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## Workplace religious discrimination

Rebecca Garnett  
*University of North Texas*

Joan M. Clay  
*University of North Texas, jclay@unt.edu*

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## WORKPLACE RELIGIOUS DISCRIMINATION

Legal cases of religious discrimination are on the rise. The EEOC saw a 32.5% increase in religious discrimination claims between 1997 and 2007 (Traster, 2008). Retail employees' most common religious request is time off for a religious holiday, second is the request to break dress code (Haberkorn, 2007). Company dress codes are increasingly being challenged based on religious discrimination. This paper focuses on legal cases involving religious discrimination based on dress.

Dress can be an indicator of religious affiliation and can lead to religious discrimination. The majority of these cases are filed under Title VII of the Civil Rights Act of 1964. The employees claimed they held bona fide religious beliefs and the employers did not offer reasonable accommodations.

Six Muslim women were fired by a tortilla factory for refusing to wear the uniforms (Serres, 2008). They were asked to wear pants rather than their traditional Islamic robes and scarves. A Sikh musician filed a discrimination lawsuit against Walt Disney World in Florida claiming religious discrimination based on wearing his turban and beard which compromised the dress code (Harper, 2008). A Pentecostal Christian claims she was fired from her job as a bus driver because she wore long skirts rather than the pants or culottes outlined in the dress code (Freedman, 2007.)

Costco fired a woman with piercings who claimed she was a member of the Church of Body Modification (Barron, 2007). A Heathrow airport VIP lounge employee was fired for refusing to remove her nose stud because of its religious importance signifying her married status (Downes, 2007). A Starbucks case involved the wearing of a Wiccan cross to work (Haberkorn, 2007). A British Airways employee threatened legal action after being told that she could not wear a crucifix with her uniform (*Have Faith in Your Dress Code Policy*, 2006).

## METHODOLOGY

Law cases are examined to determine the effects of religious discrimination and dress in the workplace.

## RESULTS

In *Equal Employment Opportunity Commission v. Red Robin Gourmet Burgers, Inc.*, Red Robin hired as a server. When Rangel was hired he signed Red Robin's "Uniform/Appearance" policy which prohibits visible tattoos and piercings. Rangel practiced Kemeticism, and the tattoos that encircled his wrists were words written in Coptic that translated to "My Father Ra is Lord; I am the son who exists of his Father; I am the Father who exists of his son" and were of religious significance (*EEOC v. Red Robin*, 2005). Red Robin argued that they suffered undue hardship because allowing visible tattoos does not foster a "family-oriented" and "kid-friendly" atmosphere that is necessary for their business. The court found that Red Robin did not suffer undue hardship because Rangel had been employed by Red Robin for six months before being

asked to cover his tattoos and there was no evidence of any customer complaints or that the business suffered because of his tattoos.

Another non-traditional faith was addressed in *Cloutier v. Costco Wholesale Corp.* Cloutier had multiple ear piercings and four tattoos. Under Costco's revised dress code, Cloutier was asked to remove her piercings. She stated that she was a member of the Church of Body Modification and the eyebrow piercing was part of her religion. The court acknowledged that "Costco has a legitimate interest in presenting a workforce to its customers that is, at least in Costco's eyes, reasonably professional in appearance" (*Cloutier v. Costco*, 2004). They found that Costco would suffer an undue hardship in that they would lose control over their public image if they allowed the piercing.

In *Brown v. F.L. Roberts & Co., Inc.* (2006), Brown a Rastafarian claimed the dress code requiring employees with customer contact to be clean shaven with no facial hair was religious discrimination. It was against his Rastafarian faith to shave or cut his hair, but he wanted to keep his customer contact. Brown filed suit when moved to work in the lower bay. The court found the transfer a reasonable accommodation because it allowed Brown to keep his job and practice his religion.

In *Booth v. State of Maryland* (2003), Booth a uniformed correctional officer and a Rastafarian wore his hair in short braided dreadlocks. This hairstyle was in violation of the dress code. Booth claimed that the policy violated his right to practice his religion. "The Defendants asserted that the grooming policy passed constitutional scrutiny because the policy is facially neutral and rationally related to the Division's goals of promoting safety, uniformity, discipline, and *esprit de corps* among the correctional staff at the facility" (*Booth v. State of Maryland*, 2003). The court ruled in favor of the State of Maryland.

*Webb v. City of Philadelphia* involves Webb's request as a practicing Muslim to wear her headpiece under her uniform and hat. Her request violated the uniform policy and was denied. The city claimed that the wearing of religious symbols could interfere with effective law enforcement and safety. Philadelphia is a diverse community, and it is necessary that officers remain neutral. The court ruled in favor of the Defendant.

## CONCLUSION

Religious discrimination claims include religions with 1,000 members (*Cloutier v. Costco*, 2004)-Church of Body Modification; 10 members (*EEOC v. Red Robin*, 2005) - Anu tribe of Kemetism; or millions of members (*Nichol v. Arin Intermediate Unit 28*, 2003) and (*Rivera v. Choice Courier Systems* 2004) – Christianity.

These court case rulings have demonstrated that what constitutes a reasonable accommodation is a major determinant of who wins the case. A future examination of court cases on religious discrimination and dress can offer employers helpful information when drafting their dress code policies and subsequent education of employees. "Implementing a dress and appearance code is a question of what is necessary, suitable, and social acceptable in the particular workplace" (Legal Q&A Dress and Appearance Codes, 2007).

## REFERENCES

- Barron, D.L. (2007, April). Fashion Victims. *Progressive Grocer*. Retrieved September 13, 2008 from LexisNexis Academic database.
- Booth v. State of Maryland, 327 F.3d 377 (2003).
- Brown v. F.L. Roberts & Co., Inc., 419 F.Supp2d 7 (2006).
- Cloutier v. Costco Wholesale Corp., 390 F.3d 126 (2004).
- Downes, J. (2007, December 12). Make the right impression. *Employers' Law*. Retrieved September 13, 2008 from LexisNexis Academic database.
- EEOC v. Red Robin Gourmet Burgers, Inc., No. C04-1291JLR, 2005 U.S. Dist. WL 2090677 (W.D.Wash. Aug. 29, 2005).
- Freedman, S.G. (2007, July 14). Of disparate faiths, but of like mind on dress code. *The New York Times*. Retrieved September 13, 2008 from LexisNexis Academic database.
- Haberkorn, J. (2007, March 29). When can clerks refuse to serve, citing religion?: Discrimination charges up. *The Washington Times*. Retrieved September 16, 2008 from LexisNexis Academic database.
- Harper, J. (2008, June 18). Sikh sues Disney over right to wear turban: Claims he was denied his religious rights and park job. *The Washington Times*. Retrieved September 13, 2008 from LexisNexis Academic database.
- Have faith in your dress code policy. (2006, November 7). *Personnel Today*. Retrieved September 13, 2008 from LexisNexis Academic database.
- Legal Q&A dress and appearance codes. (2007, October 2). *Personnel Today*. Retrieved September 13, 2008 from LexisNexis Academic database.
- Nichol v. Arin Intermediate Unit 28, 268 F.Supp.2d 536 (2003).
- Rivera v. Choice Courier Sys., No. 01 Civ. 2096, 2004 U.S. Dist. LEXIS 11758 (S.D.N.Y. June 24, 2004).
- Serres, C. (2008, May 28). Muslim women: Dress code violates faith. *Star Tribune*. Retrieved from <http://startribune.com>
- Traster, T. (2008, June 30). Offices make room for prayer: Affinity groups, dress codes, flexible schedules cater to employees of all faiths. *Crain's New York Business*. Retrieved September 16, 2008 from Lexis Nexis Academic database.

Webb v. City of Philadelphia, No. 05-5238, 2007 U.S. Dist. WL 1866763 (E.D.Pa. June 27, 2007).