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**I A B D**

## PREFACE

This volume contains an extensive summary of many of the papers presented at the Twenty-Second Annual Conference of the International Academy of Business Disciplines (IABD) held in Las Vegas, Nevada, April 8 - April 10, 2010.This volume is part of the continuing effort of IABD to make available current research findings and other contributions to practitioners and academics.

The International Academy of Business Disciplines was established in 1988 as a world-wide, not-for-profit organization, to foster and promote education in all of the functional and support disciplines of business.The objectives of IABD are to stimulate learning and increase awareness of business problems and opportunities in the international marketplace and to bridge the gap between theory and practice.The IABD hopes to create an environment in which learning, teaching, research, and the practice of management, marketing and the other functional areas of business will be advanced.The main focus is on unifying and extending knowledge in these areas to ultimately create integrating theory that spans cultural boundaries.Membership in the IABD is open to scholars, practitioners, public policy makers, and concerned citizens who are interested in advancing knowledge in the various business disciplines and related fields.

The IABD has evolved into a strong global organization since its establishment, due to immense support provided by many dedicated individuals and institutions.The objectives and far-reaching visions of the IABD have created interest and excitement among people from all over the world.

The Academy is indebted to all those responsible for this year's Conference, particularly, Paul Fadil, University of North Florida, who served as Program Chair, and to those who served as active track chairs.Those individuals did an excellent job of coordinating the review process and organizing the sessions.A special thanks also goes to the IABD officers and Board of Directors for their continuing dedication to this conference.

Our appreciation also extends to the authors of papers presented in the conference.The high quality of papers submitted for presentation attests to the Academy's growing reputation, and provides the means for publishing this current volume.

The editors would like to extend their personal thanks to Dr. William Rohlf, Interim Director of the Breech School of Business, Drury University, Dr. Daniel J. Gelo, Dean of the College of Liberal Arts, The University of Texas at San Antonio, and Dr. Otis A. Thomas, Dean of the School of Business and Management, Morgan State University for their support.

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**TABLE OF CONTENTS**

iii

v

vi

# DIVERSITY AND RELIGION IN THE WORKPLACE

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## ABSTRACT

This discussion examines recent efforts to bring religious faith into more active engagement with the contemporary workplace and the problems arising from the growing role this diversity issue plays in business life. The 21$^{st}$ century is emerging as a century of religion and faith on the job is becoming an important public issue. This increased visibility has led to greater concerns with discrimination based on religion and beliefs that societies and organizations must address. A review of activities to support faith at work may be beneficial to other cultures and global firms since eliminating discrimination helps everyone achieve equal opportunity at work.

## INTRODUCTION

As U.S. society has become more preoccupied with constitutional concerns for civil liberties of all its citizens, firms have responded with a number of diversity-related initiatives in the recruitment, selection, and management of its workers. For example, the 1960s erupted with the civil rights movement, and soon leading companies sought to develop race-friendly policies to encourage integration and racial equality in the workforce. The 1970s produced the modern feminist movement, which confronted corporations with women's rights to equal pay and equal opportunity to compete for jobs and positions historically thought suitable only for men. Enlightened companies, instead of fighting this, sought to develop gender-friendly policies to attract and retain women in all organizational levels. The 1980s gave rise to many single-parent families where both parents worked outside the home, and blended families composed of remarried couples and children from different marriages living under one roof. In response to such familial changes and shifts, forward-thinking companies created a range of family-friendly policies including flextime, telecommuting, job sharing, day care centers, and paternity leave. The 1990s witnessed progressive firms embracing inclusion for the lesbian/gay/bisexual/ transgendered community in their human resources departments through nondiscrimination policies covering sexual orientation and gender identity, and domestic partner health insurance. Religion at work appears to be the latest type of diversity initiative in the workplace to be addressed as corporations develop faith-friendly policies to honor, respect, and dignify the spiritual dimension of employees' lives (Yung, 2007).

## FAITH IN THE WORKPLACE

Faith is an important aspect of most societies because each country's religious practices influence ethics, human dealings, social customs, the ways in which members of a society relate to each other and to outsiders, as well as workplace behavior (Griffin & Pustay, 1999). Historically, in the U.S.the idea of workers bringing God into their job was unthinkable but

increasingly the boundaries between faith and work are diminishing as employees desireto labor where faith and workplace practices are aligned (Miller, 2007). Business leaders need to be aware of these challenges and recognize that faith in the workplace has the potential for divisiveness and discrimination if not addressed in inclusive and respectful ways.

## LEGAL CONSIDERATIONS FOR FAITH AT WORK

As religion and spirituality continue to challenge firms, there are several factors that organizations must address, including sincerely held religious convictions, reasonably accommodating the religious needs of employees balanced against undue hardships placed on the employer, training of supervisors and managers regarding the issues surrounding faith in the workplace, and maintaining a harassment-free work environment.

### Sincerely Held Religious Convictions

Often, when claims of religious discrimination or harassment surface, or when workers request accommodations for their religious convictions, one of the first actions firms inevitably do is investigate the worker's claim that he or she has a legitimate religious belief. Title VII of the Civil Rights Act defines religion to include "all aspects of religious observance and practice, as well as belief" (42 U.S.C. § 2000e-(j)). The EEOC Guidelines state that protected religious practices "include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views" (29 C.F.R. § 1605.1).

The Supreme Court, in a number of cases, has likewise tried to interpret what is a religious belief. In 1944, for example, in *United States v. Ballard* the court ruled that "religious experiences which are real as life to some may be incomprehensible to others," (p. 78) and encouraged lower courts that they were not to rule on comprehensibility. Later, in 1965 in *United States v. Seeger*, the court defined religion as a "given belief that is sincere and meaningful [and] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption" (p. 173).It should be noted that the freedom not to believe in a deity is also a protected religious belief under Title VII.

As a consequence of the extremely expansive view given to the definition of religion, it is exceedingly difficult for an employer to defeat the assertion that a worker's convictions are not religious. Some researchers have advocated that firms "accept any sincerely held belief based upon principles of what is right or wrong—no matter how unusual—as a religious belief" (Frierson, 1988, p. 62) while Cash and Gray (2000) suggest ignoring the issue completely and focusing on the impact on the firm of accommodating faith-based claims.

### Balancing Interests of Firm and Worker in Accommodations

Because of the greater willingness of employees to assert their religious convictions at work (Miller, 2007), organizations should expect that its workforce increasingly will be asking for accommodations for their religious beliefs and practices. Cash and Gray (2000) identified two kinds of requests requiring employer accommodations: 1) *observance requests* (outside work) that involve employees asking for annual leave to take part in religious festivals, day of Sabbath observance or pilgrimages, or for occasional extended leave for births, weddings, deaths where staff with relatives abroad have particular faith or cultural needs; and 2) *manifestation requests* (at work) in which workers ask for: a) exclusions from dress, clothing, and grooming codes (e.g., wearing pants, allowing facial hair, permitting head coveringor other religiously

mandated garb, uniforms, facial or religious jewelry and piercings, or similar adornments), b) greater food choices consistent with religious beliefs at firm-sponsored cafeterias and restaurants, c) relief from specific tasks inconsistent with faith practices and beliefs (e.g., a Catholic police officer unwilling to protect and guard abortion clinics) d) time off for prayer during normal working hours and/or during work breaks and lunch, e) use of facility space (e.g., conference rooms) for faith-related activities, f) permission for evangelization activities including handouts of religious literature and posting of flyers announcing faith-related activities, g) exceptions to union membership (generally, an employer or union shall not require membership from any employee or applicant whose religious creed prohibits such membership), h) religious-based customer greetings and salutations (e.g., "Praise the Lord" and "God bless you"), i) exclusion from workplace diversity initiatives advocating mutual respect for employees based on their sexual orientation, gender identification, and/or lifestyle choices (e.g., unwed parenthood), and j) non-participation in objectionable non-religious motivation or training programs incorporating controversial techniques (e.g., mandatory "new age" training programs, designed to improve employee motivation, cooperation or productivity through meditation, yoga, or biofeedback).

In considering such worker requests organizations must determine any undue hardships they may incur (*Baz v. Walters*, 1986). The U.S. Supreme Court set the standard for what constitutes an undue hardship to the employer in *Trans World Airlines v. Hardison* (1977) holding that a cost of approximately $50 per month caused undue hardship to the airline which exempted it from having to accommodate an employee's religious beliefs (Brierton, 2002). Undue hardship is thus established if the employer is required to spend even a minimal (*de minimus*) amount of money to accommodate the request. The determination of whether a particular proposed accommodation imposes an undue hardship "must be made by considering the particular factual context of each case" (*Tooley v. Martin Marietta Corp.*, 1981, p. 1242).

It is noteworthy, that this *de minimis* cost standard defining an undue hardship may be eroding. For example, a New York statute was amended in 2002 to redefine undue hardship from a "palpable increase in cost" to "significant expense or difficulty," (New York Executive Law, Article 15, § 296 10d) to establish a justification for denying an accommodation. This resulted in an increased burden upon employers in denying workers' requests for accommodation of their faith beliefs and convictions. If this trend continues it means that employees will have much more power to exercise their religious beliefs in the workplace, thus making employers' responsibility to keep the workplace free from religious discrimination and harassment more difficult.

The employer does not have to grant the specific accommodation requested by the employee; it need only provide an effective accommodation. For example, in *Ansonia Board of Education v. Philbrook* (1986), the court held that "By its very terms the statute directs that any reasonable accommodation by the employer is sufficient to meet its accommodation obligation," (p. 67) while in *Rodriguez v. City of Chicago* (1998), it indicated that "Title VII ... requires only reasonable accommodation, not satisfaction of an employee's every desire" (p. 775).

In addressing employee accommodation requests, it is important that organizations demonstrate good faith efforts and that its actions be perceived as reasonable and within the spirit of equal employment opportunity law. Courts will generally find a violation if the employer makes little or no effort to accommodate the employee or refuses to discuss the issue."The obligation to search for an acceptable solution is bilateral. Employees also have the obligation to make a good faith effort to explore alternatives," (p. 760). Additionally, employers must also be able to show evidence of undue hardship that is more than mere speculation. The

employer is on stronger ground when it has attempted various methods of accommodation and can point to hardships that actually resulted rather than hypothetical burdens.

## Accommodations in the Workplace

Therefore, it is prudent for employers to consider the employees' proposed accommodation and if unreasonable, offer alternative accommodations that would resolve the conflict, instead of flatly rejecting the employee's proposal. While an employer's first reaction may be to deny an accommodation because of fear that the accommodation will set a precedent or because of the possible cumulative effect of another employee wanting the same modification, this is not a valid defense without evidence that a change will cause undue hardship to the employer.

A final consideration in addressing employee accommodations is to think creatively about ways that the needs of both the worker and the company can be met. Not only is there a good chance that a compromise can be found, but even if one is not, this shows that the employer made a good faith effort to provide an accommodation. The Tanenbaum Center for Interreligious Understanding (n. d.) provides an example of such creativity: A situation arose at a large hi-tech firm shortly after 9/11 where the security department insisted a new Muslim employee remove her veil (hijab) for her photo identification key card. She insisted that her religious belief prohibited her from appearing unveiled before non-familial men. Management deliberated and founda solution. The new employee was given two identification 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 identification purposes as she moved around the facility.

## Accommodations, Distributive Justice and Backlash

Even with creative solutions to address the accommodation, employers may face other issues. Various types of justice can create perceived inequalities. Distributive justice is perceived fairness of outcomes; interactive justice deals with the treatment of individuals and interpersonal processes, and procedural justice focuses on fairness and organizational policies and procedures. Forret and Love (2008) found distributive justice, interactive justice and procedural justice play vital roles in organizations. A perceived uneven or in equal distribution of fairness or justice may create a backlash from dissatisfied employees who believe another group is receiving preferential treatment. For example, Burbach (2008) reported on requests for prayer time for Muslim workers created a controversy in a meat packing plant in Grand Island, Nebraska. Similar events had been echoed with Muslim workers over religious requirements at other plants such as the Swift plant in Greeley, Colorado and Cold Spring, Minnesota. Although the Grande Island plant and the union announced a compromise to allow prayer time in observance of Ramadan, an estimated 1,000 non-Muslim workers (Hispanic, Sudanese Christians and white) walked off the job and protested unfair treatment favoring Muslims.

## IMPLICATIONS FOR THE WORKPLACE

There are several considerations for organizations which must be noted in addition to the potential for backlash with the perception of unequal treatment.

**Training of Supervisors and Managers Regarding Faith at Work Issues**

Firms would be wise to train supervisors to deal with sensitive issues related to faith, religion, and spirituality in the workplace. Indeed, supervisors must be particularly cautious in what they say or do. Where the surrounding circumstances indicate that religious expression is merely the personal view of the supervisor, and that employees are free to reject or ignore the supervisor's point of view or invitation without any harm to their careers or professional lives, such expression is legally protected (Adams, 2000; *Guidelines on Religious Exercise*, 1997). Yet, because supervisors have the power to hire, terminate, or promote, employees may reasonably perceive their supervisor's religious expression as coercive, even if it was not intended as such. Therefore, supervisors should be particularly careful to ensure that their statements and actions are such that employees do not perceive coercionof religious or non-religious behavior and should, where necessary, take appropriate steps to dispel misperceptions.

**Hostile Environment**

In addition to refraining from indefensible religious discrimination, an employer must maintain a work environment that is not hostile or abusive with regard to religion. Title VII requires that an employer take prompt action to prevent an employee from expressing their opinion in a way that abuses or offends their co-workers (*Davis v. Monsanto Chem. Co*., 1988). Speech and/or conduct constitutes harassment if it is "severe and pervasive" to alter the conditions of employment and create a hostile or abusive work environment based on an employee's religion or other protected category (*Harris v. Forklift Systems Inc*., 1993). A hostile work environment can be created by slurs, jokes, comments and other forms of ridicule, persistent "unwelcome" proselytizing of subordinates or co-workers and any "mandatory" religious activity in the workplace (*Venters v. City of Delphi*, 1997; *Weiss v. United States*, 1984).

For religious harassment to be illegal under Title VII, it must be sufficiently severe and pervasive to alter the conditions of employment and create an abusive working environment. Whether conduct can be said to be religious harassment under Title VII depends on the totality of the circumstances, such as the nature of the verbal or physical conduct at issue and the context in which the alleged incidents occurred. Indeed, "[T]he real social impact of workplace behavior often depends on a constellation of surrounding circumstances, expectations, and relationships which are not fully captured by a simple recitation of the words used or the physical acts performed" (42 U.S.C. § 2000-3(a), p. 80).

**CONCLUSION**

For most of the 20th century U.S. society considered it inappropriate to explicitly bring religion into the office. The sentiment was encapsulated in the term, "Sunday-Monday gap" (Miller, 2007, p. 9) where workers' Sunday worship hour bore little relevance to issues encountered during Monday work hours. The 21st century, however, "is dawning as a century of religion" (Huntington, 2004, p. 15). Faith and spirituality have come into the workplace, and with this phenomenon now public, the "last taboo in corporate America" (Gunther, 2002, p. 59) is disappearing. Therefore, employers increasingly must balance the firm's and employees' rights to express their religious beliefs and values while not subjecting other employees to harassment or discriminating against employees on the basis of different religious beliefs. Such tensions have surrounded the latest type of diversity that firms must address—God at work.

In an ideal work environment, the religious beliefs of a given employee, or of the employer, do not create conflicts. Either is free to believe as he or she chooses and, as long as the work is performed satisfactorily, neither will encounter difficulty on the basis of religion. Yet, in the real world, a number of issues can arise to create friction. An employer and employee may discuss, or even argue over, religious principles; however, religion is not simply a matter of belief but is manifested through various actions such as style of dress, praying, and fasting. Put simply, the many characteristics of different religions provide ample ground for disagreement, conflict, or even harassment among employers and employees. Indeed, religion has become more visible at work and is the latest type of diversity in the workplace that has presented many challenges. Business leaders need to be attentive to the potential for divisiveness and discrimination if religious and spiritual practices at work are not implemented with dignity.

Given the caveats presented above, some businesspeople, whether religious or not, feel that integrating faith and work is problematic and seek to institute policies and procedures aimed at minimizing and, in some cases avoiding altogether, religious expression. They promote a level of religious expression commensurate with the least amount of faith-related exhibition allowed by law. Unfortunately, the exact contours of the legal and societal landscape regarding faith at work are uncertain. Therefore, leaders adopting this strategy may act at considerable risk in attempting to gauge correctly legal rights and responsibilities affecting faith in the workplace.

Such a minimalist approach may fail to adequately recognize opportunities for improvement in several areas. Recent empirical studies have shown that certain dimensions of religion and spirituality in the workplace, such as meditation, and sense ofmission, relate positively to job satisfaction, job involvement, and productivity (Garcia-Zamor, 2003; Millman, Czaplewski, & Ferguson, 2003). These positive outcomes may benefit companies as well as their employees. Also, companies shown to have strong spiritual corporate cultures economically outperformed others in investment return and shareholder value (Thompson, 2000). Forret and Love (2008) noted that when employers treated employees with dignity and respect this may increase trust and morale.

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