NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Workplace religious complaints double over 10 years

Marcia Pledger Religion News Service | Nov. 23, 2011

CLEVELAND -- Northeast Ohio native Suhad Hasan says neither her Muslim faith nor her headscarf should be an issue where she works.

But she said they were while she was a sales associate at the Old Navy clothing store in Santa Clara, Calif., three years ago. Hasan said she was assigned to work in the fitting room and was never offered training for other positions, despite her repeated requests.

After several months, Hasan moved back to Ohio, only to be denied what she said was supposed to be an automatic transfer to a job in another Old Navy store. She found herself without a job.

"I was born and raised in the United States and I pay taxes like everybody else," said Hasan, 39, now a Parma, Ohio, resident who has sued Gap Inc., the parent company of Old Navy. "What I wear on my head and the God that I believe in should not be an issue in the workplace."

The number of complaints like Hasan's is steadily rising. Equal Employment Opportunity Commission statistics show that religious discrimination complaints in workplace settings have more than doubled from a little over a decade ago, resulting in roughly $10 million in settlements. Last year, nearly 3,800 were filed.

"Religion has increasingly moved into the private sphere, so when it does pop up in the workplace, we're less equipped to deal with it in a rational and even-handed manner," said John Gordon, chairman of the religion department at Baldwin-Wallace College in Ohio.

In an email last week (Nov. 17), Gap spokeswoman Debbie Mesloh said the company denies allegations raised by Hasan in her complaint. "We are an equal opportunity employer with robust anti-discrimination policies and programs, and we strive to ensure a welcoming and inclusive environment for all employees," Mesloh said.

Many of the complaints from employees involve wearing head garb or those who say they work for companies that refuse to accommodate their requests for religious days off.

Cynthia Stankiewicz, enforcement manager for the EEOC Cleveland field office, said not allowing time off for religious observances is a common issue. She said many cases come about when employers aren't aware of employees' rights or when employers don't attempt to accommodate requests that do not pose a hardship on the business.

"In most cases, employers don't have a good valid job-related reason for religious discrimination," she said. "It's often based on fears, myths and stereotypes."

The law requires employers to make reasonable accommodations to "sincerely held" religious beliefs of employees as long as doing so poses no undue hardship on the employer, EEOC says. When that doesn't happen, EEOC said it steps in but only after first attempting to reach a pre-litigation settlement with the

employer.

Still, an employer can turn down a request if that means training someone else, at a substantial cost, to cover for the worker who doesn't want to work for religious reasons, Stankiewicz said.

Also, employers are not required to pay premium or overtime costs in order to accommodate religious needs. Or undue hardships could become an issue if a collective bargaining agreement includes rules regarding seniority and assignments.

"It's a complex thing. Almost every case is unique," said Gordon. "A particular employer may really have a bias or an employee might be unreasonable."

Civil rights attorney and law professor Avery Friedman, who has represented employees for the last four decades, said he's not surprised about the increase in EEOC complaints about religious workplace issues.

"The rise relates to how certain groups are perceived, coupled with people who carry their faith-based precepts and act as missionaries in the workplace," he said.

Since returning to Ohio, Hasan has landed a job as a home health aide. She said she is still shaken by her experience with Old Navy.

"I was raised to respect all religions. But when you attack my hijab, you're demeaning my beliefs and my religion," she said.

[Marcia Pledger writes for The Plain Dealer in Cleveland.]

Source URL (retrieved on *2016-05-29 09:35*): http://ncronline.org/news/people/workplace-religious-complaints-double-over-10-years