When One Employee's Artistic Tastes Offend Another's Religion



QUESTION

An employee who is a very devout Muslim got upset at a co-worker in the next cubicle for posting a picture of Michelangelo's David (a nude statue) on her bulletin board. He told her that he found the picture offensive to his religion and asked her to take it down. The co-worker refused because the David is "a great work of art" and not a piece of porn. She also says that if we force her to take the picture down, we will be violating her right to express her artistic tastes.

[learn_more caption="**Answer**"]

Is she right?

Can we still make her take the picture down because of the other's employee's religious objections?

– Name withheld

ANSWER

Yes and yes.

EXPLANATION

Not letting an employee display a picture of the "David" at her workstation *does* interfere with her right of personal expression. But while it may be a masterpiece, the "David" is also a full frontal male nude that might offend the religious sensibilities of other employees. In fact, the Muslim employee has made it clear in this case that he *is* offended by the photo.

Since it's impossible to accommodate both, you must weigh the one employee's religious beliefs against the other's right of personal expression. And as a matter of law, the scales tip decisively in the favour of the former. Unlike artistic expression, religion *is* a grounds protected from discrimination under human rights laws. The laws also require employers to make "reasonable accommodations" for their employees' religious rights. Requiring an employee to take down a photo that another employee finds religiously offensive would likely be a necessary accommodation even if the first employee or even an objective third party wouldn't find the photo

offensive.

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I hope this helps.

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