

You are entitled to a workplace free of discrimination

Unlawful discrimination occurs when an employer treats a worker differently in the terms and conditions of employment, because of certain characteristics, like the worker's race, color, national origin, sex, sexual orientation, or religion (for example, refusing to hire you because you're Muslim, paying women less, giving inferior assignments or schedules to Asians, etc.).

Discrimination based on other characteristics like disability, pregnancy, age (over 40), military status, and marital status can also be unlawful under certain circumstances.

Unlawful discrimination can include harassment or a hostile work environment due to a supervisor or co-worker's acts or comments (for example, severe or pervasive name-calling, jokes, bullying or threats because of the worker's race or religion, or unwelcome touching or repeated propositions because of the worker's sex).

Once an employer knows or should know about the discriminatory acts, it must take action to stop it from continuing.

Note: Discrimination can be difficult to prove. It is important to record detailed information about the discriminatory acts or comments. Contact us or the agencies located at the back of this pamphlet if you have questions or would like to file a complaint.

What about language discrimination?

National origin discrimination can include language discrimination, such as:

- English proficiency or fluency requirements
- English-only rules*
- Accent discrimination

For example, it can be unlawful to require back-of-the-house workers to speak only English at work, even though English is not required to perform their work duties.

**In California, English-only rules are presumed to be unlawful. Such rules are permissible only if there is a strong and clear job-related need that cannot be achieved as effectively another way and the employer gives notice of the policy.*

What is religious discrimination?

Religious discrimination occurs when an employer conducts an adverse employment action against an employee because of the employee's religious beliefs.

An example is if an employer refuses to hire an employee or cuts her pay because he found out that she practices Islam.

You have the right to reasonable accommodation of your religion

Once a request is made, an employer must provide reasonable accommodation for an employee's religious beliefs or practices,

unless the accommodation poses an undue hardship on the employer, such as:

- Significant cost
- Compromise of safety
- Infringement on the rights of other employees

Customer preference or bias is not a justification to deny religious accommodation to an employee.

Accommodations that *are* reasonable (and not considered undue hardships) include:

- Schedule change to accommodate jummah prayer
- Dress or grooming practices, including the right to wear a hijab or kufi, or having uncut hair or a beard
- Time off for observance of religious holiday

The employer is not necessarily required to provide the specific religious accommodation requested by the employee, if the employer has a different proposed accommodation that eliminates the religious conflict.

Deadlines

If you believe that you may have been discriminated against, it is important to act swiftly and reach out to a lawyer, the California Civil Rights Department (CRD), and/or the Equal Employment Opportunity Commission (EEOC) as soon as possible. There are deadlines to file a discrimination claim. Generally, the deadline for filing a discrimination claim with CRD is *one year* from the discriminatory act. The deadline to file a discrimination claim at the EEOC is within *300 days* of the discriminatory act.

Where can I find assistance if I am discriminated against or harassed at work?

You can contact the **Asian Law Caucus** if you believe that you are being unlawfully discriminated against or harassed at the workplace. We provide free and in-language legal consultations, including in Chinese, Arabic and Farsi.

55 Columbus Avenue
San Francisco, CA 94111
415-896-1701
www.advancingjustice-alc.org

You can also contact and/or file a complaint with the state and/or federal agencies that enforce state and federal anti-discrimination laws.

The **California Civil Rights Department (CRD)**, can be reached at:

Civil Rights Department
555 12th Street, Suite 2050
Oakland, CA 94607
Monday to Friday: 8am to 5pm
Phone: (800) 884-1684
contact.center@calcivilrights.ca.gov

The **U.S. Equal Employment Opportunity Commission (EEOC)** can be reached at:

EEOC San Francisco District Office
450 Golden Gate Avenue, 5th floor West
San Francisco, California 94102
415-522-3000
www.eeoc.gov

The mission of the Asian Law Caucus is to promote, advance and represent the legal and civil rights of the Asian and Pacific Islander (API) communities. Recognizing that social, economic, political and racial inequalities continue to exist in the United States, the Asian Law Caucus is committed to the pursuit of equality and justice for all sectors of our society with a specific focus directed toward addressing the needs of low-income, immigrant, and underserved APIs.

2023 Asian Law Caucus

Last Updated: 9/7/2023

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This handout is distributed for the purposes of increasing public awareness of the law. The information should not be taken as legal advice.

Adapted from: The Civil Rights Outreach Project (CROP) of UC Berkeley and Legal Aid at Work (formerly Legal Aid Society – Employment Law Center).

Know Your Rights:

Workplace Discrimination, Reasonable Accommodation, and Harassment



Serving the community since 1972