



FACT SHEET: Protecting Individuals from Discrimination Based on Actual or Perceived Religion, Shared Ancestry, or Ethnic Characteristics

The Department of Labor (DOL) Civil Rights Center's (CRC) Role:

CRC promotes equal opportunity by assessing, investigating, and adjudicating discrimination complaints and conducting compliance reviews to administer and enforce equal opportunity laws. CRC enforces several laws that protect individuals from discrimination, including Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, *et seq.*, and its implementing regulations at 29 C.F.R. Part 31; and Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3248, and its implementing regulations at 29 C.F.R. Part 38. This fact sheet describes ways these protections cover individuals who are or are perceived to be Jewish, Christian, Muslim, Sikh, Hindu, Buddhist, or of another religious group.

Protection from Discrimination under Title VI:

Title VI applies to recipients of federal financial assistance, including grantees under programs administered by DOL agencies such as the Mine Safety and Health Administration (MSHA), the Occupational Safety and Health Administration (OSHA), the Veterans' Employment and Training Service (VETS), and the Employment & Training Administration (ETA).

Title VI prohibits discrimination based on race, color, or national origin, which includes discrimination (including harassment) based on actual or perceived: (i) shared ancestry or ethnic characteristics; and (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. Although Title VI does not expressly protect individuals from discrimination based solely on

religion (*i.e.*, religious beliefs, observances, or practices), discrimination against individuals of any religion may constitute discrimination based on race, color, or national origin when it involves or is based on, for example:

- racial, ethnic, or ancestral slurs or stereotypes;
- a person's appearance, including their skin color, physical features, or style of dress that reflects both ethnic and religious traditions or heritage;
- a person's foreign accent or foreign name (including names commonly associated with particular shared ancestry or ethnic characteristics); or
- the fact that a person speaks a language other than English, such as Hebrew or Arabic.

Protection from Discrimination under Section 188 of WIOA:

Section 188 of WIOA applies to recipients of federal funds under WIOA Title I, including, for instance, state workforce agencies, one-stop operators or American Job Centers (AJC), On-the-Job Training employers, and Job Corps contractors and center operators. *See* 29 C.F.R. § 38.4(zz).

Like Title VI, Section 188 of WIOA prohibits discrimination based on race, color, or national origin. In addition, Section 188 prohibits discrimination based on religion in connection with WIOA Title I-funded programs and activities. In the context of covered programs or activities, this prohibition includes, for instance, denying or limiting an individual with respect to any opportunity to participate; subjecting an individual to segregation or separate treatment; treating an individual differently from others in determining whether they satisfy any eligibility or other requirements; or providing an individual with any aid, benefit, service, or training that is different or provided in a different manner from that provided to others. *See* 29 C.F.R. § 38.6(b).

WIOA regulations also explicitly prohibit harassment based on religion, including, in certain circumstances, offensive remarks about a person's religion or other unwelcome verbal or physical conduct based on religion. *See* 29 C.F.R. § 38.10.

Religious Accommodations under Section 188 of WIOA:

WIOA regulations provide that covered entities must not refuse to accommodate an individual's religious practices or beliefs unless doing so would result in "undue hardship." *See* 29 C.F.R. § 38.6(c)(2). Religious accommodation requests can involve, *e.g.*, schedule changes or leave for religious observances, exemptions from or modifications to uniform, dress, or grooming requirements that conflict with religious practices, or providing a quiet area for prayer during break time.

Who is protected?

As noted above, Title VI and WIOA Section 188 protect individuals (including, but not limited to beneficiaries, applicants, and participants) of all religions, including, but not limited to, Jewish, Christian, Muslim, Sikh, Hindu, and Buddhist individuals, from discrimination based on race, color, or national origin. Additionally, protection from religious discrimination under WIOA Section 188 extends not only to people who belong to traditional, organized religions, but also to others who have sincerely held religious, ethical or moral beliefs.

Examples of incidents that could, depending on the circumstances, raise Title VI and/or WIOA Section 188 concerns:

A Catholic employee requests a schedule change from his On-the-Job Training employer so that he can attend a church service on Good Friday. The employer refuses, even though there is another qualified employee available to cover the shift.

An Arabic-speaking woman calls her state workforce agency to request assistance, but the agency representative she speaks to ends the call abruptly because she assumes the woman is Muslim and believes the woman's Muslim faith and strong accent will make it impossible for her to find work.

A clerk working for a DOL grantee that provides services to veterans with disabilities refuses to process the application of a Jewish applicant because she believes Jewish people don't need financial help and preference should be given to other applicants.

A woman who practices Haitian Vodou tells her career counselor at a covered reentry program that she is interested in pursuing a career as a certified nurse assistant (CNA). The counselor discourages her and refuses to connect her with training resources, stating that since she "believes in magic," she is not suited for a career in medicine.

A participant in a covered job training program reports to her instructor that she heard another participant making jokes about the Holocaust during an orientation event, and later, saw him drawing swastikas and other antisemitic graffiti on the stalls of a shared bathroom. The job training program staff orders the graffiti removed but takes no further action.

A Rastafarian individual, who styles their hair in observance of their religious beliefs, is denied an opportunity to submit an application to enroll in a career training program. The admissions counselor impermissibly assumes that this applicant presents in an unprofessional manner which might discourage prospective employers from hiring them upon completion of the career training program.

A Sikh young adult participating in a covered career transition program is questioned at length by a staff member who does not recognize him and perceives him as a security threat due to his religiously mandated beard and turban. The staff member demands to

know where the young man is from and what his religious background is, refusing to allow him to begin the program until his supervisor intervenes.

What can a person do if they experience discrimination based on religion, shared ancestry, or ethnic characteristics?

Anyone who believes that discriminatory actions have been taken by a covered entity may file a complaint with CRC. For more information about filing a complaint, please visit www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm.

For assistance and additional resources, please visit CRC's homepage at www.dol.gov/oasam/programs/crc/, or contact CRC by phone at 202-693-6502 or by email at CRCEXternalComplaints@dol.gov. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Please note that this resource does not have the force and effect of law. CRC's enforcement of Title VI and WIOA stems from these statutes and their implementing regulations.