



Commission on Human Rights

FOR IMMEDIATE RELEASE: January 25, 2017

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NYC COMMISSION ON HUMAN RIGHTS CHARGES WHEELCHAIR ASSISTANCE CONTRACTOR AT JFK INTERNATIONAL AIRPORT FOR VIOLATING THE NYC HUMAN RIGHTS LAW BY REPEATEDLY DISCRIMINATING AGAINST MUSLIM EMPLOYEES

Commission alleges that Pax Assist, Inc., which provides wheelchair assistance to passengers at Terminal 4 at JFK, repeatedly denied Muslim employees break time to pray and break fast during Ramadan, in violation of the NYC Human Rights Law

Commission also alleges supervisors for Pax Assist, Inc. publicly harassed Muslim employees who requested break time to observe Ramadan

NEW YORK – Today, the NYC Commission on Human Rights charges Pax Assist Inc., a wheelchair assistance service at JFK International Airport, with violating the NYC Human Rights Law for discriminating against Muslim employees by repeatedly denying requests for break time to pray and break fast during Ramadan. The complaint also alleges that supervisors at Pax Assist Inc., which serves 32 airlines and employs more than 250 workers at Terminal 4 at JFK International Airport, publicly harassed Muslim employees over a radio system when they requested break time.

The Commission, which filed religious discrimination charges against Pax Assist Inc. on behalf of the City rather than requiring individual victims to file claims, also alleges that Pax Assist Inc.'s employee break policy has a disparate impact on employees of every faith who may be deterred from requesting religious accommodations to pray at work consistent with their religious practices. The Commission has notified Pax Assist Inc. of these charges and is awaiting the company's response.

“Discrimination does not just happen on the street, it can touch every part of our daily lives, including in the workplace,” said **Mayor Bill de Blasio**. “Now more than ever, it is important for everyone to stand up against discrimination and hate, and to protect the rights of Muslim Americans. The Commission is working hard to ensure that every community understands their rights and is legally protected against discrimination and bigotry. As New Yorkers, we must all must be vigilant and stand up for what is right.”

“We will not tolerate religious discrimination of any kind in New York City,” said **Deputy Commissioner of the Law Enforcement Bureau at the NYC Commission on Human Rights Hollis V. Pfitsch**. “Employees of every faith have a legal right to request religious accommodations and should not be harassed or discriminated against by their employer for requesting break time to observe their faith. The Commission is working to

hold these employers accountable and to make sure that all New Yorkers, including hardworking Muslim employees, are treated with the dignity and respect they deserve.”

The Commission filed charges against Pax Assist Inc. on behalf of the City of New York (referred to as a “Commission-initiated case”) rather than requiring individual employees to come forward and file a complaint in a broader effort to crack down on employers for “pattern or practice” violations of the law. The Commission may launch a Commission-initiated investigation after receiving anonymous tips or multiple complaints against the same employer, or as a result of testing that shows repeat violations. In this case, the union organizing with the Muslim employees, 32BJ Service Employees International Union, brought the violations to the Commission’s attention.

“Airline subcontractors like Pax should respect their employees, not only for the hard work they do and important services they provide to passengers every day, but also as human beings and people with families, convictions, and human dignity,” said **Hector Figueroa, President of 32BJ SEIU**. “New York is a place where we respect the rights of all people and stand up for each other. We will not tolerate this type of treatment in our city.”

Under the New York City Human Rights Law, employees of every faith have the legal right to request and receive reasonable accommodations for religious observances, including break time for prayer or time to break a fast, as long as those accommodations do not cause an undue hardship to the employer.

According to the Islamic faith, some observant Muslims may choose to pray five times a day. During Ramadan, Muslims fast during the day and break their fast with prayer at sundown. Muslim employees reported that supervisors at Pax Assist Inc. repeatedly denied requests for break times, including requests to push back existing 10 and 15 minute breaks, to pray and break their religious fast. “I requested to push back my break time to 8 p.m. so I could eat after a full day of fasting but was refused. I was trembling and felt sick the rest of my shift. I was also emotionally upset,” a Muslim employee said.

Further, supervisors allegedly harassed several Muslim employees for asking for a religious accommodation to pray, announcing over a radio system, “We don’t care about Ramadan” and “We’ll give you a break on our time, not your time.”

In addition, the Commission also alleges that Pax Assist Inc.’s inflexible employee break policy has a disparate impact on employees of every faith who may be deterred from requesting religious accommodations to pray at work consistent with their religious practices. The Commission’s complaint notes that Pax Assist, Inc. does not have a written religious accommodation policy nor does it provide training to supervisors on responding to religious accommodations requests by employees.

The Commission has the ability to fine employers with civil penalties of up to \$250,000 for willful and malicious violations of the Law and can award compensatory damages to victims, including emotional distress damages and other benefits. The Commission can

also order trainings on the NYC Human Rights Law, changes to company break policies to accommodate employees' religious observances and practices, monitoring of and reporting on future religious accommodation requests, and restorative justice relief, such as community service and mediated apologies.

Discrimination complaints based on religion, race, national origin, citizenship, and alienage status filed at the Commission have increased by more than 30 percent over the last year. In fact, the Commission is currently investigating more than 400 complaints of discrimination in these areas and regularly hears concerns from affected communities, including Muslims, Sikhs, and South Asians, who fear being harassed or attacked for wearing hijabs or religious garb publicly or who fear for their safety for being perceived as religiously observant.

The Commission has significantly increased efforts to address and deter religious discrimination across New York City in recent months.

- Following a spate of bias attacks near public transit, the Commission recently **led a public outreach effort to educate New Yorkers on [religious protections](#) and [protections against discriminatory harassment](#)** under the NYC Human Rights Law outside 8 subway stations across all five boroughs. The Commission also **launched ads** across mobile transit app, Facebook, Google, and ethnic media for four weeks to educate New Yorkers on how to recognize discriminatory harassment and report it.
- The Commission recently **launched a [#IAMuslimNYC digital ad campaign to promote respect and understanding of Muslim communities](#)** and underscore anti-discrimination protections under the NYC Human Rights Law. Ads appeared on Facebook, Instagram, and Twitter and were seen by millions. In conjunction, the Commission also launched a **[new multilingual fact sheet on protections for Muslims](#)** and those perceived as such and a **[new multilingual brochure](#)** on protections against religious discrimination.
- The Commission **created a new resource page (www.nyc.gov/NYCValues)** for quick access to multi-lingual resources for vulnerable communities, including information on **[religious protections](#)**, **[immigration protections](#)**, **[sexual orientation protections](#)**, and protections against **[discriminatory harassment](#)**. Members of the public can also report discrimination on our website **[here](#)**.
- The Commission will also soon launch a **cultural sensitivity workshop called “Understanding Muslim Experiences and Combating Islamophobia”** with community leaders and the Islamic Center at NYU to help City employees and public and private employers better understand the diversity of Muslim communities and dispel common myths.
- The Commission is developing a **citywide anti-xenophobia media campaign** to launch in spring 2017 to educate New Yorkers on combating xenophobia,

embracing cultural, ethnic and religious diversity and make available resources to New Yorkers who have experienced discrimination and harassment based on their color, race, religion or creed, nationality and immigration status.

If you or someone you know is the victim of discrimination or bias, please call 311 and ask for “Human Rights” or call the Commission’s expanded Infoline directly at 718-722-3131.

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“Religious freedom and liberty are the founding principles of our nation—any entity or individual that threatens these values should be held accountable,” said **Council Speaker Melissa Mark-Viverito**. “I commend the Commission for its continued efforts to ensure that New York City always strives towards greater inclusivity and respect. Upholding our human rights and dignity is more important now than ever.”

“It is unacceptable that any group of New Yorkers would be discriminated against for their religious beliefs and practices,” said **Public Advocate Letitia James**. “One of the most basic tenets of our society is the freedom of religion and in New York City that entails the right to religious accommodations in the workplace. I want to thank the Commission on Human Rights for pursuing this case and for working to ensure that New Yorkers of all backgrounds are treated with the respect and equality they deserve.”

“In today’s political and social climate, it is as important as ever that we all work together to root out discrimination and intolerance, particularly in the work place,” said **Council Member Donovan Richards, co-chair of the Progressive Caucus**. “These allegations are deeply troubling and disheartening as our Muslim neighbors deserve to have their religious obligations honored while working. I commend the NYC Commission on Human Rights for their dedication to holding human rights violators accountable for their actions and I hope to see Pax Assist Inc. cooperate with the Commission and ensure the rights of all New Yorkers are being maintained at JFK International Airport.”

“New York City was founded by people seeking religious freedom and I am pleased we are still practicing those same ideals today,” said **Councilman I. Daneek Miller**. “Muslim-Americans, just like all Americans, should be able to practice their faith in the workplace without having to fear harassment or other repercussions, and I applaud the Commission’s efforts in enforcing our laws protecting religious freedom.”

“Workplace discrimination has devastating economic and social consequences for those who are targeted,” said **Director of Strategic Litigation for the New York Chapter of the Council on American-Islamic Relations, Albert Cahn**. “We hope this action will deter any employer who tries to stop its employees from practicing their faith.”

“In a City like ours there is no room for intolerance or islamophobia,” said **Executive Director of the New York Immigration Coalition Steven Choi**. “Pax Assist Inc.’s blatant discrimination against its Muslim employees is completely disgraceful. Airlines

and their contractors must abide by anti-discrimination policies guaranteed to all New Yorkers. We will not allow for discrimination of anyone base on their faith, race, ethnicity, sexual orientation, or creed. We commend the NYC Commission on Human Rights for seeking justice for the Muslim employees who have had to endure injustice and ignorance.”

“We applaud the Commission’s effort to oppose religious discrimination against Muslim workers,” said **Executive Director of the New York Chapter of the Council on American-Islamic Relations Afaf Nasher**. “New York’s airports are a gateway to travelers from around the world, and they should showcase our city’s proudest traditions of diversity and religious freedom.”

“We applaud the NYC Commission on Human Rights today for standing up against religious discrimination and fighting for these Muslim employees’ rights to pray,” said **Secretary General of the Islamic Circle of North America Muhammad T. Rahman**. “People of all faiths should be allowed to request time to observe their religion without fear of discrimination or harassment. Now more than ever, it’s critical that everyone stands up against racism, xenophobia, and Islamophobia and support people of every faith.”