



Religion, Holidays and the Workplace

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December is the month when most religious discrimination claims originate, so employers should prepare for the holiday season carefully.

Religion-related claims are the fastest-growing charges filed with the federal Equal Employment Opportunity Commission; from 1,388 in 1992 to 3,386 in 2009. Although there is no single explanation for the rise in filings, common theories include enhanced awareness of employee rights, the continued growth of diversity in the workplace and increased tension after the Sept. 11 attacks. Fortunately, the EEOC recently issued a set of guidelines to assist employers in this area, providing an overview of religious discrimination law and offering "best practices" for employers.

For the most part, religious discrimination claims can be avoided by following three commonsense rules of thumb: 1, establish written criteria for hiring and disciplinary practices, such as job descriptions and a policy handbook; 2, properly document the business reasons for any employee disciplinary action; and 3, train managers on proper company policies.

Employers should be aware that religious harassment claims can be just as costly as sexual or racial harassment suits. Employers should treat religious harassment like other forms of harassment: Be sure to institute a well-publicized anti-harassment policy, and immediately and consistently apply the policy when complaints are received.

Some employers have been so concerned about political correctness that they've avoided hanging Christmas decorations or worried that a "Secret Santa" gift exchange might lead to a lawsuit. The EEOC, however, notes that company Christmas decorations do not need to be avoided simply because someone objects to them on religious grounds. Moreover, employers are not required to allow additional holiday decorations associated with other religions. Employers should feel comfortable breaking out the tinsel and garland this holiday season.

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