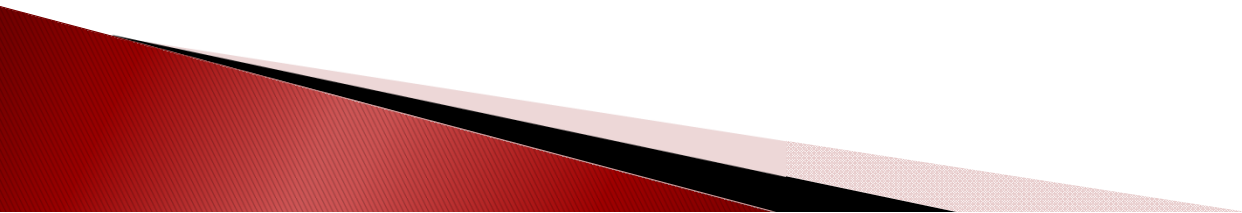
Category	Type of Request	Count
Observance	Sabbath/Use of Personal Days	8
Manifestation	Wearing/Displaying	4
	Prohibitions	2
	Payment of Union Dues	1
	Religious Affiliation	1

Findings

▶ Observance Requests

◦ 8 Total Cases

- In 6 cases, the courts found in favor of the employer
- In 2 cases, the courts found in favor of the employee



Findings

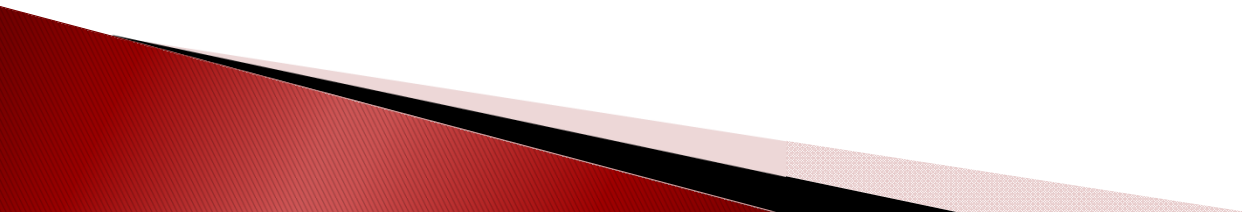
► Manifestation Requests

◦ 8 Total Cases

- 4 Wearing/Displaying
 - In all 4 cases, the courts found in favor of the employer
- 2 Prohibitions
 - In all 2 cases, the courts found in favor of the employer
- 1 Payment of Union Dues
 - the court found for the employer/union
- 1 Religious Affiliation
 - the court found for the employee

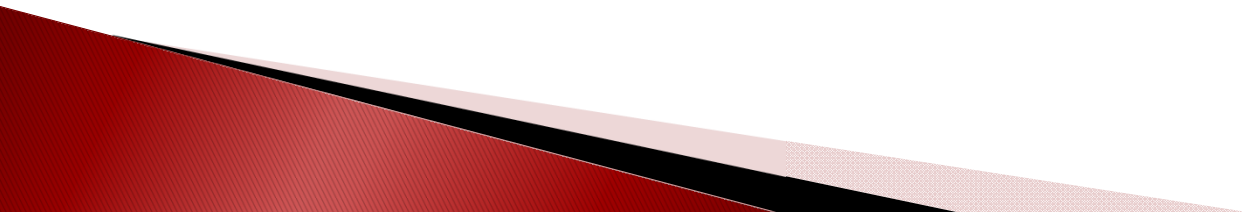
Implications

- ▶ Over-arching themes of all cases:
 - Reasonableness
 - Balance
- ▶ Courts weigh importance of employee's religious beliefs and desire to be accommodated with reality of employer's business and employment practices



Conclusions

- ▶ Employee's desire to seek religious accommodation
 - Is it "reasonable"?
 - Is it *de minimis* to employer's business so as to avoid "undue hardship"?



Conclusions

- ▶ Employer's desire to provide for religious and spiritual offerings or benefits:
 - No case law with same facts?
 - Is it mandatory or voluntary?

