

EEOC RELEASES NEW DOCUMENTS CONCERNING WORKPLACE DISCRIMINATION AGAINST INDIVIDUALS WHO ARE, OR ARE PERCEIVED TO BE, MUSLIM OR MIDDLE EASTERN

Employers' Advisor Blog Archives
December 29, 2015

On December 23, 2015, the Equal Employment Opportunity Commission (EEOC) chair, Jenny Yang, released a statement and two “question and answer” guidance documents concerning workplace discrimination against individuals who are, or are perceived to be, Muslim or Middle Eastern. In releasing the guidance, Chair Yang announced that the “tragic events at home and abroad” have necessitated the issuance of information to prevent harassment, intimidation, or discrimination in the workplace “against vulnerable communities.”

Collectively, the EEOC’s guidance documents reinforce Title VII’s prohibitions on workplace discrimination based on religion, ethnicity, country of origin, race, or color. The [“Questions and Answers for Employers: Responsibilities Concerning the Employment of Individuals Who Are, or Are Perceived to Be, Muslim or Middle Eastern”](#) document outlines various measures that employers can take to ensure their workplace is free of discrimination based on religion, national origin, or race:

- Not deny employment to individuals based on customer preferences about religious attire, including hijabs;
- Clearly prohibit all ethnic and racial slurs, or other offensive comments, including comments about “terrorism,” “ISIS,” or being a “fanatic”;
- Monitor discussions about religion or terrorism, even if they do not amount to illegal harassment, and take steps to prevent conduct from escalating;
- Accommodate religious practice, including flexible time for prayer, as long as it does not cause an undue hardship; and
- Not conduct any background investigations or other screening procedures in a discriminatory manner.

The [“Questions and Answers for Employees: Workplace Rights of Employees Who Are, or Are Perceived to Be, Muslim or Middle Eastern”](#) document provides similar information for employees.

In view of the EEOC’s attention to this issue, employers are reminded to review their policies and procedures for receiving and responding to complaints concerning unlawful harassment or discrimination.

For more information about this alert or to discuss conducting effective anti-harassment and anti-discrimination training in the workplace, please contact any of our labor and employment attorneys.