



FOR MUSLIM WORKERS

What Laws Prohibit Islamophobia in the Workplace?

Religious freedom in the workplace is protected by both Federal and State Law. Under Title VII of the Civil Rights Act and certain state laws, you have a right to be free from discrimination based on religion in the workplace. Title VII applies if your employer has more than 15 employees. Most states have similar protections and may apply to employers with fewer than 15 employees. If you work for the local, state, or federal governments, additional legal protections may apply.

What Constitutes Harassment?

An employer can be liable for religious harassment of an employee if the harassment is so pervasive or severe that it creates a hostile work environment. This determination is very fact-driven and whether you have a legal claim for harassment will depend on the circumstances of your particular situation. If you are being harassed at work, we urge you to contact ROC so we can connect you with a supportive peer network and help you consider your legal and organizing options.

Can My Employer Prohibit Me From Praying?

You have the right to have certain religious practices accommodated in the workplace. You should ask your employer for accommodation for prayer and they are legally obligated to provide you with *reasonable accommodation* for the religious practices. An accommodation is not reasonable if it will cause your employer an undue hardship (for example, if it would impose more than minor costs on the employer). This determination is very fact-driven and whether you have a legal claim for the denial of an accommodation will depend on both the circumstances of your particular situation and those of your employer.

Can My Employer Make Me Take Off My Hijab or Headscarf?



Religious freedom includes the right to wear your headscarves or hijabs. You should ask your employer for accommodation to allow you to wear your hijab. They are obligated to provide you with a *reasonable accommodation*. An accommodation is not reasonable if it will cause your employer an undue hardship (for example, if it compromises safety). This determination is very fact-driven and whether you have a legal claim for the denial of an accommodation will depend on both the circumstances of your particular situation and those of your employer.

How Do I Know if I'm Being Discriminated Against?

Unfortunately the law does not prohibit all unjust treatment. Whether you have a legal claim for religious discrimination at work is very fact specific and will depend on the circumstances of your particular situation and those of your employer.

However, some questions to consider include:

- Have you suffered a negative employment action? (For example, were you denied a promotion for a job you were qualified for?)
- Were you treated differently than similarly situated employees?
- Is there evidence this action was motivated by your religious practices or faith? (For example, were you subjected to anti-Muslim comments by a supervisor or demands that you stop wearing certain religious garb?)
- Have you been harassed at work because of your faith?
- Does your employer know about the harassment?
- Has your employer refused to give you a religious accommodation (for example, a change in schedule so you can celebrate a religious holiday or an exemption from a clothing or grooming policy to allow you to wear a hijab or beard)?
- Does your employer know you need the accommodation for religious reasons?
- Would the accommodation create only a small or nonexistent burden for your employer (for example, allowing you to switch shifts)?

Experiencing Islamophobia and religious based discrimination in the workplace can be extremely difficult, but you do not need to go through this



alone. We encourage you to reach out to legal@rocunited.org so we can connect you with a supportive peer network and help you assess your legal and organizing options.