

# Moses, Jesus, and Muhammad are Coming to Work: Will the Reception be “Heavenly”?

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According to the prevailing view in business today, religion and work are incompatible. Yet this was not always the case. Early colonial settlers from Europe brought with them to the shores of the country that would become the United States strong religious views that were evident in all aspects of life, including work. As the nation evolved, the employer-employee relationship and laws governing work reflected values steeped in religion. Many decades ago, however, a schism developed between faith and vocation. Given the Christian orientation of the nation, this division was best captured in the saying, “church on Sunday, work on Monday.” The nation is now coming full circle - and at an alarming rate. As the new millennium begins, the separation of religion and work is quickly disappearing as workers increasingly bring expressions of faith to the factory floor, office desk, and corporate boardroom.

This workplace religious revival generates significant public policy and managerial challenges. Not only are employers faced more frequently with verbal and symbolic expressions of religion, but increasing religious pluralism means that a supervisor may often be dealing with followers of unfamiliar religious or spiritual movements. For example, Paul, the President and Chief Executive Officer, has planned a birthday party for one of his employees, Brenda. Meats, cheeses, fruit, pastries, and non-alcoholic drinks are selected for the event. Paul and Brenda are at the door of the conference room to greet the guests. Then Paul experiences a set of exchanges that are becoming more and more common. Rick indicates to Paul that his religion does not recognize birthdays, so he will not attend. Isaac, a practicing Jew, states

that the mixing of meats and cheeses is not kosher and therefore he will not participate. Omar, a follower of Islam, suggests that Paul could have chosen a time for the event that did not conflict with his time of prayer. Lastly, Manny, who is an evangelical Christian, asks if he can lead the celebrants in grace before eating commences. Religious workers - those employees who desire to express in respectful fashion their faith while at work - are demanding not only that management be receptive to an employee’s demonstration of faith but also that the legal system fully protect a worker’s religious expression.

This article first provides a cursory description of the history of religion in the United States, including the significant changes to the religious landscape that have occurred during the past forty years. The sometimes congruous, but most often disjointed, relationship between religion and work is then explored. Various public policy positions aimed at addressing the vexing issues associated with a more religious workplace are presented next. The last section provides sensible recommendations aimed at assisting management in dealing more effectively with a work environment increasingly influenced by religion.

## **Religion in the United States: A Primer**

As one scholar astutely writes, “[n]o nation of the world has had its political and economic life so fully analyzed as has ours; on the other hand, no great people of modern times have been so neglectful of the spiritual and idealistic phase of their development.”<sup>1</sup> Given the relatively limited knowledge individuals have today of the role of religion in the United States, it is appropriate to exam-

ine both the history of religion in this country and significant recent changes to the religious composition of the country.

**A Brief History of Religion in America.** Beginning in the 1580s, settlers to portions of the newly-discovered continent were part of the British campaign to separate the English Church from Roman Catholicism through a process of empire building. During the 17th century, the Church of England continued to be the dominant religious entity in the “New World,” but with peace generally made between Protestant and Catholic churches in Europe, followers of the Papacy soon immigrated in significant numbers to the United States. Puritans, Baptists, Quakers, Lutherans, among other churches with roots in Europe, also flourished in the region known as America during the 18th century even though many followers of the same religions were persecuted in countries located in Europe because of their minority status. All denominations benefited from the 1740-1770 religious revival, termed the “Great Awakening,” during which church membership surged and the piety of followers increased substantially. Therefore, at the same time seeds of a new nation were germinating, being active in one’s church was popular and religion was a powerful force in society.

Once the United States was formed, religion continued to influence the culture of the nation. During the later part of the 18th century and the early years of the 19th century, Protestant churches decreased their dependence on “old world” ties as the new country savored its newly-won independence. A major initiative of organized religion during this time was spreading their faith into the Western frontiers. New churches, created within the United States and with no connection to Europe, also emerged, including Mormonism. Internal disputes spawned additional denominations, but no division in the history of religion in the United States is more significant than the split within main line Protestant churches beginning in the 1880s that resulted in denominations deemed either “liberal” or “conservative,” monikers commonly used today to describe the orientation of churches. Jewish immigration, primarily from central and eastern Europe, was at

its highest point during the last quarter of the 19th century.

Religion during the first sixty years of the 20th century is best described as a “religious canopy” consisting of three faiths: Protestant, Catholic, and Jewish. Distinctive aspects of the three religions were inconsequential as the triad of faiths formed a stable religious environment in the United States. However, this period of time is also characterized by a culture that had very little tolerance for belief systems at variance with those of the three dominant religions.

**The Changing Religious Environment.** The past forty years have seen three significant changes in the religious landscape of the country. First, “traditional” religion in the United States has experienced a considerable transformation, both within the framework of many religious institutions and from the standpoint of individuals searching for a religious experience. Particularly within the Protestant church, the role of major denominations (e.g., Baptist, Methodist) has lessened as non-denominational churches have proliferated. Most non-denominational Protestant churches have prospered as a result of a strong commitment to evangelicalism, fundamentalism, or both. But changes have also occurred within followers and prospective followers of denominational and non-denominational churches alike. Complementing transformations taking place within religious organizations, people examining possible religious affiliations are increasingly looking at churches to provide a different type of “religious experience.” Instead of being attracted to the traditions and trappings of well-established religious organizations, individuals are looking to “individualized” religious experiences. A “consumer culture” of religion has now developed, meaning that believers are comfortable moving from church to church or even from religion to religion in search of a religious setting that perfectly fits their needs.<sup>2</sup> These two recent developments, among others, are changing the very nature of the typical church-follower relationship.

Next, with the passage of the Immigration and Naturalization Act Amendments of 1965,<sup>3</sup> Congress reversed a long-standing policy restricting

immigration from Asian and African nations. The impact of this legislation on the country has been staggering. In 1970 less than five percent of the United States’ population was foreign-born, a number that more than doubled in 1997 to 10.4 percent.<sup>4</sup> Moreover, 62 percent of immigrants to the United States in the 1970s came from Europe, but that figure diminished to just 17 percent in 1997.<sup>5</sup> As a consequence, followers of Islam, Buddhism, and Hinduism, along with a number of additional so-called “immigrant religions,” established a religious presence in the United States that not only met the needs of these new members of American society, but also found followers among the non-immigrant population of the United States. The importance of this development can best be understood by considering that Islam is projected to replace Judaism as the second largest faith represented in the United States within the next decade.

A third major development is the growing prominence of spirituality in the religious landscape of the United States. Forms of spirituality include those movements roughly classified as counter to the Judeo-Christian tradition (e.g., Wicca, Satanism), those generally a product of the 1950s and 1960s (e.g., Scientology), and those considered “New Age” (e.g., astrology, mysticism).<sup>6</sup> Moreover, at least in terms of the definition of religion under current legal precepts, most forms of spirituality would appear to be included. The Equal Employment Opportunity Commission (EEOC), for example, defines religious practices as including “moral or ethical beliefs as to what is right or wrong and which are sincerely held with the strength of traditional religious views.”<sup>7</sup>

In considering the significant impact of the increasing numbers of non-denominational churches, so-called “immigrant religions,” and spirituality movements present in the country, one commentator observed:

Today, over half of all 2000-plus primary religious groups operating in the United States were formed after 1960. And lest we think of this as a problem at the fringe, we note that of the six largest religious bodies in the United States, three of them were formed in that time period.<sup>8</sup>

Comprehending the nature of the forces that are altering the traditional religious environment provides insight into the substantial challenges management faces when religion enters the workplace today.

### Faith Enters the Workplace

The United States has been and continues to be one of the most religious nations in the world, with surveys consistently showing that more than 90 percent of its population believes in God. The depth of faith commitment is also considerable. A recent study reveals that the country stands alone among wealthy nations, with almost six-in-ten respondents in the United States reporting that religion plays a *very* important role in their life.<sup>9</sup> Even though religion is a popular and significant force in American society, until recently matters of faith were not brought to the workplace. Why? The long-standing wall separating faith from work can be explained in part because of the customary manner in which religion was practiced. Members of Judeo-Christian churches traditionally prayed to their God and studied sacred tracts in the seclusion of their homes. The private nature of their religious experiences meant that public settings, including the workplace, were not appropriate places to express one's faith. Also, it may be that the constitutional separation of church and state, which has received strong support from the United States Supreme Court during the past fifty years, may have bolstered the view that the same rules prohibiting religion in public buildings (e.g., public schools) also intimate that matters of faith are inappropriate in private buildings (e.g., an office complex).

Regardless of rationale for the historical separation of faith from work during much of the past century, it is clear that the "last taboo in corporate America"<sup>10</sup> is quickly disappearing. One cause of this monumental change in the business environment is related to the very different nature of religion in the United States today. Predominant religious movements are generally less traditional, increasingly based on "immigrant religions," and often include strong elements of spirituality. Another rationale is suggested by the ease at

which individuals are publicly displaying their faith. Churches and movements today commonly encourage followers to express their beliefs in public, a position diametrically contrary to the position of Protestant, Catholic, and Jewish faiths of a half-century ago. Perhaps, too, some workers are rejecting materialism and, instead, are searching for meaning in life pursuing matters of the soul.

The religious renaissance experienced today in the workplace generates, not surprisingly, considerable tensions and conflicts. Data indicating the use of the legal system to address the concerns of disgruntled religious employees provides one view of the extent of the problem. The EEOC reports that the number of religious discrimination complaints almost doubled from 1993-2002.<sup>11</sup> Filings for sex-based discrimination during the same period increased only slightly.<sup>12</sup> Moreover, while monetary benefits obtained through private litigation of religious discrimination cases are not reported by the EEOC, the federal government does state that the total awards victims received through federal and state agency actions relating to religious discrimination rose from \$1.4 million in 1992 to \$14.1 million in 2001.<sup>13</sup> An untold number of additional disputes are handled successfully without an aggrieved religious employee contacting an administrative agency or court.

### Public Policy Alternatives

Under Title VII of the Civil Rights Act of 1964 (Title VII),<sup>14</sup> it is well accepted that employers are forbidden from *discriminating* against job applicants or employees based on an individual's religion. The employer who refuses to hire an individual because the applicant commented during a job interview that they were Southern Baptist should be found in violation of law. Similarly, an organization's policy that allows employees to display pictures or personal articles, except those associated with a religion, would also violate Title VII. The propriety of this public policy position is beyond debate.

The propriety of extending anti-discrimination law to the *harassment* arena is also no longer seriously debated in public policy circles. Federal law has been interpreted to forbid the creation

of a hostile work environment based on an individual's religious beliefs. Not surprisingly, courts look to the well-developed law of sexual harassment when faced with instances of religious harassment. While certain differences exist between sexual and religious harassment, the doctrine of religious harassment is today generally accepted in both legal and management venues.

Unlike other types of discrimination protected by Title VII, however, employers bear an additional duty - an affirmative obligation - to *reasonably accommodate* religious practices of job applicants and employees. Currently, considerable debate exists regarding the propriety of the accommodation provision of Title VII. The public policy arguments can be grouped into three very different approaches as to how best to deal with the religious worker. The first approach argues that nothing should be done to change the extent of protection for expressions of religion at work that has existed for almost thirty years. Supporters of the status quo argue that minimal "reasonable" accommodation correctly balances the competing interests of employee and employer.

A second approach has gained a foothold recently. Those in this camp argue that the reasonable accommodation provision should be eliminated; that is, the anti-discrimination aspect of Title VII is sufficient. The third approach, and arguably the most interesting, advances the notion that protection for religious workers should be broadened. A bill recently has been introduced in Congress, with considerable bi-partisan support, that would create a standard for determining a reasonable accommodation reminiscent of the obligation currently owed by employers to the disabled under the Americans with Disabilities Act (ADA).<sup>15</sup> Instead of the existing "minimal" obligation, under this legislative proposal the employer would be required to accommodate the religious needs of an employer, unless the accommodation would cause the employer "significant" difficulty or expense. The debate concerning these three choices presents fascinating issues for those charged with shaping public policy and allow all stakeholders the opportunity to contribute to the discussion.

***Embracing the Status Quo: Reasonable Accommodation at its Weakest.***

Proponents of the status quo argue that anti-discrimination and anti-harassment laws, while adequate to shield an individual from “status” prejudice, are insufficient to protect the worker who wishes to *practice* their faith in the workplace. Congress amended Title VII in 1972 to require an employer to “reasonably accommodate” an employee’s religious expression. This extension of protection is directed at a salient difference that exists between other protected classifications (e.g., race, sex), and the category of religion, where expressions are often a central part of what it means to be a person of faith. Congress recognized that legal safeguards were needed to protect not only the right to believe but also the right to *act* on those beliefs. The obligation for the employer to reasonably accommodate, however, is not without limits: an accommodation will not be deemed “reasonable” if it would create an “undue hardship” on the employer.

While Congress appears to have desired that workers receive considerable protection from adverse employment consequences when an employee desires to express their faith, the two United States Supreme Court decisions that have considered the “reasonable accommodation” and “undue hardship” clauses in the civil right law have defined the terms in a manner that heavily favors employers. In the 1977 case of *Trans World Airlines, Inc. v. Hardison*,<sup>16</sup> the Court found that the payment of a small amount of overtime (approximately \$450) as an accommodation to an employee who refused to work on a Sabbath created an “undue hardship.” This burden is best described as minimal. Nine years later, the Supreme Court ruled in *Ansonia Board of Education v. Philbrook*<sup>17</sup> that an employer met its legal obligation by offering an accommodation that addresses the needs of the employee even if the employee can offer an alternative that is less burdensome on the employee.

The *Hardison* and *Philbrook* decisions are generally viewed with derision by legal commentators (among others) because of the negligible burden an employer must bear to accommodate the religious needs of workers. On the other hand, many employers are supportive

because the current doctrine recognizes the duty to allow expressions of faith at work without unduly burdening management.

***Eliminating the Reasonable***

***Accommodation Provision.*** A second method of dealing with religious employees is to fall back to the original position of Congress in considering religion solely as a “status,” deserving of protection but not warranting special accommodation treatment. Proponents center their arguments on two points. First, religious beliefs are difficult enough to substantiate. Requiring employers to accept an employee’s view of *observance or practice*, especially when non-traditional religions and uncommon spirituality movements are offered as faiths, presents an almost impossible hurdle for the employer. Second, a law that requires the employer provide an accommodation to expressions of faith by workers amounts to “protection-plus,” a concept that has the potential to impede upon the religious convictions or sexual orientations of other employees.<sup>18</sup> For example, religious accommodations could run contrary to an organization’s policy designed to encourage diversity. Hence, under an accommodation model, religiosity may trump conventional managerial prerogatives.

As a practical matter, abolishing the reasonable accommodation obligation would simplify the administration of human resource management issues pertaining to religion. The legal protection for religion would be identical to that of race and sex. There would be no need for an employer to develop employment policies that grant preferential treatment to one category of worker, potentially at the expense of others. Opponents of this view offer a number of reasons why accommodation is necessary, but three are paramount. First, attempting to separate workers from their faith may put the employer in an exceedingly negative light for those employees who believe that they are called to practice their faith at all times. Next, the general call to embrace diversity in the workplace is stalled if religious diversity is not respected. Finally, at least under current judicial interpretations, the costs associated with providing a reasonable

accommodation to an employee are only minimal.

***Supporting the Passage of the Workplace Religious Freedom Act of 2005.***

Republican Senators Orrin Hatch and Richard Santorum along with Democratic Senators Hillary Rodham Clinton and John Kerry are among a number of legislators co-sponsoring in this legislative session the Workplace Religious Freedom Act of 2005 (WRFA).<sup>19</sup> Proponents of the WRFA believe that the United States Supreme Court’s decisions interpret the reasonable accommodation provision of Title VII too narrowly. As a result, according to proponents of the bill, there is precious little protection for workers who desire to express respectfully their faith while at work. And with increasingly religious pluralism occurring in the country, the need for greater protection for religious employees will only escalate.

The Interfaith Alliance, consisting of a diverse group of religious organizations including the American Jewish Congress, Family Research Council, National Council of Churches, Islamic Supreme Council of America, Tradition Values Coalition, Presbyterian Church (USA), and the Sikh Council on Religion and Education, is a driving force behind the WRFA. Employer-oriented groups, such as the HR Policy Association (comprised of senior human resource management executives), generally oppose the WRFA because they fear language in the proposal will greatly increase the obligation of employers to accommodate the demands of job applicants and employees who wish to bring their faith to work. The American Civil Liberties Union also opposes the WRFA, believing that followers of minority religions and individuals who are not religious will suffer harm under provisions of the bill.

The primary thrust of the WRFA is clear: reject the existing standard requiring the employer to bear only the most minimal expenses associated with providing a reasonable accommodation. Instead, the WRFA borrows language from the ADA that defines an “undue hardship” as any accommodation that requires the employer to suffer “significant difficulty or expense.” In determining whether an undue hardship exists, the

WRFA provides that costs of providing the accommodation, financial resources of the organization, the number of individuals employed by the company, and the number of employees involved in the suggested accommodation, among other items, are factors to be used in making the undue hardship determination.

Given the provision of federal law requiring employers to accommodate the religious observances and practices of employees, it is clearly evident that Congress does not envision a secular workplace. The position of the United States Supreme Court mandating that the employer need only incur a minimal burden in providing an accommodation appears to minimize the rights of the religious worker. Therefore, in passing the WRFA, Congress will expressly reject the "minimal" standard in favor of one that requires an employer to accommodate the religious needs of an employee, unless such an accommodation would create a "substantial" burden. Many believe that the "substantial" burden standard is not only in line with what Congress intended in the 1972 legislation creating the reasonable accommodation obligation, but also will better meet the needs of society in the 21st century.

### Practical Suggestions for Management

The increasing presence of expressions of faith in the workplace, the growing number of religious and spiritual movements, and the current legal environment should cause management to consider seriously the following three recommendations. Each of these recommendations is a component of a comprehensive approach aimed at limiting legal liability, improving employee morale, and increasing organizational productivity. As with most issues pertaining to religion, a cautious approach is wise; there also is no substitute for deliberate, inclusive discussions of management, supervisory, and employee sectors in implementing these suggestions.

**Policy.** Creating a strong policy statement regarding religious discrimination and harassment is a critical element in any program geared to effectively address religion in the workplace issues. While many organizations have adopted

policy statements dealing generally with the topics of discrimination and harassment (usually sexual harassment), management would be wise to consider a separate document devoted solely to the matter of religion. Four areas should be covered using language that is easy to understand and free of legalisms.

First, management needs to include a definition of religion within the policy statement. As noted above, the EEOC and most courts have adopted a very broad definition of religion. The description provided should move well beyond a monotheistic notion of religion, including not only polytheistic religions with long histories but also spirituality movements created in recent decades. Second, a religion policy must go beyond the usual statement that discrimination and harassment based on a protected class will not be tolerated. The unique area of accommodation must be presented. The policy should state that the organization recognizes its legal duty to accommodate the religious needs of its employees. The language of this section, however, ought to also include strong language that indicates the limits of this duty: the employer will make only reasonable accommodations that do not create an undue burden on the employer. Examples, perhaps including voluntary shift changes, are helpful to communicate the extent of the employer's duty.

Third, the policy should provide a clear description of the interactive process that the employer is willing to pursue to find a reasonable accommodation. It should be clear that it is the *employee's* obligation to not only provide management with notice that a conflict exists between the requirements of the job and the employee's expression of faith, but also to supply a minimum understanding of the employee's religion and its potential impact upon the individual's ability to perform. The wording of the document is very important because the employee must understand the obligation to come forward. Once notice is provided by the employee, the policy statement should indicate a general sense of how the employer will accommodate the employee's religious practices and the limits of that obligation. Many employers will want to include language that clearly states the very limited obligation the law imposes on an employer to accommodate.

Finally, the complicated area of religious harassment should be addressed because it brings issues not relevant to the more common area of sexual harassment. For example, the policy should address the situation where accommodating one employee's religious needs may infringe upon another employee's perception of a workplace free from harassment. When competing interests exist, it is best for management to adopt a position of reasonableness.<sup>20</sup> This approach should be phrased in such a manner that the reader understands management's dual obligation to provide reasonable accommodations to religious employees and to guarantee a workplace free from hostility.

**Education.** Human resources professionals should be tasked with the responsibility of apprising all employees, from the chief executive officer to the part-time mail room worker, with a description of the entire range of religious beliefs and spiritual movements that are practiced in the relevant local community. For example, if a significant Sikh population exists in the local area, employees should be aware that followers of this religion may be employed. Moreover, common misunderstandings associated with certain religions should be corrected. For example, many individuals are surprised to find that followers of Paganism do not worship Satan but instead pay homage to male and female gods.

The program of education needs to also proceed to the arena of observances and practices. For example, the religious laws of Orthodox Jews, Rastafarians and Native Americans may forbid the cutting of one's hair. Or, some Muslim women wear a headscarf, or hijab, for religious reasons. An excellent starting place for discussing various religions is to examine a calendar containing the days of observance, along with the method of recognizing those holy days, for common religions. The power of religious symbols and actions can be very disquieting to the uninitiated. Moreover, individuals belonging to a minority religious group often are faced with a dilemma: comply with the religious law of their faith or movement and suffer adverse employment consequences (either formal (loss of job) or informal (harassment),

or violate a sacred tenet in the interest of appeasing an employer or co-workers.<sup>21</sup>

With more than 1,500 primary religious organizations claiming followers in the United States today, management may view the prospects of educating employees on common faiths and methods of religious observance a daunting task. However, the goal is only to sensitize workers whose religious views generally tend to be narrowly tailored to the Christian religion and who are unaware of the popularity of “non-traditional” belief systems.

**Training.** Adequate training for supervisors is another critical aspect of an overall approach aimed at dealing effectively with the challenges associated with a more religious workplace. In particular, all individuals who manage others should be trained in the accommodation process. The human resources department’s training program might include teaching supervisors how to determine: the nature of the employee’s religious belief, essential requirements for the job, whether a conflict exists between an expression of faith and elements of performance, accommodations that would adequately meet employee concerns, and possible burdens on an employer asked to comply with an accommodation request (e.g., impact of accommodation on productivity, number of employees impacted, and estimated financial costs).

Also, an effective training program for management should emphasize the importance of having religious employees who wish to express their faith at work also consider the views of religious employees who follow the more traditional view that faith and work should remain separate, religious employees who pursue a religion or spirituality movement that is different, and those employees who are not religious. Management also should be well versed in dealing with employees whose activities (e.g., proselytizing) could cause the work environment to become hostile.

A comprehensive approach for dealing with religion in the workplace does more than honor edicts of encouraging diversity. Creating a religion-at-work policy, implementing a strong program of education for all workers, and

sponsoring organizational training for supervisors will reduce allegations of discrimination and harassment based on religion (including those situations pertaining to accommodation) and, should the need arise, provide a strong defense against legal claims raised under Title VII.

## Conclusion

Discussing religion in social settings is an uncomfortable experience for most individuals. In the past, those professing faith have followed tenets strongly suggesting that the private nature of their religious experience, along with the fear of offending others, mandates that verbal expressions or tangible symbols of one’s religious beliefs are not to be offered in public. Therefore, for many decades the workplace was generally sanitized from religious manifestations. Such is no longer the case. Employees are increasingly comfortable proselytizing, praying, and expressing in a host of other manners their faith in the workplace.

In some respects, it is surprising that faith and work have not experienced a greater partnership over the years, considering the religious nature of the United States. But it is clear today that religion is coming to work and the workplace is being transformed accordingly. While current legal precepts, relying heavily on the historical view that a secular workplace is preferred, provide only the most minimal protection for the religious employee, there is considerable pressure in public policy circles to guarantee to a greater degree an employee’s right to express, in a respectful fashion, aspects of their religion. Moreover, increasing religious pluralism is adding to the need for society to reconsider the current level of protection for religious workers.

Regardless of whether a change is made in the legal framework regarding workplace expressions of belief, management needs to be aware of the significant change in workplace culture that is rapidly occurring. Dealing with religious workers requires more than being aware of and sensitive to their concerns, it requires that management create and execute a strategy that fully recognizes workers are less and less willing to leave their religion at the door of their

employer. Whether the reception given to religious workers will be “heavenly” or something far different is within the exclusive control of management. The work environment is radically changing as religion enters the workplace. Is management prepared to respond appropriately?

## Endnotes

- 1 William Sweet, *Religion in Colonial America* (New York: Charles Scribner’s Sons, 1951), vii.
- 2 Rebecca French, “Shopping for Religion: The Change in Everyday Religious Practice and its Importance to the Law,” *Buffalo Law Review* 51 (winter, 2003): 164-176.
- 3 Pub. L. No. 89-236, 79 Stat. 911 (1966).
- 4 Georgette Bennett, “Religious Diversity in the Workplace...an Emerging Issue,” *Diversity Factor* 9, no. 2 (winter 2001): 15.
- 5 Ibid.
- 6 French: 148.
- 7 29 C.F.R. § 1605.1.
- 8 Gordon Melton, “Religious Pluralism: Problems and Prospects,” *2001 BYU Law Review*: 620.
- 9 Pew Research Center, “Among Wealthy Nations...U.S. Stands Alone in its Embrace of Religion,” available at <http://people-press.org/reports/display.php3?ReportID=167> (posted December 19, 2002).
- 10 Marc Gunther, “God & Business,” *Fortune*, 9 Jul. 2001, 59.
- 11 EEOC, *Religion-based Charges FY 1992-2003* (2004), available at <http://www.eeoc.gov/stats/religion.html>.
- 12 EEOC, *Sex-based Charges FY 1992-2003* (2004), available at <http://www.eeoc.gov/stats/sex.html>.

- 13 EEOC, *Religion-based Charges FY 1992-2003*.
- 14 Pub. L. No. 88-352, 703, 78 Stat. 241, 255-57 (1964) (codified as amended at 42 U.S.C. § 2000e).
- 15 Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified as amended 42 U.S.C. §§ 12101-12213).
- 16 *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977).
- 17 *Ansonia Board of Education v. Philbrook*, 479 U.S. 60 (1986).
- 18 Christine Henle and Raymond Hogler, "The Duty of Accommodation and the Workplace Religious Freedom Act of 2003: From Bad Policy to Worse Law," *Labor Law Journal* 55, no. 3 (fall 2004): 156.
- 19 S. 677, 109th Cong. (2005).
- 20 Karen Cash and George Gray, "A Framework for Accommodating Religion and Spirituality in the Workplace," *Academy of Management Executive* 14, no. 3 (Aug. 2000): 131.
- 21 Alison Renteln, "Visual Religious Symbols and the Law," *American Behavioral Scientist* 47, no. 12 (Aug. 2004): 1590.

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