

## Massachusetts Muslims, Know Your Rights! Discrimination in public places

- *A restaurant refuses to serve your family, or gives you very poor service.*
- *Mall security guards follow you as you shop and demand to check your shopping bags.*
- *A bus driver tells you to leave because your hijab or kufi makes others riders uncomfortable.*
- *A shop owner posts a sign that says “Muslim Free Zone.”*

These are all examples of illegal discrimination in a place of “public accommodation.” In Massachusetts, it is against the law to refuse to do business with you, or to treat you differently from other customers, because of your religion, race, color, or national origin.<sup>1</sup> You have the right to enter or do business with any place that is open to the public, and to be treated the same as all other visitors or customers. It is also against the law to use discriminatory advertising.

**What is a place of “public accommodation”?** Massachusetts law defines a place of public accommodation very broadly -- any business or place that is open to the general public, including:

- Stores and shopping malls
- Restaurants and coffee shops
- Public playgrounds and parks
- Hotels, motels, and gas stations
- Libraries, movies, and museums
- Buses, taxicabs, ride-share apps, and subways
- Public streets and sidewalks
- Sporting events and amusement parks

It doesn’t matter if you can go there for free or if you need to buy a ticket (assuming you have the money to pay). It doesn’t matter who owns the place – a person, a company, or the government (city, state, or U.S.). If the place is open to the public, then you must be treated the same as everyone else. The only exception is when there is a minimum age requirement, such as when you must be 18 or over.

**What to do – or not do – after an incident.** Call CAIR-MA to let us know what happened. We may be able to send “testers” to a store to see how they are treated. That gives us more information about a store’s practices. Sometimes customers call the police when they are refused service or treated very poorly but CAIR-MA advises against doing so. In Massachusetts, it is a crime to refuse to leave a store or business after the owner tells you to leave. The police cannot handle discrimination cases and you do not want to risk getting arrested. Instead, leave the store or business and then call CAIR-MA.

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<sup>1</sup> In Massachusetts, you are also protected from discrimination in a place of public accommodation due to sex, gender identity, sexual orientation, or disability.

**Taking legal action.** In Massachusetts, you can file a public accommodations complaint with the Mass. Commission Against Discrimination (MCAD) within 300 days of the most recent act of discrimination.

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

You can also file a lawsuit in court, but you must first file at MCAD and then wait 90 days before you can remove your case to court. A lawsuit must be filed within three years of the incident. Talk to a lawyer about the best approach for your case.

Based on the facts of your case, you can ask MCAD or a court to make the store or business:

- Pay you money (called “damages”);
- Change its policies;
- Train its employees about public accommodation laws – so that no one else gets treated like you were.

*[Last updated March 2022]*