

EEOC Document on Employment Discrimination Based on Religion, Ethnicity or Country of Origin

From the U.S. Equal Employment Opportunity Commission, the federal agency which deals with discrimination issues.

Anger at those responsible for the tragic events of September 11 should not be misdirected against innocent individuals because of their religion, ethnicity, or country of origin. Employers and labor unions have a special role in guarding against unlawful workplace discrimination.

Title VII of the Civil Rights Act of 1964 prohibits workplace discrimination based on religion, national origin, race, color, or sex. At this time, employers and unions should be particularly sensitive to potential discrimination or harassment against individuals who are - or are perceived to be - Muslim, Arab, Afghani, Middle Eastern, or South Asian (Pakistani, Indian, etc.).

The law's prohibitions include harassment or any other employment action based on any of the following:

- **Affiliation:** Harassing or otherwise discriminating because an individual is affiliated with a particular religious or ethnic group. For example, harassing an individual because she is Arab or practices Islam, or paying an employee less because she is Middle Eastern.
- **Physical or cultural traits and clothing:** Harassing or otherwise discriminating because of physical, cultural, or linguistic characteristics, such as accent or dress associated with a particular religion, ethnicity, or country of origin. For example, harassing a woman wearing a hijab (a body covering and/or head-scarf worn by some Muslims), or not hiring a man with a dark complexion and an accent believed to be Arab.
- **Perception:** Harassing or otherwise discriminating because of the perception or belief that a person is a member of a particular racial, national origin, or religious group whether or not that perception is correct. For example, failing to hire an Hispanic person because the hiring official believed that he was from Pakistan, or harassing a Sikh man wearing a turban because the harasser thought he was Muslim.
- **Association:** Harassing or otherwise discriminating because of an individual's association with a person or organization of a particular religion or ethnicity. For example, harassing an employee whose husband is from Afghanistan, or refusing to promote an employee because he attends a mosque.

Harassment

Employers must provide a workplace that is free of harassment based on national origin, ethnicity, or religion. They may be liable not only for harassment by supervisors, but also by coworkers or by non-employees under their control. Employers should clearly communicate to all employees - through a written policy or other appropriate mechanism - that harassment such as ethnic slurs or other verbal or physical conduct directed toward any racial, ethnic, or religious group is prohibited and that employees must respect the rights of their coworkers. An employer also should have effective and clearly communicated policies and procedures for addressing complaints of harassment and should train managers on how to identify and respond effectively to harassment even in the absence of a complaint.

Religious Accommodation

Title VII requires an employer to reasonably accommodate the religious practices of an employee or prospective employee, unless doing so would create an undue hardship for the employer. Some reasonable religious accommodations that employers may be required to provide workers include leave for religious observances, time and/or place to pray, and ability to wear religious garb.

Filing a Charge

Anyone who believes that s/he has been subjected to discrimination in violation of Title VII may file a charge with the nearest field office of the Equal Employment Opportunity Commission. Persons who file a charge, oppose unlawful employment discrimination, participate in employment discrimination proceedings, or otherwise assert their rights under the laws enforced by the Commission are protected against retaliation. An EEOC charge must be filed within 180 days -- or 300 if the state has a fair employment practices agency -- of the date of the disputed conduct. Field offices are located throughout the United States. To be connected to the appropriate office, call 1-800-669-4000. EEOC's TTY number is 1-800-669-6820.

For more information go to Facts About National Origin Discrimination and Facts about Religious Discrimination on the EEOC's web site at www.eeoc.gov.