

**SALDEF**

An Employer's Guide



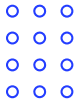
# ACCOMMODATING SIKHS IN THE WORKPLACE

## AN EMPLOYER'S GUIDE



TO LEARN MORE VISIT

[www.SALDEF.org/Resources](http://www.SALDEF.org/Resources)



**Disclaimer:** 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.

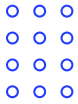
## HOW TO USE THIS GUIDE

This guide is intended to provide some basic information on common Sikh beliefs and practices you may encounter in the workplace. Each individual may define their beliefs and practices differently than others who adhere to the same faith; thus, we recommend that you take the time to understand and accommodate the individual's needs and to avoid generalizations and assumptions.

## OVERVIEW

As our nation has grown more diverse, more employers recognize the importance of accommodating their employees' religious practices. This is particularly important for adherents of the Sikh faith, who are often minorities in their workplaces and follow particular visible practices, including wearing turbans and not cutting their hair and beards. Most religious accommodation cases involve requests to rearrange work schedules, to provide breaks for private prayer, and to wear religious clothing or articles of faith. In most cases, these requests can be easily granted with little effort by the employer, resulting in a stronger workforce, increased morale, and better reputation.

Unfortunately, since the attacks of September 11, 2001, Sikh Americans have experienced increasing and record numbers of documented hate crimes, acts of bias and harassment, and events of workplace discrimination. These range from hostile comments in the workplace by fellow employees, reassignment to roles that limit their career trajectory because of perceived fear by customers, and appearance/uniform requirements that prevent them from wearing religious clothing or keeping their facial hair at work.



## COMMON SIKH PRACTICES AND ARTICLES OF FAITH

Many Sikhs keep the following articles of faith, which may be unfamiliar to some in the workplace:



*Kesh*



*Kirpan*



*Kara*



*Kanga*



*Kaccha/Kachera*

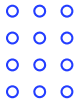
- Kesh – Not cutting their hair, including keeping a beard. This is usually covered by a turban, worn by both men and women, per their beliefs.
- Kirpan – Wearing a small religious sword.
- Kara – Metal bracelet.
- Kanga – A wooden comb, typically worn in the hair.
- Kaccha/Kachera – A type of garment worn under the outer clothes.

### Examples of impermissible discrimination include, but are not at all limited to:

- Harassing or discriminatory comments about the individual because of their religious beliefs and/or practices. An example would be colleagues making fun of a Sikh for having long hair and/or a beard.
- Declining to interview or hire a candidate because of their turban.
- Segregating the Sikh employee because of their kirpan.

### Examples of accommodation:

- An employer may allow a food service worker to keep their hair covered by a turban, in place of a hat, and allow them to cover their beard with a hair net.
- An employee may wear a kirpan under their clothing so it is not accessible.
- An employer may allow a salesperson to wear their turban while on the sales floor while interacting with customers.
- An employee's request for time off to attend a religious observance or holiday, such as Vaisakhi in April, may be accommodated if another employee can cover their shift.



## EMPLOYER BEST PRACTICES:

- Train management and all employees on diversity in the workplace.
- Train management and staff on anti-discrimination policies and procedures.
- Share information about religious accommodation and anti-discrimination laws (federal, state, and local).
- Establish an easy process for employees to make requests for accommodations or bring issues of harassment/discrimination to the employer's attention.
- Work with the employee to find a way to accommodate the request.
- Stand up for the diversity and tolerance of your employees when customers complain or make comments.
- Do your best to hold programs that educate employees about different practices.
- Approach each request for a religious accommodation as a conversation and be open to learning and working with the employee to find a solution.

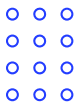


## SUMMARY OF RELIGIOUS ACCOMMODATION LAW

Under federal and state law, 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 keeping them from interacting with customers or denying them time off for religious observances. This also includes retaliating against them for seeking an accommodation.

Importantly, the limits and form of each practice is determined by the employee requesting the accommodation. Courts across the country defer to the individual's good-faith, personal understanding, but may be somewhat informed by commonly held beliefs and academic writing to make their decisions.

There are some situations when an employer is not obligated to accommodate the request. It is very important to consult with a lawyer, as the situations are very dependent on the laws in your area. In brief, the employer must show that they made a reasonable effort to accommodate the individual and that they would face an "undue hardship" – something that is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work, etc.



### 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

## KEY LAWS AND GUIDANCE

Title VII of the federal Civil Rights Act prohibits workplace discrimination based on religion, nation origin, ethnicity, race, or gender.

### U.S. Equal Employment and Opportunity Commission

- Guidance on Preventing Religious Discrimination - <https://www.eeoc.gov/religious-discrimination>
- Small Business: Religious Accommodation Tips - <https://www.eeoc.gov/employers/small-business/religious-accommodations-tips>

## 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 (sangat) for the benefit of all (sarbat da bhallā). 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 to learn about Sikh Americans visit:

[www.SALDEF.org/Resources](http://www.SALDEF.org/Resources)