

Heaven-sent policy advice for supervisors: No proselytizing or urging workers to convert

Employees have the right to practice their own religious beliefs—and not be subjected to proselytizing by their supervisors or others with influence over their work. Constant exhortations to be “saved” or otherwise renounce religious beliefs can create a hostile religious environment and great potential for a lawsuit.

That’s why you should seek to create an atmosphere that welcomes members of all faiths and discourages any employees from probing too deeply into co-workers’ or subordinates’ religious practices. That means making reasonable accommodations for diverse religious observances (holidays off, prayer breaks and the like) while discouraging proselytizing.

Recent case: Heman Panchoosingh, who worked for General Labor Staffing, is a practicing Hindu of East Indian descent. One of General Labor’s owners, who supervised Panchoosingh, is a born-again Christian.

For the first year or so at the company, Panchoosingh claims the owner constantly bombarded him with religious talk, asking him to convert to Christianity. Panchoosingh claimed that five hours out of every eight-hour workday were consumed by the boss’s efforts to get him to renounce his faith.

Panchoosingh said the owner pleaded with him to save his soul through baptism, and pushed him to attend church services. Panchoosingh said he did go to a few services in an attempt to appease the boss.

Other alleged religious harassment included the owner telling Panchoosingh that he was “praying to a rat god” and bestowing on him a set of Bibles.

When it became clear Panchoosingh was not going to convert, things started to deteriorate. Panchoosingh was written up for minor infractions and eventually fired.

He sued, alleging religious discrimination and harassment.

The court said there was enough evidence for a jury trial. (*Panchoosingh v. General Labor Staffing*, No. 07-80818, SD FL, 2009)

What is religious discrimination?

Employees are protected from discrimination based on their religion. That protection comes in several forms.

First, employees are entitled to reasonable accommodations for their religious practices. Second, employees are protected from harassment based on their religion. Finally, employees are protected from job discrimination, such as not being hired, because of their particular religion.

- **Religious practice discrimination:** Employees who make this claim must show that they told their

employers about their religious practices and explained how they might interfere with job duties. Examples include the need to take the Sabbath off or take breaks to pray. Religion is broadly interpreted and includes more than the main world religions. Employers have to accommodate employees' religious practices or beliefs unless doing so would be an undue hardship.

- **Hostile work environment:** In this case, employees need only show that an employer was hostile to their religion. That's similar to other hostile work environment situations such as sexual or racially hostile workplaces. Proselytizing falls into this category.
- **Religious discrimination:** In these cases, employees must show that an employer either didn't hire them, fired them or otherwise discriminated against them based on their membership in a religion. For example, refusing to hire someone because they wore a cross or yarmulke to the interview is religious discrimination.