

# **Has Religious Discrimination Been Eradicated From the Work Environment or Has It Merely Taken on Another Form?**

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*This research was conducted to determine if religious discrimination had been eliminated in US organizations. Research and Hypotheses were posed based on the literature on this subject over time. Data was analyzed from the Equal Employment Opportunity Commission from 1992 through 2019. No data was available from 1964 to 1992. Results indicate that claims of religious discrimination have continued at the same levels over the period from 1992-2019. Suggestions for reduction and elimination of claims of religious discrimination are offered.*

*Keywords: religious discrimination, Equal Employment Opportunity Commission, Civil Rights Act of 1964, employee protections against discrimination*

## **INTRODUCTION**

We all believe the United States was founded as a country of freedoms and one of those specifically being the freedom from religious persecution. It should surprise the average US citizen that religious discrimination could exist at all today. What the reality however is this continues to be problematic in organizations in the U.S today.

The Equal Employment Opportunity Commission (EEOC) processed 2,725 complaints in 2019 (eoc.org, 2020). Given that the U.S. has had federal protections against religious discrimination since 1964 with the passage of the 1964 Civil Rights Act the question for this research is has religious discrimination been eradicated from the work environment, or has it merely taken on another form? On the surface it would seem a difficult question, but according to the statistics from the EEOC, not only are religious discrimination claims continuing to increase over the last two decades, but they have exponentially increased in frequency when compared to all other forms of discrimination claims (Ghumman, Ryan, Barclay, & Markel, 2013).

While it is true that the term religion is given little formal definition in the Civil Rights Act when compared to the other protected classes that has no basis for these claims to continue. The purpose of Title VII was to eliminate discrimination in the workplace completely so the spirit of the law should be upheld by a more informed society (Wexler, 2007).

Why are religious discrimination claims on the rise especially in recent years? The problem is seen as two-fold when compared with other protected classes. First is the diversity of religious beliefs in the U.S. has dramatically changed in the last 40 years (Ghumman, Ryan, Barclay, & Markel, 2013). There are more beliefs, more diverse beliefs, and more unbeliefs which mean they are more likely to be mishandled. Second is that with more beliefs spreading it is becoming easier to misperceive such beliefs and their practices

(Flake, 2016). Employers need to be very careful that they do not misperceive any matters relating to religion that their employees bring to them.

This paper will address the question of has religious discrimination been eradicated from the work environment, or has it merely taken on another form?

## **LITERATURE REVIEW**

### **History of Religious Discrimination**

Religious discrimination has been a problem since man has had the ability to form spiritual ideals. We see evidence of it throughout history, from genocides to crusades and other holy wars. It is not for us to decide who is right or wrong, but to accept our diverse fellowship and seek peace. In the beginning, religious discrimination in the workplace may have started out like this, a difference of beliefs. Yet, considering America was the land of free choice and freedom from the constraints of forced religion, this wasn't the most prevalent case. Why did businesses discriminate against people? Not always to shun certain religious groups or beliefs, though that certainly did happen. No, more likely it was to make things easier and more profitable for the organization. That is why religious discrimination made it into the list of items covered under the Civil Rights Act of 1967. Yet, that Act was far from the perfect protection from religious discrimination, as this will be addressed in this research.

Before criticizing the system too hard, however, we must consider that it is not easy to write a law or statute and have it cover everything we want without restricting things we don't, and because of the complexity of our legal system, certain bounds can have many far-reaching effects that we did not foresee or intend (Wexler, 2007).

The first real legal defense for religious discrimination was Title VII of the Civil Rights Act that made it not legal to discriminate or treat differently employees based upon religion and forcing organizations to provide reasonable accommodations, so long as they did not unjustly burden the organization, for employees who had sincere religious beliefs (Ghumman, Ryan, Barclay, & Markel, 2013).

On the surface this sounds legally proper but there was no definition for the term religion and as legally creative as we are in the U.S, we quickly learned that such an ambiguous definition didn't offer much protection in the courts and put the courts in a difficult place of having to create case law on every individual claim that was found to have merit. This process ran the risk of the federal courts accidentally setting an unintended precedent which is a reason courts have treated the territory of religious with extreme caution (Vickers, 2010).

This caused Congress to amend Title VII specifically for religion in 1972 where religion was redefined to include more than just supreme belief and a deity but also all aspects of religious observance and practices such as Sabbaths and dress codes unless it causes undue hardship on the employer (Jones, 2015).

This was very little improvement over the ambiguity of the original intent of the protection afforded in 1964 by Congress and left it again up to the courts to decide on most cases. This process once again became uncertain as federal judges did not want to set too constrictive precedents accidentally.

These very same issues and vague protections can be found in several other places around the world especially in Europe, where they face some of the very same battles that we do here in the states (Vickers, 2010).

It seems the real problem is that if the law was too protective, it could cause other conflicts, and if it is too loose it does not fulfill its original job of protecting against discrimination. This is what makes the topic of religious discrimination so foreboding for organizations. Because the law is not very helpful in providing a consistent framework and the prior cases of litigation have been ruled on mostly instinctively, it is difficult for an organization to defend itself in such a case and it is even more challenging to predict how the court would decide (Jones, 2015). What does the law look like today?

### **Current Legal Guidelines**

The EEOC provides guidance and administration over religious discrimination claims in the U.S. The EEOC defines religious discrimination as involving and treating a person (an applicant or employee)

unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs (EEOC.org, 2020).

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment (EEOC.org, 2020).

It is illegal to harass a person because of his or her religion. Harassment can include, for example, offensive remarks about a person's religious beliefs or practices. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer (EEOC.org, 2020).

Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference (EEOC.org, 2020).

The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion (EEOC.org, 2020).

Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices (EEOC.org, 2020).

Unless it would be an undue hardship on the employer's operation of its business, an employer must reasonably accommodate an employee's religious beliefs or practices. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts). (EEOC.org, 2020).

When an employee or applicant needs a dress or grooming accommodation for religious reasons, he should notify the employer that he needs such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the employer must grant the accommodation (EEOC.org, 2020).

An employer does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship to the employer. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work (EEOC.org, 2020).

An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment (EEOC.org, 2020).

Employer Coverage is for all employers with 15 or more employees. The EEOC allows a person working for a private employer to file a claim within 180 days of when the alleged discrimination took place (EEOC.org, 2020).

Federal employees have 45 days to contact the EEOC with a complaint.

Religious discrimination continues to be a problem in our workforce and based on the rising number of claims; we can assume that it is not going away anytime soon, just the opposite in fact (Ghumman, Ryan, Barclay, & Markel, 2013).

The current laws regarding religious discrimination have not changed much over the years. Despite enacting the Civil Rights Act and the amendments that have come to tighten the scope of religious discrimination further, these rising number of claims point to the problem not only persisting but worsening (Ghumman, Ryan, Barclay, & Markel, 2013).

Employers need to accommodate all religions, to include observation and practices, unless it places an undue hardship on the organization (Bennett-Alexander & Hartman, 2015).

In the grand scheme of things, this can be adapted to fit almost anything in the business world. Employers need to be aware of their employees and make every effort that they can to accommodate issues brought to their attention. Employers should also note that it is not up to them to determine what is an acceptable religion, nor does it matter when the employee began to follow said faith, the employer is still obligated to find and provide reasonable accommodations (Bennett-Alexander & Hartman, 2015). This can pose some severe problems for organizations, especially given that the courts precedent for 'undue hardship' has mostly been monetary with regards to profits. Another fact employers should consider with regards to accommodation is that they do not have to provide the accommodation requested by the employee. If the employee proposes an accommodation, the company can refuse in favor of a different accommodation that satisfies the conflict, not necessarily the employee's desires (Pullum, 1988).

This action does tend to spark anger and conflict, but generally, it seems that the courts were happy to defend the businesses as long as they made good faith efforts to find common ground. Given the religious diversity in our country and the fluidity with which many individuals change or amend their faith, this can become a minefield for businesses to navigate. While ignorance is not an excuse to break the law and discriminate, one saving grace for the organizations is that they do have some protection due to ignorance. Employees cannot simply launch a lawsuit for religious discrimination without establishing a case of *prima facie* which has unique elements that need to be met: Employee needs to hold the religious beliefs sincerely and have it conflict with an employment requirement, the employer must be made aware of not only the religion but specifically the conflict, and said employee needs to have experienced negative employment practices due to failure to comply with the conflicting employment requirement (Bennett-Alexander & Hartman, 2015).

### **How Religion Actually Affects the Workforce**

Why is it that religious discrimination has risen so much in the last two decades? Is it because of the increasingly diverse pool of religion, or could it be because religion has more of an actual impact on the workforce than other protected classes? Times have proven that beyond extreme physical requirements, that women are just as capable of completing tasks as men. Color has never honestly affected an applicant's ability beyond the biases of others. But the same cannot be completely said for religion. True, it doesn't make much of a difference if a Christian or a Jewish individual were attempting the same task, but it isn't just about ability either, it is also about availabilities. No other protected class might preclude an individual from working on a particular day, such as Sundays for those of the Christian faith as an example. No other protected class requires employees to wear certain religious items or garments, like a hajib or burqa for Middle Eastern faiths. It is noted that this might be one reason for the extreme increase in discrimination claims because this particular protected class may actually interfere with working conditions and the diversity of faiths currently makes that impact even more noticeable (Ghumman, Ryan, Barclay, & Markel, 2013). All of these require special consideration and often special accommodations for those employees which have a direct impact on the workplace and also on other employees who do not receive the same accommodations (Ghumman, Ryan, & Park, 2016).

## RESEARCH QUESTIONS AND HYPOTHESES

Given the information provided in the literature the research question for this research is: Has religious discrimination been eradicated from the work environment, or has it merely taken on another form?

Several Hypotheses will be posed from the literature and are created in an effort to address and answer the research question.

**H01:** *The 1964 Civil Rights Act Eradicated Religious Discrimination from U.S. Organizations Through Protection of Employees Religious Beliefs*

**H02:** *Religious Discrimination Has Been Eliminated in U.S. Organizations Based on the Number of Discrimination Claims Filed with the EEOC.*

**H03:** *Religious Discrimination Has Evolved Into Other Forms of Discrimination over Time.*

## METHODOLOGY

Data was collected from the Equal Employment Opportunity Commission from 1997 through 2019. The data is broken down annually into the number of complaints received and accepted by the EEOC that address specifically claims of discrimination based solely on religious grounds.

Analysis was conducted on each year and the number and percentage of claims and how they were adjudicated by the EEOC.

## FINDINGS

**TABLE 1**  
**RELIGION-BASED CHARGES (CHARGES FILED WITH EEOC) FY 1992 - FY 1996**

	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996
Receipts	1,388	1,449	1,546	1,581	1,564
Resolutions	1,297	1,286	1,274	1,606	1,911
Resolutions By Type					
Settlements	86	87	81	77	56
	6.6%	6.8%	6.4%	4.8%	2.9%
Withdrawals w/Benefits	86	95	91	90	56
	6.6%	7.4%	7.1%	5.6%	2.9%
Administrative Closures	363	413	488	620	611
	28.0%	32.1%	38.3%	38.6%	32.0%
No Reasonable Cause	707	630	565	779	1,135
	54.5%	49.0%	44.3%	48.5%	59.4%
Reasonable Cause	55	61	49	40	53
	4.2%	4.7%	3.8%	2.5%	2.8%
Successful Conciliations	20	18	19	16	25

	1.5%	1.4%	1.5%	1.0%	1.3%
Unsuccessful Conciliations	35	43	30	24	28
	2.7%	3.3%	2.4%	1.5%	1.5%
Merit Resolutions	227	243	221	207	165
	17.5%	18.9%	17.3%	12.9%	8.6%
Monetary Benefits (Millions)*	\$1.4	\$2.1	\$1.5	\$1.5	\$1.8

\* Does not include monetary benefits obtained through litigation.

The total of individual percentages may not always sum to 100% due to rounding.

EEOC total workload includes charges carried over from previous fiscal years, new charge receipts and charges transferred to EEOC from Fair Employment Practice Agencies (FEPAs). Resolution of charges each year may therefore exceed receipts for that year because workload being resolved is drawn from a combination of pending, new receipts and FEPA transfer charges rather than from new charges only.

The earliest statistics provided by the EEOC on religious discrimination begins in 1992. A total of 1,388 complaints were received and 1,297 of them were resolved. What is significant is that 86 of them were settled or 6.8% while 363 were closed by the government (28%) and 707 cases were found no have no reasonable cause (54.5%). The EEOC collected \$1. 4 Million in Monetary Benefits for the claimants and fines.

In 1993 there were 1,286 claims filed with 1,286 of them being resolved. We see 87 (6.8%) being settled and 413 (32.1%) closed by the government and 630 ((49%) being found to have no reasonable cause. The EEOC collected \$2.1 Million in Monetary Benefits for the claimants and fines.

In 1994 there were 1,546 claims filed with 1,274 of them being resolved. We find 81 (6.4%) being settled and 488 cases (38.3%) being closed by the government and 565 cases (44.3%) being found to have no reasonable cause. The EEOC collected \$1. 5 Million in Monetary Benefits for the claimants and fines.

In 1995 there were 1,581 claims filed with 1606 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 77 (4.8%) cases being settled with 620 (38.6%) being closed by the government and 779 cases (48.5%) being found to have no reasonable cause. The EEOC collected \$1. 5 Million in Monetary Benefits for the claimants and fines.

In 1996 there were 1,564 claims with 1,911 claims being resolved (carry over from previous years). There were 56 settlements (2.9%) while 611 cases (32%) were closed by the government and 1,135 (59.4%) were found to have no reasonable cause and were dismissed. The EEOC collected \$1. 6 Million in Monetary Benefits for the claimants and fines.



In 1997 there were 1,709 claims filed with 2,137 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 89 (4.2%) cases being settled with 614 (28.7%) being closed by the government and 1,265 cases (59.2%) being found to have no reasonable cause. The EEOC collected \$2.2 Million in Monetary Benefits for the claimants and fines.

In 1998 there were 1,786 claims filed with 2,247 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 98 (4.7%) cases being settled with 559 (24.9%) being closed by the government and 1,363 cases (60.7%) being found to have no reasonable cause. The EEOC collected \$2.6 Million in Monetary Benefits for the claimants and fines.

In 1999 there were 1,811 claims filed with 2,187 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 144 (6.6%) cases being settled with 532 (24.3%) being closed by the government and 1,269 cases (58%) being found to have no reasonable cause. The EEOC collected \$3.1 Million in Monetary Benefits for the claimants and fines.

In 2000 there were 1,939 claims filed with 2,230 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 156 (7.0%) cases being settled with 429 (19.2%) being closed by the government and 1,343 cases (60.2%) being found to have no reasonable cause. The EEOC collected \$5.5 Million in Monetary Benefits for the claimants and fines.

In 2001 there were 2,127 claims filed with 2,217 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 182 (8.2%) cases being settled with 382 (17.2%) being closed by the government and 1,349 cases (60.8%) being found to have no reasonable cause. The EEOC collected \$14.1 Million in Monetary Benefits for the claimants and fines.

In 2002 there were 2,572 claims filed with 2,729 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 237 (8.7%) cases being settled with 451 (16.5%) being closed by the government and 1,729 cases (63.4%) being found to have no reasonable cause. The EEOC collected \$4.3 Million in Monetary Benefits for the claimants and fines.

In 2003 there were 2,532 claims filed with 2,690 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 221 (8.2%) cases being settled with 434 (16.1%) being closed by the government and 1,744 cases (64.8%) being found to have no reasonable cause. The EEOC collected \$6.6 Million in Monetary Benefits for the claimants and fines.

In 2004 there were 2,466 claims filed with 2,676 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 241 (9.0%) cases being settled with 490 (18.3%) being closed by the government and 1,672 cases (62.5%) being found to have no reasonable cause. The EEOC collected \$6.0 Million in Monetary Benefits for the claimants and fines.

In 2005 there were 2,340 claims filed with 2,352 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and resolved. There were 227 (9.7%) cases being settled with 384 (16.3%) being closed by the government and 1,442 cases (61.3%) being found to have no reasonable cause. The EEOC collected \$6.1 Million in Monetary Benefits for the claimants and fines.

In 2006 there were 2,541 claims filed with 2,387 resolutions. This was the first year since 1994 that fewer claims were resolved than filed. There were 244 (10.2%) cases being settled with 364 (15.2%) being closed by the government and 1,524 cases (63.8%) being found to have no reasonable cause. The EEOC collected \$5.7 Million in Monetary Benefits for the claimants and fines.

In 2007 there were 2,880 claims filed with 2,525 resolutions. The increase in the number of resolutions over the number of claims filed in due to carry over claims from the previous years being address and

resolved. There were 282 (11.2%) cases being settled with 418 (16.6%) being closed by the government and 1,498 cases (59.3%) being found to have no reasonable cause. The EEOC collected \$6.4 Million in Monetary Benefits for the claimants and fines.

In 2008 there were 3,273 claims filed with 2,727 resolutions. There were 253 (9.3%) cases being settled with 459 (16.8%) being closed by the government and 1,705 cases (62.5%) being found to have no reasonable cause. The EEOC collected \$7.5 Million in Monetary Benefits for the claimants and fines.

In 2009 there were 3,386 claims filed with 2,958 resolutions. There were 270 (9.1%) cases being settled with 585 (19.8%) being closed by the government and 1,805 cases (61.0%) being found to have no reasonable cause. The EEOC collected \$7.6 Million in Monetary Benefits for the claimants and fines.

In 2010 there were 3,790 claims filed with 3,782 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 330 (8.7%) cases being settled with 626 (16.6%) being closed by the government and 2,309 cases (61.1%) being found to have no reasonable cause. The EEOC collected \$10.0 Million in Monetary Benefits for the claimants and fines.

In 2011 there were 4151 claims filed with 4608 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. This was a reversal from what had occurred in processing and adjudicating claims since 2006. There were 368 (8.0%) cases being settled with 1,012 (22.0%) being closed by the government and 2,737 cases (59.4%) being found to have no reasonable cause. The EEOC collected \$12.6 Million in Monetary Benefits for the claimants and fines.

In 2012 there were 3,811 claims filed with 4,219 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 327 (7.8%) cases being settled with 621 (14.7%) being closed by the government and 2,800 cases (66.4%) being found to have no reasonable cause. The EEOC collected \$9.9 Million in Monetary Benefits for the claimants and fines.

In 2013 there were 3,721 claims filed with 3,865 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 331 (8.6%) cases being settled with 610 (15.8%) being closed by the government and 2,558 cases (66.2%) being found to have no reasonable cause. The EEOC collected \$11.2 Million in Monetary Benefits for the claimants and fines.

In 2014 there were 3,549 claims filed with 3,575 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 268 (7.5%) cases being settled with 687 (19.2%) being closed by the government and 2,327 cases (65.1%) being found to have no reasonable cause. The EEOC collected \$8.7 Million in Monetary Benefits for the claimants and fines.

In 2015 there were 3,502 claims filed with 3,736 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 275 (7.4%) cases being settled with 630 (16.9%) being closed by the government and 2,542 cases (68.0%) being found to have no reasonable cause. The EEOC collected \$10.8 Million in Monetary Benefits for the claimants and fines.

In 2016 there were 3825 claims filed with 3,827 resolutions. The number of resolutions was almost equal to the number of claims filed which reflects the increased activity by the EEOC in processing claims over the previous years being address and resolved. There were 266 (7.0%) cases being settled with 551 (14.4%) being closed by the government and 2,706 cases (70.0%) being found to have no reasonable cause. The EEOC collected \$10.1 Million in Monetary Benefits for the claimants and fines.

In 2017 there were 3,436 claims filed with 3,997 resolutions. The larger increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 233 (5.8%) cases being settled with 493 (12.3%) being closed by the government and 2,989 cases (74.8%) being found to have no reasonable cause. The EEOC collected \$11.2 Million in Monetary Benefits for the claimants and fines.

In 2018 there were 2,859 claims filed with 3,997 resolutions. The large increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 151 (4.1%) cases being settled with 460 (12.6%) being closed by the government and 2603 cases (71.3%) being found to have no reasonable cause. The EEOC collected \$9.2 Million in Monetary Benefits for the claimants and fines.

In 2019 there were 2,725 claims filed with 3,001 resolutions. The increase in the number of resolutions over the number of claims filed is due to carry over claims from the previous years being address and resolved. There were 171 (5.7%) cases being settled with 402 (13.4%) being closed by the government and 2,163 cases (72.1%) being found to have no reasonable cause. The EEOC collected \$9.9 Million in Monetary Benefits for the claimants and fines.

## SUMMARY OF THE FINDINGS

In review of the overall reporting from 1992 through 2019 the number of complaints filed based on religious grounds almost doubled over time. With the passage of the 1964 Civil Rights Act it would be assumed the number of complaints would actually decrease over time due to governmental oversight and addressing viable complaints. Organizational changes would be expected from companies throughout the U.S. but the number of complaints filed is contrary to what would be expected.

The number of complaints resolved may be misleading since in most years the number of resolutions exceeded the number of complaints filed during that year. Those resolutions were cases that were closed but not necessarily cases found on behalf of the claimant. The critical part of the resolutions would be those cases that were settled so that valid claims would be brought to a positive conclusion on behalf of the claimants. A review of these statistics indicate that over time settlements averaged less than 7% which indicates a very small percentage of all claims filed were settled.

Administrative closures represent where the EEOC closed the case due to various reasons but the major area of closures were those complaints that were found to have No Probable (Reasonable) Cause. In fact, we find that closures for No Probable (Reasonable) Cause averaged almost 60 % of all complaints. This indicates that most complaints dismissed and the EEOC either found no validity for the complaints or complainants were issued A Letter to Sue letter so the complainant could file their own legal suit against the employer seeking relief based on the legitimacy of their complaints.

The financial compensation obtained by the EEOC has run from \$1.4 million to a high of \$14.1 million in 2001. The average monetary settlements obtained by the EEOC have dramatically increased starting in 2010 through 2019. This trend parallels the number of complaints filed during those years.

In summary the numbers of complaints have continued to increase over time. The increase is indicative that religious discrimination may have taken on a different perspective. Organizations may have addressed the basic issues of religious discrimination but the continued increase in these complaints are a clear indicator that employees continue to believe and feel discrimination based on religious principles continue to occur but in a more covert fashion.

The real issue is what are those covert methods that management and organizations are involved in that cause people to feel a lack of religious freedoms and are causing employees to feel a lack of engagement and recognition of their religious beliefs.

An analysis of the hypothesis posed in this research is examined.

***Ho1: The 1964 Civil Rights Act Eradicated Religious Discrimination from U.S. Organizations Through Protection of Employees Religious Beliefs***

In looking at the data as it relates to the first hypotheses posed it cannot be supported due to the ongoing and increasing number of claims filed by the EEOC based on religious discrimination. Therefore, the null hypothesis is rejected and the alternative hypothesis is accepted.

***H02: Religious Discrimination Has Been Eliminated in U.S. Organizations Based on the Number of Discrimination Claims Filed with the EEOC.***

The second hypothesis posed is not supported by the data from the EEOC due to the ongoing and increasing number of claims filed by the EEOC based on religious discrimination. Therefore, the null hypothesis is rejected, and the alternative hypothesis is accepted.

***H03: Religious Discrimination Has Evolved Into Other Forms of Discrimination over Time.***

In looking at the data as it relates to the third hypotheses posed it is evident that religious discrimination continues in the US despite training and education being provided to employees at all levels. Therefore, religious discrimination has become a more covert process within US organizations. This hypothesis cannot be supported due to the ongoing and increasing number of claims filed by the EEOC based on religious discrimination. Therefore, the null hypothesis is rejected, and the alternative hypothesis is accepted.

## **LIMITATIONS OF THE STUDY**

The study comes from data collected from the EEOC from 1992 through 2019. The Civil Rights Act was passed in 1964 and no statistics are available from 1964 until 1992. Therefore, if the data had been available, it could have provided greater insight on the impact of the Act on complaints filed by employees who filed complaints with the EEOC.

## **IMPLICATIONS TO MANAGEMENT**

### **Does Religion Affect Job Performance, and Should It Matter**

An argument can be made that religion is one of the more critical protected classes because it has the most significant actual effect on job performance (Ghumman, Ryan, Barclay, & Markel, 2013). Beyond biases or extreme physical conditions, it is known that race and gender play far less into the equation of excellent performance than commitment and skills. But the same cannot be said wholly for religion. What employees believe tends to provide at least some of the framework for our unique individual realities. Therefore, what we believe will have a pretty profound effect on what we are able to do and accomplish. Being able to not feel persecuted or stifled because of what we believe is an enormous deal.

In the past it would have been a bit easier to keep religious expression out of the workforce. Then it was easier for employees to focus on their duty and job and then leave at the bell. There was a segregation between the personal self and the work self (Lund, Safranski, & Lee, 2014). But that isn't necessarily the case anymore. During this time, religion was still an essential aspect of people's lives, but it was an element and not a matter of identity.

Things have changed now. With the growing number of religious or the fact that people are beginning to blend some aspects of multiple religions together to find something that better fits them, we are seeing a convergence of religious belief and identity whereby that belief becomes a part of who we are and how we function (Lund, Safranski, & Lee, 2014). So, our beliefs do affect how to perform at our jobs based on how we see the world. What does this mean for business?

It does not mean that we can choose people based on their religious beliefs to try and build the all-star team. That is still discrimination. Nor does it particularly matter what the religious affiliation of each individual is. Instead, organizations should simply acknowledge that religious expression and identity have a lot to do with how people view and commit to their jobs. Yes, some religious are more restrictive than others and are going to need accommodations that business is already legally obligated to provide. Yes, some of those accommodations may seem as a burden or creates issues in an organization's ability to operate. This is an opportunity however for organizations to work with their employees, develop a comprehensive communication process to find the best possible accommodation for both the employee and the business and a way for the company to earn the employee's commitment.

Just with any other of the protected classes, when organizations from hostile environments based on said repression or discrimination, employee morale and commitment drop severely and this is even more prevalent in religious discrimination cases because they are a lot more diverse and visible as well as more prevalent in people's lives (Ghumman, Ryan, & Park, 2016). The employee is widely regarded as an organization's greatest asset these days. When organizations deny employees religious accommodations or even the benefit of trying to compromise on these religious conflicts, not only are they breaking the law, but they are also degrading their most serious tool. We must realize this and do better moving forward because the pool of candidates for our organizations to hire is just going to continue to get smaller and more competitive.

### **How to Make Things Better Going Forward**

This issue continues to be a growing problem. There are many things can be done to address this problem. Employees and employers both need to be aware that it all starts with them and how they approach the situation. Yes, there is a law in place to maintain order, but as we have already established, that law is vague and leaves a lot of room for interpretation. Therefore, we shouldn't be focused on the letter of the law, but instead of the spirit of the law and finding common ground without going to court. Especially since we have seen that the courts tend to rule based on instinct rather than any objective analysis or standard processes where religion is concerned (Jones, 2015).

It begins with the employee. Yes, we all want to be free to believe in what we want and not to be treated differently at work because of it, and then we go and demand special favors based on our beliefs. Employees are where the issue begins. If the issue has merit, there may be other alternate accommodations that may have less of an impact on work and still fulfill one's religious needs. While employers are legally required to make religious accommodations outside of undue hardship, the employee should start with themselves to find an accommodation outside of work first (Pullum, 1988).

The employer should investigate each accommodation request before refusing a request because they don't think they should have to accommodate or because it is going to cause problems. Possibly there is an opportunity to find a compromise.

In the changing employee landscape today, it is no longer about overall programs where one size fits all. The talent pool is far too competitive and diverse for that approach anymore. Find a compromise that satisfies both parties and earn the employee's loyalty and commitment instead of being stubborn and earning their scorn. Employers need to develop inclusive programs that develop and teach employees the value of diversity and to help make them aware that hostile environments will not be tolerated, and that religion is a topic that is dangerous both in the mentioning or restricting of mentioning it (Ghumman, Ryan, & Park, 2016). Also, employers need to stop retaliating against employees for having the audacity to ask for such accommodations or threatening to file EEOC charges (Ghumman, Ryan, Barclay, & Markel, 2013). You cannot try to fight fire with fire and not expect to burn down the whole place.

The first is that religion plays a large part in an employee's identity and how they initially perceived others who do not share their beliefs. Overcoming such initial biases, employees tend to develop working bonds with employees not based on religious beliefs but on common ethics and that while religion may still be a part of their identity and set them apart from others, it was the company culture that seemed to bring them together to overcome those differences. Perhaps this was the true intent behind Title VII and ending discrimination so that we could remove those initial biases and open ourselves up to relationships that wouldn't have previously been possible but have turned out to be far more powerful.

How do we capitalize on the strength of such relationships in our business? The first step is to make everyone aware of religious diversity, inclusive environments and the employees' duty to inform the employer if any problems do arise (Ghumman, Ryan, Barclay, & Markel, 2013). These findings have also helped outline for me what is required of the employer for religious accommodation and informed me of some of the past precedents set by the courts on issues that I may face. It has also helped in learning that employers do not always need to accommodate employee beliefs, but only sincerely held religious concerns, though determine an employee's sincerity might be a bit tricky (Ghumman, Ryan, Barclay, & Markel, 2013).

## CONCLUSIONS

In conclusion, we can see that religion is a sensitive topic. While the courts have given us a sense of what religious discrimination is, and Title VII has tried to define it, we can only truly deduce that religion is inherently subjective (Jones, 2015).

Throughout history, religious discrimination has been a noted problem. The question put forth in this paper is: Has religious discrimination been eradicated from the work environment, or has it merely taken on another form? The data provided in this analysis proves that religious discrimination has not been eliminated from the work environment but has become a more prevalent issue. Due to the evolving and diverse nature of spiritual beliefs in our country, religious discrimination continues to evolve and take on many new forms as well. Every time a statute or action plan is put in place to combat one issue of religious discrimination, several more are found or become evident. Due to the complexity of our legal system, we may not be able to completely protect employees from religious discrimination. Employees and employers must work together so that we don't need to rely solely on the law to protect people from religious discrimination. Instead of pushing against the issues, let us resolve it in a way that works out best for both parties. It is up to us to be better and to come together, to work together, instead of against one another. That is how we grow and solve this issue.

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