

FAITH AT WORK

Can we really be religious at work?



We can't talk about religion at work *or can we?*

- Religion at work remains highly contested
- Many companies are becoming more faith-friendly and weaving spirituality into their company cultures.
- Companies realizing must bring the whole person to work, including their religious beliefs that usually involve high moral and ethic expectations and practices.
- Mission and value statements can make clear that company leaders embrace GOD.
- Public companies can classify themselves as Christ or GOD centered.
- Others declare they are *Faith-Friendly*, not aligned with one religion.
- Religion is often not a business friendly word, but Faith and Spirituality are.

What does the law say?



Constitutional Law

First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Supreme Court has ruled that the **14th Amendment** (ratified in 1868) requires states to guarantee fundamental rights such as the First Amendment's prohibition against the establishment of religion. This means that states, like the federal government, can "make no law respecting an establishment of religion."



Civil Rights Act 1964: Title VII

Are employers required to accommodate the religious beliefs and practices of applicants and employees?

Yes. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employee's sincerely held **religious beliefs or practices** unless the accommodation would impose an undue hardship (more than a minimal burden on operation of the business).

A religious practice may be sincerely held by an individual even if newly adopted, not consistently observed, or different from the commonly followed tenets of the individual's religion.



Civil Rights Act 1964: Title VII

What does Title VII mean by "religion"?

Title VII defines "religion" very broadly. It includes traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism. It also includes religious beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people.

Social, political, or economic philosophies, or personal preferences, are not "religious" beliefs under Title VII.



Civil Rights Act 1964: Title VII



March 13, 2023

Notice Concerning the Undue Hardship Standard in Title VII Religious Accommodation Cases.

This document was issued prior to the Supreme Court's decision in *Groff v. DeJoy*, 143 S. Ct. 2279 (2023). The *Groff* opinion clarified that “showing ‘more than a *de minimis* cost’...does not suffice to establish undue hardship under Title VII.” Instead, the Supreme Court held that **“undue hardship is shown when a burden is substantial in the overall context of an employer’s business,”** “taking into account all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of an employer.”

Office of US Attorney General

Federal Law Protections for Religious Freedom

Religious Freedom Restoration Act Oct. 6, 2017

1. The freedom of religion is a fundamental right of paramount importance, expressly protected by federal law.
2. The free exercise of religion includes the right to *act* or *abstain from action* in accordance with one's religious beliefs.
3. The freedom of religion extends to persons *and* organizations.
4. Americans do not give up their freedom of religion by participating in the marketplace, partaking of the public square, or interacting with government.
5. Government may not restrict acts or abstentions because of the beliefs they display.
6. Government may not target religious individuals or entities for special disabilities based on their religion
7. Government may not target religious individuals or entities through discriminatory enforcement of neutral, generally applicable laws.
8. Government may not officially favor or disfavor particular religious groups.
9. Government may not interfere with the autonomy of a religious organization.
10. The Religious Freedom Restoration Act of 1993 prohibits the federal government from substantially burdening any aspect of religious observance or practice, unless imposition of that burden on a particular religious adherent satisfies strict scrutiny.

- 11. RFRA's protection extends not just to individuals, but also to organizations, associations, and at least some for-profit corps.**
- 12. RFRA does not permit the federal government to second-guess the reasonableness of a religious belief.**
- 13. A governmental action substantially burdens an exercise of religion under RFRA if it bans an aspect of an adherent's religious observance or practice, compels an act inconsistent with that observance or practice, or substantially pressures the adherent to modify such observance or practice.**
- 14. The strict scrutiny standard applicable to RFRA is exceptionally demanding.**
- 15. RFRA applies even where a religious adherent seeks an exemption from a legal obligation requiring the adherent to confer benefits on third parties.**
- 16. Title VII of the Civil Rights Act of 1964, as amended, prohibits covered employers from discriminating against individuals on the basis of their religion.**
- 17. Title VII's protection extends to discrimination on the basis of religious observance or practice as well as belief, unless the employer cannot reasonably accommodate such observance or practice without undue hardship on the business.**
- 18. The Clinton Guidelines on Religious Exercise and Religious Expression in the Federal Workplace provide useful examples for private employers of reasonable accommodations for religious observance and practice in the workplace.**
- 19. Religious employers are entitled to employ only persons whose beliefs and conduct are consistent with the employers' religious precepts.**
- 20. As a general matter, the federal government may not condition receipt of a federal grant or contract on the effective relinquishment of a religious organization's hiring exemptions or attributes of its religious character.**

Source: <https://www.justice.gov/media/917256/dl?inline>

What Rules Do Public Employers Have to Follow?

- A public employer (government) is required to follow many of the same rules regarding religious expression and religious discrimination as a private employer. For example, public employees are permitted to speak with one another regarding religion and may have religious items in their private work area.
- Government employees, however, are required to avoid religious expression in their interactions with the public if that expression may be viewed as an endorsement of a particular religion by a government representative, instead of a personal preference.

SO...

How can you practice faith in the workplace at *for-profit* private companies?



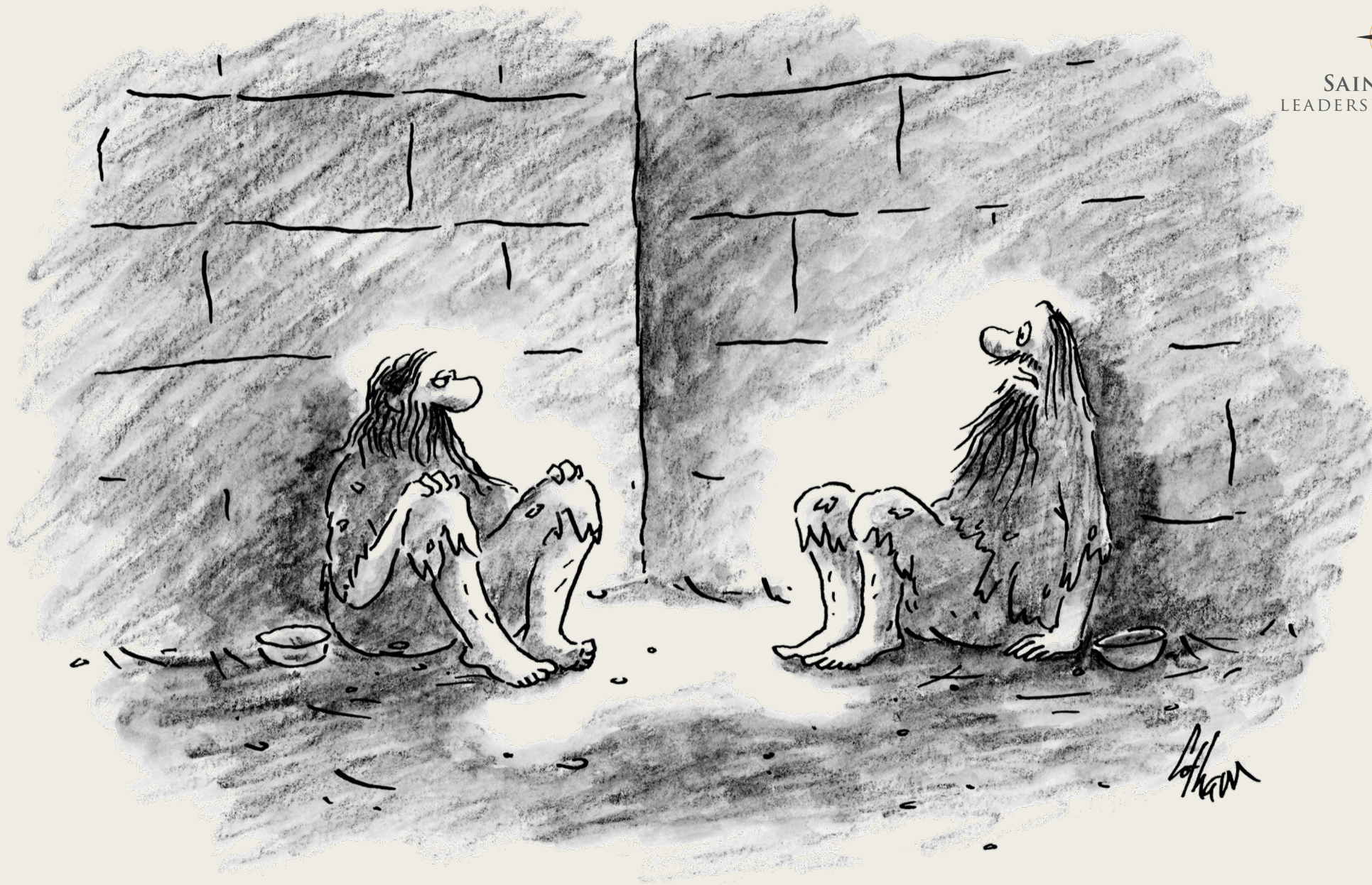
What Counts as a Religious Belief

- EEOC Title VII includes a very broad definition of religion.
- The definition includes more traditional religions, such as Islam, Judaism, and Christianity but also includes religious beliefs which may not be common or may not be part of an official church.
- The guidelines provide that, simply because a certain belief is practiced by a religious group, it does not automatically make the belief a religious belief on its own.
- Instead, the law, as noted above, recognizes a belief as a religious belief if it is held with the strength of traditional religious views.

For example:

- Individuals who practice Orthodox Judaism are not permitted to work on Saturdays. This is an important part of their religious belief system.
- In contrast, Catholic individuals may choose not to work on Saturday due to family obligations. However, this is not mandated by the Catholic religion.





“They’re keeping me from practicing my religion. I’m a sun-worshipper.”

Can an Employer Talk about Their Religious Beliefs with Their Employees?

- An employer must ensure their employees understand they are not required to adhere to or adopt their employer's religious beliefs in order to keep their jobs or to be promoted.
- Employers cannot continue to proselytize to an employee if the employee requests the employer not to, as this may be considered harassment.
- Some employers may institute a *religion in the workplace policy* which may provide instructions for engaging in religious practices at work.

Can an Employer Base Business Objectives upon Religious Principles?

- Employers can legally set forth business goals and objectives based on their religious principles.
- It is not considered discriminatory for an employer to do this.
- However, employers may not force religious training on any employees.
- The employer may only use religious principles to help convey their business objectives.

Serving GOD and His People
Being grateful and generous

Safety and Quality
Nothing is more important at J.T.M.

Customer Service
Our real business is solving customer problems

Pioneering Spirit
Being on the leading edge of food
manufacturing and production innovation

Personal Commitment
Hard work, continue to improve, never be satisfied

Profit and Growth
Makes all things possible at J.T.M.

THE
J.T.M.[®]
WAY

Business Objectives – Faith Based



IN THIS FAMILY WE

work hard

COLOSSIANS 3:23

keep our promises

ROMANS 4:21

Tell The Truth

PROVERBS 12:22

count our blessings

PSALMS 34:1-3

love one another

1 PETER 1:22

have fun!

PROVERBS 15:13

Common religious accommodations sought in the workplace?

- An employee needs an exception to company's dress code for a religious practice:
 - Pentecostal Christian woman does not wear pants or short skirts;
 - A Muslim woman who wears a headscarf (hijab); or a Jewish man who wears a yarmulke.The EEOC developed "Religious Garb and Grooming in the Workplace: Rights & Responsibilities"
- A Catholic employee needs a schedule change to attend church services on Good Friday
- An atheist needs to be excused from the religious invocation at the beginning of staff meetings
- A Christian pharmacy employee needs to be excused from filling birth control prescriptions
- A Jehovah's Witness seeks to change job tasks so not have to work on war weapons
- A Native American due to spiritual beliefs needs unpaid leave to attend a ritual ceremony
- A Muslim employee needs a break schedule permitting daily prayer at prescribed times



How to determine if religious accommodation is more than a min. burden?

Burdens on business that are more than minimal (or an "undue hardship") include:

- Violating a seniority system
- Causing a lack of necessary staffing
- Jeopardizing security or health
- Costing the employer more than a minimal amount.

Example:

If a schedule change imposes an undue hardship, the employer must allow co-workers to voluntarily substitute or swap shifts to accommodate the employee's religious belief or practice.





Link:

<https://www.eeoc.gov/laws/guidance/questions-and-answers-religious-discrimination-workplace>

Companies with faith based ERG's

Employee Resource Groups



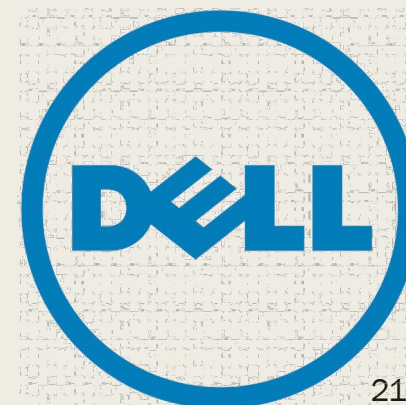
Tyson Foods, Inc.



Goldman
Sachs



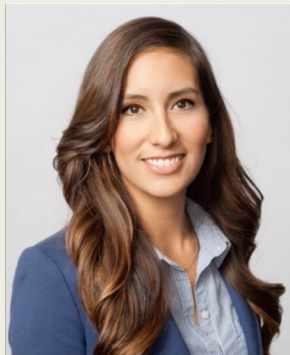
Alphabet
Google



An evolving workplace trend

- DEI (Diversity, Equity and Inclusion) initiatives have often been associated with WOKE culture.
- DEI's are becoming a means to promote workplace religion diversity and inclusion
- DEI efforts can lead to Faith based ERG's (Employee Resource Groups)
- ERG's are workplace, company sponsored, employee-led affinity organizations inside companies for differing communities to support, engage and inform one another.
- The current trend is for companies to set up interfaith ERG's supporting broad faith groups to support their faith based interest and needs.

FAITH-BASED ERGs & BUILDING BRIDGES AT WORK

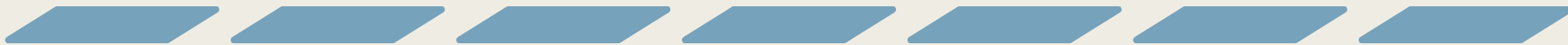


Fears of faith witness at work

“I am afraid of losing my job if I am open about my faith at work.”



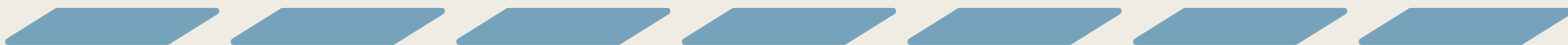
“Authenticity, integrity, empathy, love, and other characteristics of Christianity are not valued in my company. In fact, they are discouraged.”



“I just don’t have the moral courage to be open about my faith.”



“I love Christ and his Church, but I don’t always know the appropriate thing to say about my faith.”



“I am not comfortable sharing anything personal, especially about my faith.”



Can we legally pray at work?



An employer cannot *require* prayer in the workplace.

An employer can include prayer in the workplace, even at mandatory meetings.

Employers may integrate their own religious beliefs or practices into the workplace.

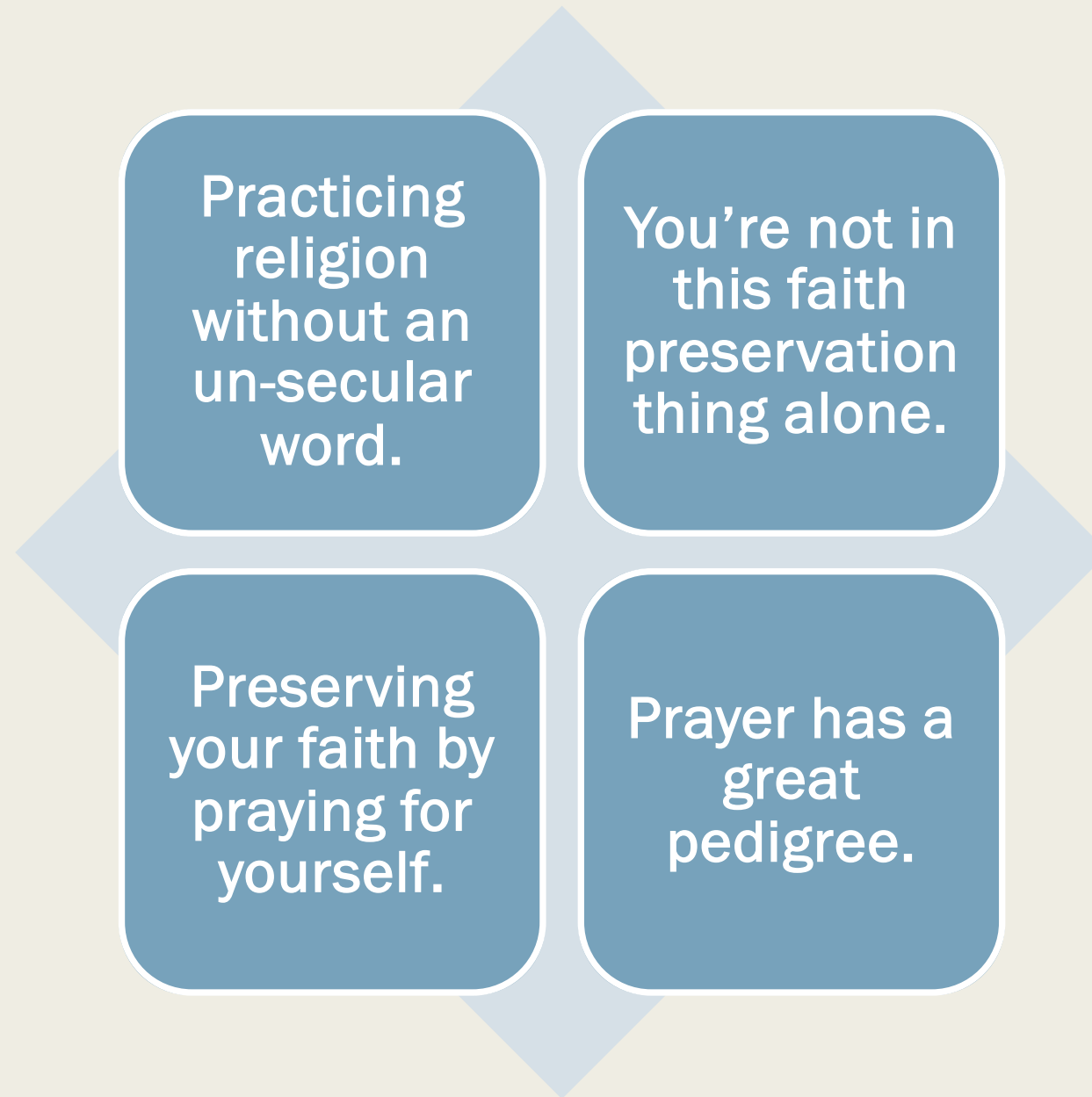
If the employer holds religious services or programs or includes prayer in business meetings.

Title VII requires the employer accommodate an employee who asks to be excused for religious reasons absent a showing of undue hardship.

Excusing an employee from religious services or prayer does not cost the employer anything.



Preserving your Catholic faith in a secular world



SAINT JOHN
LEADERSHIP NETWORK

Be a courageous Catholic at work

Show me that in the policy manual.

Witness through personal example and be a light for Christ.

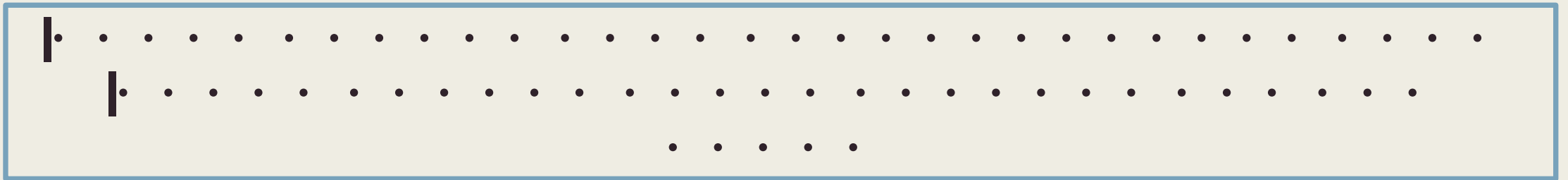
Start the conversation with a little sharing of our own.

Reality Check: Pursuing heaven vs. being popular.

Be consistent and lead an Integrated Catholic Life.



Faith in the workplace



The world is desperate for witnesses.

We need to see our workplaces as mission fields if we desire opportunities of influence.

Having a mission mindset will also allow us to see purpose in our work, our co-workers and our stewardship.