

Religious accommodations: Must you let employee wear a nose ring?



With society's renewed vigor for creating diverse workplaces where all feel welcome, now is a great time for companies to ensure they understand laws concerning religious accommodations. Knowing legal expectations from the get-go keeps employers from conflicts with workers that could result in ill-will, bad publicity, or even a lawsuit.

According to the U.S. Department of Labor, Title VII of the Civil Rights Act of 1964 requires employers to "reasonably accommodate the religious beliefs or practices of employees or applicants unless doing so would impose an undue hardship upon the agency." The words give both a company and its employees a basis from which to make their case. The struggle comes in translating what the somewhat vague terms mean in terms of taking or refraining from action.

While many requests for religious accommodation will need to be examined case-by-case, the following offers guidance on what employers should consider.

You can't judge the merit of a religion

Leaders cannot dismiss a religion or its practices simply because they don't agree with it or never heard of that faith. As the [U.S. Equal Employment Opportunity Commission](#) (EEOC) points out, "It does not matter if (the employee) holds the beliefs of a traditional organized religion, such as Buddhism, Christianity, or Judaism, or if (the employee) holds what others consider nontraditional beliefs, such as Wicca and Rastafarianism."

For example, followers in many religions sport symbolic head coverings. Employers should show equal respect for a Jewish man requesting permission to wear a kippah, a Rastafarian wanting to wear a beret, or a Muslim woman asking to wear a hijab.

Honoring religious beliefs may result in straying from standard policy

Private employers have the legal right to set their own dress and grooming codes. They may, for instance, institute policies regarding facial hair or the type of jewelry allowed. While workers may balk that any action to control how someone looks violates civil rights, courts typically do not see it this way.

What the law does say, however, is that appearance codes cannot infringe on the employee's civil rights. Religion is a protected civil right. Thus, a Sikh man who sports a long beard because it represents a sincerely held religious belief in his faith should be allowed to keep it even if the organization's code usually limits length.

Note that when someone asks for a religious accommodation, it may set off questioning by others on staff. For instance, say a company has a policy against visible piercings on any part of the body except the ears. A Hindu woman asks for a religious accommodation for her nose ring, and the organization honors her request. Then a fellow employee who wears a nose ring outside of the office notices the woman's jewelry. He now decides to leave his in rather than removing it before work, and HR warns him of policy violation. HR has a right to do this because his case does not involve religious accommodation, however, this could cause some tension with that employee.

Instances exist where religious accommodation may be denied

Federal law requires employers to carefully consider each request for a workplace change on the basis of religion. However, looking at a matter drawn to your attention does not mean the company must automatically grant every request. (And, your organization needn't go looking for potential cases. The employee who wants a religious accommodation must take the initiative to ask.)

Remember, [Title VII of the Civil Rights Act of 1964](#) requires employers "to reasonably accommodate the religious beliefs and practices of applicants and employees, unless doing so would cause more than a minimal burden on the operation of the employer's business."

Reasons for which an organization might rightfully deny a religious accommodation request include:

- Costing the employer more than a minimal amount.
- Causing a lack of necessary staffing.
- Negatively impacting the rights of other employees, such as by violating a collective bargaining agreement or seniority system.
- Forcing other employees to do more than their share of potentially hazardous or burdensome work.
- Jeopardizing security or health.

Always proceed with care

Religion is a highly personal and often emotional subject. Make an effort to stay respectful during all conversations regarding religious accommodations. Aim to understand the request as it relates to business operations, not judge someone's belief system or the sincerity of their religious commitment.

Many organizations find it best to err on the side of caution and acceptance. They try to accommodate the employee's request rather than getting drawn into a dispute. Measures such as making exceptions to dress and grooming rules or tweaking schedules to allow prayer at a scheduled time often provide a relatively easy

adjustment to the work environment that allows the employee to practice his religion.

For more complicated or controversial religious accommodation requests, companies may wish to consult legal counsel before issuing approval or denial.

The EEOC also provides a variety of information helpful to decision-making and understanding legal obligations. Check out [What You Should Know: Workplace Religious Accommodation](#), [Religious Garb and Grooming in the Workplace: Rights and Responsibilities](#) (which includes many practical examples) and [Religious Accommodations Tips for Small Businesses](#).