

Religious Discrimination - Your Rights

What does New Jersey law say about Discrimination Based on your Religious Beliefs?

New Jersey law protects you against discrimination based on your creed, or religious beliefs, in employment, places of public accommodation (such as hotels and restaurants), housing or in business transactions. It is against the law for an employer, a place of public accommodation or a provider of housing to treat you differently or harass you because of your religion.

What's Covered?

The prohibition against discrimination based on creed protects you if:

- You belong to a particular religious faith or attendance particular place of worship;
- You are a non-believer;
- You are associated with a person of a particular religion (for example, your husband is Muslim);
- You are perceived to be of a particular religious faith, even though you are not actually of that faith.
- You have sincere and meaningful moral or ethical beliefs which you hold with the strength of traditional religious views.

The prohibitions against discrimination based on creed generally do not apply to protect a person's political or social views, such as to protect a person who is a member of the Ku Klux Klan.

At Work

You have the right to apply for and be fairly considered for any job, apprenticeship or traineeship no matter what your religious beliefs are. An employer cannot refuse to hire you, terminate your employment or treat you differently in the terms and conditions of employment, such as pay and other job benefits, because of your religious beliefs.

When applying for a job, it is unlawful for an employer to ask you:

- What religious faith you belong to
- Whether you are affiliated with a church, synagogue or mosque
- What your worship practices are, such as whether you attend services regularly

It is also unlawful for you to be harassed in the workplace because of your religious beliefs. This includes being subjected to religious slurs or harassment because you are wearing garb required by your religious beliefs. Employers may be liable for harassment by supervisors, co-workers or by non-employees (such as customers or vendors).

The law also requires an employer to reasonably accommodate the religious practices of an employee or applicant for employment, unless doing so would create an undue hardship for the employer. For example, an employer may be required to allow modifications of its dress or appearance code to permit employees to wear attire or maintain facial hair required by their religious beliefs, as long as it does not impose an undue hardship on the employer's business. An employer must attempt to accommodate an employee's request for time off to attend religious practices such as, for example, allowing employees with similar jobs to voluntarily swap shifts. However, an employer will generally not be required to violate a bona fide seniority system by forcing another employee to cover your shift. Additionally, because the law also protects non-believers, employers may implement policies that restrict evangelical or other religious practices, such as passing out religious materials, that may be unwelcomed by other employees or customers.

The law does provide an exception for employers that are religious associations or organizations. Such an employer may use religious affiliation as a job requirement in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization. Religious associations and organizations may also follow the tenets of their religion in establishing and utilizing criteria for employment.

Places of Public Accommodations

It is against the law to discriminate on the basis of a person's religion when providing any public accommodation, benefit or privilege in any place where an invitation is extended to the general public, such as:

- Hotels
- Restaurants
- Places of Entertainment
- Professional Offices
- Shops

You have the right to get goods and services in the same way as everyone else. You cannot be refused service, harassed, or be asked to pay more or be subject to different standards than others seeking the same accommodation because of your religion.

Housing

Individuals are protected from discrimination in the purchase or rental of real estate. This means that a landlord, realtor, rental agent, or seller may not deny an attempt to buy or rent a house, apartment, other dwelling unit or commercial property because of your religion.

Additionally, a landlord may not harass you or treat you differently, such as by requiring you to pay higher rent than others, because of your religion.

Business Transactions

Individuals are protected from discrimination in business transactions, including licensing agreements, sales, purchases or leases of goods, services or information.

What Can I Do if I Am the Subjected to Discrimination Because of My Religious Beliefs?

When the parties are unable to resolve a dispute themselves, the law provides two basic means to seek relief.

- **Judicial remedy:** With or without the assistance of an attorney, an individual can file a complaint and try his or her case in New Jersey Superior Court. A Superior Court action must be filed within two years from the act of discrimination.
- **Administrative remedy:** An alternative is to file a complaint with the New Jersey Division on Civil Rights. This type of complaint must be filed within 180 days of the act of discrimination. An initial evaluation will determine if your claim is covered under the law, and then the Division will conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint, and your complaint cannot be settled, a hearing will be held in the Office of Administrative Law. You may choose to retain a private attorney to represent you at the hearing, or a lawyer will be provided to prosecute the case on behalf of the New Jersey Division on Civil Rights. At the conclusion of that hearing, the Director of the Division on Civil Rights will make a final decision as to whether discrimination has been proven and damages are appropriate. Other than fees for a private attorney if you choose to hire one, there is no cost to the individual for these services.
- **Relief available:** The Division may impose penalties of up to \$10,000 for first-time offenders, and up to \$50,000 for subsequent offenses. The Division or the Superior court may award back pay, attorney fees and

compensatory damages, while only the Superior Court may award punitive damages (additional damages to punish a wrongdoer).

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the Law Against Discrimination. To complain of religious discrimination, contact the nearest Division regional office.



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For More Information

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

Atlantic City Satellite Office:

26 So. Pennsylvania Avenue, Atlantic City, NJ 08401
Phone: (609) 441-3100
Fax: (609) 441-3578

Camden Regional Office:

One Port Center, 4th Floor, Suite 402
2 Riverside Drive, Camden, NJ 08103
Phone: (856) 614-2550
Fax: (856) 614-2568
TDD# (609) 757-2958

Newark Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: (973) 648-2700
Fax: (973) 648-4405 / (973) 648-7582
TDD# (973) 648-4678

Paterson Regional Office:

100 Hamilton Plaza, Paterson, NJ 07501
Phone: (973) 977-4500
Fax: (973) 977-4511
TDD# (973) 977-1955

Trenton Regional Office:

140 East Front Street / P.O. Box 090
Trenton, NJ 08625-0090
Phone: (609) 292-4605
Fax: (609) 984-3812
TDD# (609) 292-1785

Visit our web site at www.NJCivilRights.org