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# Dynamic Values: Confronting and Capitalizing on Religious and LGBTQ Diversity

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# DYNAMIC VALUES:

## *Confronting and Capitalizing on Religious and LGBTQ Diversity*

by Wyatt K Pagano

In her recent article with The Society for Human Resource Management, editor Kathy Gurchiek urged employers to prepare for religious and LGBTQ issues in the workplace. Social developments in recent decades have ushered in an era of wide discrepancy in the needs and values of employees. This exerts greater pressure on employers to not only be aware of these differences, but adapt to them and their implications on efficiently engaging in business operations. Challenges associated with accommodating increasingly varied religious preferences of employees, as well as growing social acceptance and protections for LGBTQ individuals create a complex playing field -- with the need for an updated playbook in order to successfully navigate all of the potential consequences. No longer is this a question of "if" these sensitive topics will reach your desk but a question of "when," and the wise HR leader will prepare his or her answers early. Although issues of religion and sexual orientation in the workplace are often viewed as negative challenges, they can be transformed into areas of opportunity for managers (who know the laws) to develop a culture of inclusion which eventually translates into long-term wins of employee and consumer loyalty.





While no single answer exists to managing every issue raised by religious needs or sexual orientation, following a few guiding principles will help managers succeed in keeping their people happy and avoiding costly legal problems.

The first principle is to understand the provisions of the Civil Rights Act regarding what constitutes discrimination and what degree of accommodations are required. This information is easily accessible and will help employers avoid potentially negative outcomes associated with discrimination on the basis of religion or sexual orientation - including lawsuits and loss of reputation. According to Gurchiek, the Equal Employment Opportunity Commission (EEOC) received over 3,500 charges of religious discrimination in 2015 alone and closed over \$8 million in settlements in 2014. Neglecting the responsibility to be well versed in these issues is clearly very costly. Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religious beliefs in the areas of hiring, firing, promoting, training, compensating, disciplining, etc.

Additionally, Title VII requires employers to make reasonable accommodations for employees to meet their religious obligations, which can include worship services and holidays. Accommodations may be restricted if allowing them were to infringe on the rights of other employees, by causing undue or excess burdens in their work, or leading to inefficiencies in the business operations that cannot be resolved in other ways. The most common request involves schedule changes for employees. In many instances, questions of schedule are minor. More touchy situations



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like public prayer, proselytizing at work, or practices of dress and appearance (such as Christians who wear crucifixes, Muslim hijabs, Sikhs who cannot cut their hair) require ingenuity and tact. With an increase in differing religious traditions in the U.S., it is essential that leaders must be sensitive to these needs while maintaining efficiency in their operations.

Title VII also offers protection based on sex, the definition of which, in recent years, has been expanded by the courts to include sexual orientation and gender identity. Individuals who classify themselves as LGBTQ are likely to face discrimination or social discomfort at work which could lead them to file charges with the EEOC or leave the company. Such consequences can be dangerous and unfortunate, and may occur even if discrimination is unintentional. Any decision about hires, promotions, layoffs, or compensation must not be based on an employee's sexual orientation. Furthermore, some employees may feel uncomfortable with each other because of moral and cultural norms, and leaders must have the tact to address the concerns that individuals with different ideals may have. In her <https://scholarsarchive.byu.edu/marriottstudentreview/vol2/iss1/10>

article, Gurchiek quoted attorney Michael Cohen who said simply, "Don't be that employer that automatically... doesn't provide the accommodation being requested." Approaching each situation individually with an open mind will prevent costly mistakes that could potentially be construed as discrimination. Clearly, the best first step in helping employees with religious or LGBT needs is to review the laws and then treat the employee as he or she wants to be treated, if possible, while maintaining the wellbeing of all employees.

Application of the laws guarantees compliance and protection for employers from potentially negative outcomes. However, this is only the first step in managing religious needs and different sexual orientations. While being legally compliant and demonstrating kindness is essential, great managers perceive the value of opportunities inherent in the type of diversity available to companies who welcome great talent, regardless of religious beliefs or sexual orientation.

In her article for the Harvard Business Review, Kabrina Chang suggests that "How [managers]...act can either

improve morale by affirming an inclusive culture or it can suggest that religion is merely tolerated – and possibly invite litigation.” She then described an incident with a firm in Colorado that fired a number of Muslim workers who protested the way in which a dispute over prayer breaks was handled. After 130 charges of discrimination were filed with the EEOC, the firm has still been unable to fill the empty positions left by the Muslim employees. Although this example may seem extreme, the result demonstrates how easily an attitude of mere tolerance can decay into a myriad of problems. If the firm had aimed to develop a more inclusive culture, the conflicts could have been resolved easier and strengthened the loyalty of the Muslim employees, who they cannot replace.

Chang identified four best practices in developing a culture that is inclusive for employees of various religious needs:

1. Make equal treatment a mandate,
2. live by that mandate,
3. refine policies for different religious practices, and
4. anticipate staffing needs.

Following these principles establishes an inclusive culture and actively prepares for moments when work and religion conflict.

Additionally, a more inclusive work environment should extend to LGBTQ individuals. Even with growing social acceptance these valued may struggle to feel accepted by superiors or peers because of differing values, which could in-turn negatively impact their ability to perform to the level of their talents. In another article by the Harvard Business Review, Hewlett and Yoshino analyzed three ways in which LGBTQ inclusive companies have the opportunity to gain a competitive advantage: (1) attracting and retaining top talent, (2) winning critical consumer segments, and (3) innovating for underserved markets.

Arguably, their insights are applicable to not only LGBTQ employees, but also to employees needing religious accommodations. If a firm develops an inclusive culture, attracting top talent becomes easier because people are more likely to want to work for a company that values acceptance and diversity. Similarly, retention is likely to increase as employees are more loyal to companies that have a positive attitude toward people of all backgrounds. In fact, “employees at inclusive companies are significantly more likely to say they are proud to work for their employer and

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more likely to 'go the extra mile' for company success." Inclusive companies also win consumer segments when it counts. In the case of LGBTQ consumers and their allies, at least 71% are more likely to buy from businesses that are inclusive. Consumers also respond more favorably to companies that are conscientious of employees' religious obligations.

The most obvious benefit of this kind of diversity is that these employees have the insight necessary to drive market innovation. An LGBTQ individual will know better the needs of other individuals like themselves. In a similar way, a Hindu or Catholic is more likely to identify and understand the preferences, values, and interests of other Hindus and Catholics. Merrill Lynch's efforts to welcome more LGBTQ employees and related markets resulted in a \$1.4 billion increase in revenue over a four-year period. Clearly, the benefits of being inclusive to all employees and looking out for their unique needs go beyond merely avoiding legal expenses and losing face.

One way Hewlett and Yoshino recommend building a more inclusive culture is through the "Embassy" approach. This means that although the company may not push for major social change in the community, leaders adopt supportive and empowering policies within their own walls. This particular method is attractive because it creates a sense of good will and creates a safe haven where vastly diverse individuals can bring their authentic selves to work and unleash their talents.

<https://scholarsarchive.byu.edu/marriottstudentreview/vol2/iss1/10>

Ultimately, increased complexity revolving around issues of religion and sexual orientation in the workplace can have a very different effect upon the future of a company based upon the response of its leaders. Success starts with knowing and abiding by the laws, but the firms that view these issues as an opportunity to create a more inclusive culture will reap the benefits of this increased diversity by winning greater loyalty from their employees and customers and have increasing their competitive advantage in developing markets.

## Notes

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