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Court Rules No Religious Discrimination Without Accommodation Request

An employer's failure to hire a Muslim woman who showed up to her job interview wearing a headscarf was ruled not religious discrimination under Title VII of the Civil Rights Act of 1964, because the applicant never requested religious accommodation, thus failing to provide the notice element for a claim.

The Muslim woman filed a complaint with the EEOC, suing Abercrombie & Fitch for religious discrimination and failure to accommodate her religious beliefs in violation of Title VII, after she learned from an employee of Abercrombie that she was not hired because of her headscarf; however, to establish a legitimate complaint, the EEOC had the burden of proving the woman:

- Had a bona fide religious belief that conflicted with the employer's requirements;
- Informed the prospective employer of the conflicting belief; and
- Was not hired because of the conflict

The Court found the EEOC failed to establish that the woman informed the interviewer that her religious belief conflicted with Abercrombie's "Look Policy," a dress code that the company considers critical to the health and vitality of its "preppy" and "casual" brand.

If you have any questions concerning workplace compliance, please do not hesitate to call PMP.



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