

# Supreme Court sides with Muslim woman in hijab dispute

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WASHINGTON (BNG)—The U.S. Supreme Court ruled June 1 retailer Abercrombie & Fitch violated the civil rights of a Muslim woman not hired because her religious obligations conflicted with the company's policy on employee attire.

Overturing a decision by the 10th U.S. Circuit Court of Appeals, the Supreme Court ruled 8-1 Abercrombie failed to accommodate a job applicant not hired after wearing a hijab, a religious head covering, to her interview.

Samantha Elauf, a Tulsa, Okla., teenager, was turned down for a job as a sales associate in 2008 for violating the store's "look policy," which forbids employees from wearing "caps."

## **Violation of Civil Rights Act**

The Equal Employment Opportunity Commission filed a lawsuit on her behalf alleging violations of Title VII of the Civil Rights Act of 1964, which requires employers to "accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business."

The EEOC prevailed in district court, which ordered Abercrombie to pay a \$20,000 award in 2011. The appeals court struck down the judgment in 2013, finding the burden was on Elauf to inform Abercrombie she needed a religious accommodation to the policy during the interview.

Writing for the majority, Associate Justice Antonin Scalia disagreed with

the 10th Circuit' interpretation of the law.

"Abercrombie's primary argument is that an applicant cannot show disparate treatment without first showing that an employer has 'actual knowledge' of the applicant's need for an accommodation," Scalia wrote.

"We disagree. Instead, an applicant need only show that his need for an accommodation was a motivating factor in the employer's decision."

Associate Justice Clarence Thomas dissented from the majority decision, finding Abercrombie's discrimination against Elauf was not "intentional."

### **Baptist Joint Committee**

Holly Hollman, general counsel for the [Baptist Joint Committee for Religious Liberty](#), welcomed the majority's decision.

"The court today confirmed the fundamental principle in Title VII's ban on religious discrimination in employment," Hollman said. "Neither a person's religion nor the potential need to accommodate a religious practice should be a basis for denying a prospective employee a job."

In December, the BJC joined more than a dozen other religious liberty and civil rights groups asking the Supreme Court to overturn the 10th Circuit's ruling in favor of Abercrombie.

Russell Moore, head of the [Ethics & Religious Liberty Commission](#) of the Southern Baptist Convention, described the Supreme Court decision on Twitter as "a big win for religious freedom."