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If Only They Had Called PMP: Abercrombie & Fitch violated the law in firing a Muslim employee

Earlier this month, the U.S. Equal Employment Opportunity Commission (EEOC) announced a federal judge has found clothing giant Abercrombie & Fitch liable for religious discrimination when it fired a Muslim employee for wearing her hijab (religious headscarf).

According to the lawsuit, filed in 2011, the Muslim teen worked primarily in the stockroom. At first she was asked to wear headscarves in Hollister colors, which she agreed. However, in mid-February 2010, she was informed that her hijab violated Abercrombie's "Look Policy," a company-wide dress code, and was told she would be taken off schedule unless she removed her headscarf while at work. Khan was fired in February for refusing to take off the hijab that her religious beliefs compelled her to wear.

Title VII of the Civil Rights Act of 1964 prohibits discrimination based on religion and requires employers to accommodate the sincere religious beliefs or practices of employees unless doing so would impose an undue hardship on the business. The court dismissed Abercrombie's argument that "its Look Policy goes to the 'very heart of [its] business model' and thus any requested accommodation to deviate from the Look Policy threatens the company's success," observing that Abercrombie only offers unsupported opinion testimony of its own employees to support its claim of unwarranted hardship.

If you have any questions concerning workplace compliance, please call PMP.



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