

# Workplace Discrimination Claims On the Rise

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(UNDATED) Complaints of religious discrimination in the workplace are on the rise, but civil rights advocates say that may not be such a bad thing.

That's because a likely reason for a steady rise in reported incidents has nothing to do with intolerant corporate cultures but rather religious minorities who are more aware of their rights and more willing to exercise them.

"Before, somebody might have prayed kind of quietly at work and hoped nobody would stop them and didn't really want to ask permission," says Ibrahim Hooper, spokesman for the Washington-based Council on American-Islamic Relations (CAIR). "Now they state openly: 'Yes, I'd like permission. Is there an open room where I could pray?'"

Between 1992 and 2007, claims of religious discrimination filed with the Equal Employment Opportunity Commission more than doubled, from 1,388 to 2,880. Among the contributing factors: a growing U.S. population and tensions precipitated by an increasingly diverse workforce.

But recent years have also ushered in a new era of assertiveness, especially among members of minority faiths that require specific codes of dress, diet or behavior, according to David Miller, director of Princeton University's Faith & Work Initiative.

"They're not the kind of complaints you would have seen 10 or 15 years ago," Miller says.

In analyzing EEOC claims, Miller finds relatively few incidents of religious bullying, such as proselytizing managers who insist all employees attend [bible study](#) sessions. More commonly, he sees cases in which employees demand a right to religious expression on the job.

Muslims petition for breaks to pray at appointed times of day, for instance, or Seventh-day Adventists seek Saturdays off to honor their Sabbath.

And when their bosses say no, workers increasingly file formal complaints.

Proving religious discrimination on the job can be an uphill battle.

Under the amended Civil Rights Act of 1964, employers must practice "reasonable accommodation" of an employee's religion unless doing so would pose "undue hardship" for the organization.

"The Courts have defined 'undue hardship' to mean anything above a de minimis cost or inconvenience," said Barry Bussey, associate director of the Seventh-day Adventists' office of Public Affairs & Religious Liberty. "So any inconvenience of accommodation of religious practice is thereby enough to allow employers off the hook."

The proposed Workplace Religious Freedom Act would provide greater protections but has languished in Congress for more than a decade, despite broad bipartisan support and support from an unusually diverse range of religious groups.

Even so, America also has some of the world's most robust religious freedom laws.

Wearing an Islamic headscarf, or hijab, might be prohibited in French schools or Turkish government buildings, but they are permitted in U.S. public institutions. Now religious minorities are exploring which other aspects of their faiths they're entitled to bring to work with them under the protection of the First Amendment.

Legal teams have coalesced in recent years to help alleged victims of religious discrimination. Sikhs, for example, coalesced after the 9/11 terrorist attacks when many Sikh men were mistaken for Muslims.

Sikhs now have access to a group of about a dozen Sikh lawyers who work to defend Sikhs' rights to wear religiously mandated beards and turbans in the workplace, at airports and elsewhere.

Twenty some years ago, "Sikhs didn't know how to respond to workplace discrimination, but now they do," says Narinder Singh Kapany, chairman of the Sikh Foundation, an educational organization in Palo Alto, Calif.

Muslims have also mobilized support networks. CAIR, which operates offices in more than 30 cities across 19 states, has made workplace

rights a top priority. That means resources are available for people like Maryam Abdi, a 17-year-old Somali immigrant who always wears a hijab in public.

Abdi, who lives in Eden Prairie, Minn., figured she was out of luck last summer when she applied for a cashier's job at an Old Country Buffet. A manager told her that a hijab violated the restaurant's dress code.

"I knew it was unfair, but they said (the headscarf) wasn't the uniform, so I thought, 'Maybe they're right'," Abdi says. "I didn't know what to do about it."

Then another Somali teen encouraged Abdi to contact a local CAIR chapter, which promptly intervened on her behalf. Within a few weeks, she was working the Old Country Buffet register in her hijab.

"Now a lot of Muslim girls out there know they can take a stand for their religion and their headscarves," said Abdi, who ended up leaving the job when her family relocated to another town.

Despite rising numbers of claims, only a fraction -- 7 percent in 2007 -- conclude with an EEOC judgment. More than half of claims filed that year were deemed to be without merit. The rest resulted in a private settlement.

Despite relatively few judgments and a rising tide of employee assertiveness, advocates say they need to press on. Seventh-day Adventists have had a civil rights division since 1901, but the church estimates that an average of three Adventists lose their jobs every day in the U.S. on account of their Sabbath convictions, according to the denomination's 2006-07 report on religious liberty.

*By G. JEFFREY MacDONALD*

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