

Chicago Daily Law Bulletin®

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September 4, 2019

Lead us not into temptation – or a lawsuit?

By Karen Conti

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Can a man use his religious beliefs to avoid working with women in the workplace? The dispute has gone from the cultural realm to the legal one.

Last month, a former sheriff's deputy in Lee County, N.C., filed a lawsuit alleging he was fired over objections to training a female employee alone. The plaintiff, Manuel Torres, 51, told the sheriff's office that he could not be alone with the female deputy in his patrol car because it would violate his religious beliefs.

The practice of avoiding one-on-one time with a woman is attributed to the late evangelical pastor Billy Graham, who had a policy of never traveling, eating or meeting alone with a woman in an effort to avoid the temptation to cheat on his wife and to ensure no one wrongly suspected him of any untoward behavior.

Vice President Mike Pence follows this practice, and recently, Robert Foster, a candidate for Mississippi governor, made news when he said the "Billy Graham Rule" prohibited him from allowing a female reporter to shadow him.

While these examples may appear to be unusual, new research shows the opposite. Forbes magazine reported a study from LeanIn.org and SurveyMonkey indicating 60% of male managers say they are uncomfortable participating in common job-related activities with women, such as mentoring, working alone together or socializing together.

With men still at the helm of most companies and law firms, networking and receiving mentorship from men is crucial for a woman's success. How can this happen when men are reportedly frightened of being alone with a woman?

Is this about a man's concern that he cannot control himself? Or that a woman is motivated to make up some false story about being harassed?

The North Carolina court will be charged with answering this question: Are men entitled to a religious accommodation to prevent women from working with them?

And legal issues down the line may include the following: If a woman were denied an assignment because it violated a male co-worker's right to avoid sexual temptation, would she have

a discrimination suit?

What if a woman refused to be alone with a man because she was afraid of being sexually battered or harassed? Is that discrimination based upon sex or her right to a safe workspace?

I asked several Chicago lawyers to weigh in on these issues.

Andie Kramer and Al Harris, attorneys and authors of “It’s Not You It’s the Workplace: Women’s Conflict at Work and the Bias That Built It”

“Given the Supreme Court’s decision not to hear the gay marriage wedding cake appeal, the clash with respect to the constitutional ‘free exercise of religion’ provision and anti-discrimination laws is complex and unclear.

“What we know for certain, however, is that when men refuse to supervise, train and mentor women in the workplace, women’s careers are significantly disadvantaged. Men control the great majority of our workplaces. If they do not actively advocate for the women who work for them, gender equality will be impossible to attain.

“Without commenting on the merits of the deputy sheriff’s lawsuit, he has negatively affected this woman officer’s career. Shame on him.”

Marc Siegel of Siegel & Dolan Ltd., employment attorneys

“It’s a slippery slope. If such a claim for religious accommodation were recognized and granted by an employer, it would have the effect of denying women the same opportunities that men receive on the job, whether it’s specific types of job training, mentoring or other job-related functions. Plain and simple, it equates to gender discrimination.

“This so-called rule seems to be motivated by fear of being accused of any improper conduct with the opposite sex. However, false accusations of sexual assault are estimated between 2% and 8% and even those numbers may be high.

“It simply is not a legitimate basis to negatively impact 50% of the population the ability to perform their job to the best of their ability.

“An individual’s private exercise of this ‘rule’ remains a personal choice and should not be infringed upon. However, when the ‘rule’ is invoked in the workplace, it impacts women with negative gender stereotypes and limits certain job-related activities that male counterparts do not face. That is the definition of gender discrimination and has no place in our society.”

John Mauck, author of “Jesus in the Courtroom,” attorney concentrating on religious liberty

“Because women and minorities have often been excluded from the social and business connections and mentoring which nurture professional success, male executives should continually

and consciously seek to provide opportunities to rectify those disparities. Paul's teaching that "in Messiah there is neither Jew nor Greek, male nor female..." should be wisely extended to business circumstances.

"Because men and all of us are subject to thoughts and impulses which can lead to sexual interactions harmful to marriages, children, business and to the partakers, we should be consciously vigilant of our proclivity 'to taste the apple.'

"Jesus taught his followers to pray "lead us not into temptation." Thus the Billy Graham Rule wisely, not dogmatically applied, makes good sense for executives who have the humility to understand his — or her — frailties.

Bill Clinton, Donald Trump and others have taught us that intelligence and education don't always overcome hormones and the delusions that power engenders. However, my guess is that many of the clergy who have transgressed sexually now wish that they had heeded the wisdom of Billy Graham — and Jesus."

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