

# EEOC considers religious harassment rules

By Lee Strong  
Senior staff writer

Imagine a day at the office when an employee will not be allowed to wear a cross, have a religious picture on his or her desk, or even say "God bless you" in the wrong way.

That such a day may soon come in the United States is the fear of a number of religious groups if the Equal Employment Opportunity Commission puts into place proposed guidelines on various forms of religious harassment in the workplace.

The EEOC is a federal agency that creates regulations governing discrimination in the workplace and brings suits against employers when violations occur.

Opponents of the proposed regulations are urging individuals and organizations to write to the EEOC by June 13 — the deadline for written comments concerning the regulations — to voice any concerns over the guidelines.

Meanwhile, groups such as the U.S. Catholic Conference and the American Civil Liberties Union are scrambling to study the regulations and develop responses before the June 13 deadline.

The proposal — entered into the Federal Register Oct. 1, 1993 as "29 CFR part 1609, 1609.1 and 1609.2" — defines "religious harassment" as anything that creates a "hostile" or "intimidating" environment for employees.

The guidelines, which also cover such areas as color, race, age and disability, define religious harassment as including verbal or physical conduct or objects that denigrate or show hostility or aversion toward an individual because of his or her religion, or that of relatives, friends or associates.

The standard for determining whether or not harassment has taken place, the proposed regulations read, "is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or abusive. The 'reasonable' person standard includes consideration of the perspective of the alleged victim's race, color, religion, gender, national origin, age or disability."

"There is no attempt to create a religion-free zone in the workplace," declared Reginald Welch, EEOC's director of communications. The proposed guidelines, Welch said, are simply an attempt to clarify and consolidate existing rules.

And the guidelines make it quite clear, Welch added, that harassment exists only when the action is "pervasive, severe and sustained." Thus, he said, an employee wearing a cross would not necessarily constitute religious harassment.

Despite such reassurances, however, opponents of the guidelines fear that companies will be so concerned about the potential for lawsuits that they will mandate completely religion-free environments.

The Washington, D.C.-based Family Research Council, for example, has is-

sued an information package that points to potential problems with the proposal.

Among those problems is that employers are to be held liable for any harassment that occurs in the workplace, even when the employers are not the ones who committed the offense, because they did not take "due care to prevent it from occurring."

The guidelines also expand the plaintiff's burden of proof. Under current law, the employer has to be aware of the person's religion in order to be guilty of harassment. Under the guidelines, however, the offended person does not have to prove that the employer knew of his or her religious sensitivity or preference.

Furthermore, one of the conditions of judging harassment, the paper continues, is the so-called "reasonable person" test. Under these guidelines, that reasonable person would have to be an adherent of the religion in question.

"Thus," the paper reads, "employers would be held answerable for unusual or

unknowable sensitivities — not only those of employees, but also those of employees' relatives, friends or associates."

"Faced with these adverse definitions, burdens of proof and uncertainties," the paper concludes, "the reasonable employer will simply conclude that he/she must impose a religion-free workplace."

"There's a lot at stake here," declared William Donohue, president of the New York City-based Catholic League for Religious and Civil Rights. "I don't think you can look at this in a vacuum."

Donohue noted, for example, that many school districts have interpreted regulations concerning separation of church and state so strictly, that, "for fear of lawsuits, they don't allow teachers to even say, 'Merry Christmas.'"

In addition, Donohue speculated that had the proposed EEOC guidelines been in place already, they would have affected the outcome of two recent cases involving his organization.

In the first case, Deputy Mark Clay of

the police department in LaGrange, Ga., was told by a supervisor to remove the ashes from his forehead after Clay attended Ash Wednesday services. After Clay refused, he was suspended for a day without pay. That decision was reversed when the Catholic League threatened to sue on Clay's behalf, Donohue reported.

The second case involved David Hubicki, a temporary employee at the Department of Civil Service in Albany. He was told by a supervisor April 11 to remove a three-by-five inch picture of the Sacred Heart of Jesus from his desk. He protested, but was told there was a department-wide rule banning the display of religious symbols at the workplace.

But according to Donohue, when he contacted the department's director of personnel and asked to see a copy of the rule, he was told that a mistake had been made and that Hubicki was free to put the picture back on his desk.

Donohue is convinced that if the pro-

Continued on page 4



S. John Wilkin/Staff photographer

A group of East Rochester teenagers comforts one another during a prayer service for Kali Ann Poulton in East Rochester's Edmund Lyon Park May 27.

## 4-year-old girl still missing as newspaper went to press

EAST ROCHESTER — As the *Catholic Courier* went to press on Tuesday, May 31, Monroe County Sheriff's deputies were still searching for clues into the disappearance of Kali Ann Poulton.

The 4-year-old Pittsford girl was apparently abducted from Gleason Estates, located off Country Club Road, just across the East Rochester line. She was last seen between 7 and 7:10 p.m. May 23 riding a pink plastic tricycle outside the town house complex.

Kali is about 3 1/2 feet tall with blue eyes and blonde hair that falls below her waist. She weighs 40 pounds. She was last seen wearing an orange tank top, multicolored shorts and white sneakers.

Anyone with any information regarding Kali's disappearance should call the Monroe County sheriff's criminal investigation division at 716/428-5310 or the missing-child hotline at 1-800-843-5678.



Provided photo

## Courier wins six awards at convention

The *Catholic Courier* won six awards at the Catholic Press Association's annual convention, held May 25-27 in Wesley Chapel, just outside of Tampa.

Staff photographer S. John Wilkin earned two awards, including second place for best black & white news photo for his picture of Neo-Nazis in Auburn. "It says with a photo what you can't say with words," the judges commented. "It's a photo that should make us fearful and rightly so."

Wilkin also received honorable mention in the category of best black & white feature photo for his picture titled "Pet

Blessing."

Staff writer Mike Latona took second place for best feature story among papers with a circulation of more than 40,000 for his article on "Parish Clusters."

"Excellent use of supporting informational graphics," the judges said of his writing. "A timely look at a real problem facing the church."

The *Courier* was awarded second place in the best front-page category. The judges praised Graphic Manager Lorraine Hennessey's "strong and attractive use of illustration, high energy composition, clear flow."

Two free-lance illustrators for the *Courier* were also recognized for their work.

Mary Kay Williams was awarded second place in the category of best use of art or graphics for her illustration of the front-page story "Marginal Catholics."

"It gives you a feeling of alienation," the judges remarked. "Its typography, color and art all fit."

Matthew Morgaine took third place in the same category for his illustration of a front-page story "Uprooting Poverty."

"You don't have to read the article," the judges said. "The graphics do all the work."

### Food distribution agency in search of volunteers

ROCHESTER — Foodlink, located at 56 West Ave., is searching for volunteers to help sort food.

Foodlink is a warehouse/clearinghouse for donated food. The agency serves Monroe County as well as surrounding counties. Help is especially needed during a major food drive being held during June to benefit Foodlink.

Groups and individuals are welcome. For details, call Barbara Rao at 716/328-3380.

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