

Does religious discrimination really exist in today's america?

[Sociology](#), [Social Issues](#)



GB541-Unit 6 Research Paper Does Religious Discrimination Really Exist in Today's America? Kaplan University Profession Steven Cates Introduction

There is so much controversy when discussing different religious beliefs.

Everyone has a different belief system, and who is to say which is right or wrong. Accepting these differences and avoiding judgment against those with different beliefs is the end result we are looking to achieve as

Americans. Unfortunately there are a lot of opinions on what religious beliefs are acceptable and what religious beliefs are unacceptable.

The ultimate goal is for everyone to accept that their religious beliefs are not right for everybody. Discrimination is a bias or prejudice resulting in denial of opportunity, or unfair treatment regarding selection, promotion, or transfer.

Religious discrimination involves treating a person (an individual or employee) negatively because of that person's spiritual views. The Civil Rights Act of 1866 regulates the actions of all individuals or entities when entering into a contract to employ someone else. Title VI of this act prohibits discrimination based on race, color, religion, gender, or national origin.

Does Religious Discrimination Really Exist in Today's America? Yes, religious discrimination still does exist today in America. The United States of America has always been proud of the fact that we are a free country. Free to practice whatever religious beliefs or not practice any religious beliefs that we want. This freedom has not only allowed citizens to openly practice their beliefs, it allows them to do so without judgment from others. One example we can look at is a major tragedy in America such as the terrorist attack of 9/11. After this horrific tragedy, there was an adverse reaction to Muslims.

Americans who were of the same ancestry were treated differently because of the aftershock of that day's events. In this case, the primary reason for the unfair treatment was mainly due to fear and lack of knowledge about the culture and Muslim religion. There are people who have religious beliefs, and there are those who do not believe in religion. Approximately 78% of Americans are affiliated with Christianity as their religion. Christianity is the most popular of all religions listed in the article, "Religious Diversity and Discrimination in the United States".

About 16% of Americans are uncertain as to what if any religious affiliation they belong to. Religion is very controversial to begin with in different countries, let alone bringing them all together in the same state, city, or neighborhood... Personal opinions can lead to some form of religious discrimination. The number of religious discrimination charges filed with the EEOC has more than doubled from 1992 to 2007. Between the years of 1997 and 2000, religious based charges filed with the EEOC represents only about three percent of all filings.

Between the years of 2001 and 2005 that percentage of charges filed increased to four percent, and increased to five percent between the years of 2006 to 2009. Although it is important for the employer to accommodate their employee's religious beliefs, a company cannot subject other employee's to unsafe conditions. If the amount of clothing worn in a manufacturing environment could get caught in machinery, it would be detrimental to the company to allow their employee to wear clothing that is unsafe.

It is the employer's responsibility to provide a safe work environment for all employees, which should be their first priority then they can accommodate their employee's religious beliefs. Ultimately a company is not required to accommodate religious beliefs if it will cause undue hardship on the business. An example of an employee dress code that would cause undue hardship on the employer would be the case of *McCarter v. Harris County*; a female employee was hired and informed of the dress code of navy blue pants and button down shirt.

After the female employee converted to the Pentecostal church, she approached her employer about her inability to wear men's clothing due to her new faith and her supervisor agreed to accommodate her request to wear a tapered skirt instead. The supervisor then assigned tasks like climbing a ladder to other employees who were dressed more suitably for the task. As time went on the supervisor retired and a new supervisor was not as accommodating to the female employee's religious beliefs, so the female employee was instructed to return to the required dress code, and that they would no longer reassign tasks due to her attire.

The female employee did not return to the pant dress code and later tripped and fell from the ladder. The supervisor gave the female a written notice that she was to return to the pant dress code, or she could contact Human Resources to see about a transfer to a different position that did not require the pant dress code. The female employee did not return to work due to her inability to accommodate the dress code requirements that conflicted with

her faith and her lack of experience for other positions offered at the time of the incident; the female was terminated for refusing to come back to work.

In this case the employer produced sufficient proof that they did make reasonable accommodations to support the employee's religious requirements, but the employee's attire was causing undue hardship on the company. The court found in favor of the employer, stating that the employer made every attempt to accommodate the employee, but their dress code would in fact cause undue hardship on the company and other employees who had to pick up the responsibilities that the female could not accomplish due to her apparel.

Had the employer acted differently in this scenario, the employee could have won the lawsuit. For instance if the employer had not given the employee an opportunity to apply for different positions within the company, or not made attempts to accommodate the employees religious beliefs and made rude comments to the employee about her religion causing a stressful work environment for her could have caused the courts to rule in favor of the employee.

In this scenario, the employer made attempts to accommodate the employee's beliefs, but her attire not only put a heavier workload on her co-workers, it also caused her to have an accident within the workplace. This is considered an undue hardship on the employer by accommodating their employee's religious beliefs. Abercrombie & Fitch has had a few experiences with discrimination claims. One woman claimed that she was discriminated against because she could not wear her hijab, and Abercrombie stated it was

against their look policy because the woman would not be wearing clothing consistent with their brands.

Abercrombie and Fitch was sued in 2004 by the EEOC for allegedly violating Title VII of the Civil Rights Act of 1964, because their hiring and recruiting practices excluded minorities and women by assuming a restrictive marketing image, and other policies that limited minority and female employment. An employer like Abercrombie and Fitch are required to accommodate religious practices unless it causes undue hardship on the employer. In the article "Religious Diversity and Discrimination in the United States", they list 20 different categories of religious affiliations within a survey.

There were 4, 151 religious discrimination complaints filed in 2011. If an individual experiences religious discrimination in the workplace, they are advised to file a formal complaint to the EEOC, they will then be advised to consult an attorney to determine the legal steps to take for compensation from their aggressor. If the courts find the company guilty of religious discrimination they will require corrective action to be taken to ensure that this does not happen again and the company will be ordered to pay restitution to the employee's involved in the lawsuit.

The website www.franczek.com discussed a couple cases pertaining to religious discrimination against police officers. Should an officer be required to cut his hair if it is against his religion? In this particular case the question is not if the officer should cut his hair or not, but was the officer treated unfair by his employer? In this case, the police department is in the wrong

for making derogatory comments about the officer, and they forced the officer to participate in a psychiatric evaluation.

In the second case, the officer felt that the department's personal grooming policy was against his religious beliefs and the department granted him temporary permission to follow his religious beliefs of keeping a trimmed beard and to wear a yarmulke when inside. The officer did agree to shave his beard, but continued to wear his yarmulke indoors. The officer filed a motion against the department and was partially found in his favor since the city grants approval to medical reasons for facial hair.

If the department will accept facial hair for medical reasons, they must also make the same accommodations for religious reasons. An employee cannot be fired just for requesting that their employer accommodate their religious beliefs. In North Carolina a female front desk clerk was fired for asking if the hotel would switch her schedule to accommodate her observance of Sabbath. The front desk clerk's religion was Seventh Day Adventist, and her schedule conflicted with her ability to observe Sabbath, which was observed from sundown on Friday to sundown on Saturday.

The EEOC found that the hotel was in violation of Title VII. In this instance the employee could have been granted an alternative schedule to accommodate her religious beliefs unless the accommodations cause undue hardship on the hotel. The courts did not find that any undue hardships would have been qualified the hotel's actions; therefore the hotel would be required to settle with the employee for wrongful termination under the grounds of religious discrimination. If an employee is terminated due to their religious beliefs they

can file a formal complaint with the EEOC, and seek legal counsel to discuss the steps necessary to gain compensation for the damages caused by this discrimination. If the employer did not make attempts to accommodate the individual's religious beliefs in the workplace they are guilty of religious discrimination. If the individual is subjected to a hostile work environment due to slander towards their religion, jokes about religious beliefs, or rude comments about an individual because of their faith; the company is guilty of religious discrimination. An employer cannot claim what is and is not a valid faith.

There is no stipulation on when an employee adopts their religious beliefs, they could have worked for a company for fifteen years and convert from Christianity to Buddhism, and there is nothing that their employer can do about it. The employer also cannot determine what legitimate religious practices are acceptable and what practices are unacceptable. An employer has to prove that they have made attempts to accommodate religious beliefs in the workplace but the accommodations caused undue hardships to the company in order for the employer to take actions towards an employee who is claiming religious discrimination.

These undue hardships would have to prove that the employer had made attempts to accommodate the employee, but the company was suffering and could not maintain the steps taken to support their employee's faith. Sometime these undue hardships could be safety hazards, which could put the employee or other employee's in danger of injury. Unsafe working conditions would be grounds for the employer to claim undue hardship, and

then the company would not need to accommodate the employee's faith practices.

There are a few courses of action that can be taken to limit religious discrimination. One of the weaker courses of action is exercising tolerance of other people's religious beliefs and allowing them to express their beliefs without forcing the beliefs of any individual's religious faith. This course of action is not always acceptable in many situations. Another course of action is to remind Americans that we accept all people, no matter what religion they practice. We need to express a no tolerance policy for discrimination for everyone.

Habitual offenders of religious discrimination will require more stringent penalties than most. This course of action would have to be handled in court and possibly with fines and action plans mandated by the court system. These courses of action are necessary to create a boundary that is set to define right and wrong ways to handle religious beliefs and discrimination. Avoiding religious discrimination going forward will be complicated for all parties. The best way to avoid religious discrimination is to educate.

Educating citizens about the importance of religious freedoms and differences in cultures is necessary to avoid discrimination going forward. I firmly believe that educating people is the best way to handle eliminating religious discrimination. People tend to resist what they do not understand, which tends to stimulate discrimination. This is why I feel that education of what we do not understand is important, so that we can rise above discrimination. Conclusion Religious discrimination is still very much a

problem in the United States. America is known for freedom of religion, and many other freedoms.

With these freedoms, there tends to be controversy within the different religious groups. The ability to accept each religious affiliation is next to impossible, but with education it will become less frequent than it has been. Educating Americans of the importance of religion in different cultures and why they came to the United States. There will be tragic events such as the 9/11 attacks, the Oklahoma City Bombing, Hurricane Katrina, Tsunami's, and more; these events will bring out religious beliefs for those who are affected directly with these tragedies.

We can choose to accept the differences or we can pass judgment; I choose to accept the differences. References: Bennett-Alexander, D Hartman, L (2009) Employment Law for Business sixth edition Fuller, Jon George (2012) Religious Diversity and Discrimination in the United States, retrieved September 2012, [www. equaljusticeandlaw. wordpress. com](http://www.equaljusticeandlaw.wordpress.com) Ginn, Janel (2007) Do Religious Groups in America Experience Discrimination? , New Religion and Spirituality Books for Youth, Pp 68 Booklist Marcum, T. Perry, S. (2010) Dressed for Success: Can a Claim of Religious Discrimination be Successful, Labor Law Journal Pp 184 Unknown Author, (2012) Discrimination, retrieved September 18, 2012, [www. businessdictionary. com](http://www.businessdictionary.com) Unknown Author, (2012) Religious Discrimination, retrieved September 17, 2012 [www. eeoc. gov](http://www.eeoc.gov) Unknown Author, (2012) Religious Discrimination at work, retrieved September 25, 2012, [www. employment. findlaw. com](http://www.employment.findlaw.com) Unknown Author, (2008) Two Federal District Courts Decide Religious

Discrimination Cases Involving Police Officers, retrieved September 25, 2012,
www.franczek.com