

U.S. Supreme Court Rules Against Abercrombie In Headscarf Religious Accommodation Case

David Moore
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The U.S. Supreme Court reinstated the EEOC's **lawsuit** against Abercrombie & Fitch Stores, Inc., alleging that Abercrombie violated Title VII of the Civil Rights Act of 1964 by refusing to hire a Muslim applicant, who wore a headscarf pursuant to her religious obligations. According to the EEOC, an assistant manager interviewed the applicant and found her to be qualified. She then asked a district manager if the applicant's headscarf would violate Abercrombie's Look Policy and stated that she believed (but did not know) the applicant wore the headscarf because of her faith. The district manager directed the assistant manager not to hire the applicant because the headscarf would violate Abercrombie's Look Policy (which prohibits "caps"), as would all other headwear, religious or otherwise. The Court held that regardless of whether Abercrombie *knew* the applicant wore the headscarf because of her faith, an employer who acts with the *motive* of avoiding a potential need for a religious accommodation may violate Title VII, even if the employer's motive is based on an unsubstantiated suspicion that a religious accommodation is needed. The key take away is that employers should continue to attempt to accommodate applicants and employees when their religious obligations conflict with neutral work rules, schedules and expectations, and should continue to train supervisors and hiring managers about the employers' obligations in this regard.

Attorneys

David A. Moore

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