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***Your Employment Law Bulletin from***

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**KRUCHKO &
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Recognize Cultural Differences This Holiday Season

Sensitivity to cultural differences can foster beneficial relationships between employees and their employer. For example, when drafting a holiday greeting to employees, employers should recognize that employees will not only be celebrating Christmas and Chanukah this holiday season, but also Kwanzaa.

Kwanzaa is a holiday based on agricultural celebrations in Africa where people of the community would celebrate the harvest. In America, it is a celebration of the achievements of the African-American community with particular emphasis on unity, especially on the unity of the family. Kwanzaa begins on December 26th and it is a week-long holiday emphasizing commemoration, recommitment, and celebration. It is a cultural holiday, not a religious one, and it is practiced by African-Americans of all faiths.

Despite the fact that Kwanzaa is not identified with any particular religious persuasion, the holiday does have many spiritual elements. The Civil Rights Act of 1964 requires employers to reasonably accommodate an employee's religious observance and practice unless such accommodation would result in undue hardship. The EEOC defines religious practices broadly to include "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views."

It appears prudent, therefore, for employers to treat requests for time off to celebrate Kwanzaa like requests for time off to celebrate other religious holidays such as Rosh Hashanah or Ramadan. The accommodation burden is minimal in this context as "undue hardship" under religious discrimination law can be demonstrated with evidence

of very little financial hardship. Thus, it is not necessary to pay overtime to cover for an employee who wants to take off work for a religious holiday.

THE EMPLOYMENT LAW FIRM OF KRUCHKO & FRIES

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