

A Guide to Requesting Accommodations During Ramadan

King & Siegel LLP
www.kingsiegel.com
(213) 465-4802

About Me



My name is Erum Siddiqui and I am a Muslim Pakistani lawyer based in California. I was raised in a post-9/11 world and have experienced racism and discrimination firsthand. This motivated me to find a career where I could help people like me combat racism in the workplace. You should never be forced to work in an environment that does not respect you because of your identity.

Just like you, I have a boss and I need accommodations during Ramadan. Some of the sample emails in this guide are pulled from my own accommodation requests at work. It doesn't matter what field you are in or what job you have, you should know your rights and exercise your rights.

Religion is very personal but I wanted to provide this guide because many friends and family have asked me about their rights during Ramadan. I know there are a lot of resources out there that you can turn to, but I wanted to provide a comprehensive guide to help you navigate through your accommodation requests and outline protections under the law.

I wish everyone good luck and a Happy Ramadan.

King & Siegel LLP
724 S. Spring Street, Ste. 201
Los Angeles, CA 90014
<https://www.kingsiegel.com>
(213) 465-4802

Know Your Rights

This is a guide about asking for religious accommodations during Ramadan. Many Muslims have been told never to talk about their religious identity at work because of fear of discrimination and retaliation. For many of us, the way we practice is a very personal decision that evolves throughout our lives. It can be hard to talk about with family and friends, and even more challenging to talk about with bosses or Human Resources personnel. Don't let these challenges stop you from asking for accommodations at work!

The most important thing to remember is that you are legally protected from discrimination, harassment, and retaliation if you ask for reasonable religious accommodations.

The Right to Be Free from Discrimination, Harassment and Retaliation

The California law that protects you is the Fair Employment and Housing Act (FEHA). The law protects you from discrimination because of your religion. FEHA also prohibits harassment. Your co-workers and supervisors cannot harass you for being Muslim or observing Ramadan.

This means that your employer cannot fire you, demote you, deny you promotions, deny you assignments, or otherwise treat you differently because of your religious identity. FEHA applies to all employers with more than five employees, except for certain religious and non-profit employers.

Discrimination and harassment can be apparent, such as stereotypical commentary about Muslims and or the use of racial slurs. It can take more subtle forms as well: for example, if you are continually written up for taking breaks for prayer or if your boss changes your schedule so you cannot break your fast.

The Right to Reasonable Accommodations Under FEHA

Under FEHA, employers are required to provide reasonable accommodations for an employee's religious practices. Importantly, there is no eligibility period; you do not need to have been employed for a specific length of time to be eligible.

Once you inform your employer of your need for an accommodation, your employer must engage in the "good faith interactive process" to accommodate you during Ramadan. This can include providing you with a modified work schedule to allow you to take breaks for prayer or breaking your fast, additional absences, modified duty, or extra breaks.

Get Ready to Talk About Ramadan

The first thing you should do is understand your rights and options. You may need to educate your HR department or supervisor about Ramadan and about the law. Although many employers know about Ramadan, it is always better to just give your employer a quick explanation of Ramadan and how it works.

What to Say to Your Boss About Ramadan

Give your supervisor or HR rep a quick overview of what Ramadan is, what it means to fast, how long your fast lasts, and the effect it has on your job. You know your workplace best: you should do what is comfortable for you, whether it means you talk to them in person or via email.

When you first bring up Ramadan, whether in writing or in person, you should ask for any critical information like who to talk to about accommodations. Here is an example of what you can say:

Hi [Name],

Ramadan is observed by Muslims around the world as a month of fasting. It is considered the most significant time of year for Muslims. Everyday Muslims fast from dawn until sunset, which means that they cannot eat or drink anything for 12 hours or more. Along with fasting, we also participate [*include any other religious practices you intend to engage in during work*].



It is based on the lunar calendar and expected to begin on [date] and last until [date]. Since Ramadan is based on the lunar calendar, the dates may vary and are subject to sighting of the moon.

At the end of the month, Muslims celebrate Eid-ul-Fitr, which marks the end of Ramadan, which lasts three days.

I will be observing Ramadan this and would like to request accommodations because I will also fast this year. Please let me know who I should direct my requests to.

If you have any questions, please feel free to contact me.

Thank you,

[Your Name]

Working While Fasting

If you work at an employer with more than five employees, you have the right to reasonable accommodations for your religious practices. Reasonable accommodations can include a modified schedule, extra breaks, and temporary transfer to a less strenuous or hazardous position, etc.

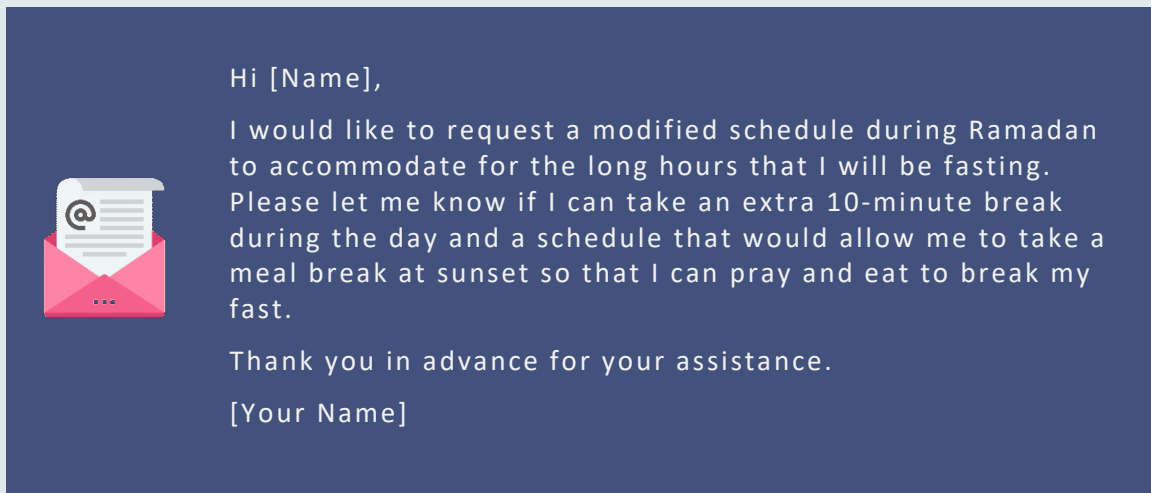
Your employer is required to accommodate you if it is not unduly burdensome for their business. Remember, Ramadan is only 30 days, so many employers will be able to temporarily accommodate you. Regardless, the employer must engage in an “interactive process” to determine if accommodations are possible.

How to Request Accommodations

Everyone’s job is different and the effect fasting has on your job is different. Here are just a few examples of accommodation requests:

- Ask for light duty or a temporary job reassignment for jobs that entail hard manual labor;
- Ask for a modified schedule so that you may take your meal breaks at *Suhoor* (meal before dawn) and/or *Iftar* (meal at sunset);
- Ask for a modified schedule to accommodate for *Jummah* (Friday prayer) or *Taraweeh* (nightly congregational prayers); and/or
- Ask for extra rest breaks throughout the day.

Here is a sample email:

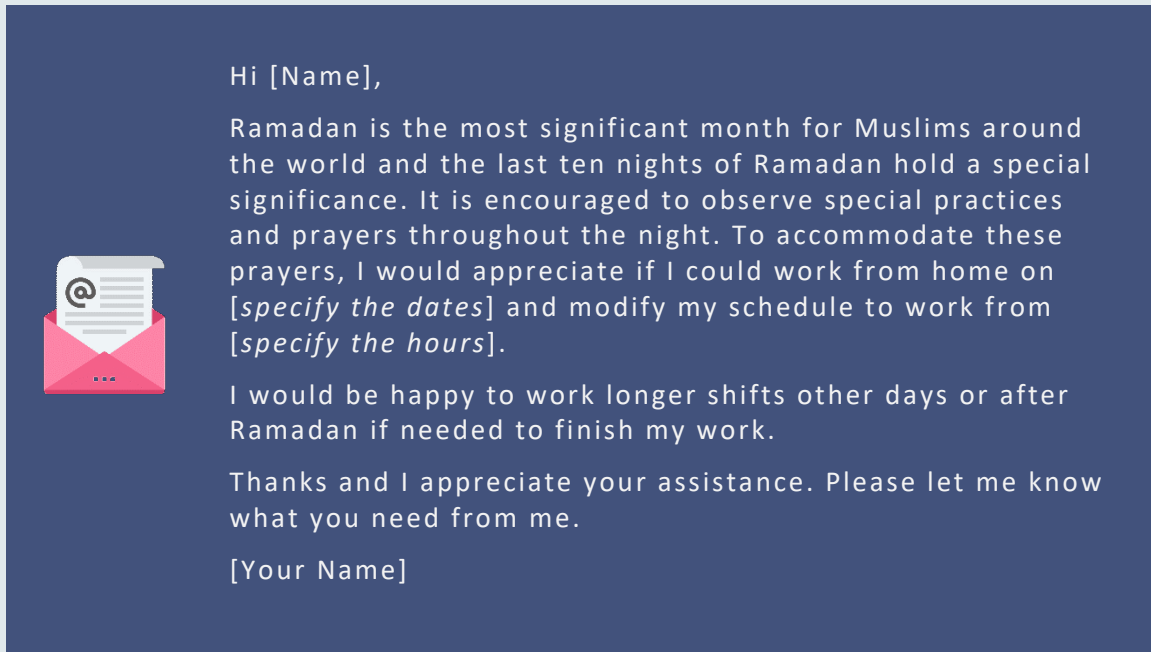


Depending on your workplace, you may want to ask for special modifications for the last ten nights of Ramadan. This can be a little trickier because whether or not it is considered reasonable will depend on your job. Here are some accommodation requests you may want to consider:

-v-

- Ask to work from home and to modify your schedule so that you may work throughout the night and early morning; or
- Ask for a modified schedule to start later in the morning.

Here is a sample email. Note that the focus is to provide information and not to preach:



Again, it is up to you how much information you want to provide. It is easier to tell your supervisor that you cannot fast when you are sick; it is not as easy to tell your supervisor that you do not have to fast when you are on your period. Just because you are not fasting for a few days in the middle of Ramadan does not mean you cannot ask for accommodations during the days you are fasting.

There are no magic words, but you should mention that Ramadan is a “**religious**” observance and “**accommodation(s)**” to be safe. You want your email to trigger the employer’s legal duty to accommodate you; if you are too vague, your employer may not understand that you are seeking a religious accommodation. For example, if you are experiencing fatigue during the day, or migraines, you should make sure your employer knows this is related to fasting or the lack of food and water.

In your correspondence, be **specific** about what accommodations you need. Are you asking for a modified work schedule? Approximately 10 minutes of additional break time everyday? Time to eat during *Iftar* (breaking of the fast at sunset)? A place to pray?

You should also be **constructive** about how the accommodation can be managed and why it is “reasonable,” since that is the legal standard.

Hi [Name],

Starting March 22, 2023, I will be observing Ramadan and will be fasting from dawn until sunset. This means that I cannot eat or drink anything for 12 hours or more. There will be times throughout the day that I will have low energy or feel extremely fatigued.



Please let me know if I can modify my work schedule accordingly and start work at 6 AM and finish at 2 PM. *[Please note that you should change the hours according to the time you would like a modified schedule to. These numbers are based on a typical 8-hour day and estimated time for dawn.]*

Also, I just wanted to note that there are times when people are exempt from fasting. There will be a few days in the month I will not be fasting but would appreciate the accommodation for the days that I will be.

Thanks and I appreciate your assistance. Please let me know what you need from me.

[Your Name]

What to Do if Things Go Wrong

Once you request accommodation, things may change at work. Maybe a co-worker makes racist comments about Muslims, or your boss gives you a hard time. Maybe your boss has re-staffed your projects or denied you a raise or bonus. These are just examples. Your employer must take reasonable steps to protect you from discrimination, harassment, or retaliation.

If you are being harassed or discriminated against, you should report it internally and in writing.

A Note About Dealing with HR and Making a Record

Many people don't want to ask for accommodations because they are afraid that HR will not be receptive or help them.

First, you're right to wonder whether HR is "on your side." The answer is: no. HR is on the company's side. But when it comes to requesting accommodations, HR wants to protect the company from lawsuits, so it should want to do things right. Think of HR as a not-that-trustworthy acquaintance

who occasionally gives you great information but requires you to be on guard.

You need to make sure you always make a record of your conversations with HR. Why?

First, any competent HR department will be keeping a record of their conversations with you. If you do not make your own record, you let them control the story— and they will use it to cover for the company.

Second, you want to be able to prove that you requested accommodations, that you complained about harassment or discrimination, etc. This is much easier if you have a written record that a conversation occurred. Too many times, an employer has denied knowing an employee requested accommodations—because the employee didn't inform the employer in writing, making it easy for the employer to lie. Do not let this happen to you.

Finally, making a record is an opportunity for you to look good if there is eventually a dispute. If you keep your communications thoughtful, constructive, and professional, you look like a good employee who was trying hard to navigate a confusing situation, and your employer looks like they were negligent or malicious in refusing to accommodate you or retaliating against you.

Talking to HR can be daunting. But as you've seen, discrimination happens—even to employees who are certain their employers will be understanding. That is why you should protect yourself.

I have included sample emails throughout this toolkit to help you. You should always tweak them so they are accurate based on your needs. You should also feel free to make them sound more “you.” Just keep in mind the rules of talking to HR: keep it thoughtful, professional, and constructive. You got this!

How to Complain About Being Denied Accommodations

What if you request accommodation and your employer refuses to accommodate you? Or what if they promise they will accommodate you, but they do not?

Unfortunately, while you have legal rights, not much can be done to force an employer to comply with the law if they are intent on ignoring it. You may find yourself in a situation where you are struggling to work while fasting during Ramadan.

Of course, this choice is yours and yours alone. The law exists so you will not be put in this challenging situation and forced to make choices between your economic security and your choices to practice your religion.

Here is a sample email to document your complaint:



Hi [Name],

I requested accommodations while I was fasting during Ramadan on [insert date]. I was told that my supervisor would modify my schedule, but I am still on the same schedule I was on before Ramadan started. On my current schedule, I cannot take a meal break at sunset and my supervisor will not allow me to do so either. Please let me know what can be done to get accommodations.

Thanks and I appreciate your assistance.

[Your Name]

A Note About “Complaints”

If you are reporting discrimination or harassment at work, this is a “complaint” (even if it is informal). You should make your complaint in writing to HR or, if your employer does not have HR, to a supervisor. When you make your report, there are a few rules to keep in mind.

Keep it focused. Don’t list every problem you’ve ever had; focus on the specific issues relating to your accommodations or your religion. If you don’t know which conduct to include, talk to a lawyer.

No legal buzzwords. Don’t use legal terminology you don’t fully understand. For instance, people love to say they are experiencing a “hostile work environment.” This is a legal term of art that describes illegal harassment and it is a heavy burden to prove. Instead, focus on the specific conduct that created hostility. For instance, “My supervisor has commented multiple times that it is annoying how I take more breaks during Ramadan,” is a much more effective complaint than the (often wrong) legal conclusion that you are experiencing a “hostile work environment.”

Be constructive. Identify what you would like to see changed. Maybe you would like your co-worker to be told to stop harassing you or you believe you should be allowed to transfer. Your complaint should offer constructive solutions so you look like the reasonable one.

Avoid threats. Employers hate to hear that you’ll sue them or hire a lawyer. You might be surprised to learn that juries hate to hear it, too, and often think threats to hire a lawyer make it look like you are a “cooking up” a lawsuit. As in the rest of our lives, threats are often unproductive when trying to solve a workplace problem.

It is important to know that you cannot be retaliated against for reporting unfair treatment.

Talk to An Employment Discrimination Attorney

Even if you do everything to protect yourself, you may still be a victim of discrimination, retaliation, or harassment. You also are not powerless. The civil justice system exists to hold companies accountable.

If you believe you have experienced discrimination, harassment, or retaliation based on your religion, or if you have been denied your right to accommodation, you can contact a discrimination attorney.

My office provides free case reviews for all potential discrimination and harassment clients, you can contact us at 213-465-4802.

Disclaimers & Legal Stuff

While I sincerely hope this information helps you and I do not expect business in return for preparing it, this guide is technically attorney advertising because I invite you to call me, and the Bar requires that I disclose this to you. I am licensed to practice in California. I am not qualified to answer questions about discrimination laws in any state besides California.

This advice is general in nature. You should talk to an attorney regarding your specific situation. This information does not create an attorney-client relationship.