

# PARTICIPATOR

December 2010

## Talking about Religion and Politics: What's acceptable in the workplace?



*An old maxim says “never talk about religion or politics,” but how realistic (or even desirable) is that advice? And as the worlds of religion and politics collide, talk of one often crosses the line into speech about the other. While employers don't want to trample on anyone's right of free speech, they also can't allow discrimination, harassment, or retaliation against employees based on their religious beliefs.*

### Muslim backlash?

Recent news accounts about the controversy over a proposal to build an Islamic mosque and cultural center near Ground Zero of the September 11, 2001 attacks have stirred questions about whether Muslims are facing increased harassment in the workplace. Passions run deep about the appropriateness of the center, just as feelings are strong about the nation's promise of religious freedom. A poll from the Pew Research Center for the People and the Press released in August shows that favorable opinions of Islam have declined since 2005. The poll found that 30 percent of the 1,003 adults polled in August (during the height of the mosque controversy) said they have a favorable opinion of Islam, while 39 percent reported having an unfavorable opinion. Thirty-two percent of those polled offered no opinion. In 2005, 41 percent of poll respondents expressed a favorable opinion of Islam, and 36 percent reported an unfavorable opinion.

The August Pew poll concluded that 51 percent of Americans agree with those who object to the building of the center near the former site of the World Trade Center, while 34 percent think the center and mosque should be allowed to be built. It's no surprise that the subject sparks plenty of fervent talk around the water cooler. And the talk goes beyond the New York City mosque. Controversy has been high about the construction of a mosque in Tennessee, a Florida pastor grabbed headlines with his threat to burn the Islamic holy book on September 11, and lawsuits have been filed over alleged harassment of Muslims in the workplace.

Among the recent complaints, the Equal Employment Opportunity Commission (EEOC) in August filed two lawsuits against meatpacker JBS Swift & Co. The suits claim the company discriminated against Somali and Muslim employees at facilities in Colorado and Nebraska. The EEOC accuses Swift of creating a hostile work environment based on the employees' race, national origin, and religion. The complaints claim that supervisors and coworkers threw blood, meat, and bones at the employees and called them offensive names.

### Legal obligations

So what's an employer to do if employees vent strong feelings in possibly unlawful ways? What responsibility do you have for employees who might harass other employees based on religion? What legal dangers do you face?

In some ways, those questions are easily answered by looking to federal law. Title VII makes discrimination and harassment based on religion unlawful, meaning you have a responsibility to stop harassment and discrimination when

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they happen and prevent them when possible. States also have prohibitions against religious discrimination.

Other answers, however, aren't so easy. Not all actions that some consider offensive are unlawful, and you aren't charged with forcing employees to be polite. But you are wise to be on guard.

### Tips

The EEOC provides information for employers on stopping religious harassment ([www.eeoc.gov/policy/docs/best\\_practices\\_religion.html](http://www.eeoc.gov/policy/docs/best_practices_religion.html)). Here are some tips:

- Have a well-publicized and consistently applied anti-harassment policy. Make clear how employees should file complaints, and investigate complaints thoroughly.
- If you find that harassment has occurred, take steps to end the conduct, even if you don't think the complaint rises to the level of unlawful harassment. Conduct that may not be unlawful can become severe or pervasive if it's allowed to continue.
- Even if no official complaint is made, you should intervene if you learn of possible Title VII violations.
- Allow religious expression among employees to the same extent that other personal expression is allowed, making sure the expression isn't harassing or disruptive.
- Make sure supervisors avoid religious expression that subordinates might perceive as coercive.
- If harassment is perpetrated by a nonemployee assigned by a contractor, the supervisor should demand that the contractor stop the harassment and take disciplinary action if it continues.

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## NDIRF BOARD OF DIRECTORS ELECTION

Annually, at least two seats on the nine-member NDIRF Board of Directors are up for election. The election is held by member voting through solicitation of proxies by mail or voting in person at the NDIRF Annual Meeting. In 2011, directorships representing the member categories of "Schools" and "Others" are up for election. The incumbent board members are Burdell Johnson, Kidder County School District Board Member ("Schools") and Rod Landblom, Executive Director of the Roosevelt-Custer Regional Council ("Others"). Elected officers or employees of NDIRF members, from among the respective categories electing a director in a given year (for example, "Schools" and "Others" in 2011), are eligible to serve as directors.

Any eligible person wishing to be considered by the NDIRF Nominating Committee as a director candidate must complete and submit a Candidate Application Form by January 31, 2011. To obtain a copy of the form, please contact the NDIRF office by phone at 1-800-421-1988; by mail at P.O. Box 2258, Bismarck, ND 58502; or via e-mail at [steve.spilde@ndirf.com](mailto:steve.spilde@ndirf.com); and direct your request to the attention of the CEO. ■

## North Dakota Insurance Reserve Fund Board of Directors

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