

Pentecostal Woman Fired for Wearing Skirt Collects \$25K From Burger King

A Burger King franchise in Texas will pay \$25,000 to a Pentecostal woman who was fired for wearing a skirt to work in August 2010 and refusing to change her clothes.

“For 2013 and 2014, defendant agrees to conduct an annual training session for all district managers and general managers for defendant’s Texas Burger King restaurants, advising them of the requirements and prohibitions of the federal anti-discrimination laws with a special emphasis on religious discrimination,” the nine-page consent decree states. “The training will also inform these individuals of the necessity of attempting to accommodate the religious beliefs of applicants and employees.”

Ashanti McShan was 17 when the fast food restaurant let her go after she showed up to work in a skirt. According to the lawsuit filed in August in federal district court in Dallas, McShan was assured she could wear a skirt to work instead of the restaurant’s uniform pants.

“The defendant hired Ms. McShan as a cashier,” the complaint filed by the U.S. Equal Employment Opportunity Commission (EEOC) states. “At the time of her interview for the job, Ms. McShan asked to wear a skirt instead of uniform pants as a religious accommodation. Defendant assured her that she could wear a skirt to work.”

“However, when she arrived at work for orientation, the store management informed Ms. McShan that she could not wear a skirt and that she had to leave the store,” the lawsuit says. “Ms. McShan was required to leave despite her explanation that she was wearing the skirt with the understanding that she would be

allowed a religious accommodation.”

The complaint stated that some **Pentecostal Christians** believe Scripture requires women to only wear skirts and dresses.

“We haven’t come far enough in our respect of **religious liberties** at the workplace if we have employers saying that uniform policies trump a religious observance without articulation of any hardship posed by letting an employee ‘hold the pickles’ and ‘hold the lettuce’ while wearing a skirt,” Regional Attorney Robert A. Canino of the EEOC’s Dallas District Office said when the lawsuit was filed.

The filing was directed at Fries Restaurant Management, LLC, which operates the Burger King restaurant in Grand Prairie, Texas, where the incident occurred.

Burger King will now have to pay McShan \$25,000; \$5,000 will be paid for back wages, while the remaining \$20,000 will be paid for mental anguish and non-wage demands. The consent decree settling the suit also requires the company to provide training to district and general managers in its Texas Burger King franchise, and to post a notice of nondiscrimination for the two years the decree is in effect.

“I commend this employer for its willingness to enter an early settlement,” Janet Elizondo, director of the EEOC’s Dallas District Office, said in a statement. “There did not appear to be a general policy by the franchisee in this case that would filter out other job seekers who share similar beliefs to this applicant.”

Other Pentecostals have sued their employers for not being allowed to wear skirts.

In February 2009, the Washington, D.C., transit authority agreed to pay a woman more than \$47,000 after she was denied a position as a bus driver when she asked if she could wear a skirt to work. Religion News Service reported that the transit

authority also changed its policy on **religious accommodation**.

In January 2012, a federal judge ruled against Crystal Finnie, a Pentecostal woman who sued a juvenile detention center in Mississippi for violating her **First Amendment** rights after she was fired for wearing a skirt on the job.