



Will you know what to do when . . .

An employee wears a turban to work in violation of a company's dress code and other employees stay far away from him, expressing fear and alarm?

A new American who appears to be from the Middle East applies for work and you are afraid?

An employee becomes distracted and you learn that he is worried about his wife's mother, who is trapped in Iraq?

1. Ask

When an employee comes to work in a turban, find out if this is due to a sincerely held religious belief (turbans are required to be worn by religious Sikhs). If so, the employer should try to accommodate the employee (especially if it does not cause the employer a big burden).

Even if a particular practice is not part of the traditional practices of a religion, it is protected. Case law supports the individual's right to define the way he or she will practice their religion. Thus, an employer might have to allow a Muslim woman to cover her hair even though the requirement to cover one's hair cannot be found in the Koran as a requirement of the religion.

2. Get the Facts

Try to remember that there are many new immigrants in our country. In the past, most immigrants came from Europe. Now, most come from Asia, Africa and Latin America. Many are legally allowed to work (i.e. because they have proper papers as refugees or as legal aliens, or because they have become citizens). We even have a special visa - HB1 - that allows us to import skilled workers because we can't fill our needs from our domestic labor pool. Check with the federal government (www.dol.gov) to be sure what documentation must be provided in each case and only ask for those papers.

All work-authorized individuals are protected from document abuse. Document abuse discrimination is when employers request more or different documents than are required to verify employment eligibility and identity, reject reasonably genuine-looking documents or specify certain documents over others.

3. Respect Differences

The war is going to have a personal impact on employees born in the United States and those who come from - or have families in - Iraq and other countries embroiled in the war. Employers should take both situations equally seriously and provide all such staff with the same support and benefits.

According to a Tanenbaum survey :

- Respondents not only experience religious bias, but also expect it.
- Muslims, Hindus and Buddhists are the least comfortable and most vulnerable groups in the workplace.
- Of these groups, Muslims feel the most vulnerable.
- Not only did Jewish respondents report the lowest degree of discrimination - lower even than the Christians, - but Jewish respondents also reported the highest level of comfort on the job.

4. Communicate

The mere existence of a written policy on religion, in itself, reduces the perception of bias in the workplace. Implement written nondiscrimination policies covering religion, religious expression, and religious accommodation. Enforce them. And communicate them to employees.

Companies need a specific policy on religion because of all the protected classes (race, color, religion, sex, national origin, disability, and age) cited in Title VII of the Civil Rights Act, only two require accommodation: religion and disability.

5. Educate

Tensions often arise around religious difference due to a lack of information or misinformation. Be prepared. If employees want to learn more about each other's religions, provide them with resources that can give them more information. Consider bringing in a facilitator to provide training around specific issues, i.e. why Sikhs wear turbans and Muslims pray 5 times a day.

Americans don't know much about others' religions. According to the survey "For Goodness' Sake: Why So Many Want Religion to Play a Greater Role in American Life," by New York City-based Public Agenda :

- Only 28 percent of respondents understand evangelical Christianity very well.
- Only 17 percent understand Judaism very well.
- Only 7 percent understand Islam very well.

6. Be Creative

When an employee requests a religious accommodation, think creatively about ways that both the needs of the employee and the needs of the company can be met. Not only is there a good chance that a compromise can be found, but even if one isn't, this shows that the employer made a good faith effort to accommodate.

A situation arose at a large hi-tech firm shortly after 9/11 where the security department insisted a new Muslim employee remove her hijab (veil) for her photo ID key card. She insisted that her religious belief prohibited her from appearing unveiled before non-familial men. Management deliberated and came up with a solution. The new employee was given two ID cards - one veiled and one unveiled. Her unveiled photo was taken and processed by a woman and would not be shown or used for entry purposes. The veiled photo card was the one programmed to unlock doors and was the one shown for ID purposes as she moved around the facility.