

## Religious Discrimination - Your Rights

The Westchester County Human Rights Law protects you against discrimination based on your religious beliefs, or creed in employment, housing, places of public accommodation (such as hotels and restaurants), or in business transactions. It is against the law for an employer, a broker or provider of housing, or a place of accommodation to treat you differently or harass you because of your religion.

### What is Covered?

The prohibition against discrimination based on religion or creed protects you if:

- You belong to a particular religious faith or attend a particular place of worship.
- You are a non-believer.
- You are associated with a person of a particular religion (for example, your husband is Muslim).
- You are perceived to be a particular religious faith, even though you are not actually of that faith.
- You have sincere and meaningful morals or ethical beliefs which you hold with the strength of traditional religious views.

The prohibitions against discrimination based on religion and creed do not apply to protect a person's political or social views, such as to protect a person who is a member of the Ku Klux Klan.

### Employment:

You have the right to apply for and be fairly considered for any job, apprenticeship, or traineeship regardless of your religious beliefs. An employer cannot refuse to hire you, terminate your employment, or treat you differently in the terms and conditions of employment, such as pay and other job benefits, because of your religious beliefs.

When applying for a job, it is unlawful for an employer to ask you:

- What religious faith you belong to.
- Whether you are affiliated with a church, synagogue, or mosque.
- What your worship practices are, such as whether you attend services regularly.

It is also unlawful for you to be harassed in the workplace because of your religious beliefs. This includes being subjected to religious slurs or harassment because you are wearing garb required by your religious beliefs. Employers may be liable for harassment done by supervisors, co-workers or by non-employees (such as customers or vendors).

The law also requires an employer to reasonably accommodate the religious practices of an employee or applicant for employment, unless doing so would create an undue hardship for the employer. For example, an employer may be required to allow modifications of its dress or appearance code to permit employees to wear attire or maintain facial hair required by their religious beliefs, as long as it does not impose an undue hardship on the employer's business. An employer must attempt to accommodate an employee's request for time off to attend religious practices by allowing employees with similar jobs to voluntarily swap shifts. However, an employer will generally not be required to violate a bona fide seniority system by forcing another employee to cover your shift. Additionally, because the law also protects non-believers, employers may implement policies that restrict evangelical or other religious practices, such as passing out religious materials that may be unwelcome by other employees or customers.

### Exception:

*The law provides an exception for employers that are religious associations or organizations. Such an employer may use religious affiliation as a job requirement in the employment of clergy, religious teachers, or other employees engaged in the religious activities of the association or organization. Religious associations and organizations may also follow the tenets of their religion in establishing and utilizing criteria for employment.*

## **Housing:**

Individuals are protected from discrimination in the sale, purchase, or rental of real estate. This means that a landlord, realtor, rental agent, or seller may not deny an attempt to buy, sell, or rent a house, apartment, other dwelling unit or commercial property because of your religion.

### **Places of Public Accommodation:**

It is against the law to discriminate on the basis of a person's religion when providing any public accommodation, service, benefit or privilege in any place where an invitation is extended to the general public, for example:

- Hotels
- Places of entertainment
- Professional offices
- Restaurants
- Shops

You have the right to obtain goods and services in the same way as everyone else. You cannot be refused service, harassed, be asked to pay more or be subject to different standards than others seeking the same accommodation because of your religion.

## **Business Transactions:**

Individuals are protected from religious discrimination in business transactions, including credit, licensing agreements, sales, purchases, or leases of goods services or information.

## **Steps You May Take:**

Read through this fact sheet carefully to determine whether what has happened to you seems to be against the law. If you are unsure, call or visit the Westchester County Human Rights Commission to make certain of your rights. Our services are free and our address and phone number is at the end of this fact sheet.

The Commission has the legal power to investigate your complaint. If the law was violated, we also have the legal power to conciliate or mediate your case. This means that we will first try to help you and the person or organization

you are complaining about reach a settlement. Mediation by an impartial mediator is also available. Conciliation and mediation will depend upon the circumstances of your case. Conciliation and mediation could result in, among other things, monetary compensation, consideration for a job, promotion, reinstatement, receiving benefits or services, obtaining housing or other remedies.

If your complaint is not conciliated or mediated, you may go to a hearing before the Westchester County Human Rights Commission – a legal proceeding held before an Administrative Law Judge. After the hearing, a final order will be issued which must be followed.

Alternatively, if you do not want the Commission to handle your complaint you may file a lawsuit in state court or with the Federal Equal Employment Opportunity Commission if you have been discriminated against in employment.

**Remember, it is also against the law for anyone to take any action against you because you have complained.**

**Any complaint of discrimination or unlawful treatment must have occurred and be filed within one (1) year of the alleged act.**

### **CONTACT INFORMATION:**

***Delores Scott Brathwaite, Esq.***

***Executive Director***

***Westchester County Human Rights Commission***

***112 East Post Road, 3rd Floor***

***White Plains, N.Y. 10601***

***Phone: 914-995-7710 Fax: 914-995-7720***

***TTY: 914-995-7754***

***Website: [www.westchestergov.com/humanrightscmission](http://www.westchestergov.com/humanrightscmission)***