



# Know Your Rights This Ramadan: Religious Rights in the Workplace

As American Muslims observe the holy month of Ramadan, many may wish to seek adjustments from their employers in order to accommodate their religious practices. **Civil rights laws provide a number of protections to ensure that no one suffers workplace discrimination because of their religious beliefs.** Employers are also generally required to provide “reasonable accommodation” to their employees so they can engage in religious practices.

**This fact sheet details your religious rights in the workplace and what to do if you believe your rights have been violated.**

## Which laws protect me from workplace discrimination and harassment?

- **Federal law:** Title VII of the Civil Rights Act of 1964 (“Title VII”) generally prohibits an employer from discriminating against an individual because of their race, color, religion, national origin, or sex.
  - This means that it is illegal for an employer with 15 employees or more to hire, fire, or otherwise change the terms and conditions of a person’s employment because of their religion, national origin, race, or any other protected category.
  - Title VII also protects workers from being harassed on the job; it also prohibits individuals from being retaliated against when they complain about workplace discrimination.
  - Title VII protects job applicants (as well as employees), but it only applies to employers with at least 15 employees.
- **State and local law:** The vast majority of states – and many cities and other municipalities – have their own laws that provide protections for workers. While many of these laws mirror Title VII, a number offer additional protections (e.g., covering workplaces with less than 15 employees, shielding additional classes of workers). You should be sure to check to see whether the state or municipality in which you live offers any of these additional protections.

## What is a reasonable accommodation?

- Title VII also requires that employers provide what’s called a “**reasonable accommodation**” to an employee’s religious practices, unless doing so would cause an “**undue hardship**” to the employer’s business. As a result, employers may be legally required to make adjustments and changes to the workplace so that an employee can practice his or her faith.
- Religious accommodations can take many different forms. Common examples include scheduling changes, reassigning job tasks/responsibilities, and modifying workplace policies and practices.
- What constitutes a reasonable accommodation is determined on a case-by-case basis. But courts have regularly ruled in favor of employees who have been denied such accommodations. For example, the U.S. Supreme Court recently ruled in favor of a Muslim woman who was denied a job at a retailer because her hijab conflicted with the employer’s dress code. The Supreme Court made clear that it would not have been an undue hardship for the employer to have provided the woman with a religious accommodation.
- Generally, individuals should notify their employer if they are seeking a religious accommodation. In some situations, it may be appropriate for the employer to ask for more information from the individual to determine what the proper accommodation should be.



## What is an undue hardship?

- If providing a religious accommodation would cause an employer an undue hardship, an employer is not legally required to make the modification. Whether an accommodation causes an undue hardship is decided on a case-by-case basis.
- Factors considered in evaluating an “undue hardship” include the cost of the accommodation, if the accommodation would jeopardize workplace safety or efficiency, and to what extent the accommodation would infringe on the rights of other employees.
- What constitutes an undue hardship is determined on a case-by-case basis. For example, suppose an employee wishes to take several short breaks during the workday in order to pray. In order to determine whether it would be an undue hardship on the employer to accommodate the request, a court would consider the following factors: the length and frequency of the prayer breaks, whether there are other employees who could easily fill-in during the breaks, and whether the employer would have to train those employees that could fill-in (and how much that would cost).

## What is retaliation?

- Title VII also prohibits retaliation. As such, an employer cannot take actions against you because you have complained about discrimination or harassment in the workplace.
- A broad range of conduct is protected by Title VII’s anti-retaliation provision, including filing a formal complaint of discrimination, threatening to file a complaint, and speaking against discrimination (experienced by yourself or others).

## What is unlawful religious harassment?

- Employers must maintain a workplace free from religious harassment. As such, it is unlawful for employers with at least 15 employees to require or coerce their employees to change or abandon their religious practice while in the workplace.
- Annoyances, teasing, and/or isolated incidents typically are not enough to prove a religious harassment claim. However, if there is a pattern or trend of such behavior—and an employer fails to take corrective action—that could create a **“hostile work environment,”** which could violate federal law.
- Employers have been found liable for failing to correct harassment by an individual’s supervisors, co-workers, and, in some cases, even clients or customers.
- In one recent case, a company was sued for workplace harassment after supervisors and other senior management subjected an employee to almost-daily derogatory comments about his Islamic faith, national origin, and skin color. The company settled the case by agreeing to pay the employee \$40,000, agreeing to a number of changes to the company’s policies, and providing anti-harassment training to managers.

Title VII of the Civil Rights Act of 1964 generally **prohibits employers from discriminating** against an individual on the basis of their *race, color, religion, national origin, or sex.*



## What should you do to protect your rights in the workplace?

- **Know your rights.** In many situations, employers are required to make sure that you do not suffer discrimination or harassment in the workplace and that you are provided with reasonable accommodations. You have the right to work in an environment that is fully compliant with the law, and employers are prohibited from taking actions against you because you assert your rights.
- **If necessary, request a religious accommodation.** Employers must provide reasonable accommodations, unless doing so would cause an undue burden. Speak with your employer if you believe that you need a modification to your work conditions so that you can practice your faith.
- **Consult a lawyer.** If you believe your rights may have been violated, a lawyer can provide additional information and advice, and can recommend steps to take to rectify the situation.
- **File a Charge of Discrimination.** The U.S. Equal Employment Opportunity Commission (“EEOC”) is a federal agency that investigates claims of workplace discrimination. If you believe your rights have been violated, you can file a complaint with the EEOC. Many states and municipalities have similar agencies where you can also file such complaints. Be advised that there are strict time limits for filing such complaints.

**If you have been discriminated against at your job, please contact Muslim Advocates through our website ([www.muslimadvocates.org](http://www.muslimadvocates.org)) or call us at 202-897-1897.**