



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 and business transactions. It is against the law for an employer, a place of public accommodation, a provider of housing or a party in any business transaction 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 attend a particular place of worship, or
- You are a non-believer, or
- You are associated with a person of a particular religion (for example, your husband is Muslim), or
- You are perceived to be of a particular religious faith, even though you are not actually of that faith, or
- 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.

What Are My Rights?

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.

The law provides an exception, however, for employers that are religious associations or organizations. Such employers 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 tenets of their religion in establishing and utilizing criteria for employment.

When applying for a job, it is unlawful for an employer that is not a religious association or organization to ask you:

- What religious faith you belong to, or
- Whether you are affiliated with a church, synagogue, mosque, temple or other such place of worship, or
- 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 or observances 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 also permit an employee to take time off for a sincerely held religious practice, such as a Sabbath or other holy day, unless the employer can demonstrate an undue hardship on the business.

An employer must attempt to accommodate an employee's request for time off for religious observances by, 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 a 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 unwelcome by other employees or customers.

Places of Public Accommodation

The law protects you against discrimination on the basis of religion with regard to any service, benefit or privilege offered in any public facility or any place in New Jersey where an invitation is extended to the general public, such as:

- Hotels, Restaurants and Places of Entertainment
- Schools, Colleges and Universities (except for those operated by a bona fide religious institution)
- Professional Offices (such as doctors' or lawyers' 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

You are protected from religious 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, loans, mortgages, insurance, purchases or leases of goods, services or information.

What Should I Do Next?

When the parties are unable to resolve a dispute themselves, the law provides two basic ways to seek relief under the Law Against Discrimination.

Administrative remedy:

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the Law Against Discrimination (LAD). If you believe that you have been the victim of unlawful discrimination, please visit or phone us at the Division on Civil Rights office closest to where you live or where the discrimination occurred. Our addresses and phone numbers are at the end of this fact sheet, or visit us on the web at www.NJCivilRights.gov.

A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the act of discrimination. An initial evaluation will be conducted to determine if you state a claim for relief under the LAD. If so, the Division will prepare a complaint for you to sign and then the Division will conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint (known as probable cause), 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 the hearing, the Director of the Division on Civil Rights will make a final decision as to whether unlawful discrimination has been proven and, if so, what remedies should be awarded to the complainant. Other than fees for a private attorney, if applicable, there is no cost to the individual for these services.

Judicial remedy:

In the alternative, an individual who believes he or she has been discriminated against in violation of the LAD may file a complaint and try his or her case in New Jersey Superior Court. Individuals usually hire an attorney to represent them in a Superior Court action. A party cannot file with the Division on Civil Rights and in Superior Court at the same time. A Superior Court action must be filed within two years from the act of discrimination.

What Remedies Are Available?

In employment cases, a prevailing complainant may be entitled to be placed into the job he or she was unfairly denied, with back pay and interest; restoration of employee benefits that the complainant would have received but for the unlawful discrimination; damages for pain, humiliation, and emotional distress caused by the unlawful discrimination; reasonable attorney's fees if the complainant was represented by counsel; and out-of-pocket expenses associated with pursuing the complaint.

In housing cases, a prevailing complainant may be entitled to the house or apartment that was unfairly denied, plus costs associated with finding another place to live; damages for pain, humiliation and emotional distress caused by the unlawful discrimination; and reasonable attorney's fees if the complainant was represented by counsel.

In addition, the Division may impose penalties on the party who violated the LAD of up to \$10,000 for the first violation, up to \$25,000 for a second violation within 5 years, and up to \$50,000 for third and subsequent offenses within 7 years. These penalties are payable to the State, not the complainant. Punitive damages are only available in Superior Court actions.

Remember, it's against the law for anyone to retaliate against you because you have exercised your rights under the New Jersey Law Against Discrimination.



NJ Office of the Attorney General

CIVIL RIGHTS

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:

South Shore Regional Office:

1325 Boardwalk, Tennessee Ave. & Boardwalk
Atlantic City, NJ 08401
Phone: **(609) 441-3100** • Fax: (609) 441-3578

Southern Regional Office:

5 Executive Campus, Suite 107
Cherry Hill, NJ 08034
Phone: **(856) 486-4080**

Northern Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: **(973) 648-2700** • Fax: (973) 648-4405

Central Regional Office:

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

Visit our web site at www.NJCivilRights.gov