



MUSLIM BAR
ASSOCIATION
OF NEW YORK

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A LEGAL EMPLOYER’S GUIDE TO ISLAM IN THE WORKPLACE

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INTRODUCTION

Islam is one of the fastest growing religions in the United States and Muslims are vital members of the American workforce. As U.S. legal employers hire more Muslim employees, and as the legal profession increases its commitment to diversity, it may be useful for legal employers to have access to additional information about how Muslim religious practices and obligations may relate to the workplace.

Given the limited guidance available to legal employers on this issue, the Muslim Bar Association of New York (MuBANY) prepared the following introduction to the religious practices and expression of Muslims. MuBANY hopes this advisory will serve as a reference tool for law firms, law departments, and other employers when responding to the needs of Muslim employees.

The information in this document is neither exhaustive nor authoritative, and it is not applicable to every Muslim employee or situation. As with other faiths, Islam is a complex tradition and the Muslim American community is very diverse. The ways in which Muslims express their faith can differ from person to person. Some Muslims may or may not observe the practices outlined in this document, and some may differ on whether such practices, as described, are required by their faith. With this document, MuBANY’s objective is to provide an introduction to common religious obligations and practices that may be relevant to certain employees in the workplace. Employers who have self-identifying Muslim employees – or employees whom the employer presumes are Muslim – should not assume that she or he would categorically follow the religious practices described here. Additionally, as we endure the challenges associated with the COVID-19 pandemic, religious observances of all faiths, including Islam, are adjusting to meet the demands of social distancing.

Please note that this document was drafted from the perspective of lawyers who happen to be Muslim and not from the perspective of Islamic scholars. It is not an authoritative resource on religious expression or belief. Likewise, this document does not constitute legal advice and does not replace compliance with local, state and federal laws and regulations.

Thank you for your interest in fostering a more inclusive and accommodating workplace.

A. INTRODUCTION TO THE MUSLIM COMMUNITY

Muslims in America

Muslims are the adherents of Islam, the world's second largest religion. Muslims first arrived in North America in the 1500s as a part of colonial expeditions. However, the largest number of Muslims who came to America, arrived on slave ships from western Africa. It is estimated that as many as one fifth of all slaves were Muslim.

Today, Pew Research Center estimates that there are about 3.5 million Muslims in America. According to the Pew survey, Muslims are one of the most racially and ethnically diverse religious groups in the United States that include immigrants from over 75 countries. Of those surveyed about four-in-ten Muslim adults (41%) identified as white (including Arabs and people of Middle Eastern ancestry), 28% identified as Asian (including people of the Indian sub-continent) and 20% identified as black or African American.

In the legal profession, American Muslims have been practicing law for years. In the last decade, national and local Muslim lawyer organizations have increased in size and scope, with Muslim bar associations and legal networks playing important roles in California, Florida, Georgia, Illinois, New England, New Jersey, New York, Texas, and the District of Columbia. Muslim law student associations can be found at many of our nation's premier law schools. Muslim lawyers are partners at law firms, judges in courtrooms, work in-house at major corporations, lead public service organizations, are educators in law schools, and serve in all levels of state, local, and federal government. Beyond the legal community, Muslims hold important leadership positions in the private sector, government, and the not-for-profit world.

Muslims Worldwide

It is estimated 1.8 billion Muslims worldwide. On a global scale, Indonesia is the largest Muslim country with 227 million Muslims. From a regional perspective, 62% of the worldwide Muslim population resides in South Asia and the Asia-Pacific region, 20% in the Middle East, 15% in Sub-Saharan Africa, and the remainder is spread out across the world. Russia and China also have sizable Muslim populations. An estimated 20 million to 60 million Muslims live in China alone. Muslims speak different languages, come from different cultures, eat different types of food, and speak a variety of languages. Muslims are widely influenced by their local customs, including those found in the United States.

Denominations & Communities

As with other religions, adherents to Islam come from a variety of faith traditions and denominations. One such faith tradition is the Sunni Muslim community, which is widely recognized as the largest sect in Islam and comprises roughly 80-90% of Muslims worldwide. The second largest group identifies as Shia. Sunnis, Shias and other Muslim

faith traditions all share certain core beliefs, and each community has practices and beliefs that may be unique to that tradition. Like other religions, the larger denominations are sometimes further subdivided by different schools of thought. Accordingly, in addition to the broad cultural, racial and ethnic diversity within Islam, there is also a diversity of theology and practice.

B. Muslims in the Workplace

Like other faith traditions, Islam plays a role in both the beliefs and the conduct of its followers. For many Muslims, these practices and beliefs are not restricted to private spaces, but manifest in the public and professional lives of Muslims. Some Islamic practices and beliefs – such as how to treat other people – are no different from those rooted in secular morality and may not be overtly identified with religion. Other practices and beliefs, however, are more unique to Muslims. This section identifies some of those practices and beliefs and proposes workplace accommodations with respect to the observance of those practices and beliefs.

1. Daily Prayer

Many Muslims pray five times a day. Prayers take place during the following time windows: dawn to sunrise; midday to late afternoon; late afternoon to before sunset; sunset to dusk; and after dusk. These time periods are calculated according to the movement of the sun and change throughout the year. Some of the time periods in which prayers are to be performed are relatively long while others – such as the sunset prayer – have a more limited window of time within which to complete the prayer. Each prayer can last from five to fifteen minutes and should be performed in a quiet, clean space. Prayer involves the quiet recitation of memorized prayers accompanied by a combination of standing, bowing, sitting and prostrating. In advance of prayer, Muslims are required to perform a ritual ablution, which involves washing the face, lower arms, hands and feet, prior to prayer. Ablutions take just a few minutes and can be completed in a washroom.

Friday, or “Jummah” in Arabic, is the main congregational day for Muslims. In lieu of the midday prayer, Muslims often attend congregational services at local mosques on Fridays. Services consist of a sermon and prayer, typically begin around the lunch hour, and generally last 40 to 60 minutes. Many Muslims view attendance at Jummah services as obligatory.

Prayer in the Workplace

For those Muslims who seek to pray during the work day, they may request short prayer breaks and/or reasonable access to an appropriate space in which to pray. For most Muslims, prayer can be accomplished in private or shared offices, small conference rooms, private cubicles, or even a quiet corner. Once a Muslim begins his or her prayer, he or she may not respond to interruptions until the prayer is complete (e.g., a ringing phone, a knock on the door, etc.), but Muslims do interrupt prayer for emergency situations (e.g. fire alarms, etc.). Muslims who attend Friday services might be absent

for the lunch hour and often work with supervisors on ways to accommodate regular attendance at Jummah prayers. The overall impact of prayer on a Muslim lawyer's workplace should be negligible.

2. Ramadan

Ramadan is the ninth month of the Islamic calendar. During this month, observing Muslims fast from dawn to sunset. Fasting involves, among other things, abstaining from food, liquids (including water), and smoking, during the daylight hours. Typically, Muslims have a pre-dawn meal before the fast begins and break the fast at sunset followed by the post-sunset prayer.

Ramadan is a special time for Muslims. In addition to fasting, Muslims engage in deeper self-reflection, charity, and consideration of those less fortunate. Muslims tend to be more conscious of their prayer requirements during Ramadan. Lastly, while certain practices are relatively uniform throughout the Muslim community, certain traditions regarding Ramadan differ from culture to culture.

Ramadan does not correspond to fixed dates on the conventional Gregorian solar calendar. In contrast, the Islamic year is based upon the lunar calendar and is eleven days shorter than the solar year. As such, Ramadan occurs about eleven days earlier each year. For example, in 2020 Ramadan will begin on or around April 23, but in 2019 it began around May 5th. Also, some Muslims communities differ on the exact day on which Ramadan begins and ends because it is based on the sighting of the new moon.

Ramadan in the Workplace

In practical terms, the core relevance of Ramadan to the workplace is the Muslim employee's abstinence from food and drink during daylight hours. Accordingly, Muslim employees may, for example, decline invitations to optional lunch engagements and/or may join lunch meetings but simply not eat. Likewise, breaking the fast at sunset is a vital component of the daily fast, so Muslims who are fasting may seek to briefly excuse themselves from meetings or engagements which overlap with the prescribed fast-breaking time.

Although fasting, most Muslims typically go about their daily business without change. Where appropriate, however, some Muslims may seek to adjust their schedules to better accommodate the fasting schedule. For example, employees who wish to break the fast with families might seek to modify their schedules so that they can complete certain work earlier in the morning or later in the evening. Such arrangements will differ from employee to employee and employer to employer, and are best determined on a case by case basis. For instance, some Muslims will request not to be disturbed during the late evening hours to perform long nightly prayers during the month of Ramadan, which certain Muslims view as mandatory and others as optional.

Employers should not assume that all Muslims fast and pray the long nightly prayer every day during Ramadan. Islam prescribes a number of exceptions to fasting during Ramadan – some of which are health and travel related.

Because Ramadan operates on a lunar calendar, the timing of the month changes each year. As a result, the relationship between Ramadan and the workplace will differ from year to year. In 2009, Ramadan overlapped with the On-Campus Interview season, and some Muslim law students were fasting during law firm lunch interviews.

3. Holy Days for Muslims

The two most widely recognized Muslim holidays are Eid-al-Fitr and Eid-al-Adha. Like Ramadan, both are fixed dates on the Islamic lunar calendar, and thus vary on the Gregorian calendar. Eid-al-Fitr marks the end of the month of fasting in Ramadan. Eid-al-Adha commemorates a story from the life of Prophet Abraham and coincides with the end of the Hajj, which is a pilgrimage to Mecca that Muslims with adequate health and resources are required to perform at least once in their lifetime. The Eid holidays are a festive time for families and friends, and in some communities are celebrated over several days.

The Muslim calendar includes other holy days, some of which bring celebration and others periods of mourning. For example, the first month of the Islamic calendar, Muharram, holds a special significance for Shia Muslims. This month marks a time for remembrance of the death of Imam Hussain, the grandson of Prophet Muhammad. The month is marked with special services and prayers, and some followers may fast and abstain from celebrations.

Holy Days in the Workplace

During these holidays, certain employees may seek time away from work, while others might attend prayer and services in the morning and attend work like any other day. Furthermore, because of differing traditions on how to calculate the start of a new lunar month, certain Muslims might celebrate a holiday on one day while others might celebrate it on a different day.

4. Hajj

As noted above, the Hajj is a pilgrimage to Mecca, Saudi Arabia, which Muslims with adequate health and resources are required to perform at least once in their lifetime. Each year, over two million Muslims travel to Mecca to perform a series of prayers and rituals over the course of several days. Most travelers complement their Hajj with extra time at the holy sites in Mecca and Medina. While physically demanding, the Hajj can be a spiritually and socially rewarding experience for Muslims. The Hajj must be performed at a specific time during the Islamic year, and many Muslims prepare for the Hajj in the weeks and months before the trip.

In addition, some Muslims will travel to Mecca for “Umrah”. Umrah is a pilgrimage that involves rites and activities similar to the Hajj, but it does not have a prescribed date and can be scheduled at the traveler’s convenience.

Hajj and the Workplace

Muslims performing the Hajj are likely to use their vacation or related leave time for the trip, which can range between two and three weeks. Because the Hajj only happens once a year at a specific time, a planned vacation to perform the Hajj cannot be easily rescheduled. While on the Hajj, pilgrims may have limited access to telephone and electronic communications and may not be in a position to immediately respond to inquiries.

5. Food & Drink

Like members of some other faiths, observant Muslims refrain from consuming pork or pork by-products. Some Muslims observe additional dietary restrictions, notably, consuming “halal” food. Similar to dietary rules in other faiths, halal food is that which is prepared in accordance with religious law (“Halal” means “permissible” in Arabic). For many Muslims, vegetarian or fish options are acceptable alternatives. Furthermore, many Muslims abstain from alcohol consumption.

Food & Drink in the Workplace

When arranging for food at meetings or events, employers are encouraged to consider the dietary needs of employees. Having vegetarian and/or fish options is generally a safe choice. That said, dietary practices may differ from employee to employee.

With respect to alcohol, Muslim employees may choose to attend events where alcohol is served and simply refrain from drinking, or, depending on individual preferences, they may decline to attend. This should not be viewed as reclusive conduct, but rather a simple religious preference or personal choice. Employers are encouraged to make nonalcoholic alternatives available.

6. Attire & Appearance

The Islamic tradition emphasizes tidiness and modesty in appearance for both men and women. For some Muslim men, modesty means avoiding ostentatious clothing or accessories, including gold and silk. Some Muslim men keep a beard in observance of religious traditions.

The attire of Muslim women can be an oft-discussed issue. Muslim women’s views cover a broad spectrum with respect to what type of attire is obligatory, and each has her boundaries regarding her own sense of style and modesty. For some Muslim women, wearing a headscarf – commonly known as *hijab* – is one such way of adhering to

religious principles of faith and modesty. For others, such principles might be reflected through wearing clothing that covers the arms and/or legs.

7. Social and Physical Interactions

Again, because of the emphasis on modesty, some Muslims may limit physical contact with the opposite sex outside familial and marital relations. Some Muslims may decline to shake hands or hug a fellow employee of the opposite sex or sit too closely with one or even be in a room alone behind closed doors. This should not be viewed as antisocial conduct or an insult, but rather a religious preference or personal choice.

C. Conclusion

As our legal community becomes more and more diverse, the creation of more inclusive work environments will only strengthen the quality of our legal profession and improve the service we provide to clients. Diversity of faith, like other forms of diversity, will be an asset to any team.

We hope that this document has been a helpful resource for introducing legal employers to some of the practices and beliefs that are important to Muslim employees.

If you have any questions, please feel free to reach out to us at info@mubany.org.

RESOURCES

Organizations

Institute for Social Policy and Understanding
www.ispu.org

Minority Corporate Counsel Organization
www.mcca.com

Muslim Bar Association of New York
www.mubany.org

Muslim Advocates
www.muslimsadvocates.org

National Employment Lawyers Association
www.nela.org/NELA/

U.S. Equal Employment Opportunity Commission
www.eeoc.gov

Publications & Articles

“African Muslims in Early America: Religion, Literacy, and Liberty”
National Museum of African American History & Culture available at
<https://nmaahc.si.edu/explore/stories/collection/african-muslims-early-america>

Emma Green, “How Much Discrimination Do Muslims Face in America?”
(7/26/2017) available at
<https://www.theatlantic.com/politics/archive/2017/07/american-muslims-trump/534879/>

Jay Croft, “1 in 4 Muslim women in New York say they've been pushed on a subway platform while wearing a hijab” (6/19/2018) available at
<https://www.cnn.com/2018/06/19/us/new-york-anti-muslim-harassment-survey-trnd/index.html>

“Questions and Answers about the Workplace Rights of Muslims, Arabs, South Asians, and Sikhs under the Equal Employment Opportunity Laws,” U.S. Equal Employment Opportunity Commission (1/19/2017) available at
<http://www.eeoc.gov/facts/backlash-employee.html>

“Discrimination Against Muslim Women – Fact Sheet” published by the American Civil Liberties Union (ACLU) available at <https://www.aclu.org/other/discrimination-against-muslim-women-fact-sheet>

MuBANY is a member-based professional bar association serving the educational, professional, and social needs of Muslim legal professionals & law students living and working in the New York metropolitan area. Visit www.mubany.org for more information.