

Title: Overview: Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores

Doc A

Source: Oyez. Chicago-Kent College of Law at Illinois Tech

Date: undated

Facts of the case

Abercrombie & Fitch Stores, Inc. (Abercrombie) is a national chain of clothing stores that requires its employees to comply with a "Look Policy" that reflects the store's style and forbids black clothing and caps, though the meaning of the term cap is not defined in the policy. If a question arises about the Look Policy during the interview or an applicant requests a deviation, the interviewer is instructed to contact the corporate Human Resources department, which will determine whether or not an accommodation will be granted.

In 2008, Samantha Lauf, a practicing Muslim, applied for a position at an Abercrombie store. She wore a headscarf, or hijab, every day, and did so in her interview. Lauf did not mention her headscarf during her interview and did not indicate that she would need an accommodation from the Look Policy. Her interviewer likewise did not mention the headscarf, though she contacted her district manager, who told her to lower Lauf's rating on the appearance section of the application, which lowered her overall score and prevented her from being hired.

The Equal Employment Opportunity Commission (EEOC) sued Abercrombie on Lauf's behalf and claimed that the company had violated Title VII of the Civil Rights Act of 1964 by refusing to hire Lauf because of her headscarf. Abercrombie argued that Lauf had a duty to inform the interviewer that she required an accommodation from the Look Policy and that the headscarf was not the expression of a sincerely held religious belief. The district court granted summary judgment for the EEOC. The U.S. Court of Appeals for the Tenth Circuit reversed and held that summary judgment should have been granted in favor of Abercrombie because there is no genuine issue of fact that Lauf did not notify her interviewer that she had a conflict with the Look Policy.

Conclusion

8–1 DECISION FOR EEOC

MAJORITY OPINION BY ANTONIN SCALIA

In a disparate-treatment claim, an applicant need only show that the need for accommodation was a motivating factor in the employer's decision, not that the employer had knowledge of said need.

Title: Supporters from The Council on American-Islamic Relations demonstrate outside the U.S. Supreme Court after the court heard oral arguments in EEOC v. Abercrombie & Fitch at the U.S. Supreme Court in Washington, D.C.

Doc B

Source: Photograph by Kevin Dietsch for UPI/Newscom

Date: February 25, 2015



Title: Abercrombie discriminated against Muslim woman, Supreme Court rules

Source: CBS News

Date: June 1, 2015

Doc C

EXCERPT:

The Supreme Court ruled Monday for a Muslim woman who did not get hired after she showed up to a job interview with clothing retailer Abercrombie & Fitch wearing a black headscarf.

The justices said that employers generally have to accommodate job applicants and employees with religious needs if the employer at least has an idea that such accommodation is necessary. The Civil Rights Act of 1964 prohibits a prospective employer from refusing to hire an applicant because of the applicant's religious practice when the practice could be accommodated without undue hardship.

Job applicant Samantha Elauf did not tell her interviewer she was Muslim. But Justice Antonin Scalia said for the court that Abercrombie "at least suspected" that Elauf wore a headscarf for religious reasons. "That is enough," Scalia said in an opinion for seven justices.

The headscarf, or hijab, violated the company's strict dress code for employees who work in its retail stores.

Elauf was 17 when she interviewed for a "model" position, as the company calls its sales staff, at an Abercrombie Kids store in a shopping mall in Tulsa, Oklahoma, in 2008. She impressed the assistant store manager with whom she met. But her application faltered over her headscarf because it conflicted with the company's "Look Policy," a code derived from Abercrombie's focus on what it calls East Coast collegiate or preppy style.

Title: Title VII of the Civil Rights Act of 1965

Source: United States Code

Date: 1964

Doc D

EXCERPT:

UNLAWFUL EMPLOYMENT PRACTICES

SEC. 2000e-2. [Section 703]

(a) Employer practices

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

EXCERPT:

