

# SJC rules religious rights top company's

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A Rastafarian man won a round yesterday in the state's highest court in his legal battle against a company that he contends discriminated against him because he did not comply with its personal appearance rules.

The Supreme Judicial Court ruled in the case of Bobby T. Brown, who worked as a technician at a Hadley Jiffy Lube owned by F.L. Roberts & Co.

Brown's religion does not permit him to shave or cut his hair. When the company instituted a new policy that required employees who worked with customers to be clean-shaven, Brown was only allowed to work out of sight of customers in the lower bay of the oil change shop, the court said in an opinion written by Justice Roderick Ireland.

Brown sued in 2006, saying he had been a victim of religious discrimination. A lower court judge ruled in favor of the company, saying that the company had a right to control its public image and that it would be an "undue hardship" for the business to exempt Brown from the grooming policy.

But in an opinion written by Ireland, the SJC disagreed. "We . . . conclude that an exemption from a grooming policy cannot constitute an undue hardship as a matter of law," the opinion said.

The SJC pointed to a state antidiscrimination law that says companies should make "reasonable accommodations" for religious practices. Sending the case back to the lower court for further proceedings, the SJC said the company had not met its burden of proving that no accommodation was possible for Brown without undue hardship to the business.

The court warned if employers are allowed to cite their "public image" in determining who deals with customers, they might lean toward tolerating the religious practices of majority groups, while forbidding practices that are less widespread.

"Requiring proof of undue hardship protects against the misuse of 'public image,' and is consistent with the requirement that the statute be construed liberally to accomplish its ends," the court said.

"It's an important case because the SJC basically recognized that customer preference and public image are not sufficient to override people's ability to observe their faith," said Robert Trestan, Northeast civil rights counsel for the Anti-Defamation League, which filed a friend-of-the-court brief in the case.

Brown's lawyer, Joel Feldman, could not be reached last night for comment.

But Claire L. Thompson, who represented the company, said: "It feels like a decision that's very anti-business." ■