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EEOC FIGHTS TO CURB BACKLASH DISCRIMINATION FOLLOWING TERRORIST ATTACKS

By Kristen Grisius

The vibrations from the September 11 terrorist attacks have made their way into the American workplace. As of December 6, 2001, the Equal Employment Opportunity Commission (EEOC) reported that it had received 166 formal complaints of workplace discrimination specifically related to the attacks, against members of the Arab, Muslim, Sikh, Middle Eastern, and South Asian communities. These complaints have included allegations of discriminatory terminations, hostile work environments, ethnic slurs and general harassment. The EEOC has taken a proactive effort to encourage victims to come forward with complaints so as to curb backlash discrimination.

Three days following the attacks, EEOC Chair Cari M. Dominguez released a statement that Americans “must not allow our anger about...[these] heinous events...to be misdirected against innocent individuals because of their religion, ethnicity, or country of origin.” Dominguez encouraged employers to focus on their anti-discrimination and harassment policies with their employees, and to do everything possible to prevent the “singling-out” of Middle Eastern employees. Also, the EEOC posted a section devoted to September 11 on its website, www.eeoc.gov, including a fact sheet explaining federal anti-discrimination laws.

So as to increase understand-

ing and foster voluntary compliance, the EEOC has made various efforts to promote tolerance in the workplace by clarifying the laws that the EEOC enforces, such as prohibiting harassment or any employment action based on affiliation, physical or cultural traits or clothing, and perception or association. This has included providing information, public education, guidance and outreach to employers, employees, civil rights advocacy groups, religious and national origin communities, and the general public.

**FOR MORE INFORMATION ON
WORKPLACE DISCRIMINATION,
VISIT:**

www.eeoc.gov

www.dol.gov

www.usdoj.gov/crt/nordwg.html

Currently, the EEOC’s website includes information from the EEOC’s Office of Legal Counsel on what qualifies as discrimination under Title VII. Examples of discrimination range from firing someone because they have a Middle Eastern accent or a common Arab name, to harassing a Muslim woman about the hijab, or scarf, she wears to the office.

The EEOC focused on the issue of backlash discrimination at a meeting on December 11, 2001, where it heard testimony and recommendations from members of communities that are targets of such

discrimination.

Arshad Majid of the National Association of Muslim Lawyers, advocated for an EEOC national toll-free hotline for victims of discrimination and sensitivity training for corporations with diverse employees. “Corporations should be made aware that in the global economy, treatment of any one particular group in a negative manner will be reflected in the company’s bottom line,” Majid said. “[Such treatment] serves not only to diminish the reputation and sales of that company, but also negatively affects the image of our nation.”

However, some employers of diverse corporations testified that they were cautious as to what actions to take regarding backlash discrimination. Thomas Korber, Senior Director of Human Resources for Astra Zeneca Pharmaceuticals, stated, “[W]e decided to not specifically target ‘training and awareness’ relating to Muslim or Arab or South Asian cultures. We did not feel it was appropriate to profile one group of individuals in a ‘knee-jerk’ response to social reactions.” Instead, the company invited employees to seek information at their choosing, and focused more on supporting a broad definition of diversity within the company.

The EEOC is not the only federal agency working against backlash discrimination. The Departments of Justice and Labor joined the EEOC in including information on their websites on employment rights and ways to report abuses.