



Employer's Guide to Islamic Religious Practices



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CAIR-Ohio, founded in 1998, is an affiliate of the Council on American-Islamic Relations (CAIR), the largest American-Muslim civil rights organization in the U.S. CAIR is headquartered in Washington, DC and has 32 chapters nationwide. CAIR-Ohio has chapters in Columbus, Cleveland, and Cincinnati, and regularly conducts diversity trainings for businesses who want to learn more about interacting with their Muslim employees and about potential religious accommodations in the workplace.

Demographers say that Islam is one of the fastest growing religions in the United States. American Muslims are now found in all sectors of society. This growing Muslim population adds a new dimension for consideration by employers when dealing with issues of multiculturalism and diversity. The information contained in this booklet is designed to assist employers in formulating and implementing policies that will help create a culturally-sensitive workplace environment. It will also serve as a guide to understanding religiously-mandated practices of Muslim employees. The information contained in this guide outlines general Islamic beliefs and practices. Individual application of these observances may vary based on culture, denomination, level of observance and personal practice.

Glossary of Muslim Terms

Eid: A day of festivity; major religious holiday.

Halal: Permissible under Islamic law.

Hij'ab: Clothing Muslim women wear in public. It is generally loose-fitting and includes a head covering.

Jum 'ah: Friday congregational prayer, the Muslim weekly worship service.

Kufi: A cap sometimes worn by Muslim men.

Qur'an: Islam's scripture, sometimes spelled as Koran.

Ramadan: The month of fasting.

Hajj: Pilgrimage to the city of Mecca

Wudu: The practice of ritual washing by Muslims before daily prayer

Salah: The ritual prayer of Muslims, performed five times daily

U. S. Legal Protections of Religious Rights

Observances such as prayer, fasting, pilgrimage, and religious celebrations are practices of members of the Muslim faith. Such expressions are protected by the following provisions in the U.S. Constitution and Federal law:

- The First Amendment to the Constitution of the United States, which protects the free exercise of religion by public employees.
- Title VII of the 1964 Civil Rights Act, which provides that an employer may not discriminate against a person because he/she adheres to a particular faith, and that employers must accommodate an employee's religious practices unless doing so would cause undue hardship to the employer. This provision applies to both public and private employees.

Moreover, Ohio law also contains similar provisions protecting religious rights of employees at work. In fact, the Ohio Constitution provides more protection for religious practice at work than the U.S. Constitution and Federal law.

- Article 1, Section 7 of the State of Ohio Constitution prohibits laws that interfere with the rights of conscience of public employees. This provision of the Ohio Constitution mandates that the religious practice of all public employees in Ohio be accommodated by the employer.
- Ohio law also has an equivalent to Title VII of the 1964 Civil Rights Act . Ohio Revised Code O.R.C. § 4112.02 similarly provides that an employer may not discriminate against a person because he/she adheres to a particular faith, and that employer must accommodate an employee's religious practices unless doing so would cause undue hardship to the employer. This provision of the Ohio Constitution mandates that the government accommodate religious practices of public employees.



Daily Prayer

Islam urges God-consciousness in an individual's life. Islam mandates that Muslims perform five prayers each day at specific times. The exact prayer timings will fluctuate throughout the year depending on the season. If necessary, employers can consult a yearly prayer time calendar in order to schedule shifting break times that will allow employees to pray within the required time frames. Prayer, also called salah, generally occurs at the following times:

1. Morning prayer occurs before break-of-dawn.
2. Noon prayer occurs after midday.
3. Afternoon prayer occurs in late afternoon.
4. Sunset prayer occurs just after sunset.
5. Night prayer occurs around late evening.

Muslims are required to be in a state of cleanliness, or wudu, in order to perform prayer. Thus, before prayer Muslims will need to use the restroom in order to wash their faces, hands and feet with clean water. During the act of worship, Muslims stand, bow and touch the forehead to the ground. Worship may be performed in any quiet, dry, clean place. During prayers, the worshiper will face toward Mecca (northeast in Ohio). Other workers should not walk in front of or interrupt the worshiper during the prayer. During prayer, a Muslim is fully engaged. They will not respond to a ringing telephone or conversation. Fellow employees should not take offense if the worshiper does not answer them during prayer. However, in case of an emergency, they will respond to an announcement by stopping the prayer immediately.

Time and Scheduling Considerations

The time it takes to perform the washing and prayer is usually about 5 to 15 minutes. This enables the Muslim employee to pray during meal and/or other break times. Flexibility in taking breaks can allow employees to pray within the prescribed time period for prayer. For example:

- Employees working regular day hours may schedule their breaks to fit noon and afternoon prayer - depending on location - between noon and 5 p.m.
- Shifts from 10 a.m. to 6 p.m. may require Muslim employees to perform noon, afternoon and sunset prayers in the workplace in some states, especially during winter.
- Night shift workers may need to pray sunset, night and morning prayers on site. In other more controlled work environments, employers must work out a reasonable arrangement so employees can pray within the prescribed time period.

Friday Congregational Prayer

Friday is the day for congregational worship, called Jum'ah. The prayer generally takes place at a mosque during the noontime prayer and includes a sermon. A Muslim employee should be able to complete Friday prayers during an extended lunch break or by combining their other breaks. Any work missed may be made up by either staying later or coming in earlier, or through whatever arrangements are mutually satisfactory.



Muslim Holidays

Islamic holidays and festivals follow the lunar calendar. Like the solar calendar, the lunar calendar has twelve months. However, a lunar month, which is marked by the appearance of a new crescent in the horizon, may last only 29 days. A lunar year is about eleven days shorter than the solar year. This means that Islamic festivals occur about eleven days earlier each year. There are several days on the Islamic calendar of special religious significance.

Eid (Day of Festivity) is celebrated by Muslims twice a year. The first Eid is celebrated after the end of the month of fasting, called Ramadan. The second Eid is celebrated beginning on the tenth day of the twelfth Islamic month. The festivals include congregational prayers, family visitations and exchange of gifts. Celebrating Eid requires that Muslims take time off, at least, twice every year. There should be no undue penalty for this religious obligation. Employers should work with Muslim employees to make arrangements which would allow Muslim employees to take time off for Eid.

Ramadan Fast

The month of Ramadan, the ninth month of the Islamic lunar calendar, is the period in which Muslims are required to fast. Observing Ramadan means refraining from eating, drinking and smoking from break-of-dawn to sunset. Ramadan is a period of personal restraint and renewed focus on moral conduct. It is also a time to empathize with those who are less fortunate and to appreciate what one has. Fasting does not mean that Muslims cease to work. Some Muslim employees who work in physically demanding jobs may require less physically taxing work duties during the month of fasting.

An employee observing the fast will not be able to eat during typical lunch times. However, he or she will need to eat after sundown, and/or, for those working night shifts, before dawn. Mutually convenient adjustments should be made. For example, a work shift could be shortened by the length of the lunchbreak if the break is not taken.



Pilgrimage

Pilgrimage plays a significant role in many faiths. In Islam, it is one of the five “pillars,” or basic obligations, of the religion. Muslim adults are required to go on a pilgrimage, also known as Hajj, to the city of Mecca, Saudi Arabia at least once in their lifetime if they are financially and physically able. Performing the rituals of the pilgrimage, at a minimum, will take five days during the second week of the twelfth month of the lunar calendar. However, considerable variations exist in trip arrangements, and group travel may take 10-21 days. Muslim employees may choose to make pilgrimage using vacation or unpaid time off.

Dietary Requirements

The Qur’an, Islam’s revealed text, prohibits the consumption of alcohol, pork, and pork byproducts. Practicing Muslims are careful about the food they consume and about how it is prepared. Many practicing Muslims follow certain standards of slaughter and preparation of meat and poultry, called halal (permissible), which is similar to Jewish kosher standards. Airline companies and other parties that serve food to Muslims may order these special items (mainly meats) from certified halal food providers. If this is not possible, employees should be given choices that meet Muslim dietary requirement (such as vegetables, eggs, milk and fish).



Appearance

Islam prescribes that both men and women behave and dress modestly. Muslims believe men and women should be valued and judged on their intelligence, skills and contributions to the community, not on their physical attributes. There are a number of ways in which Muslim men and women express such teachings.

Men: Many Muslim men keep beards for religious reasons. Should there be safety and health considerations, employers may require employees with beards to use proper covering such as hair nets or masks. Also, some Muslim men may wear a small head covering, called a kufi.

Women: When in public, Muslim women wear loose-fitting, non-revealing clothing. Many Muslim women wear attire known as hijab. This attire, which may vary in style, usually includes covering the hair, neck and body, except for the face and hands. Some Muslim women may wear a face veil.

Companies may ask that clothing be clean and neat. Businesses with designated uniforms may request that the Muslim worker's attire adhere to certain requirements of fabric, color and style that are consistent with corporate image. Employers should modify dress code policies so that religiously-mandated attire is addressed as a diversity issue. For example, many corporations have a policy forbidding the wearing of "hats." This rule should be amended to exempt items such as head scarves, skullcaps and religious attire of other religions.

Other Considerations

Shaking Hands: Some Muslims will be reluctant to shake the hand of an unrelated person of the opposite sex. This should not be taken as an insult, but as a sign of personal modesty.

Eye Contact: The Qur’an teaches Muslim men and women to “lower their gaze” when communicating with unrelated persons of the opposite sex. In observing this teaching, some Muslims avoid sustained eye contact. This should not be taken as an insult or as an indication of an unwillingness to communicate.

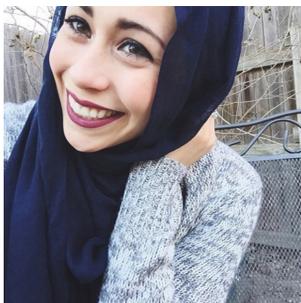
Social/Work Events: Many Muslims are reluctant to take part in social gatherings celebrating religious holidays of other faiths or where alcohol is served. These employees should not be penalized for not participating in these events. A Muslim employee should not be asked to serve or sell religiously prohibited products, such as alcoholic beverages or pork.



Some Examples of Impermissible Employer Discrimination

In a study of EEOC (Equal Employment Opportunity Commission) filings and lawsuits from 2009-2015,[†] EEOC statistics show that Muslims are disproportionately represented in cases of employment discrimination with the EEOC. Even though Muslims comprise of less than 2% of the population in the US:

- 26% of all lawsuits filed by the EEOC were on behalf of Muslims
- 19.6% of all complaints submitted to the EEOC came from Muslims
- 25.9% of all religious accommodation lawsuits filed by the EEOC were on behalf of Muslims



Headscarves and Look Polices

Samantha Elauf, a young Muslim woman, wore her headscarf to an employment interview with retailer Abercrombie & Fitch in 2008. Elauf never mentioned her religion, and the assistant manager conducting the interview did not ask. After the interview, however, the assistant manager asked the district manager about Elauf's headscarf because she knew that hats were not allowed. She had assumed

the scarf was for religious purposes and was not sure whether it would be permissible on the store's floor. She was unequivocally told not to hire Elauf. Despite scoring high marks on the "competencies" required for the job, Elauf was denied the position for violating the store's "look policy."

Elauf contacted the Equal Employment Opportunity Commission (EEOC) and, together, they sued Abercrombie & Fitch for its discriminatory hiring practices. Abercrombie argued that its policy was not discriminatory because it prohibited all types of headgear, and so was not based on religion. It also argued that the burden was on Elauf to request accommodation. Title VII of the 1964 Civil Rights Act provides that employers must provide "reasonable accommodation" to its employees so long as the accommodation does not cause undue hardship. The U.S. Supreme Court held that employers must provide such accommodation even if the employee, or prospective employee did not ask for it.

[†] Study compiled by Professor Eugene Volokh at UCLA School of Law, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/06/21/the-eeoc-religious-accommodation-claims-and-muslims/?utm_term=.aa171c5355e4



Undue Burdens on Employer

Mahad Abass Mohamed and Adkiarim Hassan Bulshale were two Somali truck drivers for a company called Star Transport. When Star Transport asked them to deliver shipments containing alcohol, they refused and said their faith would not permit them to transport alcohol. Consequently, Mohamed and Bulshale were fired.

The EEOC sued on their behalf, and Mohamed and Bulshale were awarded \$240,000. Star Transport admitted that it often “swapped loads between drivers” and that it would not have been difficult to accommodate the request. If there is no undue burden on the employer, it should do its best to accommodate the religious needs of its employees.

Beard Policies

Shaheed Khan was awarded \$50,000 after McDonalds, his employer, refused to let him wear a beard to work. Khan was a crew trainer at a McDonalds in Fresno, California. In 2005, he asked if he could wear a beard to work and explained his religious reasoning. After he was told no, he quit.

The EEOC worked out the \$50,000 settlement for Khan, and McDonalds agreed to retrain managers about its anti-discrimination policies.

For more information or to schedule a diversity training for your business, contact your nearest CAIR-Ohio Chapter at www.cairohio.com



Columbus Office

4985 Cemetery Rd.
Hilliard, OH 43026
614.451.3232
www.cair-ohio.com

Cincinnati Office

5740 Gateway Blvd., Suite 201
Mason, OH 45040
513.281.8200
www.cair-ohio.com

Cleveland Office

2999 Payne Ave., Suite 220
Cleveland, OH 44114
216.830.2247
www.caircleveland.com

CAIR-Ohio is a chapter of America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.