

EEOC Files Charge Against A&F Over Hijab

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WASHINGTON — The U.S. Equal Employment Opportunity Commission said Wednesday it filed a workplace discrimination lawsuit against Abercrombie & Fitch Co. in federal court in California alleging the retailer refused to hire a Muslim job applicant because she was wearing a hijab, a religious head scarf.

In the lawsuit, the EEOC alleged that during an interview with an 18-year-old woman who applied for a job stocking merchandise in a California abercrombie kids store, the store manager asked the applicant if she was Muslim and was required to wear a head scarf. The woman was wearing a head scarf during the interview, according to the EEOC. The complaint alleged that the manager wrote "not Abercrombie look" on the woman's application. The alleged incident took place at a store in the Great Mall in Milpitas, Calif.

The lawsuit was filed in U.S. District Court for the Northern District of California. The EEOC is seeking back pay, compensatory damages, punitive damages and an injunction to prevent further discrimination.

David S. Cupps, senior counsel at Abercrombie, said, "Abercrombie & Fitch has a policy of equal employment opportunity and makes every reasonable attempt to accommodate the religious practices of associates and applicants. The company did not vary from that policy in [this] case. We intend to defend vigorously against the EEOC's complaint."

This is the second lawsuit filed by the EEOC against Abercrombie for "failing to accommodate a Muslim teenager's need to wear a head scarf." The first was filed in U.S. District Court for the Northern District of Oklahoma in September 2009.

"This retailer that targets a youth market is sending the message that you cannot aspire to their 'all-American' brand if you wear a head covering to comply with your faith," said William Tamayo, San Francisco regional attorney for the EEOC.

In 2005, Abercrombie paid \$40 million to a class of African-Americans, Asian Americans, Latinos and women to settle another workplace discrimination lawsuit. In that case the EEOC and private litigants sued Abercrombie for discriminatory employment practices because the retailer allegedly refused to hire, promote and retain minority employees because they did not fit the company image.