

## **Religious Diversity in the Workplace**

Arguably, New York City, one the most culturally diverse cities in the world, is also one of the most religiously diverse. Legal employers in New York are faced with the challenge of accommodating a wide spectrum of religious needs and employees with varying levels of religious commitment. It is important to accommodate the unique religious needs of employees and maintain an environment of professionalism in order to promote and foster diversity within a firm. Religious diversity also leads to a better understanding of the different customs and beliefs of international and multicultural clients.

### **Key Facts**

According to a Gallup poll, 95% of Americans believe in God or a universal spirit and 48% had discussed their faith at work within 24 hours of being polled ("Religion in the Workplace: The growing presence of spirituality in Corporate America," Businessweek Online, 1999).

In 2001, 71% in New York State identify as Christians, 13% as no religion, 5% as Jewish, 1.9% as Muslims, and 1.7% as Eastern Religions (e.g., Buddhist, Sikh, Hindu.) Muslims have been the fastest growing religion in the state, experiencing a 132% growth since 1990. Compared to the US as a whole, NY has a considerably higher representation of Jews and Muslims. (American Religious Identification Survey, 2001.)

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion. Employers are obligated to provide *reasonable accommodation* for employees' religious needs, unless it will cause an undue hardship for the employer (The U.S. Equal Employment Opportunity Commission, 2005).

Religion-based charges with the Federal Equal Employment Opportunity Commission have increased 40% in the past ten years, making them the third-fastest-growing claim behind sexual harassment and people with disabilities (Equal Employment Opportunity Commission, 2005).

On November 17, 2005 the City Bar's Office for Diversity and the Interfaith Center of New York hosted a working group session focused on religious diversity in the legal profession. The panel, which was composed of lawyers of several different faiths, included: Moise Waltner, Program Officer, The Interfaith Center of New York; Mohammed H. Fadel, Associate, Sullivan & Cromwell LLP; Bajindar Kaur, Partner, Law Firm of Kaur, Krishna & Sharkey, P.C.; and Michael H. Michael, Partner, Michael & Swerdloff, LLC.

### **Recommendations**

In an effort to be inclusive of different beliefs and cultures, employers must balance accommodating employee's different religious needs with sensitivity.

Dealing with religious diversity requires a careful balancing act. On one hand, employers should be inclusive of employees' different religious beliefs and degrees of religiosity. Yet, employers should also be sensitive to employees' desire for privacy with respect to religious expression and avoiding the imposition of religious beliefs of some into the lives of others.

Here are some suggestions for addressing religious diversity in the workplace:

**Learn about the religious beliefs and practices of employees.**

- Become familiar with key holidays that may require adherence to fasting, changing diets, praying or other practices that may affect employees during work hours.
- Allow for structured settings to permit employees to learn about the different religious practices of their fellow employees, e.g., through lunch and learn sessions.
- Incorporate religious diversity into existing diversity training to promote understanding and ease religious tensions in the workplace.
- Review firm policies and practices, including soliciting for feedback from staff members of different faiths, to ensure they are perceived as equitable.

**Make reasonable efforts to accommodate the unique religious needs of employees.**

- Consider dietary and ethical restrictions of religious employees when planning holiday parties, meetings, workshops and other events, in and outside of the office.
- Accommodate employees' need for private space, such as unused conference rooms, for them to pray, meditate and perform other acts of religious expression.
- Find ways to mitigate conflicts between religion and other diversity issues such as sexual orientation.

**Ensure workplace flexibility.**

- Ensure flexible work policies are available for various reasons, including religious observation.
- Explore ways flexible work arrangements can be used for those observing religious holidays and weekly Sabbath requirements.
- Consider providing a certain number of "floating holidays," which employees can use when they like.

For more information about religious diversity in the legal profession or upcoming diversity working group sessions, please contact the New York City Bar's Office for Diversity: Meredith Moore, Director at [mmoore@nycbar.org](mailto:mmoore@nycbar.org), or Elizabeth Kowalczyk, Assistant, at [ekowalczyk@nycbar.org](mailto:ekowalczyk@nycbar.org).

