

S A L D E F

About the Kirpan

ABOUT THE KIRPAN

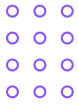
A GUIDE FOR NON-SIKHS



This information is provided for general background on the experiences of the Sikh American community. It is not intended to be nor does it replace legal advice from a licensed attorney. As this is general information, it does not cover the differences between the laws and policies of each state and special rules that may apply to your situation. For further information about the kirpan please contact us at saldef.org.

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About Sikhism: Over twenty-five million Sikhs worldwide trace the origin of their religion to Punjab, meaning the land of the five rivers, located in present-day Pakistan and northern India. Sikhism is the fifth largest religion in the world. Nearly five centuries ago, Sikhism's Gurus rose above the caste system through their practices, teaching their followers to do the same. Sikhism's founder, Guru Nanak, strove to create a spiritual community in which such marks of social status would be dissolved, and all would be recognized as equals by the fact of their humanity.



ABOUT THE KIRPAN



One of the five articles of faith, integral to Sikh identity and practice, the kirpan is worn by Sikhs of all genders and ages. It is a **small religious sword**, which serves as a reminder to stand up against injustice and oppression. An individual carrying a kirpan will also be wearing other articles of faith, such as the turban and uncut hair.

There is no prescribed length for the kirpan, and the style is determined by the individual wearer. A kirpan is typically made of steel, sometimes with a wooden handle. When worn as part of daily wear, the kirpan is usually three to six inches long, with a short, often dull blade sometimes with a curved point. The kirpan is worn inside a sheath.

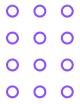
The kirpan is typically worn outside of the clothes in a cross-body strap (known as a gatra). Many individuals will wear their kirpan under their clothes, close to their body, when in public places such as at work or while at school.



GENERAL PUBLIC ACCOMMODATIONS

The kirpan is an article of faith that is covered by public accommodation laws prohibiting discrimination on the basis of religion (see, e.g., Title VII of the Civil Rights Act and the Religious Freedom Restoration Act (RFRA)). For example, it is allowed to be worn in federal facilities under guidance issued by the Federal Protective Service (FPS Guidance 2012).

It is legal to wear the kirpan, and it is not considered a weapon under various state statutes. For example, prosecutors and judges consistently drop and dismiss charges against those who are wrongfully detained for wearing a kirpan. See, e.g., *State v. Singh*, 117 Ohio App. 3d 381 (Ohio 1996).



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WORKPLACE ACCOMMODATIONS

Numerous employers of all sizes have successfully permitted Sikh individuals to wear The kirpan is a recognized article of faith protected by federal and state laws in the workplace. (See U.S. EEOC v. Heartland Employment Services, LLC, Case No. 2:08-CV-00460-FCD-DAD (E.D. Cal., 2010)).

Under federal and state law, such as Title VII of the Civil Rights Act, an employer is required to provide a “reasonable accommodation” – an adjustment to the workplace environment to accommodate an employee’s religious practices or beliefs when an employee makes a request. An employer may not punish or harm an employee due to their religious beliefs, such as segregating them from customer facing positions due to their kirpan.

Key points of religious accommodation laws:

- Employers may not discharge or discriminate against an employee or applicant for employment based on religion.
- Employers must extend reasonable accommodations to an employee’s religious beliefs or practices in the workplace.
- Employers must make sure the workplace is neither hostile to nor harassing toward employees based on religious beliefs.
- Employers may not retaliate against an employee for raising issues of religious discrimination/harassment, or for seeking an accommodation.

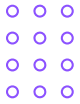
SCHOOL ACCOMMODATIONS

The kirpan has been worn by students across the country in various grade levels, from college campuses to elementary schools, both public and private. The exact accommodation of the kirpan does vary based on multiple factors.

Common considerations when developing an individualized accommodation including:

- The age of the student
- If the kirpan can be worn under the clothes
- The nature and size of the kirpan





Accommodations should be developed with the goal of allowing the student to practice their faith as broadly as possible, with the consultation of their parents and with deep respect for the religious significance of the kirpan. Laws that serve as the basis for accommodation of the kirpan include Title VII of the Civil Rights Act (federal law); the Religious Freedom Restoration Act (RFRA, federal law and state law versions); and court cases, including *Cheema v. Thompson*, 67 F.3d 883 (9th Cir., 1995).

HANDLING THE KIRPAN

If the kirpan is to be handled by someone other than the wearer, it should be handled with respect and care. The reason for inspection should be explained. It should be stored in a clean place and not on the floor.



ABOUT SALDEF

SALDEF is a national Sikh American impact organization focused on building leadership and capacity in the Sikh American community. Our mission is to empower Sikh Americans by building dialogue, deepening understanding, promoting civic and political participation, and upholding social justice and religious freedom for all Americans. We are grounded in our values of optimism (chardi kala), humility (nimrata) and service (seva), inspired by the community (sangar) for the benefit of all (sarbat da bhalla). We envision a United States where Sikh Americans are respected and recognized as a vibrant and integral part of the fabric of this nation and are appreciated for our shared values of service, social justice, and an unshakeable belief in freedom and equality for all.

To access other helpful resources for Sikh Americans visit www.SALDEF.org/Resources