



Should employers allow more religious expression?

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From corporate boardrooms to the factory floor, Americans are increasingly expressing their religious views at work — holding prayer breakfasts, proselytizing co-workers and wearing turbans and other religious garb. Some experts argue the First Amendment entitles Americans to express their religious views at work. But others say religion has no place in the secular work environment. Many employers have struggled to accommodate the religious beliefs of Muslim and other workers, but in the wake of the Sept. 11 terrorist attacks, complaints about workplace religious discrimination have been rising. Meanwhile, lawmakers are set to debate a bill pending in Congress that would greatly expand employers' obligations to accommodate religious expression on the job.

Amric Singh Rathour filed a religious-discrimination complaint in June against the New York Police Department for firing him last year for wearing his turban and refusing to trim his beard as required by his Sikh religion. He was in training to become a traffic agent. The NYPD requires all agents to "wear a white, vinyl eight-point hat properly fitted on the agent's head, without articles visible."

Overview

A unique business plan guides Reell Precision Manufacturing (RPM) in St. Paul, Minn. The producer of constant-torque hinges for laptop computers makes all its business decisions in accordance with "God's purpose for creation," says RPM's corporate "direction statement."

"All of us here reject the notion that spiritual consciousness has to be left at the front door," Co-CEO Steve Wikstrom. "It permeates the place — it influences how we pay people, how we resolve conflicts and how we make decisions about quality on the shop floor."

Like RPM, Atlantic Stewardship Bank in Midland Park, N.J., also is guided by spiritual values and donates 10 percent of its profits to Christian charities. Melissa Smeall, one of the firm's branch managers, says the tithing and Christian ideals attracted her. "It was a very comfortable feeling when I walked in. Knowing what they stood for had a draw for me," Smeall said. [1]

A growing number of American businesses are embracing religious values. At the same time employees increasingly are expressing their religious views while at work, according to many experts.

"Spirituality in the workplace is exploding," agrees Laura Nash, co-author of a 2001 book on workplace religion and a senior research fellow at Harvard Business School. "Many people see spirituality as an appropriate part of their working lives."

Muslim-American servicemen pray in a mosque in Kandahar, Afghanistan, last January. With workplace religious-discrimination complaints on the rise, lawmakers in Congress are set to consider legislation that would radically broaden employers' obligations to accommodate religious expression on the job. Getty Images/Mario Tama

Melissa Rogers, executive director of the Pew Forum on Religion and Public Life, a Washington D.C.-based think tank, agrees. In May, the group hosted a symposium dealing with the issue of how Americans can reconcile the tenets of their faith with their obligations to their employer and co-workers. [2]

"It's been an important issue in church-state relations that probably has never received the attention that it should," Rogers says. "People are interested in spirituality, and they seem to be expressing their religious beliefs in public settings like the workplace to a greater extent than they did in the past." [3]

But as religious expression in the workplace intensifies, conflicts erupt, usually over proselytizing, grooming practices and work schedules. Louis Pelvas, an atheist, refused to attend the required weekly devotionals at the Townley Manufacturing Co., a mining-supply firm based in Candler, Fla. He filed a discrimination suit and won. And some of Christine L. Wilson's co-workers at U.S. West Communications in Omaha, Neb., objected to the graphic anti-abortion button she wore depicting an aborted fetus. When she refused to remove the button, she was fired.

Nash says spirituality and religion are increasingly finding voice in the workplace for several reasons. Some people are in deep despair, Nash says, stressed out by the dual demands of work and family life. Others are outraged by their employers' willingness to engage in unethical business practices and are seeking a "higher standard of conduct." And many people simply want "more out of life than just a paycheck."

David W. Miller, president of the Avodah Institute, a Princeton, N.J., group that helps business leaders integrate religion into the workplace, cites similar reasons for the workplace spirituality boom. "People want meaning and purpose in their lives, and they want to contribute to a better world," he says. "Other people get hurt in the corporate world, by either working for a bad boss or being fired or downsized, and their faith can be a source of healing or transformation."

But it's not only Christian values that are permeating the workplace. The United States is not probably the most religiously diverse nation in the world, with thousands of different belief systems being practiced. This religious diversity is indeed on the rise in the American workplace according to a 2001 survey conducted by the Society for Human Resource Management and New York-based Tanenbaum Center for Interreligious Understanding. More than one-third (36 percent) of the 552 human resource officials who responded to the survey reported that the number of different religions represented in their work forces has increased since five years ago.

Joyce Dubensky, executive director of the center, says the finding is significant. "The demographics of our country are changing, and there are many religions now being practiced here that are different than the Judeo-Christian traditions that have historically predominated," she says. "Religion is a core piece of people's identities, and it doesn't stay at the doorway of the workplace — it comes in with them every day."

Employees express their religious beliefs at work in a variety of ways. Some workers attend Bible studies in empty office conference rooms either before work or during lunch hour. Evangelical Christians and Seventh-day Adventists frequently take a more aggressive approach by openly proselytizing co-workers. [4] Muslims frequently request time off during the workday to pray. [5] Jewish employees often decline to work on their religion's Sabbath, which is observed every week from sundown on Friday until sundown on Saturday.

Similarly, people of faith request time off for religious holidays, such as Yom Kippur, the Jewish Day of Atonement, and Navratri, a holy day for Hindus. Moreover, some employees wear religiously mandated clothing, such as yarmulkes or turbans. Others adhere to religiously mandated grooming practices. Sikhs, for example, are prohibited from shaving their facial hair. Some American workers even refuse to participate in specific job assignments that conflict with their religious beliefs, such as abortion procedures.

Although the United States is widely hailed for its constitutionally guaranteed religious freedom and diversity, the vast number of belief systems can seriously challenge American employers. "There's no question that this diversity has changed the landscape and put more pressure on us to find ways to deal with claims of conscience in the workplace," says Charles C. Haynes, a

senior scholar at the First Amendment Center, an education and research organization affiliated with the Freedom Forum, in Arlington, Va., and Vanderbilt University in Nashville, Tenn. "People have a right to express their faith in the workplace. That's often difficult for employers to accommodate, but it can be done."

Religious-based employment discrimination is prohibited by several laws, most notably the Civil Rights Act of 1964. The section of the landmark law known as Title VII prohibits businesses discriminating against employees on the basis of religion, race, color, sex or national origin. Moreover, Title VII requires employers to "reasonably accommodate" employees' religious beliefs and practices in the workplace unless doing so would cause "undue hardship" on the conduct of the business.

The definition of "undue hardship," though, is a matter of heated debate. The current interpretation of the law was set out in a series of U.S. Supreme Court decisions. Businesses generally support the high court's take on Title VII, arguing that they are doing enough to accommodate their employees' religious needs. But religious groups and other critics say that the court's interpretation is too narrow, and that businesses should do more.

"Title VII protections haven't been strong enough [since the Supreme Court decisions], and courts have not really seen the law as having real teeth," Haynes says. "Right now, employers don't have to take claims of conscience seriously, given how the courts have responded to Title VII."

The number of complaints filed with the U.S. Equal Employment Opportunity Commission (EEOC) — the government agency charged with enforcing Title VII — has risen significantly in recent years, mirroring the nation's increasing religious diversity.

Dianna Johnston, the EEOC's assistant legal counsel, says she isn't surprised by the trend. "People in the past didn't express their religious beliefs very much in the workplace," Johnston says. "This has changed in recent years, so there are more conflicts."

The Tanenbaum Center's survey offers both good news and bad news regarding the state of religious expression in the workplace. On the positive side, 95 percent of the companies responding to the survey said a religious-discrimination claim hadn't been filed against them in the past five years. But 20 percent of the firms polled said they were getting more requests for religious accommodations than they received five years ago. Only 25 percent of respondents said they permitted holiday swapping, such as allowing an employee to work on Christmas in exchange for taking time off on Yom Kippur.

Only 1 percent of the companies surveyed officially recognized any non-Christian religious holidays. And nearly 20 percent of respondents said religious proselytizing took place during the workday, with 9 percent indicating that they felt harassed by such behavior.

"These are definitely serious issues that employers need to address," Dubensky says. "Religion is not something that employers can sweep under the rug."

As businesses and employees continue to grapple with how to best deal with religious expression in the workplace, here are some of the key questions they face:

Should proselytizing be allowed in the workplace?

State and federal laws generally allow employees to proselytize, or express their religious views to co-workers, as long as their conduct does not rise to the level of harassment. Courts typically distinguish between lawful and illegal proselytizing by applying a legal standard developed from several landmark sexual harassment cases.

In a 1986 case, for example, the Supreme Court ruled that sexual harassment exists when a workplace is permeated with speech or other conduct that is "severe or pervasive" enough to "alter the conditions of [the victim's] employment." [6] Similarly, the court has ruled that proselytizing becomes harassment when it engenders a "hostile or abusive working environment." In practical terms, the ruling means that workplace proselytizing is OK unless the proselytizer ignores repeated requests to stop, according to legal experts.

"Courts almost never find that a violation occurred if it's just one unwanted remark," the EEOC says. "It usually requires an accumulation of acts before a court will find that someone has created a hostile or offensive working environment, but there's no set number."

The delicate balance between proselytizing and harassment is further outlined in a set of guidelines issued by the Clinton administration in 1997. While the White House guidelines are specifically intended for the federal workplace, they address many of the proselytizing/harassment controversies that occur at private firms.

The guidelines declare that religious expression in the workplace should be permitted "to the greatest extent possible" and that "proselytizing is as entitled to constitutional protection as other form of speech." But the guidelines emphasize that workplace proselytizers "must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome." [7]

Stuart Lark, counsel for legislative affairs and advocacy at the Christian Legal Society, a Washington, D.C., group that handles religious-discrimination cases, strongly supports this principle. "People should be allowed to talk about their religion at work in the same way they talk about sports or other things, provided that they don't make people uncomfortable and they're not disruptive," Lark says. "The same would hold true when talking about sex or any other subject in the workplace."

However, Ron Barrier, a spokesman for American Atheists, in Parsippany, N.J., says employees have the right to discuss religion during their break time, but that workplace proselytizers frequently abuse that right. "The secular workplace should be a place where people of a variety of philosophies get together to perform a function agreed upon with their employer," Barrier says. "The introduction of religion into the workplace is automatically divisive."

Barrier is especially troubled when employees ask to use conference rooms or other workplace facilities to conduct Bible studies or other religious activities before work or during the lunch hour. "Employers should not be compelled to provide a venue for religious worship or devotion," Barrier says, arguing that such activities generate uneasiness and a sense of alienation for employees who choose not to attend.

Workplace proselytizing gets especially tricky when it involves supervisors. The White House guidelines state: "Because supervisors have the power to hire, fire, or promote, employees reasonably perceive their supervisors' religious expression as coercive, even if it was not intended as such." The guidelines do allow supervisors to share their faith in the workplace as long as they make it clear that their views are "personal" in nature. However, the guidelines caution supervisors to take "appropriate steps" to avoid either "implicitly or explicitly" suggesting that employees must partake in religious activities as a condition of continued employment or promotion.

Attorney General John Ashcroft regularly holds voluntary, morning Bible studies at Justice Department headquarters. The department says Ashcroft is entitled to "exercise his constitutional right to express his religious faith" like any other American. But some Justice officials say the sessions are inappropriate. AFP Photo/Chris Kleponis

Attorney General John D. Ashcroft, whose duties include enforcing the nation's civil rights laws, regularly convenes morning Bible studies at Justice Department headquarters. Mindy Tucker, Justice Department spokeswoman, says Ashcroft is entitled to "exercise his constitutional right to express his religious faith" like any other American. All Justice Department employees are welcome — but are not required — to attend the morning devotionals, she says.

Ashcroft's Bible classes are "entirely within the boundaries of acceptable office behavior," says Richard Cizak, vice president for governmental affairs at the National Association of Evangelicals. "They take place before work hours, and they are clearly not designed to place any burden of participation or attendance upon others."

Moreover, he adds, it's "absurd" to think that Justice Department employees would be penalized for not attending. On the contrary, Cizak says evangelicals like Ashcroft tend to be "overly respectful of others' views in the workplace."

Still, some Justice Department officials say it's inappropriate for Ashcroft to be leading the E studies, because it may raise fears among employees that their careers could suffer if they attend.

"It feels extremely exclusive, that if you don't participate in that type of religion your career could be affected by it," said a Justice Department lawyer, who declined to be identified. "If I had some political aspirations and wanted to work for the front office and didn't have the same religious feelings as [Ashcroft] does, my non-participation could adversely affect me." [8]

Bruce Monson, a firefighter in Colorado Springs, says he ran into trouble when he complained about workplace proselytizing by members of the Fellowship of Christian Firefighters (FCF). Monson, an atheist, was especially offended when FCF members began posting Bible tracts on firehouse bulletin boards.

Monson put up his own bulletin board, filling it with passages from what he calls "the ugly, unsavory side of the Bible," such as the Old Testament story of Lot, who impregnated his daughters. Monson says he wanted to demonstrate that it was "hypocritical for [the FCF members] to take the moral high road" in their religious teachings.

Monson's effort was not well received. "I was confronted and ordered directly by a superior officer to take my bulletin board down, but the Christians were allowed to keep theirs up," Monson says. "[The FCF members] were really angry that I would counter them and use the Bible against them. There were a lot of people who absolutely despised me."

Monson took his concerns to Fire Chief Manuel Navarro, who asked him to propose a new policy balancing the rights of employee groups to share religious information and the rights of those who don't want to hear it. Monson's proposal went into effect earlier this year. It allows religious groups to publicize meetings and events — but it bans information that advocates particular religious or political viewpoints.

Capt. Randy Royal, president of the FCF's Colorado Springs chapter, supports the new policy. "We don't want to offend anybody or push our beliefs on anybody," he said. "We understand there's a lot of diversity in the department, and that's a good thing." [9]

Monson says he harbors no ill will toward his evangelistic co-workers, but he's glad that his department has clamped down on proselytizing. "We're a government organization, and there's just no place for that," Monson says. "These are all good people here, but people have different ideologies, and that's precisely the point of why proselytizing has no place in the workplace."

Should businesses do more to accommodate religious practices in the workplace?

Although Title VII of the 1964 Civil Rights Act requires employers to "reasonably accommodate their employees' religious beliefs, unless doing so would impose "undue hardship" on the conduct of their business, it does not define "undue hardship."

However, a landmark 1977 U.S. Supreme Court ruling defined it as anything causing more than a "de minimis," or minimal, burden. In a case involving Trans World Airlines (TWA), the court ruled the airline was not obligated to give an employee the day off to observe his Sabbath — even though the accommodation would have cost the huge company only \$150. [10]

Some legal experts argue that the TWA ruling and others like it gutted the religious rights that workers once had under Title VII. Indeed, the de minimis standard would allow a business to refuse an employee's request for time off to pray even though the only "hardship" it would incur would be the nominal administrative costs associated with rearranging the schedule. [11]

Similarly, critics say, employers could refuse to let employees dress or groom themselves in accordance with their religious beliefs, even if there would be no discernible effect on the company's business.

A bill pending in Congress would amend Title VII to significantly broaden employers' obligations to accommodate religious expression in the workplace. The Workplace Religious Freedom Act (WRFA) would require companies to accommodate workers' religious beliefs and practices unless

they could demonstrate that they would incur "significant difficulty or expense" in doing so, rather than simply a minimal expense.

Sen. John Kerry, D-Mass., who sponsored the measure with Sen. Rick Santorum, R-Pa., say WRFA will protect important religious freedoms while preserving employers' flexibility to run businesses as they see fit. "This legislation asks only that employers make reasonable accommodations for an employee's religious observance," Kerry says. "No worker should have to choose between keeping a job and keeping faith with their cherished religious beliefs."

Nathan Diament, director of public policy at the Union of Orthodox Jewish Congregations of America, in Washington, D.C., supports the proposed legislation.

"We need WRFA because federal civil rights law doesn't really protect the religious liberties of working Americans," Diament says. "The courts have eviscerated those protections to [the point] that employers don't really need to do much of anything in terms of accommodating their employees' religious needs."

Diament and other WRFA supporters say employers typically fail to accommodate employee religious needs by denying them time off to pray or observe the Sabbath; forbidding them from wearing yarmulkes, head scarves and other religiously mandated articles of clothing; and prohibiting them from following religiously mandated grooming customs, such as not shaving.

The First Amendment Center's Haynes acknowledges that employers are sometimes justified in refusing to accommodate religious expression in the workplace, especially when health or safety would be jeopardized. But employers often clamp down on religious expression for other reasons, he says.

"Many employers don't like to deal with these kinds of claims," Haynes says. "They've sometimes gotten the idea that this type of expression is not important, and should not be brought into the public realm. They see someone with a skull cap or a yarmulke and think that they're just being insolent or causing trouble."

But Ann Reesman, general counsel at the Equal Employment Advisory Council (EEAC), a pro-business group, says most employers do everything they can to accommodate employee religious beliefs. "Most employers are more than willing to value the differences that are brought into the workplace by employees of various religious backgrounds," Reesman says. "But when religious expression bumps up against the need to produce a product, or an employer's responsibility for maintaining a safe workplace and protecting the rights of other employees, that's where you run into problems."

Ronald Lindsay, an employment-law attorney in Washington, D.C., says the legislation could leave employers powerless to enforce dress and grooming codes designed to protect workplace health and safety. "It's troubling in the way it's worded," Lindsay says. "As I interpret it, it seems that the right to wear religious clothing would trump safety standards, which I think would be a mistake."

Reesman shares Lindsay's concern. "In a lot of factory environments, you simply can't wear loose, flowing clothing because it's liable to get caught in the equipment," she says. "WRFA specifically excludes clothing requirements from the central functions of a job, and there's no safety exception."

But WRFA supporters say the bill would do nothing to relax safety-related dress and grooming codes. Indeed, since Title VII was enacted in 1964, courts have generally ruled that businesses need not accommodate employees' dress and grooming practices if they can demonstrate that doing so would jeopardize health and safety. However, employers are often found liable for failing to accommodate religious expression when they justify their dress and grooming codes as nothing more than their desire to maintain a "clean-cut" or "professional" workplace. Still, there have been several exceptions to both trends.

Randy Johnson, vice president for labor and employee benefits at the pro-business U.S. Chamber of Commerce, acknowledges that there have been "a few cases" where employers unjustifiably refused to accommodate religious expression in the workplace. But "a few problems don't justify the enactment of a new federal law," Johnson says.

"We question whether or not there's enough evidence out there to show that employers are denying reasonable accommodation for religious observances," Johnson says. "Unfortunately, anecdotal evidence tends to drive legislation more often than it should."

Larry Lorber, a labor attorney in Washington, D.C., agrees it would be counterproductive for Congress to further meddle with Title VII. If WRFA became law, employers could not keep up with the myriad accommodation requests they would receive, he argues. And that would force employers to accommodate certain religious beliefs at the expense of others, he says, promoting a rash of lawsuits.

"Do we really want employers to get into the business of picking and choosing between various religious beliefs?" Lorber asks. "I think that's what would inevitably happen."

Should employees be allowed to refuse certain job assignments for religious reasons?

Workplace conflicts over religion frequently involve health-care workers who refuse to participate in abortion procedures or provide contraceptive services.

Some experts say nurses and other medical professionals should be allowed to skip medical procedures that conflict with their religious beliefs, without fear of retribution. Others argue religious refusals should be accommodated except in emergencies and other special situations. Still others argue that medical personnel who object to abortions and other lawful reproductive health services should simply find jobs in other fields.

Title VII treats religious objections to specific job assignments much like any other expression of faith in the workplace, such as requesting time off to observe the Sabbath. The law requires employers to "reasonably accommodate" such requests unless it would cause "undue hardship."

Not all conflicts end badly. Health-care workers who balk at certain reproductive health services are frequently offered jobs in other areas, such as post-natal care. On other occasions, medical facilities permit religious employees to swap shifts — or cases involving certain patients — with similarly qualified co-workers.

But some conflicts are not resolved easily. In May, for example, a U.S. District Court jury found that a public health clinic in Riverside, Calif., failed to accommodate the religious beliefs of a nurse who refused to dispense emergency contraceptive medication known as the "morning pill." The drug is designed to prevent pregnancy if taken within 72 hours of unprotected intercourse.

Sen. John Kerry, D-Mass., cosponsor of the proposed Workplace Religious Freedom Act, says it would protect religious freedoms while preserving employers' flexibility to run their businesses as they see fit. But business groups and other critics say the legislation could leave employers powerless to enforce dress and grooming codes designed to protect workplace health and safety. [Getty Images/Matt Strohane](#)

Nurse Michelle Diaz contended that she was fired after informing her supervisor that her religious beliefs prevented her from distributing the medication, which she considered to be a form of abortion. Diaz further maintained the clinic did not make a good-faith effort to accommodate her religious beliefs, as required by Title VII. She claimed she was terminated shortly after she told the news media that the clinic had refused to honor her religious objection to dispensing the medication. After a four-day trial, a jury agreed that Diaz's rights had been violated and awarded her more than \$47,000 in damages.

The American Center for Law and Justice (ACLJ), a Virginia public-interest law firm specializing in pro-life issues, represented Diaz in her lawsuit. Francis J. Manion, senior counsel at the firm, says the case sets an important precedent for protecting religious expression in the workplace. "It was a tremendous victory for Michelle Diaz and for all health-care professionals who want to do their jobs without violating their consciences and religious beliefs," Manion says. "It sends a clear message that the conscience rights of employees must be respected by employers everywhere."

Gary Feldman, director of the clinic where Diaz worked, tells a different story. Feldman says

clinic offered Diaz an alternative job in the countywide immunization program, which didn't involve reproductive health care. But Diaz never contacted the program's supervisor to inquire about the job, Feldman says. Instead, he contends, Diaz harassed several new nurses and coworkers hired to replace her and other nurses who left. She told them "the clinic was a terrible place to work and that [they] were aborting babies and doing horrible things," according to Feldman.

"From our point of view, that was completely unacceptable behavior," Feldman says. "I had objection to people holding a personal belief that made dispensing emergency contraceptive uncomfortable for them. It's one thing to hold a belief, but it's another to behave in a way that sabotages our ability to run the clinic."

Diaz denied in court that she harassed the new hires before she left the clinic. Manion says that client, when asked, merely "explained [to the new nurses] why everyone was quitting."

Under a new hiring policy, prospective employees must sign a form declaring that they're "capable of performing" the clinic's reproductive health services and that they agree to the work that's being done in the clinic, Feldman says.

But many states, including California, allow health-care workers — or entire health-care institutions — to refuse to provide (or pay for) medical services that conflict with their religious beliefs. These so-called refusal, or conscience, clauses are largely untested in court. Pro-choice advocates say they can seriously impair access to legal reproductive health services, jeopardizing women's health and lives.

Catherine Weiss, director of the American Civil Liberties Union's (ACLU) Reproductive Freedom Project, says the most dangerous refusal clauses are those that permit entire health-care institutions to refuse to perform services they oppose. "If the personal objection of a public health-care worker can be accommodated with absolutely no cost to a patient, that's fine — have no problem with that," Weiss says. "But it's another thing altogether when entire hospitals opt out of certain kinds of practices. That poses very serious risks for public health."

Forty-two states currently protect health-care facilities from discrimination charges or other actions for refusing to provide certain medical services, such as abortion procedures. Many of these statutes only apply to private or religiously affiliated hospitals. Some of the statutes — not all — contain exceptions requiring hospitals to perform reproductive health services in "emergency" situations, such as when an abortion is necessary to save a woman's life. [12]

In recent years, many religiously affiliated hospitals that operate with refusal clauses have merged with sectarian institutions, resulting in the elimination of reproductive health services like abortion. The trend away from providing reproductive services troubles pro-choice advocates.

"These places serve the general public, and they're refusing to perform vital health services," Weiss says. "This is happening all across the country."

However, Michael Rodgers, vice president for public policy and advocacy at the Catholic Health Association of the United States, argues that abortion services are still widely available, despite critics' concerns. In any event, he points out, most abortions are performed as "elective" procedures, not as emergencies. "I would be hard pressed to see where [Catholic hospitals] are the only show in town."

Rodgers says conscience clauses are necessary because the laws being sought by pro-choice advocates would require health-care workers and medical facilities to provide services that conflict with their religious beliefs. "Nobody should be compelled to do something that they find morally objectionable," Rodgers says. "The pro-choice community says it wants the freedom to choose. We want a choice, too — the choice to refuse."

Health-care workers are not the only public-service employees who sometimes refuse to perform certain job assignments on religious grounds. An Internal Revenue Service (IRS) worker was denied a promotion after he told his supervisor that his religious beliefs prohibited him from processing applications from abortion-rights organizations. A court ruled that the IRS had to accommodate the worker because only a tiny fraction of his workload would involve such

organizations. [13]

However, another court reached the opposite conclusion in a lawsuit involving an FBI agent refused, on religious grounds, to investigate groups with pacifist agendas. The court ruled that the agent was justifiably terminated for insubordination when he refused the assignment. [14]

"When you're sworn in as a police officer, the bottom line is that you enforce the law," says Pasco, executive director of the national Fraternal Order of Police (FOP). "You don't get to pick and choose which laws you enforce, no matter what your religious beliefs."

Background

Colonial Intolerance

Religion has played a role in the American workplace since 1607, when English colonists founded the first permanent settlement in North America, at Jamestown, Va. The colonists were funded largely by English merchants seeking to establish a trading post in the New World. But they were also motivated by religious concerns and tried to spread their Protestant faith to the Native Americans who took interest in their wares. In fact, Virginia's first colonial charter required colonists to propagate the "Christian Religion" to the "infidels and savages" inhabiting the area. [15]

Religious precepts wielded great influence over most aspects of public life during the Colonial era, including the conduct of commerce. In 1636, for example, Robert Keayne, a Boston merchant, was accused of usury, or charging excessively high interest rates. Because usury conflicted with the teachings of the Bible, it was a serious matter in 17th-century Massachusetts where the Puritans' strict religion was the law of the land.

A court convicted and fined Keayne. But he faced a more damning punishment from the church which demanded that he make a "penitential acknowledgment" of his sin. Keayne defended his business dealings to church elders in a 50,000-word document detailing every transaction he made during his career. [16]

In their well-regarded book on workplace religion, Harvard's Nash and Scotty McLennan, describe religious life at Stanford University, argue that the Keayne incident marked the beginning of a "pattern of alienation and détente between the devout American businessperson and the Church."

In most of the original 13 Colonies, the law dictated religious practices. Church attendance was compulsory, and merchants were required to close on the Sabbath. Such regulations became known as "blue laws" (according to some experts) because they were printed on blue paper.

In the late 17th century, the Colonies started becoming more tolerant of religious dissent. This trend accelerated after the Revolutionary War and the ratification of the Constitution in 1787. The First Amendment held that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Courts and legal experts long have wrangled over the meaning of the "Establishment Clause." Some experts say it created what Thomas Jefferson called "a wall of separation between church and state," thus prohibiting any government action benefiting religion. Others say the Establishment Clause merely prohibits the government from decreeing a "national religion," preferring one denomination to another. [17]

Haynes of the First Amendment Center argues that it does nothing to prohibit people from expressing their religious views in public life — including the workplace. "Our framers put religion very high on the list," Haynes says. "They understood that religious expression was important."

Religion and Activism

Formal ties between church and state began to unravel after the adoption of the First Amendment. In the 1790s, states began dismantling laws establishing religion or imposing religious taxes. In 1833, Massachusetts became the last of the original states to repeal laws

giving special privileges to designated denominations. At about the same time, several states either relaxed or repealed their blue laws. Later, the nation's entry into World War I in 1917 dealt another strong blow to blue-law backers, as plants and factories began operating seven days a week to support the war effort.

Nevertheless, in the late 1800s and early 1900s religion continued to affect the nation's economic and social affairs. Some industrialists, including steel magnate Andrew Carnegie, defended their business success on religious grounds, arguing that it was God's will that some men attained great wealth. In keeping with that belief, Carnegie thought that successful business leaders had a duty to help society, a doctrine he dubbed the "Gospel of Wealth." [18] True to his philosophy, Carnegie gave away more than 95 percent of his fortune before he died in 1919, funding everything from the construction of public libraries to organizations promoting world peace.

Many Christian churches adopted similar philosophies in what became known as the social-gospel movement, which held that the church should provide personal salvation as well as have a social impact. Churches in the movement advocated for factory workers and other laborers who were toiling under brutal conditions ushered in by the Industrial Revolution. In 1912, a coalition of churches called for a wide range of workplace protections, including child-labor laws, reduced working hours, workplace safety standards and guaranteed living wages. [19]

Big business bitterly opposed the social-gospel movement and tried to drive it from the churches. In the 1920s, in an effort to crush the labor unions that supported the churches, business executives organized the so-called open-shop movement. They claimed the unions embraced communism and were out to destroy capitalism.

While the open-shop movement failed, pro-business press accounts did convince much of the public that dangerous radicals controlled the unions. Many churches publicly condemned the union-busting tactics and sided openly with the labor movement. [20]

But the churches' interest in the workplace did not last. According to Harvard's Nash, the social-gospel movement failed to convince businesspeople that the church was qualified to deal with their unique needs and problems. Indeed, Nash contends, many churches never really overcame their view that the accumulation of wealth was a sin, and that businesspeople were greedy and selfish.

"The search for the integration of faith and work seems doomed to a battle between the self-righteous and the self-absorbed," Nash says. "There's a fundamental disconnect."

Supreme Court Rulings

From a legal standpoint, the rights — and limits — to expressing religious views in the workplace have largely been defined by a series of laws and court rulings since the 1960s. In 1963, in a victory for advocates of religious expression, the U.S. Supreme Court ruled that South Carolina violated the rights of a Seventh-day Adventist fired for refusing to work on Saturday — her Sabbath. The woman had looked for other employment after being terminated but could not find a job that didn't require her to work on Saturday.

She applied for state unemployment benefits, but the state rejected her claim because she had turned down several job opportunities "without good cause." The woman then sued, and the Supreme Court held that South Carolina's unemployment-compensation law blocked her First Amendment right to freely exercise her religion. The high court ruled that laws affecting religious practices could be constitutional only if they were supported by a "compelling state interest." [21]

Advocates for workplace religious expression got another boost when Congress passed the Civil Rights Act of 1964, which prohibited employment discrimination based on race, color, sex, national origin — or religion.

Passage was no easy task. Some lawmakers worked furiously to derail the measure, especially its prohibitions against workplace discrimination. Rep. John M. Ashbrook, R-Ohio, argued that employers should be allowed to refuse to hire atheists. Rep. Richard H. Poff, R-Va., said the

proposed legislation would harm the American free-enterprise system by depriving employees the "freedom to manage their own affairs." Similarly, Sen. Sam J. Ervin, Jr., D-N.C., argued the bill would be "used to harass businessmen throughout the U.S." In the end, however, lawmakers passed it by a comfortable margin. (The vote was 289-126 in the House, 73-27 in the Senate.) [22]

In 1972, Congress amended the law by requiring employers to "reasonably accommodate" their employees' religious beliefs and practices in the workplace, unless doing so would constitute "undue hardship" on the employer's business. [23] While the amendment remains in force, the protection that it affords to religious expression in the workplace has been significantly diminished by several landmark Supreme Court rulings.

One such ruling was the famous 1977 case in which a TWA clerk became a member of the Worldwide Church of God. [24] After joining the church, clerk Larry Hardison told his supervisor that he could no longer work Saturdays, his religion's Sabbath, and was fired for insubordination. TWA contended that the cost of covering Hardison's shift with a replacement worker — \$150 over a three-month period — would have caused the company "undue hardship." The Supreme Court agreed, handing down its "de minimus" threshold ruling regarding the level of "undue hardship" that an employer had to bear to accommodate an employee's religion.

Another ruling, handed down in 1986, involved another member of the Worldwide Church of God. [25] High school teacher Ron Philbrook was allowed only three days off per year for religious holidays under the terms of his teachers'-union contract. Philbrook wanted to take days off for religious reasons and proposed that he be allowed to combine his three "personal-leave" days with his religious leave. The school district rejected Philbrook's proposal, insisting he take unpaid leave for three of the days.

Philbrook sued, claiming that the school district failed to reasonably accommodate his religious needs. But the Supreme Court rejected Philbrook's claim, ruling that the school district made reasonable effort to accommodate him by allowing him to take unpaid leave. More significantly, the court ruled that employers were under no obligation to accept employees' accommodation proposals.

Critics say the two Supreme Court decisions — and others — have diluted the statutory protections for religious expression once enjoyed under federal civil rights law.

"Supreme Court decisions interpreting Title VII . . . send a message to employers and employees alike that the requirements of religious conscience are simply not as important compared to requirements of a job," said Roberto Corrada, an associate professor at the University of DePaul College of Law. "While on its face [Title VII] prohibits discrimination on the basis of religion . . . provides a strong, affirmative obligation to accommodate religious observance or practice, this mandate has been substantially diminished."

Linda and James Mooney (at right) face charges in Provo, Utah, of illegally distributing peyote to non-Indians at Native American Church ceremonies. Congress voted in 1994 to allow members of federally recognized Indian tribes to use the hallucinogenic cactus in religious ceremonies. Photo/Dan Lund

Peyote and Indians

The Supreme Court dealt another blow to advocates of religious expression in 1990, when it ruled in a case involving the use of buttons from the peyote cactus that some Native Americans ingest as a religious sacrament. Peyote is listed as an illegal drug under the federal Controlled Substances Act because it can cause LSD-like hallucinations, especially when artificially synthesized in a laboratory.

The 1990 case involved two Oregon Native Americans — Alfred Smith and Galen Black — who were fired from their jobs (ironically, at a drug-rehabilitation organization) after ingesting peyote at a ceremony conducted by the Native American Church, an organized religion with about 250,000 members across the country. Smith and Black applied for state unemployment benefits after being fired, but the state rejected their claim on the grounds that they had been terminated for work-related "misconduct." [26]

Black and Smith sued, saying their First Amendment right to exercise their religion protects their use of peyote. In fact, since 1965, the Controlled Substances Act had contained an exemption allowing Native Americans to use peyote in bona fide religious ceremonies.

The Supreme Court struck down that principle in the 1990 case, ruling that the Constitution freedom of worship protections did not fully extend to minority religions. Justice Antonin Scalia delivering the opinion of the court, wrote that protecting fringe religions such as the Native American Church was a "luxury" that the diverse nation could no longer afford. The court ruled that a person's right to express his religion does not "excuse him from compliance with an otherwise valid law prohibiting conduct that the state is free to regulate." Oregon's peyote statute was constitutional, the court ruled, because it was a "neutral, generally applicable law that was not solely designed to restrict religious practices.

A few members of the Native American Church were arrested and charged with possession of peyote in the aftermath of the high court's ruling. The charges against each were ultimately dismissed, but Indian activists said the cases underscored the need for new legislation. A wide variety of other groups agreed.

The peyote arrests and the Supreme Court's 1990 ruling drew fire from groups ranging from right-wing fundamentalist Christian organizations to the left-leaning ACLU. They argued that the decision could jeopardize a wide variety of religious practices, including the ceremonial use of wine and the right to wear religiously mandated garments, such as yarmulkes and turbans.

The disparate groups formed a coalition that persuaded Congress in 1993 to pass the Religious Freedom Restoration Act (RFRA). It stipulated that neither the states nor the federal government could "substantially burden" a person's exercise of religion, even through the enforcement of neutral, generally applicable laws. The law said religious expression could be restricted only if the government could show a "compelling interest" for doing so, and used the "least-restrictive means" possible.

The RFRA enjoyed broad, bipartisan support. Conservative Republicans like Utah Sen. Orrin Hatch applauded when President Clinton signed RFRA into law. Vice President Al Gore called "one of the most important steps to reaffirm religious freedom in my lifetime." [27]

The Supreme Court, however, took issue with the "compelling-interest" standard established by the law. The high court struck down RFRA in 1997, ruling that Congress had overstepped its constitutional powers in enacting the measure. In essence, the court said Congress unconstitutionally redefined the scope of the rights afforded by the First Amendment. [28]

Still, the Native American community managed to do an end-run around the ruling, convincing Congress in 1994 to allow members of federally recognized Indian tribes to use peyote in religious ceremonies. [29]James Botsford, an attorney for the Native American Church from Wausau, Wis., says the law is holding up well in court.

"Since 1994, we really haven't had any trouble — we just flash that law and everybody behaves," Botsford says. "We've been really happy that the Congress was able to see more clearly than the Supreme Court in this instance."

Advocates for religious expression have not given up on restoring the "compelling-interest" standard struck down by the Supreme Court in 1997. In recent years, much of their focus has been on getting religious-freedom bills enacted at the state level. Currently, 11 states have enacted some type of RFRA, either through legislation or by amending their constitutions. [30]Many of these same advocates are backing the Workplace Religious Freedom Act (WRFA) introduced in Congress earlier this year.

Current Situation

Sept. 11 Backlash

Many Muslims and other people perceived to be of Middle Eastern descent are finding it more difficult to express their religious beliefs at work since the Sept. 11 terrorist attacks on New York and the Pentagon.

Complaints of workplace discrimination rose sharply after the attacks, according to the EEOC. Between Sept. 11, 2001 and May 7, 2002, the EEOC received 488 so-called backlash discrimination complaints from people who alleged that they had been fired or otherwise harassed at work as a direct consequence of the attacks. [31] The complaints allege bias based on religion, race, and/or national origin. The vast majority of the charges were filed by individuals who are — or were thought to be — Muslim, Sikh, Arab or South Asian.

In 301 of the complaints, workers claim they were fired from their jobs due to the events of Sept. 11. The rest allege other types of on-the-job harassment. Texas led the nation with 61 complaints, followed by California (47), Florida (34), Illinois (34) and Arizona (30). However EEOC officials speculate the actual incidence of backlash discrimination in the U.S. workplace could be significantly higher than the agency's numbers indicate.

"Recent immigrants tend to be a little hesitant to file charges," says EEOC attorney Johnstor. "It's definitely something that we're concerned about."

Workplace religious-bias complaints were on the rise even before the terrorist attacks. In the previous five years, the number of religious-discrimination complaints filed annually with the EEOC had increased 24 percent, with 2,127 claims filed in fiscal 2001. [32]

Many experts are troubled by the trend, especially in light of the events of Sept. 11. "These issues are going to be increasingly exacerbated in the workplace," says the Tanenbaum Center for Public Policy. "There is really a lack of knowledge among employers about what it means to accommodate religious expression."

Ironically, one of the highest-profile religious-discrimination cases now pending involves the New York City Police Department, which played such a key role on Sept. 11. Amric Singh Rathour, 25-year-old Sikh from Queens, filed a federal civil-rights complaint against the NYPD in June over his dismissal for refusing to remove his turban and trim his beard. Rathour says he was unjustly fired for following the tenets of Sikhism, founded in India more than 500 years ago.

Rathour was being trained to handle traffic enforcement when he was terminated in August 2001. "I was fired because I refused to give up my right as an American to practice my religion," Rathour said at a news conference. [33]

The NYPD defends the dismissal on the grounds that Rathour refused a direct order to comply with the department's dress code. In a statement about the case, the NYPD said traffic agent Rathour "must wear a white vinyl eight-point hat properly fitted on the agent's head, without any ar visible." The statement said that Rathour was told "on numerous occasions" that he was violating the department's dress code by wearing his turban and untrimmed beard.

The NYPD says it told Rathour that he could wear a beard as long as it was no more than 1 millimeter in length — the same religious accommodation the department makes for its Muslim employees. "They told me that I have to submit to a Muslim religious accommodation," he says. "That's fine if you're Islamic, but not for my religion." [34]

The New York-based Sikh Coalition has launched a campaign to get the NYPD to abandon its no-turban rule. To date, more than 8,500 people have signed the group's online petition. [35]

Turbaned Sikhs serve as police officers and soldiers throughout the world, including Toronto, London, Hong Kong and New Delhi. In fact, they historically have been known in India as fierce warriors, and each male Sikh carries a small dagger as a symbol of his religion. Leroy D. Baca, sheriff of Los Angeles County, says Sikhs are welcome to serve in his department. "The articles of [the Sikh faith], including the turban and the beard, will not be an obstacle to serving in my department as long as an applicant is otherwise qualified," Baca told local Sikhs in an April 2 letter. "We would be proud to have Sikhs in uniform representing the Sheriff's Department."

Ravinder Bhalla, Rathour's lawyer, says the NYPD should take heed of Baca's offer. "In New York City, the most diverse city in the world, there's no reason why the NYPD should not embrace Sikhs and allow them to serve on the Police Department with their beards and turbans," Bhalla said. [36]

The FOP's Pasco says law-enforcement agencies should allow turbans and other religiously mandated articles of clothing — but only if they don't interfere with the job.

"People do have a constitutional right to express their religious beliefs, but no one has a constitutional right to be a police officer," Pasco says. "Religion can't interfere with a person's performance on the job."

God in the Boardroom

Religion significantly affects many businesses, according to a recent survey commissioned by Central Lutheran Church, in Minneapolis, Minn., and other Lutheran educational and religious institutions in the Twin Cities. [37]The nationwide poll of 500 business owners, chief executives and other managers found that when faced with a "serious business decision," 74 percent would "pray to God for help or inspiration." By contrast, a lower percentage of the executives surveyed, 65 percent, said they would talk their business problems over with their spouses.

"Prayer at work is quite commonplace, and it is used for serious business decisions more than might be supposed," says Gary Lawrence, of Santa Ana, Calif., whose firm conducted the survey.

However, only 33 percent of the executives surveyed said they would actually discuss their business problems with a spiritual or religious leader — even though 44 percent reported that they had had a "serious conversation" with a clergy member within the past three years. Lawrence speculates that business executives are generally reluctant to discuss work-related problems with religious leaders because they don't think their clergy members would understand.

"Many business executives feel a deep religiosity in their duties and recognize their dependence on a higher power for inspiration, but this devotion does not automatically translate into sharing business decisions with a pastor, priest or rabbi," he says. "If a business leader sits down with his or her pastor, priest or rabbi, the topic is much more likely to be theological issues or personal, non-business matters, such as marital or family problems."

Craig Lewis, senior pastor at Central Lutheran Church, agrees there is frequently a fundamental disconnect between business people and the clergy.

"We often struggle to find the right context to collaborate with businesses because our words are not used in speaking with one another," Lewis says. "But just as we try to connect with the people of our parishes to learn about their personal lives, we must also learn about their work lives."

Business executives are certainly talking to their co-workers about their religious beliefs, the survey found. Fifty-nine percent of the executives surveyed reported that they have discussed religion or spiritual concepts with an employee in the workplace, and 30 percent said they had prayed at work with others. Lawrence finds the level of spiritual awareness significant.

"It tells me that if you start something that sends a signal, it can spread quite quickly," he says.

Outlook

Rising Spirituality?

Many experts predict that religion will come to play a more prominent role in the American workplace due to the lingering effects of last year's terrorist attacks. The First Amendment Center's Haynes says the attacks showed that religion is a powerful force that cannot be ignored.

"If we didn't think that religion mattered before Sept. 11, we now know that it does matter deeply to millions of people," Haynes says. "Dealing with religious issues and religious diversity can be very explosive if we try to keep a lid on it. We have to find some way to address it instead of pretending that it isn't there."

Haynes says businesses have a duty to accommodate employees' religious beliefs, even if it

difficult to do so. "Freedom is messy. Democracy is messy," he says. "But that's what make Muslim-American or the Sikh-American feel that he or she is really a part of this experiment liberty. It's a hostile and dangerous message to say to our citizens that they can be here, but that they have to leave their religion at the door of the workplace."

Wikstrom of Reelee Precision Manufacturing in St. Paul agrees.

"This notion that people have to leave their spirituality at the door is an illusion," Wikstrom says. "A lot of businesses are afraid to allow religious expression in the workplace, but if they're careful and discerning about how they do it, it will be a healthy thing."

Wikstrom says allowing more workplace religious expression might even help to reform some of the ruthless business practices that gave rise to the recent wave of corporate accounting scandals. Wikstrom says many businesses simply adhere to a "compliance mentality" when comes to the law and ethics — carefully calculating "how close they can get to the line without stepping over it." Conversely, companies that welcome spirituality in the workplace are more cognizant of "not how close they can get to the line, but how far away from the line they want to stay."

Nash of the Harvard Business School agrees that the infusion of religion into the workplace can help ameliorate some of the greed and corruption now associated with corporate America. However, she says this will not happen unless churches begin to minister to the specific needs of the business community.

"The church could and should be a resource [for the business community], but it is really not meeting these needs," she says. "Why did the churchgoing people of Enron, who were so active in their communities, also engage in practices that were so unbelievably against any kind of religious precept?"

Of course, not everyone sees religion as the savior of the scandal-plagued business community. Barrier of the American Atheists says employers should be wary about embracing religious expression in the workplace.

"Employers should not be compelled to accommodate the riot of religious beliefs, practices and opinions that are part of the religious landscape," Barrier says. "People who want to pursue those kinds of activities should do so on their own time."

Employment lawyer Lorber says the debate over religion in the American workplace will not be resolved anytime soon.

"It's a byproduct of the diversity that we have here in the United States," Lorber says. "That's going to be a tension forever."

Footnotes

[1] Quoted in Amy Joyce, "Matters of Belief, Matters of Business; Firms Take a Chance When They Allow Personal Causes to Intrude at the Office," *The Washington Post*, May 12, 2002.

[2] For background, see Charles S. Clark, "Religion in America," *The CQ Researcher*, Nov. 2, 1994, pp. 1033-1056.

[3] A transcript of the May 21, 2002, symposium is available at www.pewforum.org.

[4] For background, see David Masci, "Evangelical Christians," *The CQ Researcher*, Sept. 14, 2001, pp. 713-736.

[5] For background, see Mary H. Cooper, "Muslims in America," *The CQ Researcher*, April 30, 1993, pp. 361-384.

[6] See *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

[7] See "Guidelines on Religious Exercise and Expression in the Federal Workplace," *The White House*, Aug. 14, 1997.

- [8] Quoted in Dan Eggen, "Ashcroft's Faith Plays Visible Role at Justice; Bible Sessions with Staffers Draw Questions and Criticism," *The Washington Post*, May 14, 2001.
- [9] Quoted in Eric Gorski, "Dousing a Religious Flap," *The Colorado Springs Gazette-Telegra* April 24, 2001.
- [10] *Trans World Airlines, Inc., v. Hardison*, 432 U.S. 63 (1977).
- [11] *Ibid.*
- [12] For background, see Catherine Weiss, et. al., *Religious Refusals and Reproductive Right American Civil Liberties Union Reproductive Freedom Project*, 2002.
- [13] See *Haring v. Blumenthal*, 471 F. Supp. 1172 (1979).
- [14] See *Ryan v. United States Department of Justice*, 950 F. 2nd 458 (1991).
- [15] For background, see Stephen M. Feldman, *Please Don't Wish Me a Merry Christmas: A Critical History of the Separation of Church and State* (1997), pp. 119-122.
- [16] For background, see Laura Nash and Scotty McLennan, *Church on Sunday, Work on Monday: The Challenge of Fusing Christian Values with Business Life* (2001), p. xvii.
- [17] For background, see Kenneth Jost, "Religion and Politics," *The CQ Researcher*, Oct. 14, 1994, pp. 889-912.
- [18] For background, see *History of Religion in the United States* (1960), pp. 475-494.
- [19] *Ibid.*
- [20] *Ibid.*
- [21] See *Sherbert v. Verner*, 374 U.S. 298 (1963).
- [22] For background, see *Congressional Quarterly Almanac* (1964), Vol. XX, pp. 338-378.
- [23] See 42 U.S.C 2000e
- [24] See *Trans World Airlines v. Hardison*, *op. cit.*
- [25] See *Ansonia Board of Education v. Philbrook*, 479 U.S. 60 (1986).
- [26] See *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U 872 (1990).
- [27] Quoted in Jeremy Leaming, "Keeping Faith: Religious Rights at a Crossroads," *The Free Forum First Amendment Center*, 1998.
- [28] See *City of Boerne v. Flores*, 117 S. Ct. 2157 (1997).
- [29] The law is the American Indian Religious Freedom Act Amendments of 1994.
- [30] The states are Alabama, Arizona, Connecticut, Florida, Idaho, Illinois, New Mexico, Rhode Island, South Carolina and Texas.
- [31] See U.S. Equal Employment Opportunity Commission fact sheet, "Answers About Work Rights of Muslims, Arabs, South Asians and Sikhs," May 15, 2002.
- [32] See U.S. Equal Employment Opportunity Commission fact sheet, "Charge Statistics FY through FY 2001," Feb. 22, 2002.

[33] Quoted in Deepti Hajela, "Sikh Man Charges NYPD with Discrimination Over Beard, Turban," The Associated Press Newswire, June 10, 2002.

[34] Quoted in Sean Gardiner, "Sikh Wants to End Turban Ban," New York Newsday, March 2002.

[35] The petition is located on the Internet at www.petitiononline.com/SikhNYPD/petition.ht

[36] Gardiner, *op. cit.*

[37] See *The State of Faith: God in the Workplace*, Lawrence Research, Inc., July 19, 2002.

Chronology

Early 1900s

Business leaders bitterly oppose churches fighting to protect the rights of workers.

1912

Churches call for child-labor laws, reduced working hours, workplace safety standards and guaranteed living wages.

1914

World War I prompts many states to repeal Sunday "blue laws," as plants and factories begin operating around the clock.

1918

Business leaders launch the "open-shop" movement in an effort to crush church-supported unions.

1960s-1980s

Congress and the courts establish employees' rights to express their religious views in the workplace.

1963

U.S. Supreme Court rules that South Carolina violated the rights of an employee who was fired for refusing to work on her religion's Sabbath.

July 2, 1964

President Lyndon B. Johnson signs the Civil Rights Act prohibiting religious-based employment discrimination and creating the Equal Employment Opportunity Commission (EEOC) to investigate complaints.

1972

Civil Rights Act is amended to require employers to "reasonably accommodate" their employees' religious practices in the workplace, unless it would cause "undue hardship" for the employer.

1977

Supreme Court rules in a case involving Trans World Airlines that employers need not accommodate religious expression in the workplace if doing so would entail more than "de minimis," or minimal, costs.

1986

Supreme Court rules that proselytizing is legally protected speech unless it is "severe or pervasive" enough to create a "hostile or abusive working environment."

1986

Supreme Court rules that employers are not obligated to implement religious-accommodatic proposals favored by their employees. The case involved a high school teacher who wanted use his personal leave days to observe religious holidays.

1990s-Present

Congress, the White Hous

