



The **U.S. Equal Employment Opportunity Commission (EEOC)** enforces the federal laws against job discrimination and harassment based on race, color, religion, national origin, sex, age, disability, family medical history or genetic information. The EEOC investigates allegations of job discrimination and if it finds discrimination, the EEOC attempts to remedy the problem on behalf of the worker and in the public's interest. In selected cases, the EEOC will file a lawsuit to eliminate the discrimination and to compensate the victims.

Employment Discrimination and the Muslim, Arab, South Asian and Sikh Communities

This pamphlet describes common workplace issues that affect these communities, and provides guidance and possible solutions to end discrimination.



EMPLOYEE RIGHTS: Employees have a right to work in an environment free of discrimination and harassment based on their national origin and religion. They have the right to request an accommodation for sincere religious beliefs, but must notify their employer of the religious practices they need to have accommodated.



EMPLOYER RESPONSIBILITIES: Employers should take steps to prevent discrimination and harassment, including adopting policies against harassment and procedures for reporting it. Employers should try to make sure all employees understand these policies and procedures through training and by making sure materials are delivered in the appropriate language. Most importantly, if an employer receives a harassment complaint, it must quickly investigate and take appropriate action to ensure that harassment stops. Employers also have an obligation to accommodate an employee's sincere religious beliefs, unless it would impose an undue hardship on the operation of the employers' business.



**If you feel you have been discriminated against in the workplace, please call the EEOC at
1-800-669-4000
(TTY 1-800-669-6820)
www.eeoc.gov**



National Origin Discrimination

Unequal treatment in employment decisions (including hiring, discharge, promotion, demotion, discipline, training, leave, benefits and pay) because of an individual's national origin or ancestry is illegal. The law also prohibits discrimination based on skin color and race. References to where you are from, your ancestry, ethnicity, accent, religion, appearance, the way you dress, and even your name can be signals of national origin discrimination.



EEOC v. Bally Total Fitness: At a job interview, a well-qualified job applicant was asked questions unrelated to the job concerning his Punjabi-American ancestry and Sikh religion, and subsequently denied employment. The employer settled the case with the EEOC for \$24,000.

Customer preference: It is unlawful for an employer to refuse to hire an applicant because his or her appearance or name is associated with a particular national origin and may “make customers uncomfortable.”

English-only requirements: It is unlawful to require workers to speak only English at all times including breaks in the workplace. Employers can require English to be spoken when a common language is necessary for business operations.

Accent and Fluency: An employer may not discriminate based on accent or English fluency if the worker's ability to communicate is sufficient to perform the job.

❧ Harassment ❧

Harassment because of your national origin or religion may include unwelcome comments or conduct by a co-worker, supervisor, company owner or even a non-employee such as a customer or deliveryman. Illegal harassment unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Examples of harassment are: name-calling, offensive jokes, physical assault, graffiti, threats, taunts, posters, emails and verbal comments.



❧ **EEOC v. Barber Dodge:** Muslim Afghan-American workers were subjected to verbal harassment based on their national origin, color, and religion. EEOC obtained a settlement of \$550,000 for the seven workers.

❧ **EEOC v. Stockton Steel:** Muslim Pakistani-American employees were forced to pray in unsuitable locations including the men's bathroom, called "terrorists" and 'camel jockey' and otherwise harassed due to their national origin and religion. The EEOC obtained a \$1,110,000 settlement on behalf of the four men subjected to harassment.

❧ Discrimination Based on Religion and Religious Accommodation ❧

An employer has an obligation to accommodate an employee's sincere religious beliefs, unless it would impose an undue hardship on the operation of the employer's business.



Obtained from UNITED SIKHS

❧ **EEOC v. Alamo Rent-A-Car:** A federal judge ruled that Alamo Rent-A-Car committed religious discrimination when it terminated a Muslim Somali customer sales representative for refusing to remove the head scarf she wore during Ramadan.

🌀 Workplace Issues and Possible Solutions 🌀

When requesting religious accommodation, an employee should make sure to explain to the employer that the request is for a religious reason. Unless it is an undue hardship on the operation of the business, employers must provide a reasonable accommodation for religious beliefs and practices. For example, employers might be required to make an exception to a dress code policy to allow an employee to wear a religious head covering and other religious garments, or to adjust an employee's work schedule to accommodate religious practices. The following solutions have been effective in many work situations.

Dress Code/Appearance/Articles of Faith

What can an employee do if his employer's dress and grooming code conflicts with his religious practice?

An employer is required to make a requested exception to the dress and grooming code for a religious practice unless it would pose an undue hardship. For example, exceptions might be made to allow headscarfs or beards worn as part of a religious practice. In some instances, an employee's religious views may permit him to offer to resolve the conflict by wearing the religious garment in the company uniform color(s) or may allow wearing articles of faith, such as a kirpan, underneath clothing as a means of accommodation. If the employer has restrictions on facial hair, an employee may ask for a religious exception to the rule, and offer to wear appropriate covering over his beard if needed to comply with health and safety requirements.

Note on Customer Preference: Customer preference, i.e., catering to customer bias, is not a defense under discrimination law. An employer must allow an employee to wear a religious head covering or other religious garment, even if it may make some customers uncomfortable, unless it is an undue hardship.

Prayer

What can an employee do if she needs to pray or attend congregational prayer services during work hours, or needs an adequate place for prayer while at work?

Employees may ask their employer for permission to pray or attend prayer services during work hours and/or to provide space that is suitable for prayer. An employer can usually allow employees to use their lunch or other break times for religious prayer and can provide suitable space for prayer if it does not interfere with the operation of its business. Employers can require employees to make up the time or use leave for missed work time.

Fasting/Ramadan

What can an employee do if his work schedule conflicts with the need to break a fast at sunset?

Employees may request time to break the fast at sunset, and may offer to substitute break or lunch times for the breaking of the fast. Other solutions might include using leave time, or asking the employer to accommodate by allowing a voluntary swap or substitution of shifts with a willing co-worker.

🌀 Retaliation 🌀

Employees have a right to complain about treatment they believe is illegal job discrimination. It is unlawful for an employer to punish, threaten or harass an employee for reporting job discrimination or for helping someone else report job discrimination. Even if the reported conduct is not actually discriminatory, the law protects employees who participate in a complaint with a reasonable and good faith belief that the employer engaged in discrimination.

🌀 ***EEOC v. Queen's Medical Center:*** After a Sri Lankan medical doctor (who was a lawful permanent resident) reported national origin discrimination to the EEOC, his employer initiated efforts to have him deported. EEOC obtained a settlement of \$150,000 for the doctor and training for hospital management to prevent future discrimination or retaliation. Also, the doctor fought the deportation in an immigration court hearing and kept his green card.

What Can You Do?

1) Know your rights.

Job discrimination or harassment based on race, color, religion, national origin, sex (including sexual harassment and pregnancy), age (40 or older) and disability **is illegal**.

2) Document discrimination and harassment.

Write down as much as you know: Who? When? Where? What happened? How it made you feel? Were you threatened? Witnesses: Did anyone see or hear the discrimination or witness how it affected you? Has a similar thing happened to anyone else? and any other relevant information. **Keep any letters, emails or phone messages** that show what happened. **Keep a diary or make notes on a calendar:** it can help you remember important details.

3) Report Discrimination.

- **Talk to friends, family, co-workers, community organizations** — They may give you emotional support, and they could be witnesses for you.
- **Report discrimination to a supervisor, manager, human resources, the boss** — someone with authority in the company.
- **File a complaint with the EEOC** — In most states, you have 300 days from the most recent incident of discrimination to file a discrimination complaint with the EEOC. In some states, you only have 180 days to report to EEOC, so don't delay.