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MUSLIM AMERICAN WORKERS, FAITH AND LABOR ORGANIZING

CHAUMTOLI HUQ*

ABSTRACT

Islam is one of the fastest-growing religions in the U.S. Muslim-Americans are racially, ethnically and theologically diverse and are a politically engaged constituency. It is a community experiencing immense economic insecurity alongside political vulnerability due to discrimination, which make them inclined to labor organizing. Despite these demographic changes, the U.S. labor movement is not addressing this growing faith-based community. In this article, I discuss three examples of successful labor organizing interventions led by Muslim-American workers or where Muslim-Americans were actively engaged which have resulted in positive gains for all workers. They are: (1) New York Taxi Workers Alliance (NYTWA) Post 9-11 Organizing & 2016 Airport Strike against Trump's Muslim Travel Ban; (2) Awood Center in Minnesota organizing Somali Muslim Amazon workers; and (3) Teamster Local 117 advocacy of Muslim majority Hertz airport drivers. Through these examples, I illustrate how a strategic and intentional integration of a faith-based justice-oriented approach to labor organizing to engage Muslim-American workers can advance labor rights that benefit all workers. Grounding this faith-based justice approach in a collective labor organizing context prevents religious identity from becoming a matter of individual concern and allows for greater solidarity among workers of diverse backgrounds. While important work to protect the rights of Muslim-American workers is transpiring through anti-discrimination laws, those laws reflect an individual rights approach which limit redress that

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can be achieved for all workers. As such, labor organizations with Muslim majority workplaces must engage with their members in their faith and as workers.

Islam is one of the fastest-growing religions in the United States. According to the Pew Research Center, as of 2017, there were about 3.45 million Muslims living in the U.S.¹ In 2024, that number is 4.5 million.² Studies predict the Muslim population will grow to 8 million by 2050.³ The five states with the highest Muslim populations are Michigan, Maryland, New Jersey, New York, and Illinois.⁴ However, Islam has a documented presence in the early Americas, being the second monotheistic religion after Catholicism in post-Columbus America, and the U.S. as the country in the Americas with a continuous Muslim population of African descent.⁵ Muslim Americans⁶ are a politically engaged⁷ constituency which make them a distinct group receptive to labor organizing.⁸

1. Besheer Mohamed, *New estimates show U.S Muslim population continue to grow*, PEW RSCH. CTR. (Jan. 3, 2018), <https://www.pewresearch.org/short-reads/2018/01/03/new-estimates-show-u-s-muslim-population-continues-to-grow/> [https://perma.cc/BH4D-9DF9].

2. See Alejandra Molina, *Muslim Americans Make Historic Gains in Midterm Elections*, WASH. POST (Nov. 14, 2022), <https://www.washingtonpost.com/religion/2022/11/14/muslim-americans-make-historic-gains-midterm-elections/> [https://perma.cc/T4UK-SMYC] (citing U.S. Religion Census figures showing that the number of Muslims who participate in mosque prayer increased from 2.6 million in 2010 to 4.5 million in 2020, a seventy-five percent increase); Mohamed, *supra* note 1.

3. Mohamed, *supra* note 1.

4. See Aima Zaheer, *10 States With the Highest Muslim Population in the U.S.*, YAHOO FINANCE (Jan. 21, 2024), <https://finance.yahoo.com/news/10-states-highest-muslim-population-204513805.html> [https://perma.cc/5P3R-X45X].

5. SYLVIANE A. DIOUF, *SERVANTS OF ALLAH: AFRICAN MUSLIMS ENSLAVED IN THE AMERICAS*, 179 (1998).

6. While I am using the phrase Muslim-Americans to signify this article's focus on Muslims in America, I am cognizant that this hyphenated identity may be contested, as are other hyphenated identities. See, e.g., Sencuk R. Sirin, Nida Bikmen, Madeeha Mir, Mayida Zaal, & Dalal Katsiaficas, *Exploring Dual Identification Among Muslim-American Emerging Adults: A Mixed Methods Study*, 31 J. OF ADOLESCENCE 259, 260 (2008) (discussing Muslim-American identity as being socially constructed and how it became a salient identity post-September 11 due to discrimination and a sense of shared experiences in the U.S. This identity emerged regardless of one's religiosity).

7. See Sakshi Venkatraman, *Muslims in the U.S. are More Politically Engaged Than Ever, Study Finds*, NBC NEWS (Oct. 28, 2020), <https://www.nbcnews.com/news/asian-america/muslims-u-s-are-more-politically-engaged-ever-study-finds-n1244879> [https://perma.cc/7ATL-CMSH].

8. See Alexander Hertel-Fernandez, *Power and Politics in the U.S. Workplace*, ECON. POL'Y INST. (Oct. 7, 2020), <https://www.epi.org/unequalpower/publications/power-and-politics-in-the-u-s-workplace-what-imbalances-of-workplace-power-mean-for-civic-engagement-and-democracy/> [https://perma.cc/6KCC-6UQF]. While this study focuses on the workplace as a site to develop skills for political engagement and draws links between workplace power and broader democracy, the reverse can be true, in that greater political engagement can animate labor organizing and build worker power. See also Interview with Hesham El-Meligy, Executive Board Member, New York State Public Employees Federation (Aug. 13, 2024) (discussing how the switch from interfaith and civic organizing to running for office and labor organizing was easy because it was about building power for the community; it was a "new lingo for a specific purpose, but the activism is the same"); Interview with Maryam Arshad, Writers Guild of American organizer, (Aug. 26, 2024) (discussing

Yet, despite this long history and rapid demographic changes, it is not clear whether or how the U.S. labor movement is addressing this rapidly growing faith-based community, which is extremely diverse in terms of race, color, national origin, and ethnicity.⁹ In referencing “labor movement,” I include traditional unions, worker centers, and emergent formations such as unincorporated collectives.¹⁰ It is also a community experiencing high rates of economic insecurity alongside political vulnerability due to discrimination.¹¹ Muslim Americans are three times as likely to be without a job despite looking for work.¹² Forty percent of Muslim Americans report household incomes under \$30,000, compared with thirty-two percent of the U.S. population as a whole.¹³ They reported the highest levels of discrimination in the workplace in recent years.¹⁴ Given Islamophobia and lack of worker visibility, their needs are often not met.¹⁵

how Islamic guidance to encourage goodness shaped her consciousness on being a responsible Muslim and led her to be a labor organizer and apply this principle to the economic realm).

9. See Muslims in America: A New Generation, *America's Next Generation Of Muslims Insists On Crafting Its Own Story*, NAT'L PUB. RADIO, at 0:15 (Apr. 12, 2018), <https://www.npr.org/transcripts/599215203> [<https://perma.cc/9TKL-BEUI>]. While the Uncommitted Movement is pro-Palestinian, it comprises a substantial number of Muslim Americans. See UNCOMMITTED NAT'L MOVEMENT, <https://www.uncommittedmovement.com> [<https://perma.cc/WPN3-7QJD>] (last visited Aug. 24, 2024); see also Ibrahim Hooper, *CAIR Releases Data Indicating Over 2.5 Million American Muslim Voters*, COUNCIL ON AMERICAN-ISLAMIC RELATIONS (“CAIR”) (Feb. 27, 2024), https://www.cair.com/press_releases/cair-releases-data-indicating-over-2-million-american-muslim-voters/ [<https://perma.cc/Q8KC-XW6T>].

10. This view has often been referred to as social movement unionism or community-labor unionism in that it views the role of the labor movement, regardless of form, to build worker power so as to increase their autonomy over their lives and workplaces. See *Social Movement Unionism*, OXFORD REFERENCE, <https://www.oxfordreference.com/display/10.1093/oi/authority.20110803100515315> [<https://perma.cc/LJ2U-PYZQ>] (last visited Sept. 8, 2024).

11. See generally Khaled A. Beydoun, *Between Indigence, Islamophobia, and Erasure: Poor and Muslim in “War on Terror” America*, 104 CAL. L. REV. 1463 (2016).

12. *Demographic Portrait of Muslim Americans*, PEW RSCH. CTR. (July 26, 2017), <https://www.pewresearch.org/religion/2017/07/26/demographic-portrait-of-muslim-americans/> [<https://perma.cc/Y7SD-S6A2>].

13. *Id.*

14. See C. Melissa Snarr, *Ifars, Prayer Rooms, and #DeleteUber: Postsecularity and the Promise/Perils of Muslim Labor Organizing*, in RELIGION, PROTEST, AND SOCIAL UPHEAVAL 161, 163 (Matthew T. Eggemeier, Peter Joseph Fritz, & Karen V. Guth eds., 2022) (discussing presence of Muslim workers and their discrimination in the workplace).

15. See, e.g., Rebecca King, *On Top of the World Trade Center, a Restaurant Served as a ‘little UN’: How People Still Feel its Legacy Today*, USA TODAY (Sept. 8, 2021), <https://www.usatoday.com/story/news/nation/2021/09/08/windows-on-the-world-trade-center-restaurant-legacy-after-911/5768958001/> [<https://perma.cc/27YE-5X89>] (former restaurant worker and Executive Director of Restaurant Opportunities Center Sekou Siby recounts how he and other workers from Bangladesh, Indonesia, and West Africa would break fast together; ROC-United was founded in 2001 as a relief center for workers).

Given that incarcerated persons are one sector that explains the growth of Islam¹⁶ means that Muslims experience all of the similar forms of discrimination in employment that formerly incarcerated persons do. Religion scholar C. Melissa Snarr correctly notes, observing these demographic changes: “Religious diversity, working poverty and economic inequality intersect forcefully in the lives of immigrant and refugee workers.”¹⁷ I add this to be true for Muslim Americans who are immigrants as well as U.S.-born Muslims.

In this short article, I discuss three examples of successful labor organizing led by Muslim American workers or where Muslim Americans were actively engaged that led to positive gains for those Muslim American workers and all workers generally. They are: (1) New York Taxi Workers Alliance (“NYTWA”) Post 9-11 Organizing & 2016 Airport Strike against Trump’s Muslim Travel Ban; (2) Awood Center in Minnesota organizing Somali Muslim Amazon workers; and (3) Teamster Local 117 advocacy of Muslim majority Hertz airport drivers.¹⁸ I also share a cautionary example of where the failure to listen to and organize Muslim American workers was harmful to the workers and union.

I discuss these examples to evidence the positive gains and opportunities for Muslim American workers that can be enjoyed by all workers through a strategic and intentional integration of a faith-based justice-oriented approach¹⁹ to labor

16. See, e.g., SpearIt, *Growing Faith: Prisons, Hip-Hop and Islam*, INST. FOR SOC. POL’Y & UNDERSTANDING (May 7, 2013), <https://www.ispu.org/growing-faith-prisons-hip-hop-and-islam/> [https://perma.cc/HW5E-GEGN].

17. C. Melissa Snarr, *Elaborating Faith: Labor and Interfaith Resistance to Economic Inequality*, 45 J. OF RELIGIOUS ETHICS 255, 262 (2017).

18. A broader assembling of case studies and a catalogue of labor organizations that have actively engaged Muslim American workers or Islam in labor organizing is needed, and this piece intends to be a start. For example, interfaith scholar Snarr recounts an example in a meeting by Nashville Metro Taxi Drivers Alliance (NMTAD) where a multi-ethnic and faith group of drivers discussed whether to add a clean space for drivers to pray as a demand alongside decreasing fees to the taxi companies and racial profiling. *Id.* at 260, 261. Snarr recounts how the labor organizers brought in a priest and imam to help the drivers discuss the divisions from their home countries of Somalia and Ethiopia. *Id.* at 260. This is another example of how labor organizers brought faith into the discussion with the intention to strengthen the membership. See *id.* In addition, given what we now know about Muslims in early U.S. history, particularly their resistance to slavery and free labor, which informs labor law today, a recovery of Muslim American labor history needs to be done. See generally DIOUF, *supra* note 5.

19. In this article, I distinguish between faith-based efforts that seek to draw from faith traditions to strengthen and transform social relations that promote equity and faith-based efforts that seek to restrict and deny rights to others. The former I refer to as a faith-based justice approach. The Civil Rights Movement and Poor Peoples Campaign are examples of a faith-based justice approach. In contrast, Christian conservative efforts challenging labor and anti-discrimination laws are an example of using faith to curtail rights. See, e.g., *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 584 U.S. 617 (2018).

organizing.²⁰ Without grounding this faith-based justice approach in a collective labor organizing context, religious identity or interfaith tolerance becomes relegated to an individual rights issue which is more likely to put rights in conflict with each other and create divisions among workers.²¹ While important work protecting the rights of Muslim American workers occurs under anti-discrimination laws,²² studies reflect that they are often at a disadvantage.²³ These laws reflect an individual rights approach.

This article also draws from original interviews of three Muslim American labor organizers: Hesham El-Meligy of New York State Public Employees Federation; Maryam Arshad, an organizer with Writers Guild, East; Mohammad Raza, Organizing Director of Ride Share Drivers United;²⁴ and Bhairavi Desai, Executive Director of the New York Taxi Workers Alliance (“NYTWA”).

Before sharing these examples, in Part I, I provide a socio-historical context of the Muslim American community in the United States which is essential to understanding the full magnitude of any faith-based justice-oriented effort among Muslim American workers.²⁵ I also highlight key themes to help understand the significance of a faith-based approach to labor organizing rooted in Islam.²⁶ In Part II, I briefly discuss three examples where labor organizations succeeded in mobilizing Muslim American workers in the workplace to address workplaces issues.²⁷ Through these examples, I argue that labor organizations

20. See, e.g., Snarr, *supra* note 17, at 255 (noting from an interfaith lens and using participant observation discusses whether interfaith organizations are engaging with concerns of the working poor and determines that most of the engagement is “classed phenomenon”).

21. See *id.* at 265 (individualizing interfaith concerns runs the risk of allowing conservative Christian and neoliberalism to predominate).

22. The Council on American-Islamic Relations (“CAIR”) is a Muslim civil rights organization that represents Muslims in employment discrimination cases and documents incidents of Islamophobia in their annual civil rights report. See 2024 Civil Rights Report: *Fatal: The Resurgence of Anti-Muslim Hate*, CAIR, (Apr. 2, 2024), <https://islamophobia.org/civil-rights-reports/2024-civil-rights-report-fatal-the-resurgence-of-anti-muslim-hate/> [https://perma.cc/VQZ5-5DC9].

23. Gregory Sisk and Michael Heise, *Muslims and Religious Liberty in the Era of 9/11: Empirical Evidence from the Federal Courts*, 98 IOWA L. REV. 231, 235-36, 236-37, 258 (2012) (demonstrating how Muslim claimants bringing religious liberty claims were less likely to win their religious accommodation cases than other religious communities, which the authors attribute to bias against Muslim Americans as an outside religion and because a majority of the followers are non-white); see also SAHAR AZIZ, *THE RACIAL MUSLIM: WHEN RACISM QUASHES RELIGIOUS FREEDOM* 26 (discussing how religious freedoms are not the same for Muslims because they “are treated like a suspect race” and Islam is viewed as a national security threat rather than a religion).

24. Organizers Arshad, Raza and El-Meligy were interviewed for their views in their individual capacities, and their quotes and perspectives are not necessarily the perspective of their respective organizations.

25. See *infra* Part I.

26. See *id.*

27. See *infra* Part II.

with a Muslim majority or substantial Muslim workforce should look towards these case examples as ways to engage Muslim-American workers and also to advance labor gains that benefit all workers.²⁸ Bhairavi Desai, Executive Director of New York Taxi Workers Alliance, articulates this best:

People build unions to build powers of institution for the working class. So what does it mean to have a powerful working class institution that doesn't recognize the full humanity of the working class? It's a very alienating feeling and it makes the union useless in the eyes of some of your membership if you don't use the full power of the union to fight for all the issues that matter to your members.²⁹

Further, though beyond the scope of this article, Muslim Americans and Islam have much to contribute in significantly transformative ways to the U.S. labor movement given the religion's long history of organizing³⁰ and focus on justice.³¹

I. MUSLIM AMERICAN COMMUNITY AND WORKFORCE IN THE UNITED STATES

In this part, I provide a snapshot of the Muslim American community which would help to underscore the importance of the examples discussed in this article and why the labor movement must pay attention to how this workforce is mobilizing and actively engage this faith-based community. With the labor movement in mind, I share some considerations for labor and community

28. *See id.*

29. *See* Interview with Bhairavi Desai, Executive Director, New York Taxi Workers Alliance, (Aug. 23, 2024).

30. *See generally* DIOUF, *supra* note 5; *cf.* Chaumtoli Huq, *Rallying the Working Class to Resist Trump's Registry*, CONVIVENCIA MAG. (Dec. 22, 2016) (discussing how working class South Asian diaspora organizations mobilized members to resist Trump's registry and how early Black Muslim organizing recognized the importance of an economic agenda for racial justice to argue for an intersectional analysis to view Muslim-American workers as part of the broader labor community).

31. *See* Chaumtoli Huq, *Ummah and Ruhaniyat: What Islam Offers to Build Global Working Class Solidarity*, RELIGION AND JUST. (June 27, 2022), <https://www.religionandjustice.org/interventions-forum-on-privilege-and-power-in-the-capitalocene#contributorthree> [<https://perma.cc/5KNM-724H>] (discussing ummah, which refers to a transnational community and ruhaniyat which refers to one's essential spirit or "humanness", argues that these Islamic concepts can help to build a workers' rights ummah, a global community of workers who may differ in race, ethnicity, class, but united in a common purpose of justice."); *see also* ABDOOL RAHMAN KHAN, SOCIAL JUSTICE: LABOR RIGHTS IN ISLAM (Mar. 12, 2014), <https://aflcio.org/sites/default/files/2022-08/Islam-Labor-Rights-Booklet.pdf> [<https://perma.cc/M6K9-W6NN>]; *The Qur'an and Worker Justice*, AFL-CIO (Dec. 2021), <https://aflcio.org/sites/default/files/2021-12/Quraninsert2013%20%281%29.pdf> [<https://perma.cc/AK4N-XEXC>] (Muslim community and the labor movement share the common goals of social justice, economic fairness, and fair treatment in the workplace.); *see also* Hesham Interview, *supra* note 8 (applying the Islamic principle of standing up for justice in the labor management context as working to prevent the encroachment of management on workers' rights).

organizations to understand the factors that impact the Muslim American workforce.

A. Muslim American Community in the United States: A Snapshot

Muslim Americans are not a recent community to the United States.³² They are a multi-racial, culturally ethnic, and diverse population as well as theologically diverse. In discussing the ethnic, racial diversity of this community, I employ an intersectional analysis in that each of these categories are not additive but that each of these identities and related experiences interact to create distinct experiences.³³ I also engage in a multidimensional socio-legal approach which examines “overlapping constructs and dynamics that converge on particular persons, groups, settings, events or issues.”³⁴ However, beyond being attuned to the multiplicity of Muslim American experiences, this article looks at socio-legal & structural factors that shape those experiences as a whole.³⁵ It was estimated that about a third of early enslaved persons were Muslim.³⁶ Because Muslims were often literate,³⁷ as they were required to read

32. See generally DIOUF, *supra* note 5; see also Sylviane A. Diouf, *Muslims in America: A Forgotten History*, AL JAZEERA (Feb. 10, 2021), <https://www.aljazeera.com/features/2021/2/10/muslims-in-america-always-there> [<https://perma.cc/UQ2P-TVXC>].

33. See generally Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Antiracist Policies*, 189 U. CHI. LEGAL F. 139 (1989) (using intersectionality to show the ways race and gender shape Black women’s employment experiences); see Beydoun, *supra* note 11, at 1491 (employing an intersectional analysis to discuss indigent Muslim Americans); Sahar F. Aziz, *From the Oppressed to the Terrorist: Muslim-American Women in the Crosshairs of Intersectionality*, 9 HASTINGS RACE & POVERTY L.J. 191 (2012) (using intersectional analysis to understand Muslim American women).

34. See Elizabeth M. Iglesias & Francisco Valdes, *LatCrit at Five: Institutionalizing a Postsubordination Future*, 78 DENV. U. L. REV. 1249, 1267 (2001) (describing multidimensionality as being a “profound and far reaching recognition” of not only overlapping identities, but also analytic approaches).

35. See Sandew Hira, *A Decolonial Critique of Intersectionality*, FILMS FOR ACTION, (Jan. 27, 2020), <https://www.filmsforaction.org/articles/a-decolonial-critique-of-intersectionality> [<https://perma.cc/NX4S-K25A>] (discussing how intersectionality’s focus on individual experiences does not consider how the nature of oppression is not individual and does not address colonized communities or an appreciation of how power benefits from and sustains systems of oppression, rendering equivalent experiences along certain axes, such as patriarchy).

36. See Imam Al-Hajj Talib Abdur-Rashid, *African and African American Muslim Presence from Early New York to the Present*, MOSQUE ISLAMIC BHD. INC. (Dec. 2014), <https://siiasi.org/wp-content/uploads/2014/12/AFRICAN-AND-AFRICAN-AMERICAN-MUSLIM-PRESENCE1.pdf> [<https://perma.cc/52KL-35B6>]; see also Michael A. Gomez, *Muslims in Early America*, 60 THE J. OF S. HIST. 671, 684 (1994).

37. See African Muslims in Early America, THE NAT’L MUSEUM OF AFR. AM. HIST. AND CULTURE (Feb. 21, 2017), <https://nmaahc.si.edu/explore/stories/african-muslims-early-america> [<https://perma.cc/G2ZM-BVYN>] (enslaved Muslims used their literacy to resist slavery); DIOUF, *supra* note 5, at 6.

the Quran, plantation owners viewed Muslim enslaved persons with greater scrutiny.³⁸ Plantation owners feared that Muslim enslaved persons would cause rebellions.³⁹ But they were also seen as useful due to agricultural skills they possessed from their home countries.⁴⁰ Labor of African Muslims in America was extracted and their literacy exploited for gain while their religion was demonized. This characterization of Muslims remains to the present today and has fueled stereotypes of Muslim Americans as “terrorists” or dangerous.⁴¹ At the same time, Muslim American workers remain invisible in terms of their contributions to history and the economy. It should be noted, though not a focus of this article, that in presenting this diverse community, there are of course many intra-community barriers.⁴²

An influx of immigrants in the nineteenth and twentieth centuries brought immigrants from other parts of the globe, including Arab countries.⁴³ This period also witnessed the Great Migration of African Americans to urban areas.⁴⁴ In the 1920s and 1930s, African Americans, often due to racism, turned to Islam.⁴⁵ Religious scholar Imam Al-Hajj Talib Abdur-Rashid recounts the role of African American Muslims in cities like New York and Chicago, including one of the early known Muslim American labor movement organizers, Sufi Abdul Hamid.⁴⁶ Imam Rashid recounts how Sufi Abdul Hamid would mobilize Black workers and boycott businesses to compel them to hire them not

38. DIOUF, *supra* note 5, at 70-106.

39. See Annette Joseph-Gabriel, *Resisting Racism and Islamophobia: Lessons from Muslim Slave Narratives*, BLACK PERSPECTIVES (Feb. 9, 2017), <https://www.aaihs.org/resisting-racism-and-islamophobia-lessons-from-muslim-slave-narratives/> [<https://perma.cc/6Z7T-2KH9>] (writing that from early American history, racism and Islamophobia have been intertwined, enacting exclusions of Black Muslims along lines of race and religion).

40. See Gomez, *supra* note 36, at 700 (describing how some slave owners viewed Muslims as intelligent, because of their desire to use their expert knowledge in rice cultivation).

41. See Rozina Ali, *American Muslims Are in a Painful, Familiar Place*, N.Y. TIMES (Oct. 31, 2023), <https://www.nytimes.com/2023/10/31/opinion/american-muslims-islamaphobia-war.html> [<https://perma.cc/6AQL-H2XG>]; see also Sahar Aziz, *Stick and Stones, The Words That Hurt: Entrenched Stereotypes Eight Years After 9/11*, 11 N.Y. CITY L. REV. 33, 35-36 (2009) (discussing the racialization of Muslim and how stereotypes became entrenched post 9-11).

42. See, e.g., Hajer Ben Hadj Salem, “The New Americans,” “the New Muslims”: African American Muslims and the Recreation of American Muslim Identities after 9/11, 2001, 14 RELIGIONS 1, 16 (Sept. 25, 2023).

43. See generally EDWARD E. CURTIS IV, MUSLIMS OF THE HEARTLAND: HOW SYRIAN IMMIGRANTS MADE A HOME IN THE AMERICAN MIDWEST 89 (2022) (discussing how Syrian Muslim immigrants in the early twentieth century worked as industrial labor force making railroad cars).

44. Abdur-Rashid, *supra* note 36, at 8.

45. *Islam Case Study—Minority in America: African American Muslims*, HARV. DIVINITY SCH. (2018), https://hwpi.harvard.edu/files/rpl/files/minority_religion_islam.pdf [<https://perma.cc/XTL8-QYRL>].

46. Abdur-Rashid, *supra* note 36, at 11-12.

unlike the tactics used by the civil rights and labor movements.⁴⁷ Imam Rashid notes that because histories are siloed to African American Studies and Islam, early labor movement pioneers like Sufi Abdul Hamid get omitted from history or overlooked.⁴⁸ Distinct from African American Sunni Muslims, many African Americans converted to Islam through the formation of the Nation of Islam (“NOI”) in the 1930s.⁴⁹ Though unexplored fully, NOI’s economic agenda encouraging self-reliance, and cooperative economics for the Black community provides key insights for the labor movement’s current examination of worker-owned cooperatives.⁵⁰

These early Muslim American religious formations played a key role in the civil rights and Black Power movements of the United States,⁵¹ which led to landmark anti-discrimination laws such as the Civil Rights Act of 1964.⁵² Malcolm X is one of the most notable Black Muslim American leaders who is most known for his views on racial justice, but was also an ardent advocate for economic justice and workers.⁵³ African American and African American Muslim leadership in the Civil Rights movement also opened the pathway for the Immigration and Nationality Act of 1965,⁵⁴ which lifted restrictions for immigrant Muslims to migrate to the United States in large numbers.⁵⁵ Moreover, later, African American Muslim incarcerated persons played a

47. *Id.* at 11.

48. Imam Abu Laith Luqman Ahmad, *Why Black American Muslim and Convert Communities are Headed Towards Extinction*, MOSQUE WITHOUT BORDERS (Sept. 11, 2017), <https://imamluqman.wordpress.com/2017/09/11/why-american-muslim-convert-communities-could-be-headed-towards-extinction-by-imam-abu-laith-luqman-ahmad/> [https://perma.cc/Z9C4-A6Z8].

49. *African Americans and Islam*; NAT’L MUSEUM OF AFR. AM. HIST. & CULTURE, <https://www.searchablemuseum.com/african-americans-and-islam> [https://perma.cc/BN52-XN8R]; see generally ERIC LINCOLN, *THE BLACK MUSLIMS IN AMERICA* (1960); *Black Muslim Experiences: Research and Resources on Americans who are Black and Muslim*, INST. FOR SOC. POL’Y AND UNDERSTANDING, <https://ispu.org/black-muslims/> [https://perma.cc/9HQW-62TE] (last visited Oct. 20, 2024).

50. See Nafeesa Muhammad, *The Nation of Islam’s Economic Program, 1934-1975*, BLACKPAST (Apr. 1, 2020), <https://www.blackpast.org/african-american-history/the-nation-of-islams-economic-program-1934-1975/> [https://perma.cc/H5XG-J4VP].

51. See *Religion and Black Power*, NAT’L AFR. AM. MUSEUM OF AFR. AM. CULTURE, <https://nmaahc.si.edu/explore/stories/religion-and-black-power> [https://perma.cc/4HCH-Y3M2] (discussing how the Nation of Islam provided an important foundation for the Black Power movement).

52. Salem, *supra* note 42, at 2131.

53. Muhammad, *supra* note 50.

54. See Nik Narain, *What South Asian Americans owe to Civil Rights*, THE DUKE CHRONICLE (Feb. 21, 2023), <https://www.dukechronicle.com/article/2023/02/022123-narain-what-south-asian-americans-owe-to-civil-rights> [https://perma.cc/U66N-VLWQ].

55. *Muslims in America: Immigrants and Those Born in U.S. See Life Differently in Many Ways*, PEW RSCH. CTR. (Apr. 14, 2018), <https://www.pewresearch.org/religion/2018/04/14/muslims-in-america-immigrants-and-those-born-in-u-s-see-life-differently-in-many-ways/> [https://perma.cc/6ZW5-BER6].

substantial role in laying the constitutional groundwork to recognize Islam as a religion and religious rights such as the right to pray, to receive religious service of an imam, and halal food.⁵⁶ These legal battles won paved the way for immigrant Muslims to integrate those demands as part of their labor organizing, as discussed in Part II.⁵⁷ African American Muslims are said to comprise one quarter of the Muslim American population.⁵⁸

After the Immigration and Nationality Act of 1965 lifted immigration restrictions from Asia, more South Asian, Arab, and other Muslim immigrants, which for many is the predominate image of Muslims, migrated to the United States.⁵⁹ Between 2000 and 2019, the United States observed an increase of Black immigration, some from Muslim majority countries.⁶⁰ This has led to the present day—multi-ethnic and racial workforce loosely bound together through shared faith and values around standing up for justice.

Not surprisingly, Muslims in America have also long been active in movements for social justice, including the labor movement briefly mentioned earlier.⁶¹ Syrian Muslims were active in the Farmers Union in North Dakota.⁶² In addition, in the 1970s, Yemeni Muslim farmworkers organized with Cesar Chavez.⁶³ Arab and Muslim auto workers organized as part of the United Automobile Workers.⁶⁴ Unions such as UNITE HERE have a substantial

56. See Salem, *supra* note 42, at 18.

57. See *infra* Part II.

58. Salem, *supra* note 42, at 15.

59. Because Muslim Americans embody multiple racial and ethnic identities and draw from different histories, the throughline and connections among the communities are often hidden. See Narain, *supra* note 54; Scott Nakagawa, *Three Things Asian Americans Owe to the Civil Rights Movement*, RACE FILES (July 13, 2013), <https://www.racefiles.com/2013/07/31/three-things-asian-americans-owe-to-the-civil-rights-movement/> [https://perma.cc/C5CE-KMXR].

60. Christine Tamir, *Key findings about Black immigrants in the U.S.*, PEW RSCH. CTR. (Jan. 27, 2022), <https://www.pewresearch.org/short-reads/2022/01/27/key-findings-about-black-immigrants-in-the-u-s/> [https://perma.cc/6VXN-WEAP] (more than half of Black immigrants arrived in the U.S. after 2000); see also Christie Tamir & Monica Anderson, *One-in-Ten Black People Living in the U.S. are Immigrants*, PEW RSCH. CTR. (Jan. 20, 2022), <https://www.pewresearch.org/race-and-ethnicity/2022/01/20/one-in-ten-black-people-living-in-the-u-s-are-immigrants/> [https://perma.cc/DH3F-6EM2].

61. See Abdur-Rashid, *supra* note 36, at 11-12 (discussing how Sufi Abdul-Hamid organized African Americans in Chicago and New York City).

62. EDWARD E. CURTIS IV, *MUSLIMS OF THE HEARTLAND: HOW SYRIAN IMMIGRANTS MADE A HOME IN THE AMERICAN MIDWEST* 114 (2022).

63. Neama Alamri, *Yemeni Farm Workers and the Politics of Arab Nationalism in the UFW*, BOOM CAL. (Feb. 18, 2020), <https://boomcalifornia.org/2020/02/18/yemeni-farm-workers-and-the-politics-of-arab-nationalism-in-the-ufw/> [https://perma.cc/3353-D66D]; see also Mary Bisharat, *Yemeni Farmworkers in California*, 34 MIDDLE E. RSCH. AND INFO. PROJECT 22, 24-25 (1975).

64. Dan Georgakas, *Arab Workers in Detroit*, 34 MIDDLE E. RSCH. AND INFO. PROJECT (1975).

Muslim workforce.⁶⁵ Muslims disproportionately are in industries that are low-wage, abusive, and pose challenges to worker organizing.⁶⁶

So, while Muslim Americans have been active in the struggle for social and economic justice in the United States, conversations relating to Muslim American communities have centered primarily on their religious identity as Muslims, a narrow conception of Islamophobia, and law enforcement.⁶⁷ Rarely is the Muslim American community discussed in the context of socio-economic rights, as part of the American working class,⁶⁸ or as key contributors and agents in the labor and broader social movements.⁶⁹ Nor are Muslim Americans viewed as contributing to early American legal and cultural norms.⁷⁰ Labor and community organizer Raza also notes that we do not have a full picture of the Muslim working class in the United States.⁷¹ If they are discussed in the context of workplace, it is often about high earning professionals.⁷² He states there is not an understanding of the Muslim Americans working in 7-11 convenience stores, gas stations, auto-shops, or of Black Muslims in auto-body shops in Los Angeles, or Somali drivers in San Diego, or Muslims working as nurses or caregivers.⁷³ Raza continues that part of the challenge in identification is internal: many immigrant Muslim Americans are ashamed to be part of the working class. There is a stigma to being working class, which makes labor organizing a challenge.⁷⁴

65. Press Release, UNITE HERE, UNITE HERE Union Applauds Reversal of Trump Muslim Ban, (May 26, 2017), <https://unitehere.org/press-releases/unite-here-union-applauds-reversal-of-trump-muslim-ban/> [https://perma.cc/S4QB-ZYT6].

66. See C. Melissa Snarr, *Remembering the Poor: Interfaith Collaboration, Neoliberalism, and an Anti-Imperial Gospel*, 37 J. OF THE SOC'Y OF CHRISTIAN ETHICS 25, 42 n.15 (2017).

67. See, e.g., Michelle Chen, *New York Wants to Bar Streetcart Vendors from the World Trade Center Site*, THE NATION (July 3, 2018), <https://www.thenation.com/article/archive/new-york-wants-bar-streetcart-vendors-world-trade-center-site/> [https://perma.cc/MDR7-9K77] (a city bill to bar street vendors, many of whom are Muslim, was challenged by the Street Vendors Project).

68. See Ibrahim Hirsi, *Awood Center emerges as a powerful voice for East African workers*, MINN. POST (July 30, 2018), <https://www.minnpost.com/good-jobs/2018/07/awood-center-emerges-powerful-voice-east-african-workers/> [https://perma.cc/7S5G-958Y] (discussing how East African workers participate in the U.S. workforce as assembly line workers, cleaners, cashiers, and drivers).

69. See Beydoun, *supra* note 11, at 1491-94 (discussing the varied ways in which indigent Muslim Americans are as concerned as other poor Americans with social benefits, housing, educational opportunities, employment and ways in which they experience Islamophobia).

70. Nadia Ahmed, *The Islamic Influence in (Pre-)Colonial and Early America: A Historico-Legal Snapshot*, 12 SEATTLE J. FOR SOC. JUST. 913, 920 (2014).

71. Zoom interview with Mohammad Raza, Organizing Director of Ride Share Drivers United (Sept. 5, 2024).

72. *Id.*

73. *Id.*

74. *Id.* Model minority myths of Asian American financial success, despite economically heterogeneous communities, can create a feeling of shame or failure if working class Muslim immigrants do not achieve middle and/or upper class social status. See, e.g., Kavitha Dharmalingam

In discussing Muslim workers or labor organizing, these demographic changes and historical context must be kept in mind. We must also keep in the mind the role Muslim American workers have contributed to the labor movement from resistant enslaved persons to present day discrimination.⁷⁵ It is with this context in mind that this essay seeks to amplify three examples of successful labor organizing by Muslim American workers.

B. Key Considerations in Organizing Muslim American Workers

In addition to the demographic and historical context, outreach and organizing Muslim American workers requires an understanding of key factors that specifically impact the community, such as structural Islamophobia, anti-Black racism, increased law enforcement surveillance, and gendered Islamophobia. Further, trade unions' general refusal to focus on the social identity of the worker has proven to be detrimental to growing a robust and vibrant multi-racial workforce.⁷⁶ Unions fear that highlighting one identity may break unity amongst workers, and employers can take advantage of that division.⁷⁷ However, the reverse is true. If unions ignore the role that social identities, including faith, play in workers' lives and fail to recognize those identities, it can divide workers and fail to organize them. The Christian religious right's ability to wield faith towards advancing anti-worker laws has been proven through cases such as *Janus v. American Federation of State, County and Municipal Employees*.⁷⁸ Recognizing race or faith can be used to raise political consciousness about each other.

Venkateswaran, Social Class, Asian American Stereotypes, and Perceptions of Shame: An Investigation Within Career Construction Theory (Apr. 2018) (Ph.D. dissertation, University of Nebraska) (ProQuest) (discussing the link between internalizing Asian American stereotypes and interpersonal shame).

75. See, e.g., *Muslim Immigrant Workers of Washington, D.C.*, MUSLIMS FOR JUST FUTURES, <https://www.muslimsforjustfutures.org/muslim-workers-museum> [<https://perma.cc/YDJ6-MDSZ>] (last visited Sept. 22, 2024); *African Muslims in Early America: Religion, Literacy and Liberty*, NAT'L MUSEUM OF AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/collection/african-muslims-early-america> [<https://perma.cc/6GXX-DCMX>] (last visited Sept. 22, 2024).

76. Orly Benjamin, *Diversity as Job Quality: Toward the Inclusion of Trade Unions in Public Procurement of Social Services*, 41 EQUAL., DIVERSITY & INCLUSION 1014, 1014-15 (2022).

77. See Kris Paap, *How Good Men of the Union Justify Inequality: Dilemmas of Race and Labor in the Building Trades*, 33 LABOR STUDIES J. 371, 376 (2008).

78. See Michael Pierce, *The racist roots of the Janus case*, PRO. STAFF CONGRESS-CUNY (Sept. 2017), <https://psc-cuny.org/clarion/2017/september/racist-roots-janus-case/> [<https://perma.cc/7ZCX-UPDE>] (discussing how the Christian American Association, a Southern Christian conservative group, focused their efforts on the labor movement). It is important to distinguish the conservative Christian right from other efforts to invoke faith to expand rights. See Charles J. Reid, Jr., *Catholic response to the "Janus" labor union case*, NAT'L CATH. REP. (Feb. 21, 2018), <https://www.ncronline.org/opinion/guest-voices/catholic-response-janus-labor-union-case> [<https://perma.cc/CU49-7MSY>] (unions have a "prophetic role in defending the vulnerable and 'the discarded' from being marginalized or reduced to numerical computations of profits and loss.").

The most obvious challenge to organizing Muslim American workers is structural Islamophobia.⁷⁹ Structural Islamophobia denotes the ways in which anti-Muslim bias permeates into all aspects of society, institutions and legislations.⁸⁰ CAIR's 2022 Report, *Still Suspect: The Impact of Structural Islamophobia*, details the myriad of ways in which Muslim Americans are discriminated against, subject to bullying and hate-crimes, and stigmatized as terrorists.⁸¹ Structural Islamophobia operates to exclude Muslim American workers from social benefits.⁸² In the labor context, when taxi drivers, a predominantly Muslim workforce, threatened a work action in response to former New York City Mayor Rudy Giuliani imposing harsh penalties on drivers, they were called terrorist threats as a way to marginalize the workforce.⁸³ Similarly, Trump's comments about Somali Muslim immigrants spreading extremism can also be viewed in the context of stifling organizing efforts because a vast majority work in low-wage jobs, including Amazon.⁸⁴ There are also "faith neutral" ways in which structural Islamophobia manifests, in which any attention to faith is seen as preferential treatment or running afoul of secular public spaces. Snarr explains this is a form of "selective secularism," which in effect privileges the dominance of conservative Christian neoliberal, free market values.⁸⁵ Finally, union organizer Arshad explains how Islamophobia presents Islam in opposition to progressive labor values, which

79. See *Countering and Dismantling Islamophobia*, INST. FOR SOC. POL'Y AND UNDERSTANDING, <https://www.ispu.org/countering-islamophobia/> [<https://perma.cc/C3U7-BVES>] (last visited Sept. 23, 2024).

80. COUNCIL ON AMERICAN-ISLAMIC RELATIONS, *STILL SUSPECT: THE IMPACT OF STRUCTURAL ISLAMOPHOBIA* 3 (2022), <https://www.cair.com/wp-content/uploads/2022/04/Still-Suspect-Report-2022.pdf> [<https://perma.cc/2EAT-XP2M>].

81. *Id.*

82. *Id.* at 23. (describing how the Terrorist Screening Database serves as an example of structural Islamophobia excluding workers from social benefits).

83. See Dan Ackman, *Operation Refusal: Giuliani's Sorry Crackdown on New York City's Taxi Drivers*, SLATE (Dec. 19, 2007), <https://slate.com/news-and-politics/2007/12/giuliani-s-sorry-crackdown-on-new-york-cabbies.html> [<https://perma.cc/3W72-6UP9>] (recounting how former Mayor Giuliani bragged about destroying a strike action by taxi drivers and called drivers a terrorist threat). That action was the first strike by the New York Taxi Workers Alliance. See S. ASIAN AM. DIGITAL ARCHIVE, <https://www.saada.org/subject/new-york-taxi-workers-alliance-nytwa> [<https://perma.cc/S3T4-QQNA>] (archive with flyers announcing strike and list of demands).

84. See Ben Jacobs & Alan Yuhas, *Somali migrants are "disaster" for Minnesota*, THE GUARDIAN (Nov. 7, 2016), <https://www.theguardian.com/us-news/2016/nov/06/donald-trump-minnesota-somali-migrants-isis> [<https://perma.cc/G7UL-RQ5Q>].

85. Snarr, *supra* note 14, at 165.

interferes with labor organizers engaging Muslim workers.⁸⁶ Muslims then become unintelligible to the broader progressive and labor movement.⁸⁷

In discussing Muslim American workers, there is rarely a focus on their racial identity.⁸⁸ Part of this has to do with several factors: a liberal “race neutral” view that has entered Islam and exists within the broader U.S. legal system; anti-Black racism within national Muslim American organizations; and the refusal of trade unions to address race.⁸⁹ In Islam, the concern is that if Muslim Americans acknowledge racial and ethnic identity, then the community or ummah will be divided. The supposed race neutrality⁹⁰ or colorblindness of the U.S. legal system has been fully critiqued by critical race scholars.⁹¹ However, this view of equality is derivative of European enlightenment, rather than Islamic philosophy.⁹² Prophet Muhammad understood the propensity of Arab hegemony and anti-African racism.⁹³ The failure to acknowledge race particularly impacts Black, Muslim immigrant worker organizing. Black, Muslim, and labor organizers are often seen as a triple threat to the legal order and society because

86. See Interview with Maryan Arshad, Organizer, Writer Guild of America, East (Aug. 26, 2024) (on file with the author) (discussing how Islam is viewed in opposition to progressive values and how matters such as the Eid holiday makes people nervous).

87. *Id.*

88. See Margari Hill, *Islamophobia and Black American Muslims*, HUFF POST (Dec. 15, 2015), https://www.huffpost.com/entry/islamophobia-and-black-am_b_8785814 [<https://perma.cc/R57K-4ATC>] (discussing how the othering of Muslims through the “us versus them” binary, viewing them as foreign, erases Black American Muslims and how even national Muslim organizations contribute to that erasure).

89. See Desai, *supra* note 29. (“The labor movement’s approach to [religion] reminds me of the approach to the Black Lives Matter movement...Many unions with large African American membership dropped the ball if they didn’t recognize that for their members, this was a core issue that really impacts people’s sense of belonging in society...how their humanity is being valued by their union.”).

90. In the interfaith scholarship, a concern of selective secularism has been raised to show how secularism works to make universal conservative Christian tradition public and other religious minorities, including Muslims, private. So, when Muslim workers demand the right to pray, selective secularism disguises the reinforcement of Christian dominance. See Snarr, *supra* note 14, at 166.

91. Victor F. Caldwell, *Book Note*, 96 COLUM. L. REV. 1363, 1370 (1966) (reviewing CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw et al., eds., 1995)).

92. John A. Powell & Stephen M. Menendian, *Remaking Law: Moving Beyond Enlightenment Jurisprudence*, 54 ST. LOUIS U. L. J. 1035, 1059 (2010).

93. See Mohammad Omar Farooq, *The Farewell Sermon of Prophet Muhammad: An Analytical Review*, 9 ISLAM & CIVILISATIONAL RENEWAL 322, 328-29 (2018) (discussing theme of Prophet’s last sermon that no one is above the other).

each of these identities has at some point been socially constructed as dangerous.⁹⁴

Just as Muslim American workers are made invisible due to the image of the white industrial worker, gendered Islamophobia makes Muslim American women invisible in the workforce.⁹⁵ When Muslim women are discussed, it is focused primarily on their ability to navigate workplaces wearing a hijab. While discrimination in religious dress is important to protect Muslim women workers' livelihood, it does not capture the full range of employment issues faced by Muslim women. For working class Muslim American women workers, denial of religious expression is experienced in tandem with other workplace conditions. Muslim American women organize in their capacity as workers. For example, Muslim American women organizing domestic workers are not identified based on faith, but their identity as domestic workers.⁹⁶ The Amazon case discussed below had very visible Somali Muslim women as its leaders.⁹⁷ However, when a leader complained of increased surveillance, productivity quotas, and lack of prayer breaks, they raised issues of concern for the Muslim community in their faith and as workers.⁹⁸ Discrimination claims focus on the individual worker versus the collective which is a lost opportunity to transform working conditions for Muslim Americans and all workers.

The multi-racial and ethnic demographic of the Muslim American community can pose obstacles in articulating a bounded class for purposes of

94. Marina Manoukian, *COINTELPRO: The True Story of the FBI's Illegal Projects*, GRUNGE (Jan. 10, 2022), <https://www.grunge.com/292194/cointelpro-the-true-story-of-the-fbis-illegal-projects/> [https://perma.cc/P6HD-RSSZ].

95. See Fatima Koura, *Navigating Islam: The Hijab and the American Workplace*, 8 SOCIETIES 1, 5 (2018); see also Eman Abdelhadi, *The Hijab and the Muslim Women's Employment in the United States*, 61 RSCH. IN SOC. STRATIFICATION & MOBILITY 26, 27 (2019) (finding that women who wear the hijab, a religious head scarf, have a much lower likelihood of employment than non-Muslim or non-hijab wearing Muslim women); Arshad, *supra* note 86 (discussing how workplaces are not designed for Muslim women in the labor movement); Darakshan Raja, *Almost Twenty Years Later: Lessons Learned from Critical Resistance and INCITE! On Building an Organizing Framework to Tackle Violence at the Nexus of State Violence, Gender Based Violence, and Structural Islamophobia*, 47 WOMEN STUD. Q. 276, 276 (2019) (discussing how Muslim women were rarely mentioned in anti-violence circles even though they faced gendered forms of Islamophobia).

96. See, SUSAN C. PEARCE, ELIZABETH J. CLIFFORD & REENA TANDON, IMMIGRATION AND WOMEN: UNDERSTANDING THE AMERICAN EXPERIENCE 119 (2011).

97. Ibrahim Hirsi, *Meet three Somali-American Women Fighting for Better Working Conditions at Amazon*, MPR NEWS (July 15, 2019), <https://www.mprnews.org/story/2019/07/15/meet-three-somaliamerican-women-fighting-for-better-work-conditions-at-amazon> [https://perma.cc/NXN7-58VZ].

98. Abha Bhattarai, *Muslim Women Accuse Amazon of 'Harassing and Hostile' Work Conditions*, WASH. POST (May 13, 2019), <https://www.washingtonpost.com/business/2019/05/13/muslim-women-accuse-amazon-harassing-hostile-work-conditions/> [https://perma.cc/U8RP-K7G2].

organizing, and we often see ethnic Muslim based organizing. However, these challenges are no different than what labor advocates face in identifying who is the working class.⁹⁹ Although the white, male factory worker has long been the dominant image of the working class, that reality has changed dramatically.¹⁰⁰ According to a 2018 report by *Demos*, the working class is more diverse, Black, Latinx, and female.¹⁰¹ A multi-ethnic composition of Muslim Americans also presents a unique opportunity to organize a multi-racial, ethnic group that has some shared values rooted in the Islamic faith.¹⁰²

II. MUSLIM AMERICAN WORKERS & LABOR ORGANIZING: SUCCESSES AND OPPORTUNITIES LOST

In this section, I reference three examples to show how Muslim workers and their faith have been positively integrated into labor organizing efforts.¹⁰³ It is not surprising that two of the three examples discussed here involve worker centers: the New York Taxi Workers Alliance based in New York City and the Awood Center in Minneapolis, Minnesota. Because immigrant workers are clustered in sectors that are either excluded from labor and employment laws, or because business unionism fails to address issues beyond economic matters that impact immigrant workers, Black, immigrant, and Muslim workers find a voice through worker centers and nonprofit organizations.

A. *New York Taxi Workers Alliance (NYTWA): Post 9-11 Organizing & Airport Strike Against Muslim Ban*

NYTWA is a membership-based labor organization of professional yellow car, green car, black car and app-dispatched drivers.¹⁰⁴ While it is a multi-ethnic and multi-racial organization, a majority of drivers are of South Asian and Middle Eastern origin.¹⁰⁵ As part of their mission, they have pushed the boundaries of what constitutes labor issues. For example, as it relates to this article, the NYTWA is the “first organization to vote against war against

99. See Tamara Draut, *Understanding the Working Class*, DEMOS 1, 13 (Apr. 16, 2018), <https://www.demos.org/research/understanding-working-class> [<https://perma.cc/SG7C-YKDP>].

100. *Id.* at 3.

101. *Id.* at 5.

102. See generally Huq, *supra* note 31.

103. See *infra* Section II.A.

104. *Our History*, N.Y. TAXI WORKERS ALL., <https://www.nytwaworkers.org/mission-history> [<https://perma.cc/FVU7-MW3Q>] (last visited Sept. 27, 2024).

105. *New York Taxi Workers Alliance (NYTWA) Records (WAG 319)*, A/P/A, <https://apa.nyu.edu/new-york-taxi-workers-alliance-nytwaworkers-records-wag-319/> [<https://perma.cc/W8QL-4HNE>]; Biju Mathew, *Activist and Co-Founder of New York Taxi Workers Alliance*, CROSSING EAST ARCHIVE, at 20:23–21:15 (May 2, 2017), <https://www.crossingeast.org/crossingeastarchive/2017/05/02/biju-mathew/> [<https://perma.cc/YH48-XPGC>].

Afghanistan and later Iraq.”¹⁰⁶ The NYTWA also organized strikes over workplace privacy, highlighting the connections between surveillance and worker exploitation; led high-profile campaigns against anti-Muslim and anti-Sikh racism and workplace violence; and protested and organized strikes against the Muslim ban.¹⁰⁷ In their mission and public statement, the NYTWA invokes the faith of its members and connects them to their political and economic issues of their members.¹⁰⁸ Desai, executive director of the NYTWA, explains that the NYTWA focuses on anti-Muslim and anti-Sikh issues because it is core to the members’ survival, humanity, and sense of dignity.¹⁰⁹ The focus of the NYTWA remains on organizing drivers, and they are not engaged in faith-based organizing. Desai notes that they “go to places of worship to outreach to drivers, but that’s because drivers are in those spaces and it’s important that we reach drivers wherever they are.”¹¹⁰ In this section, I highlight two instances where the NYTWA’s acknowledgement of faith has led to benefits for its members and workers.¹¹¹

After September 11, the NYTWA members were impacted in numerous ways. They have been approached by the FBI on suspicions of terrorism,¹¹²

106. N.Y. TAXI WORKERS ALL., *supra* note 104. It is noteworthy that, due to their membership, NYTWA also joined the labor movement’s call for a ceasefire in Gaza. *NYTWA Members Call for Immediate & Permanent Ceasefire in Gaza*, N.Y. TAXI WORKERS ALL., <https://www.nytwaworkers.org/ceasefire> [https://perma.cc/7824-ETCH] (Sept. 29, 2024) (referencing their role as unionists, NYTWA writes: “Labor organizations have built our movements based on solidarity and the basic struggle for a just, humane world. Unions are called to action in times of darkness and despair, for the solidarity of our collective humanity.”).

107. N.Y. TAXI WORKERS ALL., *supra* note 104.

108. *Id.*

109. *See* Desai, *supra* note 29.

110. *Id.*

111. Desai relates an instance where the NYTWA was able to use their relationships formed through organizing to help a Sikh taxi driver who was arrested by police at John F. Kennedy International Airport for having a kirpan, a small religious dagger which is a mandatory article of faith for Sikhs. Sikh organizations held a press conference and demanded to meet with the Port Authority Executive Director. WhatsApp message from Bhairavi Desai, Executive Director of NYTWA (Sept. 12, 2024, 11:21 CST) (on file with author). The NYTWA diverse Airport Committee made it a priority and used their leverage to get the meeting. The NYTWA contacted the executive director, got a meeting scheduled, and coordinated organizations to join, including non-Sikh committee members. NYTWA used their access as a labor organization to open up space for community groups. *Id.*

112. *See generally* SAURAV SARKAR & SIN YEN LING, SPECIAL REGISTRATION: DISCRIMINATION AND XENOPHOBIA AS GOVERNMENT POLICY, ASIAN AM. LEGAL DEF. & EDUC. FUND 32-33 (Margaret Fung & Nancy Yu eds., 2004), <https://cdn.sanity.io/files/iroghafce/production/07ffa89b5f4d7b3ff125e2c447ec2af412d90630.pdf> [https://perma.cc/EG9K-JHF6] (with ninety-five percent of respondents as Muslim, at least fifty-nine percent were engaged in working class professions, restaurant, domestic, and construction work); MUSLIM AM. C.L. COAL. ET. AL., MAPPING MUSLIMS: NYPD SPYING AND ITS IMPACT ON AMERICAN MUSLIMS (2013),

impacted by 2003 Special Registration rules which required non-citizens to register entry and exit, and experienced an overall backlash experienced by Muslim Americans in general and those perceived to be Muslim.¹¹³ Drivers also experienced assaults and vandalism due to their religion.¹¹⁴ During this time period, NYTWA collaborated with Muslim faith-based groups to challenge Islamophobia¹¹⁵ and anti-Sikh racism.¹¹⁶ If NYTWA failed to acknowledge the intersecting identities of religion and immigration on their members, they would not have been able to build a multi-ethnic and racial organization.¹¹⁷ Moreover, Imam Rashid notes that interfaith leaders were often supportive of unions and organizations like NYTWA which reflected a synergistic relationship between both sectors.¹¹⁸ In addition, drivers' incomes were impacted by the September 11 attacks.¹¹⁹ However, due to structural Islamophobia, they were not able to access important services and benefits.¹²⁰ NYTWA's advocacy fighting back against Islamophobia and discrimination against those perceived to be Muslim, including Sikh members, led to concrete economic benefits such as FEMA.¹²¹

A second noteworthy instance where NYTWA engaged faith in their labor organizing is during the One Hour Taxi Strike in protest of Trump's Muslim

<https://www.law.cuny.edu/wp-content/uploads/page-assets/academics/clinics/immigration/clear/Mapping-Muslims.pdf> [<https://perma.cc/3FCX-S7KZ>].

113. See Amardeep Singh, *We are Not the Enemy: Hate Crimes Against Arabs, Muslims and Those Perceived to be Arab or Muslim after September 11*, 14 HUM. RTS. WATCH 16 (2002). <https://www.hrw.org/reports/2002/usahate/usa1102.pdf>.

114. Mark Brenner, *NY Taxi Union Battles Anti-Muslim Hatred after Cab Driver Stabbed*, LAB. NOTES (Aug. 27, 2010), <https://labornotes.org/2010/08/ny-taxi-union-battles-anti-muslim-hatred-after-cab-driver-stabbed> [<https://perma.cc/54H5-LZM8>] (discussing backlash against Muslim drivers and an incident where passenger tried to cut a driver in the throat after asking if he was Muslim); see also Sarah Jaffe, *Beating the Muslim Ban: An Interview with Bhairavi Desai*, THE PROGRESSIVE MAG. (Feb. 16, 2017), <https://progressive.org/latest/beating-the-muslim-ban-with-bhairavi-desai/> [<https://perma.cc/W7DR-MZY2>] (detailing backlash against taxi drivers post 9-11, who were the most visible Muslim workforce).

115. Jaffe, *supra* note 114.

116. *Id.*

117. Desai, *supra* note 29. Desai notes that in the American context, religion is “much more about race and the ways in which religion ends up being racialized in our society... For our members who are Sikh or who are Muslim, it's hard to separate [the racism they experience].” *Id.*

118. Facebook message from Iman Talib Abdur-Rashid to Chaumtoli Huq, Prof. of L., CUNY (Sept. 4, 2024, 2:34pm.) (on file with the author)

119. URBAN JUST. CTR., UNFARE: TAXI DRIVERS AND THE COST OF MOVING THE CITY 20 (2003), <https://takerootjustice.org/wp-content/uploads/2019/06/Unfare.pdf> [<https://perma.cc/XH59-8TCT>].

120. *Id.* at 3.

121. See *Our Victories*, N.Y. TAXI WORKERS ALL., <https://www.nytna.org/our-victories> [<https://perma.cc/3KPL-JKN7>] (last visited Nov. 7, 2024) (noting that after 9/11, NYTWA helped over 2000 drivers apply for emergency assistance and other forms of assistance totaling \$15 million).

Ban and in solidarity with immigrant organizers.¹²² Executive Order 13,769 by Donald Trump, popularly referred to as the Muslim Travel Ban, prevented persons from seven Muslim-majority countries from entering the United States and suspended the resettlement of all Syrians.¹²³ This order sparked protests all around the country. Lawsuits against the ban temporarily blocked the enforcement.¹²⁴ But after being revised, the ban was ultimately upheld by the Supreme Court in *Trump v. Hawaii*.¹²⁵ The version of the ban that was upheld included travelers from Venezuela and North Korea.¹²⁶ NYTWA's organizational statement read: "As an organization whose membership is largely Muslim, a workforce that's almost universally immigrant, and a working-class movement that is rooted in the defense of the oppressed, we say no to this inhumane and unconstitutional ban."¹²⁷ While yellow taxi drivers were on strike at the airport, Uber surged their prices, which NYTWA viewed as a form of strike-breaking.¹²⁸ Consumers responded with the #DeleteUber campaign.¹²⁹ Prior to this strike, NYTWA had been organizing around Uber's and other ride share platforms' exploitative practices.¹³⁰ Trump's Muslim Ban, according to NYTWA, aligns with "Uber's rideshare business model—which has expanded globally by shredding local regulations and reducing once-stable driver livelihoods into precarious 'gig work'— [and] align[s] with Trump's anti-government worldview."¹³¹ The airport strike broadened public knowledge of Uber's practices and solidarity.¹³² Desai said:

People out there know that taxi drivers are really hard working and that people really struggle day to day to make ends meet. The idea that they would put their

122. See *NYTWA Statement On Muslim Ban*, N.Y. TAXI WORKERS ALL., <https://www.nytna.org/solidarity> [<https://perma.cc/EM9N-BW68>] (last visited Nov. 7, 2024); see also Michelle Chen, *New York Immigrants Aren't Done with Trump*, THE NATION (Feb. 3, 2017), <https://www.the-nation.com/article/archive/new-yorks-immigrants-arent-done-with-trump/> [<https://perma.cc/DP6X-L3H9>]; Jaffe, *supra* note 114; Chris Brooks, *New York Taxi Workers Strike Back Against Muslim Ban*, LAB. NOTES (Jan. 30, 2017), <https://labornotes.org/blogs/2017/01/new-york-taxi-workers-strike-back-against-muslim-ban> [<https://perma.cc/47TK-XG78>].

123. Exec. Order No. 13,769, 82 Fed. Reg. 8977, 8977-78 (Jan. 27, 2017); *Trump v. Hawaii*, 585 U.S. 667, 676 (2018).

124. See *Trump*, 585 U.S. at 676-77.

125. *Id.* at 697, 711.

126. *Id.* at 678, 681.

127. N.Y. TAXI WORKERS ALL., *supra* note 121.

128. See Jaffe, *supra* note 114.

129. *Id.*

130. Roy Murphy, NYC, *Global Action Against Uber*, NAT'L WRITERS UNION (Sept. 30, 2015), <https://nwu.org/nyc-global-action-against-uber/> [<https://perma.cc/52T4-KJ2Q>].

131. Chen, *supra* note 122.

132. Jaffe, *supra* note 114. See generally Mary Papenfuss, *Striking New York Cabbies Join Airport Protest Against Trump's Muslim Crackdown*, HUFF. POST (Jan. 28, 2017), https://www.huffpost.com/entry/new-york-cabbies-strike-muslim-ban_n_588d2cd0e4b0b065cbb6512 [<https://perma.cc/BMC9-WCCM>].

incomes on the line and it would be a workforce that is so vulnerable, particularly in these times, to surveillance and deportations and further policing, that they would be the ones to stand up. It seemed to really touch people and we were so moved by their reaction. I think it was a beautiful start to solidarity with our movement.¹³³

By connecting to broader social movements, NYTWA was able to build broad support for its economic campaigns against Uber, such as winning unemployment status and benefits for app drivers and multi-million-dollar debt relief for drivers.¹³⁴ In NYTWA's debt forgiveness fight, Desai notes that it was not trade unionists that joined their camp at City Hall or their hunger strike, but rather ordinary individuals.¹³⁵ She was not sure that this level of solidarity would happen if NYTWA restricted their campaign and strategies to narrow economic issues.¹³⁶ She said, "People may respect a picket line, but to take one step further and stand with you on that picket line and be able to articulate the depth of your demands" is different.¹³⁷ This requires, Desai notes, for people to be able see your demands as universal values and as part of the human experience.¹³⁸ I add this is what a faith-based, justice oriented approach can provide.

While the debt forgiveness and unemployment wins are not explicitly Muslim American demands, they benefit a large Muslim American workforce.¹³⁹ On the strike, in Iftars, Prayers Rooms, and #DeleteUber, Snarr writes: "[i]n the face of daunting federal power, the NYTWA and its allies literally stopped traffic at one of the busiest airports in the world and interrupted business as usual in the boardroom of one of the fastest growing companies in the nation."¹⁴⁰ The focus on the Muslim workforce, here, lead to positive gains in their ongoing campaigns against ride-share companies, like Uber's treatment of workers. Desai cautioned labor organizations that failure to address issues of a workforce, including religious-based issues, could in fact be a detriment to their bread and butter economic issues.¹⁴¹ She continued that it was a show of

133. Jaffe, *supra* note 114.

134. N.Y. TAXI WORKERS ALL., *supra* note 121 (in 2016 NYTWA began organizing for unemployment insurance for app drivers; in 2018 the State Unemployment Insurance board concluded app drivers were employees; in 2020 a preliminary injunction was issued against the DOL to pay app-based drivers full benefits.); 'Lifesaving': NYC announces debt relief plan for taxi drivers, AL JAZEERA (Aug. 30, 2022), <https://www.aljazeera.com/economy/2022/8/30/lifesaving-nyc-announces-debt-relief-plan-for-taxi-drivers> [<https://perma.cc/U9C7-TGBG>].

135. Interview with Bhairavi Desai, *supra* note 29, at 4:27-4:54.

136. *Id.* at 5:19-5:43.

137. *Id.* at 5:47-6:18.

138. *Id.* at 6:18-6:42, 7:03-7:18.

139. See generally AL JAZEERA, *supra* note 134.

140. C. Melissa Snarr, *Iftars, Prayer Rooms, and #DeleteUber: Postsecularity and the Promise/Perils of Muslim Labor Organizing*, in RELIGION, PROTEST, AND SOCIAL UPHEAVAL 161, 161 (Matthew T. Eggemeier et al. eds., Fordham Univ. Press 2022).

141. Interview with Bhairavi Desai, *supra* note 29, at 1:02-1:54, 8:06-8:26.

force “to capital that the union [was] not going be boxed in, that we recognize[d] the full humanity of our members and so there [was] no boundary as to the demands that we’re going to fight for.”¹⁴² Desai’s caution is exemplified in the *Cargill* case discussed below.

B. Awood Center: Organizing Somali Muslim Warehouse Workers

The Awood Center in Minneapolis, Minnesota, is a non-profit organization formed to build East African worker power.¹⁴³ “Awood” is the Somali word for power.¹⁴⁴ It is not a service organization, but seeks to help workers understand their power to make short-term and bigger changes in the industry.¹⁴⁵ It is said to be one of the earliest organizations to organize Amazon workers.¹⁴⁶ “Sixty percent of Amazon’s 3,000 workers in the region are East African, Awood estimates.”¹⁴⁷ The center is supported in part through solidarity and funds from SEIU and CAIR.¹⁴⁸ The Awood Center began outreach to Amazon workers in 2017 and have since been engaged in organizing all workers at Amazon.¹⁴⁹

In 2018, Somali Muslim employees at an Amazon warehouse organized in Minneapolis to address working conditions.¹⁵⁰ Some of the conditions were what many workers organized to complain about: productivity quotas and packing rates.¹⁵¹ In March of 2019, “around 30 warehouse employees—or around half of the employees on night shift in that department—downed tools

142. *Id.* at 2:52-3:26.

143. *See* Hirsi, *supra* note 68.

144. *About Awood*, THE AWOOD CENTER, <https://www.awoodcenter.org/about-awood> [<https://perma.cc/E9R5-U9QN>] (last visited Nov. 7, 2024).

145. *Id.*

146. Jake Alimahomed-Wilson & Ellen Reese, *Surveilling Amazon’s Warehouse Workers: Racism, Retaliation, and Worker Resistance Amid the Pandemic*, in 1 *WORK IN THE GLOB. ECON.* 55, 66 (2021).

147. Karen Weise, *Somali Workers in Minnesota Force Amazon to Negotiate*, N.Y. TIMES (Nov. 20, 2018), <https://www.nytimes.com/2018/11/20/technology/amazon-somali-workers-minnesota.html> [<https://perma.cc/N425-Q9FN>].

148. JÖRN BOEWE & JOHANNES SCHULTEN, *THE LONG STRUGGLE OF AMAZON EMPLOYEES* 46 (Rosa Luxemburg-Stiftung, 2d ed., 2019) (ebook); Jessica Bruder, *Meet the Immigrants Who Took On Amazon*, WIRED (Nov. 12, 2019), <https://www.wired.com/story/meet-the-immigrants-who-took-on-amazon/> [<https://perma.cc/CM4S-VRDL>] (mentioning how Awood Center was supported by SEIU and Muslim advocacy group CAIR).

149. Abdirahman Muse et al., *Minnesota Enacts Landmark Protections for Amazon Warehouse Workers*, THE NATION (May 17, 2023), <https://www.thenation.com/article/politics/amazon-warehouse-workers-minnesota/> [<https://perma.cc/5A3Z-N72N>].

150. *See* Weise, *supra* note 147; Muse et al., *supra* note 149; Bruder, *supra* note 148.

151. *See* Muse et al., *supra* note 149; *see also* Chavie Lieber, *Muslim Amazon workers say they don’t have enough time to pray. Now they’re fighting for their rights.*, VOX (Dec. 17, 2018), <https://www.vox.com/the-goods/2018/12/14/18141291/amazon-fulfillment-center-east-africa-workers-minneapolis> [<https://perma.cc/84SB-T7F3>].

for three hours in protest at the fast pace of work.”¹⁵² The action was “provoked by Amazon’s refusal to give its Muslim Somali-immigrant employees additional prayer breaks and access to prayer rooms” during the holy month of Ramadan.¹⁵³ The employees were supported by the Awood Center.¹⁵⁴ As part of their organizing strategy, they protested and filed religious discrimination lawsuits.¹⁵⁵ Amazon viewed this as an “engagement” with an interest group, not as a labor demand.¹⁵⁶ While Amazon made small concessions, such as hiring a Somali manager and creating a dedicated prayer space, workers found it insufficient and continued with their protests.¹⁵⁷ Then, organizer and Awood Executive Director Abdirahman Muse¹⁵⁸ noted, “these moves are like Band-Aids that address small issues without tackling the larger problems.”¹⁵⁹

Awood Center’s organizing took a religious accommodation issue of prayer breaks to challenge an overall problem of hourly quotas to challenge Amazon’s workplace culture and working conditions. Muse noted, “Nobody would assume a Muslim worker, with limited language skills, in the middle of Minnesota can be a leader in a viable fight against one of the biggest employers in the world and bring them to the table.”¹⁶⁰ Muse commented on the role of Islam in labor organizing: “Labor rights has a prominent place in Islamic faith. It inspires many of workers to fight for their rights at workplace like Amazon. Our first public protest at Amazon was about religious accommodations particularly during Ramadan.”¹⁶¹

In response, Amazon sought to minimize the struggle as solely being about faith and reacted to Somali workers as an interest group. Amazon’s response

152. BOEWE & SCHULTEN, *supra* note 148; see also Joe DeManuelle-Hall, *Minnesota Amazon Workers Walk Off over Speed-Up*, LAB. NOTES (Mar. 22, 2019), <https://www.labornotes.org/2019/03/minnesota-amazon-workers-walk-job-over-speed> [<https://perma.cc/53X9-6HT9>].

153. BOEWE & SCHULTEN, *supra* note 148.

154. See DeManuelle-Hall, *supra* note 152.

155. See, e.g., *Muslim Workers File Religious Discrimination Charges Against Amazon*, MUSLIM ADVOCATES (May 8, 2019), <https://muslimadvocates.org/2019/05/muslim-workers-file-religious-discrimination-charges-against-amazon/> [<https://perma.cc/7NJD-9EX8>].

156. See Weise, *supra* note 147.

157. See *id.*

158. In 2024, Muse was appointed by the Biden administration as a Senior Advisor to the U.S. Department of Labor. See Joey Peters, *After walking picket lines, shaping legislation, Abdirahman Muse takes Biden Administration post*, MPR NEWS (July 11, 2024), <https://www.mprnews.org/story/2024/07/12/abdirahman-muse-takes-biden-administration-post> [<https://perma.cc/VKW7-HK MJ>].

159. See Chavie Lieber, *Muslim Amazon workers way they don’t have enough time to pray. Now they’re fighting for their rights.*, VOX (Dec. 17, 2018), <https://www.vox.com/the-goods/2018/12/14/18141291/amazon-fulfillment-center-east-africa-workers-minneapolis> [<https://perma.cc/QA5K-ALEW>].

160. Weise, *supra* note 147.

161. E-mail from Abdirahman Muse, Awood Exec. Dir., to author (Apr. 9, 2022) (on file with author).

reflects the general view that workers' Muslim identity is separate from their concerns as workers. An Awood representative said Amazon "did not see its work with the East African workers as a negotiation but rather as a form of community engagement similar to its outreach efforts with veterans and lesbian, gay, bisexual and transgender employees."¹⁶² However, similar to NYTWA's holistic approach, Awood Center took a broad view, and their organizers engaged in a larger battle for *all* workers against Amazon's business practices. NYTWA's airport strike discussed above, similarly took an issue that was specific to Muslims, and used that issue to spotlight exploitative practices for all workers.¹⁶³ Snarr notes, and I agree, that attending to the specificity of Muslim workers reveals larger dynamics of political and economic inequality under neoliberalism.¹⁶⁴

Since 2018, Awood Center has continued to mobilize Somali Muslim workers around various workplace issues. In "2020, around two dozen employees walked off their jobs at Amazon in Shakopee ... to protest ... the wrongful termination of a Black, female, Muslim coworker who had protested Amazon's working conditions and time off task (TOT) tracking system."¹⁶⁵ In 2022, workers embarked on an effort to unionize and form *Amazon Labor Union Minnesota*.¹⁶⁶ It is affiliated with the only other unionized warehouse in Staten Island, New York.

Mobilizing Somali Muslim workers led to the passage of the nation's strongest Amazon warehouse worker protection, the *Warehouse Worker Protection Act*.¹⁶⁷ What began as a dispute around working conditions and prayer breaks led to a law that protects all workers.¹⁶⁸ The law prohibits employers from imposing quotas on workers that prevent them from taking

162. Weise, *supra* note 147.

163. See *infra* Section II.A.

164. See Snarr, *supra* note 66, at 27.

165. Stephanie Thomason & Bella Galperin, *Big Brother is Watching at Amazon: Employee Responses During the Pandemic*, 15 J. OF CRITICAL INCIDENTS 43, 43 (2022).

166. See Max Nesterak, *Amazon workers launch union drive at Minnesota fulfillment center*, MINN. REFORMER (Dec. 15, 2022), <https://minnesotareformer.com/2022/12/15/amazon-workers-launch-union-drive-at-minnesota-fulfillment-center/> [<https://perma.cc/FUA6-DWFK>].

167. See MINN. STAT. § 182.6526 (2024); see also Muse et al., *supra*, note 149; Erica Hellerstein, *How Somali workers in the US are fighting Amazon's surveillance machine*, CODA (May 17, 2023), <https://www.codastory.com/authoritarian-tech/amazon-workers-surveillance/> [<https://perma.cc/U3HA-GVEY>]; Lisa Kwon, *Warehouse Worker Protection Act grants migrant workers in Minnesota landmark safety protections*, PRISM (June 9, 2023), <https://prismreports.org/2023/06/09/minnesota-migrant-workers-landmark-safety-protections/> [<https://perma.cc/JXJ4-RQ UX>] (discussing how the landmark Warehouse Protection Act was a result of years of organizing by East African migrant workers who make up the largest numbers at Amazon's labor force).

168. See Muse, et al., *supra*, note 149 (describing how this bill came about due to East African workers organizing since 2017).

bathroom, food, rest, and prayer breaks.¹⁶⁹ It authorizes the Minnesota Commissioner of Labor to investigate employers with occupational injuries that are thirty percent higher than industry average.¹⁷⁰ The bill addresses a number of workplace conditions that workers in all Amazon warehouses have been addressing. However, organizing is not without risks, as Amazon threatened to close the warehouse.¹⁷¹ Awood Center noted, “We believe that Amazon’s decision to close this facility is wrong and retaliatory based on the powerful efforts of workers who have been organizing with the Awood Center and demanding better working conditions, particularly through their advocacy for the warehouse safety bill in the Minnesota Legislature.”¹⁷²

Awood Center’s success is attributed to the fact that they lived in common neighborhoods, and gather in mosques and cafes, which are cultural and religious aspects of the community that facilitates labor organizing. Muse’s prior experience as a labor organizer informs his understanding of the importance of workers’ rights for immigrants.¹⁷³ Noteworthy is the leadership of Muslim women in their organizing which challenges stereotypes about Muslim American women as being passive.¹⁷⁴ In short, their holistic social movement unionism model led by East African workers helped to address specific issues for Somali Muslim workers which led to gains for all workers.

C. *Local Teamsters 117: Muslim Hertz drivers*

Local 117 represents nearly 80 Hertz drivers, seventy percent of which are Muslims.¹⁷⁵ It has a membership of 17,000 workers, with Muslim American workers clustered in specific sectors.¹⁷⁶

Twenty-five Somali Muslim drivers for Hertz at Seattle Tacoma International Airport were fired for refusing to clock out while they took breaks for prayers.¹⁷⁷ Drivers transport the “rental cars to and from the airport for

169. MINN. STAT. § 182.6526(3) (2024).

170. MINN. STAT. § 182.6526(5) (2024).

171. Alfonso Galvan, *Workers’ Rights Group Questions Amazon’s Motive For Closing Shakopee Facility*, SAHAN J. (Feb. 3, 2023), <https://sahanjournal.com/business-work/amazon-shakopee-sort-center-closing-awood-center-east-african-workers/> [<https://perma.cc/Y8H4-3D5D>].

172. *Id.*

173. See Hirsi, *supra* note 97.

174. See *id.* See also Bruder, *supra* note 148 (discussing the role of college student Nimo Omar and Amazon worker Hibaq Mohamed in organizing at Amazon).

175. *Hertz fires 26 Muslim drivers in break dispute*, NBC NEWS (Oct. 21, 2011), <https://www.nbcnews.com/id/wbna44994757> [<https://perma.cc/29VL-STDJ>].

176. See *Who we are*, TEAMSTERS LOC. 117, https://www.teamsters117.org/who_we_are [<https://perma.cc/M8PQ-SA8V>] (last visited Nov. 9, 2024).

177. See Laura Myers, *Hertz to fight Muslim workers’ suit over prayer breaks*, REUTERS (Dec. 9, 2011), <https://www.reuters.com/article/world/us/hertz-to-fight-muslim-workers-suit-over-prayer-breaks-idUSTRE7B80TO/> [<https://perma.cc/KHU5-9WQH>]; *Hertz fires 26 Muslim drivers in break dispute*, *supra* note 175.

cleaning and refueling.”¹⁷⁸ Teamsters Local 117, which represents the workers, said there is no obligation for the workers to clock-out for prayer breaks.¹⁷⁹ In defending Somali Muslim drivers, the union filed an unfair labor practice complaint with the National Labor Relations Board and a religious discrimination complaint with the Equal Employment Opportunity Commission.¹⁸⁰ The union argued that Hertz failed to notify them in advance of the new clock-out policy change.¹⁸¹ According to the union, a collective bargaining agreement last year stated workers did not have to punch out for prayer.¹⁸² But a new policy, implemented on September 30, noted that all breaks would have to be clocked out, specifically referencing prayer breaks.¹⁸³ The union found the employer’s policy targeted religion.¹⁸⁴

The employer is saying this is not about religion. The problem is, this is only enforced policy with respect to prayer breaks,” said Tracey Thompson, secretary-treasurer of the union. “I’m quite certain people take many, many smoking breaks, or go across the street to get coffee. But when they singled out this group of workers when they are engaging in prayer, it is hard to make it about anything other than religion.”¹⁸⁵

The union noted that this discrimination also violated their contract.¹⁸⁶ “Hertz has violated our contract, violated labour laws, and even violated their own internal policy by not adhering to the principle of progressive discipline when workers were suspended without warning.”¹⁸⁷

178. *Hertz fires 26 Muslim drivers in break dispute*, *supra* note 175.

179. *Id.*

180. *Id.* A similar incident occurred in 2003, where Hertz suspended a group of Somali Muslim drivers when they went to pray during Ramadan. Their union did not assist them then, and the workers had to rely on an immigrant rights group to secure their jobs and right to religious expression. See Jonathan Rosenblum, *SeaTac’s Fight for 15: Why Faith Was Key*, LAB. NOTES (June 9, 2015), <https://labornotes.org/2015/05/why-faith-was-key> [<https://perma.cc/VNL5-CXJT>].

181. See *Hertz suspends Muslim workers for praying on job*, CBS NEWS (Oct. 7, 2011), <https://www.cbsnews.com/news/hertz-suspends-muslim-workers-for-praying-on-job/> [<https://perma.cc/ZS5U-UBZ4>] (recounting how workers were not made aware of the policy change requiring them to clock out during breaks); Nick Carbone, *Hertz Fires 26 Muslims For Refusing to Clock Out During Prayer Breaks*, TIME MAG., (Oct. 22, 2011), <https://newsfeed.time.com/2011/10/22/hertz-fires-26-muslims-for-refusing-to-clock-out-during-prayer-breaks/> [<https://perma.cc/B566-965>].

182. Carbone, *supra* note 181.

183. *Id.*

184. *Id.*

185. *25 Muslims Fired Over Prayers at Hertz*, ABC NEWS (Oct. 21, 2011), <https://abcnews.go.com/US/hertz-fires-muslim-workers-prayer-dispute/story?id=14788124> [<https://perma.cc/A7BT-8NY4>].

186. See *id.*

187. *Protests after Hertz fires 26 Muslim shuttle drivers who refused to clock out for prayer breaks*, DAILY MAIL (Oct. 23, 2011), <https://www.dailymail.co.uk/news/article-2051914/Hertz-fires-26-Muslim-shuttle-drivers-refused-clock-prayer-breaks.html> [<https://perma.cc/T7DY-C253>].

The union's NLRB complaint was successful. The decision by the arbitrator expressly identified Somali Muslim workers, which is significant because it notes the intersection of faith and labor in a union context.¹⁸⁸ The arbitrator identified the legal issue as whether "the Employer violate[d] the contract when it unilaterally implemented a change to working conditions by requiring its Somali Muslim employees to clock out for their prayer breaks despite the parties' agreement in bargaining that the prayer breaks would occur during the mini breaks and would not require clocking in or out."¹⁸⁹ The arbitrator confirmed that the general rule was that workers did not need to clock out for mini-breaks (approximately ten minutes), during which time they could smoke, pray, or take a break.¹⁹⁰ In testimony from the company dispatcher who handled scheduling that impacted workers' breaks, the dispatcher refused to ask fellow employees to pick up a shift as an accommodation.¹⁹¹ The dispatcher testified, "I felt it was completely unfair to allow them to take this excess time and tell a non-Muslim, Okay, you got to pick it up."¹⁹² The dispatcher refused to assign employees to a shift because the Muslim American's request was viewed as a form of special treatment that other workers do not get.¹⁹³ On one hand, this reflects the race and identity neutral view in labor movements which in essence privileges white, Christian workers.¹⁹⁴ It also reflects Islamophobia —not wanting to allow Muslim American, predominantly workers of color, to pray in public places. In its decision, the arbitrator concluded that Muslim shuttlers were treated differently than non-Muslim co-workers because the non-Muslim workers were not required to clock-out for mini-breaks.¹⁹⁵ In response to the company's argument that the prayer breaks affected productivity, the arbitrator found that productivity was affected, not due to prayer break, but because the dispatcher refused to assign workers during breaks and allowed everyone to take a break.¹⁹⁶ The arbitrator noted that the employer could have taken steps to address any sense of unfairness among workers.¹⁹⁷ The arbitrator wrote:

If the dispatch believed non-Muslims were not being treated fairly, he could have requested that management allow them to leave a half-hour early everyday or some other remedy besides shutting the operation down thereby creating a

188. Complaint, Exhibit A at 4, *Hertz Trans., Inc. v. Teamsters Loc. Union No. 117*, No. 2:12-CV-01125 (W.D. Wash. June 29, 2012).

189. *Id.* at 1.

190. *Id.* at 12.

191. *See id.* at 6.

192. *Id.*

193. *See id.*

194. *See Snarr, supra* note 17, at 262 (discussing selective secularism).

195. *Hertz Trans.*, Complaint, Exhibit A at 9.

196. *Id.* at 12.

197. *Id.*

potential hostile work situation and a productivity issue that would not have occurred otherwise which reflected adversely on the Muslims.¹⁹⁸

In effect, the company's refusal to accommodate or address the prayer break is what caused hostile work situations and productivity issues. The arbitrator ended the decision with a note that underscores the importance of cultural sensitivity in the workplaces, particularly for Muslim American workers.¹⁹⁹ The arbitrator wrote:

The complex issue apparent in this case is the failure to address an ever-changing culturally, socially diverse workforce and its environment. These changes and inherent challenges require education and training for management so everyone is aware of the changing workplace and is sensitive to those changes.²⁰⁰

The arbitrator's recognition of the diverse workforce and the need for management to be educated applies with equal, if not more, force to trade unions who are formed to protect workers' rights. Paul Dascher, current Secretary Treasurer of Teamster Local 117, in a phone²⁰¹ conversation said that he would take this action if his member was of any ethnicity or faith. His view reflects the social movement unionism that acknowledges the full lives of its members. Significant here is that the union proactively negotiated breaks, including prayer breaks for its Somali Muslim members and non-Muslim workers. The failure of available workers, as the arbitrator noted, was not due to the workers or the union, but management failure.

In *SeaTac's Fight for 15: Why Faith was Key*, community organizer Rosenblum reasons that given the anti-Muslim hysteria in this country, the union might just have responded with only the grievance, but they took a public stand.²⁰² "They organized a multi-faith pray-in at the Hertz counter and invited the media."²⁰³ "Muslims, Christians, and Jews joined union and community activists, praying while holding signs that read, 'Respect me, respect my religion.'"²⁰⁴ The union saw the right to prayer not as religious issue, but as a labor movement issue, much in the same way that Desai describes the role of faith in NYTWA.²⁰⁵ After the pray-in, community doors opened and organizers were invited to hold union meetings in the mosque and imams encouraged members to be involved.²⁰⁶ Other immigrant workers observed Teamsters' defense of Somali Muslim workers and felt that their interests would be

198. *Id.*

199. *See id.* at 13.

200. *Id.*

201. Telephone Interview with Paul Dascher, Secretary Treasurer, Teamster Local 117 (Aug. 22, 2024).

202. Rosenblum, *supra* note 180.

203. *Id.*

204. *Id.*

205. *Id.*

206. *Id.*

represented, too.²⁰⁷ When the union organized for the Fight for 15 ballot initiative, they were able to register 900 new voters, mostly new immigrants.²⁰⁸ The ballot initiative was won by 77 votes, indicating that the prior advocacy for Muslim workers helped the Fight for 15 ballot to succeed.²⁰⁹

The Teamsters Local 117 case is a good example of how trade unions can integrate the concerns of the workers into the collective bargaining process in such a way that does not create any division or hostility among workers. In negotiating a rule that workers do not need to clock-out for all breaks, Muslim workers were allowed to take prayer breaks and non-Muslim workers were allowed to take breaks as well.²¹⁰ The union negotiated the rule in such a way that accommodated Muslim workers and also relieved a burden for all workers to clock-out.²¹¹ This also meant that the worker who took several smoke breaks or the worker who took a prayer break did not have to clock-out. In doing so, the concerns often mentioned about religious accommodations as given certain workers special treatment is no longer an issue.²¹² In contrast, if this case was brought solely as a religious accommodation issue under anti-discrimination laws, it would place the individualized nature of the prayer breaks against the collective labor rights. This case underscores the importance of faith-based issues by workers within the context of collective bargaining.²¹³ Beyond the case, the union's advocacy revealed how engaging Muslim American workers led to other successes benefitting all workers. The fight for prayer breaks "recast the airport fight from material economic issues—a familiar terrain for union organizers—to freedom and rights, values that transcend organizational and even religious lines."²¹⁴

D. *Teamsters Local 455: Perils when Unions Fail to Consider Their Muslim Workforce*

In 2016, a Colorado Cargill meatpacking plant fired 150 Muslim workers²¹⁵ due to a prayer dispute. More than 500 of the 2,100 workers were Somali

207. *Id.*

208. *Id.*

209. *See id.*

210. *Hertz Trans.*, Complaint, Exhibit A at 12.

211. *Id.*

212. *Id.*

213. Beyond the scope of this article to elaborate, however, I would argue that faith-based demands can also be raised by non-union workers if connected to terms and conditions employment under Section 7 of the National Labor Relations Board. *See Interfering with employee rights (Sect. 7 & 8(a)(1))*, NLRB, <https://www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1> [<https://perma.cc/QYV4-4GZT>] (last visited Nov. 10, 2024).

214. *See* Rosenblum, *supra* note 180; *see also* Interview with Desai, *supra* note 29, at 1:12-2:10 (about the role of unions to engage their workforces and see their humanity).

215. *See* Julie Turkewitz, *Prayer Dispute Between Somalis and Plant Reshapes a Colorado Town, Again*, N.Y. TIMES (Mar. 7, 2016), <https://www.nytimes.com/2016/03/08/us/prayer-dispute->

Muslim, which was about twenty-five percent of the workforce.²¹⁶ The dispute arose when a supervisor told a group of Muslim workers that they can no longer pray at work, which they had been allowed to do during their unpaid lunch and break times.²¹⁷ In response, 150 workers refused to work until the prayer policy was clarified.²¹⁸ Instead of clarifying the policy, Cargill fired the Muslim workers.²¹⁹ The union failed to pursue grievances to protect the workers.²²⁰ Workers filed a civil rights complaint with the assistance of CAIR against both the Cargill meatpacking plant and the union for employment discrimination.²²¹ “[T]he EEOC found reasonable cause to believe Somali, African and Muslim employees were harassed, denied their requests for prayer breaks, and fired from their employment at Cargill’s Fort Morgan, Colo., beef processing plant.”²²² Additionally, the EEOC found that “[t]he Teamsters failed to fairly represent the workers ‘by historically failing to pursue grievances on their behalf relating to religious accommodation and by failing to intercede, advocate for or represent’ Black, Somali and Muslim employees.”²²³ Cargill settled the discrimination case by agreeing to pay the workers \$1.5 million and agreeing to training for their management.²²⁴ The union agreed to pay \$153,000 to settle the discrimination complaint.²²⁵

between-somalis-and-plant-reshapes-a-colorado-town-again.html [https://perma.cc/7U6Q-KPAF] (describes the new Somali Muslim community in Fort Morgan, an agricultural community northeast of Denver).

216. Jareen Iman, *Nearly 150 Muslims fired for absences after prayers dispute at Colorado Plant*, CNN (Jan. 2, 2016), <https://edition.cnn.com/2016/01/02/us/colorado-muslim-workers-fired-prayer-dispute/> [https://perma.cc/UZ8A-ZDHS].

217. Turkewitz, *supra* note 215.

218. *Id.*

219. *Id.*

220. Luke Runyon, *Federal Panel Sides With Muslim Meatpacking Workers In Fort Morgan Prayer Dispute*, KUNC (Aug. 10, 2017), <https://www.kunc.org/business/2017-08-10/federal-panel-sides-with-muslim-meatpacking-workers-in-fort-morgan-prayer-dispute> [https://perma.cc/7XBT-3E98].

221. *Id.*

222. Press Release, EEOC, *Cargill Meat Resolves EEOC Discrimination Class Finding* (Sept. 14, 2018), <https://www.eeoc.gov/newsroom/cargill-meat-resolves-eeoc-discrimination-class-finding> [https://perma.cc/L4AP-A9X7]; see Runyon, *supra* note 220; Noelle Phillips, *Cargill, Teamsters union violated Muslim workers’ civil rights in dispute over workplace prayer, federal agency rules*, DENVER POST (Aug. 10, 2017), <https://www.denverpost.com/2017/08/10/cargill-meatpacking-teamsters-local-union-455-muslim-workers-civil-rights-prayer/> [https://perma.cc/SN2T-943K].

223. Phillips, *supra* note 222.

224. Greeley Tribune, *Cargill pays \$1.5M settlement for Muslim workers at Fort Morgan, Colo., plant fired in prayer dispute*, FENCE POST (Sept. 17, 2018), <https://www.thefencepost.com/news/cargill-pays-1-5m-settlement-for-muslim-workers-at-fort-morgan-colo-plant-fired-in-prayer-dispute/> [https://perma.cc/P343-USFK].

225. *Id.*

On a fundamental level, regardless of faith or race, unions are legally obligated to represent their members in good faith.²²⁶ Historically, as it relates to race, unions have either actively excluded Black workers, neglected their concerns, or viewed their concerns as outside of the issues that unions address. This has been changing²²⁷ with some unions raising issues concerning diverse members, including diversity based on race²²⁸ gender, and LGBTQ identity.²²⁹ In this instance, 150 workers were fired, and the Local should have at the very least vigorously addressed the termination of employment. If there was any dispute regarding the change of policy, the union should have leveraged their power to challenge any unilateral changes by management. Reports indicate that the relationship between the union and Somali members began to deteriorate long before this dispute.²³⁰ The Local failed to represent their members and their failure was costly,²³¹ but this is also a setback for labor movement broadly. The potential for mobilizing workers was lost. Muslim immigrant workers who were clearly brave to take a work action like a walk-out or strike, and who could be active members in unions, form a distrust of unions. Often, workers come to appreciate the importance of a union when they experience workplace problems. When the workforce is majority Muslim, this means addressing faith-based issues that arise in the context of their employment. The federal agency found that the union “failed to advocate for the Muslim workers in their dispute with Cargill and even harassed them because of their race, religion and national origin.”²³² The Teamster Local action here was in sharp contrast to Local 117 representing Somali drivers.

The NYTWA, Awood, and Teamster Local 117 examples show that while their focus remained on improving the material working conditions of workers,

226. See *Right to fair representation*, NLRB, <https://www.nlrb.gov/about-nlrb/rights-we-protect/the-law/employees/right-to-fair-representation> [https://perma.cc/4KUR-XEV9] (last visited Nov. 10, 2024).

227. See Press Release, EEOC, *supra* note 222.

228. See *Board Rules Employee's "Black Lives Matter" Action at Home Depot Was Protected*, NLRB (Feb. 21, 2024), <https://www.nlrb.gov/news-outreach/news-story/board-rules-employees-black-lives-matter-action-at-home-depot-was> [https://perma.cc/WPZ4-ZRGX].

229. See, e.g., *Building LGBTQIA+ Worker Power*, PRIDE AT WORK, <https://www.prideatwork.org/> [https://perma.cc/RN3F-AUMY] (last visited Nov. 10, 2024).

230. H. Claire Brown, *Victory in Colorado for Muslim meatpacking workers*, THE COUNTER (Aug. 17, 2018), <https://thecounter.org/victory-colorado-muslim-meatpacking-workers/> [https://perma.cc/C7QR-6NFA] (recounting how Muslim workers sought a refund of dues because their union was not representing Muslim employees and how the union representative harassed Muslim members).

231. See James Anderson, *1.5 settlement for Muslim workers fired in prayer dispute*, ASSOCIATED PRESS (Sept. 14, 2018), <https://apnews.com/general-news-ddbc43f65c6d4158b8a9a85111ec3449#> [https://perma.cc/L69R-DA67] (Teamsters union paid \$153,000 to settle discrimination disputes).

232. Tribune, *supra* note 224.

faith was a motivator to mobilize workers and to organize around common ground. NYTWA is a taxi worker organization that identifies as a union, although its workers are not covered under the NLRA because their drivers are considered independent contractors.²³³ It does not explicitly organize around race, nationality, or religion, but consciously works with ethnic based community organizations including ethnic based driver organizations.²³⁴ They exemplify a race conscious and holistic approach to labor organizing. Awood, while an ethnic based community organization, leveraged their partnership with a union and trust in the community to address workplace issues for its members.²³⁵ In their organizing, given the labor focus, the Center focused on all workers rather than just their specific ethnic communities. The Local 117 example demonstrates how organizers can directly address concerns of Muslim American workers, as workers through the NLRB process and as individual workers through anti-discrimination laws. It also shows how the collective bargaining process can be leveraged for Muslim American workers and all workers to address working conditions. In contrast, the Cargill meat packing case demonstrates the consequences for unions in failing to address the issues of its Black Muslim majority workplace. Cargill is particularly instructive in that it reflects a failure to both acknowledge the multiple identities of their workforce: as Black workers, immigrants and Muslims. It also reflects an opportunity lost to invigorate the union movement with the infusion of 150 workers who could have found their interaction with the unions as a motivator to be active in the union. Their engagement could have strengthened the union, where a quarter of the workforce was Muslim. In the Cargill instance, not only does it reveal the persistent bias present in the labor movement, but the opportunities lost to build a strong union movement. Whereas NYTWA, Awood Center, and Local 117 offer a promising model of building multi-racial and ethnic unity, winning concrete material gains for workers which improve their lives and affirm their dignity, and in so doing, build a strong democratic labor movement.

CONCLUSION

Given this fast growing, politically engaged and overlooked workforce, labor organizations must consider organizing and reaching out to Muslim American workers. Organizations with Muslim majority workplaces must engage with their members in both their faith and as workers. In the few examples provided, it is clear that mobilizing workers can lead to concrete gains for Muslim American workers and substantial material gains for all workers.

233. See N.Y. TAXI WORKERS ALL., *supra* note 104.

234. *Id.*

235. See Hirsi, *supra* note 67 (discussing how East African workers participate in the US workforce as assembly line workers, cleaners, cashiers, and drivers).