



U.S. Equal Employment Opportunity Commission

Questions and Answers for Employees: Workplace Rights of Employees Who Are, or Are Perceived to Be, Muslim or Middle Eastern

The attacks in Paris and San Bernardino, California, in late 2015 and other recent world events have heightened concerns about workplace protections for all employees, including individuals who are, or are perceived to be, Muslim or Middle Eastern. Discrimination in the workplace based on religion, national origin, or race is strictly prohibited by federal and state laws.

In order to help people better understand their rights, the U. S. Equal Employment Opportunity Commission (EEOC) has detailed information on its website about national origin and religious discrimination, as well as information on how to file a charge of discrimination. If you think that you, or someone you know, has been discriminated against because of national origin, race, or religion, or because of an employer's perception of your national origin, race, or religion, and want to learn more, please read this document or go to www.eeoc.gov.

The following questions and answers provide information about workplace discrimination and identify positive steps that you can take to exercise your rights. The EEOC has also prepared a companion document that answers questions about employer responsibilities, which can be found at <http://www.eeoc.gov/eeoc/publications/muslim-middle-eastern-employers.cfm>

TITLE VII'S PROTECTIONS AGAINST DISCRIMINATION

Title VII of the Civil Rights Act of 1964 prohibits workplace discrimination based on religion, ethnicity, country of origin, race, or color. Discrimination is prohibited in all aspects of employment, including hiring, job assignments, pay, and termination. Harassment by co-workers, supervisors, and customers may also violate the law, and there are strong incentives for employers to prevent or correct it. In addition, employers must reasonably accommodate religious practices or dress, unless it is an undue hardship. Finally, retaliation against someone who complains about a discriminatory practice, files a charge, or assists in an investigation of discrimination violates Title VII.

HIRING and OTHER EMPLOYMENT DECISIONS

1) I am a Muslim woman and I wear a hijab (or head covering) in public. I applied for a job at a bakery and had a phone interview with the manager. She seemed to like me a lot and she offered me the job over the phone. When I came to work the first day, she appeared to be startled by my appearance. She quickly stated that she had found someone "better suited for the job" and sent me home. Can I do anything about this?

An employer may not refuse to hire someone because of his or her religion, national origin, race, or color. However, it is often difficult to find out exactly why a person was not hired for a job. In your situation, it appears that you were sent home because the employer had a negative reaction to your hijab, which you wear for religious reasons. But the only way to really know if this was based on religion is to get more facts. You can ask the employer for an explanation of its reasons.

Let's assume that when the employer saw you wearing your hijab, she worried about how her customers would feel about it. But, under the law, customer preference can never be a justification for discrimination. Refusing to hire someone because customers or coworkers may be "uncomfortable" with that person's religion or national origin is illegal in the same way as refusing to hire that person because of religion or national origin in the first place.

An employer also may not fire someone because of their religion and/or national origin. This prohibition applies to other employment decisions as well, including decisions about work assignments and wages.

Even though you have a gut feeling that the reason you were turned away is due to your religious identity or national origin, you may need help with getting enough facts to determine whether the action was

discriminatory. If you file a charge with the EEOC, we will assess the allegation and conduct the appropriate investigation.

HARASSMENT

In the aftermath of major attacks, workplace conversations about current events typically increase. In an atmosphere of heightened concern and apprehension, some employees may be more likely to make unguarded remarks and others may be more afraid of harassment. At such times, the EEOC encourages employers to be proactive and publicize (or re-publicize) their anti-harassment and anti-retaliation policies and procedures. The EEOC strongly encourages employees to review and become familiar with these policies and practices.

2) In the last few months, a coworker who knows I am Muslim regularly seeks me out for long discussions about Islam, ISIS, and terrorism. I am increasingly uncomfortable with these conversations, as I prefer not to discuss politics and religion at work. I also am worried that these conversations may escalate or somehow spark hostility. What should I do?

While employees may feel powerless in this situation, the important thing to remember is that you have options. Even if your situation does not amount to illegal harassment, you can still take steps to try to improve the situation by communicating to your coworker directly or to a manager, supervisor, or other person in a position of responsibility.

Coming up with an acceptable solution to the problem depends on your specific circumstances. If you have had a good relationship in the past with the coworker, the most effective approach may be simply to ask him to stop. On the other hand, if you are uncomfortable talking with him about it, or if you already asked him to stop and he refused (or even escalated the conduct), you should notify a supervisor, manager, or another representative of your employer. Read the employer's harassment policy and follow its complaint procedure if necessary. If you are worried that your coworkers will respond negatively about your complaint, know that your employer is responsible if there is unlawful retaliation.

The employer may decide to talk with your coworker. If there is overall workplace tension, other options for the employer would be communicating with all employees about the tension, reissuing workplace conduct policies, or providing training about harassment based on religion and other protected bases. If there is no improvement in your coworker's conduct or if his harassing conduct escalates, your employer may choose to take appropriate disciplinary action.

It is possible that your employer may not be helpful to you, or might not see this as a problem at all. While most employers try to prevent workplace harassment, there are situations where an employer may condone or even engage in this type of behavior. In those situations, it is going to be very difficult to solve the workplace problems through dialogue. You can contact the EEOC for guidance or file a charge of discrimination at any time. If you decide to file a charge with EEOC, it is most helpful if you document any incidents that occur, including the dates on which they occurred, and the names of the harassers. There are strict deadlines for filing charges. A charge of employment discrimination must be filed with EEOC within 180 days of the date of the disputed conduct (or 300 days if a state or local fair employment practices agency enforces a law prohibiting employment discrimination on the same basis). See below for more information on filing a charge of discrimination.

3) I am an Arab American Christian and have been a salesman at a large car retailer for five years. Two months ago, a coworker started calling me names like "the local terrorist," "fanatic," and "ISIS." First, I ignored him. Then, I told him to let me work and stop. But he just got more aggressive, especially since the Paris and San Bernardino attacks. I dread coming to work each day. What can I do about my situation?

Religious and/or ethnic epithets and ongoing workplace hostility can amount to unlawful harassment. Find your employer's anti-harassment policies and procedures and follow them to report this conduct or file a complaint. Your employer has a legal responsibility to correct this harassing conduct, even when the harassment is based on a misperception about your religion or national origin. You also can contact the EEOC for guidance, or file a timely charge of discrimination.

RELIGIOUS ACCOMMODATION

4) I am a computer specialist at a software company. As a devout Muslim, I am required to attend prayer services at my mosque for a short period on Friday afternoons. Obviously this conflicts with my work hours. Can I ask for the time off to attend services?

You can ask your employer for permission to attend these Friday services as a reasonable accommodation of your religious practices under the law. A "reasonable accommodation" is a change in a workplace rule or policy to let you practice your religion. Your employer is required to provide you with an accommodation unless it would impose an undue hardship on its business. This means the employer is not required to provide an accommodation that is too costly or difficult to provide. You should work closely with your employer in finding an appropriate accommodation.

Whether your employer can accommodate your religious practice will depend on the nature of the work and the workplace. Usually, your employer can allow you to use lunch or other break times for religious prayer without undue hardship. If you require additional time for prayer, your employer can require you to make up the time.

However, each situation is different. If the accommodation would impose a burden on the employer that cannot be resolved, the employer is not required to allow the accommodation.

FOR ADDITIONAL INFORMATION

The EEOC is available to provide you with useful information on how to address workplace problems relating to discrimination based on religion, national origin, race, or color.

For technical assistance or to file a complaint of employment discrimination, contact EEOC at 800-669-4000 (voice) or 800-669-6820 (TTY).

For additional information about religious discrimination, visit

- *EEOC Compliance Manual on Religious Discrimination:*
<http://www.eeoc.gov/policy/docs/religion.html>
- *Religious Garb and Grooming in the Workplace: Rights and Responsibilities:*
http://www.eeoc.gov/eeoc/publications/ga_religious_garb_grooming.cfm
- *Best Practices for Eradicating Religious Discrimination in the Workplace:*
http://www.eeoc.gov/policy/docs/best_practices_religion.html

For additional information on harassment, visit

- *Guidance Documents Related to Harassment:*
http://www.eeoc.gov/laws/practices/harassment_guidance.cfm
- *EEOC Harassment Taskforce:*
http://www.eeoc.gov/eeoc/task_force/harassment/