



SALDEF

Workplace Rights



YOUR RIGHTS IN THE WORKPLACE

A GUIDE FOR SIKH AMERICANS

OVERVIEW

As an employee you have the right to be free from discrimination and harassment in the workplace or during the hiring process because of your age, disability, gender, gender identity, national origin, race or ethnicity, religion, and sexual orientation.

TO LEARN MORE VISIT

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 provides general information on accommodation for some Sikh beliefs and practices, including keeping of the panj kakkars (5 Ks) and your dastaar (turban) in the workplace. It does not cover every form of discrimination, harassment, retaliation, or other rights within the workplace. It is important to remember that:

- Everyone has a right to be free from discrimination, harassment, and retaliation regardless of their background.
- Each state has different laws and complaint processes.
- It is important to follow all the federal, state, and local laws and regulations in making a complaint.
- If you have questions about a problem you may have, please contact a lawyer who practices employment law.

PROTECTIONS AGAINST RELIGIOUS DISCRIMINATION

As a Sikh, you have the right to practice your faith, such as wearing your turban, kirpan, and keeping your kesh, or requesting time off to go celebrate Vaisakhi. You have the right to be free from harassment and discrimination on the basis of your Sikhi or what people believe your religion is. Employers are required to provide all employees with a “reasonable accommodation,” and/or “an adjustment that will allow the employee to comply with his or her religious beliefs.”

All employees have right to:

- Be free from discrimination during the hiring, promotion, and review process.
- Wear their articles of faith, such as a turban, kirpan, or kesh.
- Allowed to do the same job as other similar employees.
- Be free from harassment in the workplace on the basis of their faith, what people think about Sikhi, or their perceived faith.



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Some examples of how a Sikh may be accommodated:

- 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.

Special Considerations:

- In some cases, your employer does not have to accommodate your practice if it poses an "undue hardship," a legal definition that means more than minimal burden.
- According to the Occupational Health and Safety Administration, you are allowed to wear your turban in place of a hard hat. (OSHA Directive STD 01-06-005.)
- In some facilities, such as federal properties, you are only allowed to wear a short kirpan.

REQUESTING A RELIGIOUS ACCOMMODATION

Typically, an employee will put the employer "on notice" by making a request for religious accommodation. There is no special way to make the request and no particular language you should use, but it is recommended that you make a written request that says the policy conflicts with your Sikh religious practices. After the request is made or the need for an accommodation is realized, the employer must work with the employee to find a solution. This may require sharing more information about Sikhi and the practices at issue.

FILING A COMPLAINT

You are strongly encouraged to get the help of a lawyer, licensed in your state, because the laws and processes of each state are different.

To file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), the national government agency that reviews complaints of employment discrimination:

- You need to "file a charge" with the EEOC, on their website or by contacting a regional EEOC office. There is no special language to use, but you should describe the situation clearly.
- You have to file a charge within 180 days of the incident of harassment or discrimination. It is recommended that you file a charge as soon as possible. For example, if you are terminated for practicing your faith, you must file a charge within 180 days of the termination date.



- The EEOC will interview you to understand the situation.
- Then they will inform you of your options:
 - To engage in mediation with your employer.
 - Engage in further investigation with the EEOC.
 - Give you a “Notice of Right to Sue” to allow you to file a lawsuit in court.

To file a complaint with a state or local agency:

- Every state and some localities (such as New York City, for example) have their own employment discrimination complaint processes.
- Some employers who are not covered by federal law may be covered by state or local laws, typically including smaller businesses.
- When you file a complaint with your state agency, it will often be shared with the EEOC.

KEY LAWS AND GUIDANCE

Title VII of the national 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>

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