

Massachusetts Muslims, Know Your Rights! Job Discrimination and Harassment

- *A store won't hire you because you wear hijab.*
- *A co-worker constantly calls you "terrorist" and makes anti-Muslim remarks.*
- *Your boss refuses to let you pray at work.*

The basics. An employer cannot discriminate against you – treat you differently from other workers – due to your religion, race, or national origin.¹ This applies to hiring, working conditions, rate of pay, promotions, and firings. In addition, an employer must “accommodate” (make changes to allow) your religious practices unless it would be an “undue hardship” for the employer to do so.

Applying for the job. It is against the law for an employer to refuse to hire you because of your religion. At the interview stage, the employer should not ask about your religion and you do not need to offer information about your religious practices. But if the employer asks, be honest. Many employers do not understand Islam or the needs of their Muslim workers. This is a good opportunity to teach them.

Religious accommodations. You have the right to practice your religion at work unless it would create an “undue hardship” for your employer. Every case is different, based on the type of job, the size of the business, safety issues, etc. But one thing is always true: after you request an accommodation, your employer must discuss your needs with you to see how you can practice your religion while at work.

- **Religious clothing and beards** – Generally, you have the right to wear Islamic clothing (hijab, kufi, etc.) and a beard. If there is a safety issue or your job requires a uniform, talk to your employer about possible solutions.
- **Praying at work** – Generally, employers must let you perform wudu and take prayer breaks in a clean and safe area. If there is a problem, see what you can work out.
- **Jummah** – Generally, you have the right to attend Jummah prayers unless no one else can cover for you or there are safety issues if you leave the workplace.
- **Religious holidays** – Under Massachusetts law, you must ask for time off at least **10 days** in advance. You can be required to make up the time you were gone, and your employer does not need to pay you for the time you were gone.
- **Hajj and Umrah** – For longer absences, help your employer plan around your absence as early as you can, not just 10 days in advance.
- **Ramadan** – Talk to your employer if you will need to adjust your work hours or make other changes during Ramadan.

¹ In Massachusetts, it is also against the law for an employer to discriminate due to your age (over 40), gender, pregnancy, disability, or sexual orientation/identity/expression. Sexual harassment is also illegal.

Harassment by co-workers. If you are being harassed by a co-worker, tell your supervisor, boss, or Human Relations department. An employer has the duty to end the harassment. But your employer first needs to be told about the problem AND given the chance to fix it.

Try to solve the problem. If your employer or co-workers discriminate against you:

- Write down everything that happens (but not on your work computer!), noting the date, who was involved, what happened, and who else saw or heard what happened.
- Talk to your supervisor. If your supervisor is causing the problem, talk to the person above your supervisor. If your workplace has a Human Resources (HR) department, report the problem to HR. *You need to give your employer the chance to solve the problem.*

Retaliation. If you are afraid to report the problem, please know that it is also against the law for your employer to retaliate (get back at you) for complaining about discrimination. This is true even if you lose your discrimination case.

Quitting your job. If you aren't able to solve the problem on your own, talk to a lawyer before quitting your job. Employers often take complaints more seriously when a lawyer gets involved. In addition, a lawyer can also explain what other options you may have. But if you feel like you have no choice but to quit, or are being forced out (called "constructive discharge"), you can still file a discrimination or retaliation case after you leave.

Keep in mind that quitting may make it harder to get Unemployment Insurance (UI) payments. You cannot get UI payments unless can show that you had a very good reason for quitting (such as serious discrimination) AND you tried to solve the problem before quitting.

Getting fired. In Massachusetts, unless you belong to a union or have a written contract with your employer, you can be fired for no reason or any reason – as long as there is no illegal reason such as discrimination or retaliation. If you are fired, call CAIR-MA.

Taking legal action. In Massachusetts, you must start by filing an employment discrimination complaint with either the Mass. Commission Against Discrimination (MCAD) or the U.S. Equal Employment Opportunity Commission (EEOC) within **300 days** of the most recent act of discrimination. You can also file a lawsuit in court but you must first file with MCAD or EEOC before going to court. Talk to a lawyer for the details and to see what is best for your case.

IMPORTANT: Please call CAIR-MA or another lawyer **before** filing a complaint at MCAD or EEOC. A lawyer can tell you what information is needed to make a strong case, and may be able to represent you.

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