

South Bend Human Rights Commission

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Jury Awards \$240,000 to Muslim Truck Drivers In EEOC Religious Discrimination Suit

Star Transport Fired Truckers for Refusing to Transport Alcohol, Federal Agency Charged

CHICAGO - A federal jury in Peoria, Ill., has awarded \$240,000 to two Somalian-American Muslims who were fired from their jobs as truck drivers at Star Transport, an over-the-road trucking company, when they refused to transport alcohol because it violated their religious beliefs, according to the U.S. Equal Employment Opportunity Commission (EEOC), which brought the case. The trial started on Oct. 19, and the jury returned its verdict the next day after 45 minutes of deliberation.

Judge James E. Shadid, the chief judge of the U.S. District Court for the Central District of Illinois, found in favor of EEOC after Star Transport admitted liability in March 2015. The resulting trial was to determine compensatory and punitive damages and back pay. The jury awarded Mahad Abass Mohamed and Abdkiarim Hassan Bulshale \$20,000 each in compensatory damages and \$100,000 each in punitive damages. Judge Shadid awarded each approximately \$1,500 in back pay.

EEOC alleged that in 2009, Star Transport fired Mohamed and Bulshale after they were required to transport alcohol. Both men told Star Transport that they believed doing so would violate their religious beliefs under Islamic law.

EEOC also alleged that Star Transport could have but failed to accommodate the truckers' religious beliefs, as required by Title VII of the Civil Rights Act of 1964. EEOC filed suit (*EEOC v. Star Transport, Inc.*, No. 13-cv-1240) in U.S. District Court for the Central District of Illinois in Peoria in May 2013.

The case was litigated by EEOC Trial Attorneys Aaron DeCamp and June Calhoun and Supervisory Trial Attorney Diane Smason.

Calhoun said, "This is an awesome outcome. Star Transport failed to provide any discrimination training to its human resources personnel, which led to catastrophic results for these employees. They suffered real injustice that needed to be addressed. By this verdict, the jury remedied the injustice by sending clear messages to Star Transport and other employers that they will be held accountable for their unlawful employment practices. Moreover, they signaled to Mr. Mohamed and Mr. Bulshale that religious freedom is a right for all Americans."

Religious Discrimination

Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.

Religious Discrimination & Work Situations

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Religious Discrimination & Harassment

It is illegal to harass a person because of his or her religion. Harassment can include, for example, offensive remarks about a person's religious beliefs or practices. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Religious Discrimination and Segregation

Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

Religious Discrimination & Reasonable Accommodation

The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion. Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices. This also applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts). When an employee or applicant needs a dress or grooming accommodation for religious reasons, he should notify the employer that he needs such an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the employer must grant the accommodation.

Religious Discrimination & Reasonable Accommodation & Undue Hardship

An employer does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship to the employer. An accommodation may cause undue hardship if it 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.

Religious Discrimination And Employment Policies/Practices

An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.



Housing Investigator, Fred Harris, Jr. distributes information at the Police Department's Night Out Against Crime in August, 2015.