

Testimony of Harsimran Kaur, Esq.

Legal Director, Sikh Coalition

*before the*

Committee on Judiciary

California State Assembly

**AB1964 – The Workplace Religious Freedom Act of 2012**

April 24, 2012

My name is Harsimran Kaur. I serve as Legal Director of the Sikh Coalition, the largest Sikh civil rights organization in the United States. I am speaking in support of AB1964 and am grateful to the Committee for giving me an opportunity to offer testimony.

AB1964 is designed to clarify laws prohibiting religious discrimination in the workplace. Although Sikhs have lived in California for more than a century, Sikh Californians suffer high levels of employment discrimination because of their Sikh articles of faith, which include a turban, beard, and unshorn hair. According to a research report issued by the Sikh Coalition in 2010, approximately 12% of Sikhs in the San Francisco Bay Area reported suffering discrimination in employment. The California Department of Corrections and Rehabilitation refuses to hire Sikhs to serve as security guards unless they shave their religiously-mandated beards. Similarly, police agencies in California have rejected requests to hire Sikh police officers unless they remove their turbans, and cut their hair and beards. These restrictive policies are still enforced, despite decisions by both the United States Army and Federal Protective Service to begin accommodating Sikhs in government service. In California, a company called JB Hunt has denied Sikhs truck driver jobs because they objected to cutting their hair in order to provide hair samples for drug tests – even though alternatives, such as nail testing, are available.

AB1964 affirms the promise of equal opportunity for all workers in California. This bill clarifies that employers can deny a request for religious accommodation only if it imposes a “significant difficulty

or expense” on the employer. To uphold the integrative purpose of the Fair Employment and Housing Act (FEHA), AB1964 also clarifies that an employer cannot segregate someone because they happen to wear a religious headcovering or keep a beard in accordance with their religion.

This concern is not theoretical. About two months ago, the Sikh Coalition was contacted by a Sikh who works for a large company based in California. For four years, his employer has segregated him from customers and clients so that they do not see his turban and beard. This is segregation, pure and simple, and it is demeaning to my community. As Sikh parents, how can we teach our children their rights and responsibilities as American and Californian citizens when we are treated like second-class citizens?

AB1964 seeks to level the playing field. The legal standard for religious accommodation under state law has been ambiguously tethered to federal law—a standard that is so low, that it allows employers to discriminate on the basis of religion with impunity. This means that Sikhs and other religious minorities are denied employment, the ability to feed their families, and personal fulfillment through the pursuit of their chosen career.

You can help to change this by passing AB1964. The Sikh Coalition is proud to sponsor this bill, and I thank you for your consideration.