

A Hijab Not Quite “The Look”

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Abstract

In June 2008, Heather Cooke interviewed Samantha Elauf for a position at Abercrombie & Fitch. Samantha was well dressed and wore a black hijab, a headscarf, to the interview. Cooke told Samantha that she would have to wear clothing similar to that sold by Abercrombie but never told her about their “look” policy which prohibited employees from wearing black clothing and “caps.” At the end of the interview, Ms. Cooke asked Samantha if she had any questions. She did not. Although Samantha had scored well during the interview, Cooke consulted with her district manager who thought that a headscarf would be inconsistent with the “look” policy. After informing Samantha that she did not get the job, Ms. Cooke wondered if she should have asked if Samantha was Muslim. Did she need religious accommodation? But Samantha hadn’t requested such accommodation and Ms. Cooke couldn’t ask her about her religion, could she?

Learning Outcomes

In completing this assignment, students should be able to:

1. Identify the issues involved in evaluating a religious practice in light of business requirements.
2. Analyze whether an employer violated the equal employment opportunity rights of an applicant.
3. Evaluate and articulate the responsibility of employers and employees on religious accommodation needs in the hiring process.

Application

This incident is appropriate for use in undergraduate and graduate courses in human resource management, diversity, and business law. This incident has been class tested and students, even with limited HR knowledge, had no problem discussing the issue of who has the obligation of bringing up a need for accommodation. It provides a springboard to discuss the complexities of EEO laws and interpretation, the role of courts in clarifying issues, and highlights the importance of “best practices” in making employment decisions and managing diversity.

Key Words

religious accommodation, discrimination, diversity, human resource management, EEO Laws.

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