

More Information

The information on employment discrimination in this pamphlet is provided by the Equal Employment Opportunity Commission (EEOC).

In order to help people better understand their rights, the EEOC has posted detailed information on its website about national origin and religious discrimination, as well as information on how to file a charge. If you think that you, or someone you know, has been discriminated against on the basis of their national origin or religion and want to learn more about exercising your legal rights, please read the information provided in this pamphlet or go to www.eeoc.gov.

If you feel that you have faced any employment discrimination, please contact UNITED SIKHS at law-usa@unitedsikhs.com or 1-646-688-3525 for more information or visit us on the web at www.unitedsikhs.org.

UNITED SIKHS

Know Your Rights: Employment Discrimination



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Recognize the Human Race as One

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KNOW YOUR RIGHTS

Have you faced Employment Discrimination?

Sikhs face employment discrimination in forms that they do not even identify as discrimination. Have you been limited to a “back room job” at your work place? Have you been denied a performance based promotion that you deserved? Have people asked you about your religious practices at work?

UNITED SIKHS has been working in partnership with Equal Employment Opportunities Commission (EEOC) to help spread awareness about Sikhs and to train federal officers to handle complaints related to religious discrimination at work.

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 prohibits workplace discrimination based on religion, ethnicity, country of origin, race, and color. Such **discrimination is prohibited in any aspect of employment**, including recruitment, hiring, promotion, benefits, training, job duties, and termination. Employers with 15+ employees must comply with Title VII. **Workplace harassment is also prohibited by Title VII.** In addition, an employer must provide a **reasonable accommodation for religious practices** unless doing so would result in undue hardship.

If you believe that your rights have been violated in the workplace, you may file a charge of employment discrimination with the EEOC; however, this generally must be done within 180 days from the date of the violation in order for you to protect your legal rights. If you suspect that you have been the victim of employment discrimination, contact UNITED SIKHS as soon as possible so that we can put you in touch with your nearest EEOC office.

Religious Accommodation

Since the turban is religiously-mandated, Sikhs should ask their employers for a religious accommodation to wear it at work (if for example, there is a work place policy prohibiting head wear). An employer has a legal obligation to grant a request if it does not impose a burden, or an "undue hardship," under Title VII. Claiming that coworkers might be "upset" or "uncomfortable" when they see someone wearing a turban is not an undue hardship.

Customer preference is never a justification for a discriminatory practice. Refusing to hire someone because customers or co-workers may be "uncomfortable" with that person's religion or national origin is just as illegal as refusing to hire that person because of religion or national origin in the first place. Similarly, an employer may not fire someone because of religion and/or national origin. This prohibition applies to other employment decisions as well, including promotion, transfers, work assignments and wages.

Contact UNITED SIKHS at law-usa@unitedsikhs.org or call us at 1-646-68-3525 if you or your employer has questions about employer obligations to accommodate religious practices, or contact the EEOC at info@eeoc.gov or visit www.eeoc.gov for more detailed information. If your employer continues to insist that you remove your turban, or takes adverse action against you for refusing to remove it, you may want to contact EEOC to file a charge.

Harassment

Racial and/or ethnic epithets and general workplace hostility can amount to unlawful harassment. Even if your situation does not amount to illegal harassment, you can still take steps to try to improve the situation by communicating with your employer about it. Your employer is legally required to take steps to end harassment. Follow the employer's complaint procedure, if it has one, or notify a manager or other company official. If you are worried that your coworkers might retaliate against you for complaining, you should know that your employer has a legal duty to protect you against retaliation.

While most employers try to prevent workplace harassment, there are situations where an employer may condone or even perpetrate this type of behavior. In those situations, you can contact the EEOC for guidance or file a charge of discrimination at any time. You may also contact UNITED SIKHS with questions about how to file an EEOC claim. 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. You must comply with the deadlines for filing charges.