

THE BUFFALO NEWS

April 17, 2006

Bosses should learn about workers' faiths



By SHARON LINSTEDT

There's a good chance you or one of your co-workers took time off in recent days for religious purposes.

Supervisor-approved days off, and hours out of the

office, allowed many employees to attend Lenten or Passover services during the past week.

Most employers anticipate and accept worker requests for time away from work during such high-profile religious holiday periods, understanding their significance.

But what about less well-known days of religious observance such as Ridvan, Baisakhi, Visakha Puja, Hanuman Jayanti, Mawlid an Nabi, and Lazarus Saturday? These springtime holy days are in the same category as Easter and Passover to the Baha'i, Sikh, Buddhist, Hindu, Islam and Orthodox Christian faiths that each have requirements for observance.

Melanie Glickson, a Labor and Employment attorney with the New York office of Nixon Peabody LLC, said a dialogue between boss and worker will go a long way to prevent any misunderstandings, and potential legal battles, over time off for religious observance.

"Employers are required by law to

attempt to accommodate any sincerely-held religious belief, as long as it doesn't cause undue hardship to the business," Glickson said. "I would advise bringing it up early on in the relationship, giving the supervisor time to understand your religious requirements and plan ahead."

Glickson said information will go a long way to make an employer comfortable with an unfamiliar request for time off. She suggests bosses do a little homework to educate themselves about their workers' faiths.

"As the workplace is becoming more increasingly multicultural, employers are being exposed to a greater diversity of religions. Rather than treating these requests with resistance, it can be an opportunity to learn more about an unfamiliar religion and encourage inclusiveness," Glickson added.

The federal Equal Employment Opportunity Commission ranks religion-related discrimination near the top of its list of categories. Barring workers to practice their beliefs through observance, as well as preventing workers from wearing faith-required clothing, such as head scarves, or having certain hair and beard styles, also falls into this category of discrimination.

Glickson's recommendations for bosses to do their best to accommodate workers' right to practice religious beliefs also include:

- Examine the facts of each situation case-by-case, considering whether an exception can be granted without undue hardship.**
- Train managers in advance. Religious accommodation issues can arise**

suddenly, and are not ideal for learning on the job.

- Be respectful, and never exhibit hostility or bias towards an employee's request or claimed religious belief. Be thoughtful and fair.

Glickson said she has been involved in a few employment law matters where a worker has requested a specific day or week off for a religious event, but it was possible for the faith requirement to be fulfilled at another time.

She also noted that bosses might have an easier time scheduling time off for staffers of less common faiths because the holidays don't coincide with those of more prevalent religions.

"It might turn out that it's very simple to rearrange the schedule without conflict or hard feelings," Glickson said.

The labor law expert also cautioned workers to deal directly with their supervisors or the company's human resources department in making their requests. Turning to co-workers or team members won't get results and might end up causing hostility if the non-standard days off are mistakenly viewed as preferential treatment.