

Muslim Man Was Fired When He Spoke Up About Mistreatment By His Boss

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By Rowaida Abdelaziz

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A year ago at the UnitedHealth Group offices at 1 Penn Plaza in midtown Manhattan, Wali Omarkheil, a 43-year-old regional marketing director, gathered with five of his colleagues to meet their new supervisor, Josiane Peluso.

But before Peluso even introduced herself to her new team, she complained to the group about the new strict security in the building.

"It's because of all the darn terrorists we have in this country," she said as she made eye contact with Omarkheil. She didn't look at anyone else, he said. Suddenly, he felt the rest of the staff turn their heads and stare at him, too.

Omarkheil brushed it off as a coincidence. "I remember thinking, 'I hope she didn't mean what she said,'" he told HuffPost.

But it turns out she did mean it, according to Omarkheil. Within six months of their first meeting, Omarkheil, who had put in nearly 12 happy years at UnitedHealth, was out of a job. He was fired.

In a lawsuit filed in the Federal Court for the Eastern District of New York and the U.S. Equal Employment Opportunity Commission in January against UnitedHealth Group Inc. and the individual supervisors involved, Omarkheil detailed the abuse he faced under Peluso, as well as the lack of proper recourse by her manager, David Willhoft, and the human resources representative assigned to handle his case, Jennifer St. George.

He alleged that Peluso frequently made comments about his Muslim faith when it had no relevance to his work, pressured him to work on weekends during the holy month of Ramadan when he was fasting and berated him for using his lunch break to attend Friday prayers. Just weeks after Omarkheil issued a complaint with human resources which was escalated to Willhoft, UnitedHealth's Vice President of Sales and Marketing, he was terminated without warning.

There is little data that tracks anti-Muslim discrimination in the workplace. But Muslims across the country have complained of bias during interviews, targeted harassment during employment, and, like Omarkheil's case, unlawful termination.

Over 24,000 anti-Muslim allegations have been brought to the EEOC since 2000. Over 1,300 cases were brought in 2019 alone. The EEOC saw the highest numbers of complaints in 2016 with over 2,500 cases. Half of those total allegations were complaints regarding unfair discharge.

In 2018, the Council on American Islamic Relations received more than 228 cases of employment discrimination nationwide, compared to 225 cases in 2017.

Muslims are also less likely to get hired when their social media profiles mentioned their faith compared to their Christian counterparts, according to a 2013 Carnegie Mellon study. Even after being hired, Muslims still faced high levels of discrimination. In November 2018, a group of Somali Muslims in Minnesota forced Amazon to negotiate better treatment for its workers, including the right to pray during breaks. In 2016, the New York City Police Department allowed for Muslims and Sikhs to grow out their beards for religious reasons.

According to the American Civil Liberties Union, anti-Muslim discrimination in the workplace can take many forms, whether it's firing an employee or a refusal to accommodate an employee's religious garb such as the hijab or holiday schedule.

"Civil rights law generally requires employers to provide reasonable accommodations for religious practices of their workers and that doesn't always happen in practice," Daniel Mach, the director of the ACLU Program on Freedom of Religion & Belief, told HuffPost.



Omarkheil says that for several months, Peluso verbally abused him and used hostile comments about his faith. Once he sought help from human resources about the rising workplace discrimination, the targeted harassment intensified.

“I know you’re a Muslim and I will do my best to treat you right.”

After that initial meeting with his new boss, Omarkheil dismissed the incident as a one-off misunderstanding. The next day, Omarkheil had a one-on-one meeting with his new manager to discuss work goals and team expectations. He had hoped the meeting would start them off on the right foot. But Peluso didn’t discuss any of that during the meeting, instead, she wanted to discuss Omarkheil’s Muslim faith.

“Before we can start our one-on-one meeting, I want you to know that I am a Christian and I take my religion seriously,” Peluso allegedly told Omarkheil, according to the lawsuit. “I know you’re a Muslim and I will do my best to treat you right.”

Omarkheil was first hired to be a sales rep for UnitedHealth in 2007, after being aggressively recruited. It didn’t take much for him to decide to take the job. He knew this was where he wanted to work and grow — he even hoped to retire there someday.

For the next 12 years he soared at the company. He hopped from promotion to promotion, moving up from sales representative to supervisor to regional marketing director, where he oversaw a team of over 50 sales associates and five supervisors. According to the lawsuit, he increased the company's Brooklyn membership by more than half, from 130,000 members to 200,000 members, and even opened a new storefront in downtown Brooklyn.

Omarkheil, who immigrated from Afghanistan when he was just 11 years old, embodied the quintessential American dream. But none of that would matter when he was assigned a new supervisor in 2018.

Over the next 5 months working under Peluso, his situation significantly worsened, as the level of harassment increasingly became more aggressive.

Omarkheil's team was spread across five boroughs of New York City and Long Island, requiring him to commute between offices every day. Peluso would call Omarkheil three to four times a day, according to the lawsuit, asking him to prove his whereabouts at any given time. She didn't trust Omarkheil to be where he said he was going to be, Omarkheil said. On multiple occasions, she asked him to pass the phone to a co-worker nearby to confirm that he was indeed where he said he was.

Peluso would call Omarkheil repeatedly when he attended Friday prayers. Every week Omarkheil attended a service, also known as Jumma, where Muslims go to a mosque for congregational prayers.

For years, Omarkheil attended the prayers during his lunch break, since the service usually began around noon, without any problems. His previous managers were accommodating, he said. But Peluso repeatedly called during this time and made anti-Muslim remarks about his choice to attend prayers.

"Oh, you do that?" she would sarcastically ask him despite the fact he told her he attended prayers every week.

If he didn't pick up, she would admonish him. Omarkheil says he was clear about when and where he was going to be, but every week she continued to harass him during his time at prayer.

"My previous managers had no issues with it. But she was disrespectful to it from the beginning," he said.

Omarkheil believed he was being harassed by Peluso because of his faith. He began to take notes after every incident, according to documents reviewed by HuffPost. Two of Omarkheil's former colleagues, who asked for anonymity because they are still employed by UnitedHealth Group and they fear retaliation by the company, told HuffPost they either witnessed or discussed Peluso's harassment with Omarkheil.

The Targeted Harassment Intensifies

Peluso gave Omarkheil menial tasks not normally required by managers, such as pitching tents for work events and delivering flowers. During a midday meeting with a client, who happened to be a friend of Peluso, the client and Peluso began drinking alcohol. When Omarkheil asked to excuse himself from the the rest of the meeting, Peluso demanded he stay. "You don't drink because you're Muslim so you can start taking notes for me," she said, according to the lawsuit.

For several months, Peluso verbally abused Omarkheil and made hostile comments about his faith. Whenever he was unavailable to take her phone call, Peluso said, "Let me guess, you were at prayers again?" She would "perceive Omarkheil's religious commitment as laziness and treated him as though he was a delinquent," according to the lawsuit.

During the month of Ramadan where Muslims fast from dawn to dusk, Peluso pressured him to work evening events, a time where he was meant to be home breaking his fast and attending evening prayers with his family. Instead, he worked late nights and felt obligated to take on weekend events during the long summer days.

"I felt scared of her. I thought she was coming after my work. I thought, I gotta do everything that she was asking of me. I started going to events on weekends and it was very, very tough. Hot weather, no water no food and I'm out there and I'm sending her pictures [to prove that] I'm here," he told HuffPost.

But nothing seemed to appease her, he said. Instead, the abuse escalated. She started to berate him in front of other UnitedHealth employees and embarrassed him in front of his clients. During a June incident detailed in the lawsuit, Peluso scolded Omarkheil in a phone call, which he had on speakerphone, for "hanging out around the Muslim/Arab community way too much."



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Trying To Do It The Right Way

The next day, on June 13, 2018, Omarkheil wrote a letter to UnitedHealth Group's Human Resources department, which HuffPost has reviewed. He voiced his concern to the HR representative that he was particularly worried that speaking out could result in retaliation, but the representative reassured him not to worry.

But days after Omarkheil wrote to HR, Peluso informed him that he would not be receiving his quarterly bonus due to poor performance, which Omarkheil disputed. His numbers were strong, he said. HuffPost has reviewed a number of Omarkheil's performance reviews which indicated he had consistently met or exceeded work expectations.

The following week, Omarkheil was instructed by HR to meet with Peluso's manager, David Willhoft. When he did, Willhoft told him if he was unhappy "he could always find work elsewhere," according to the lawsuit. He was also advised that he address his concerns directly with his manager and not with human resources.

Laszlo Bock is the chief executive officer and co-founder at Humu.com, a technology company based in Mountain View, California, that uses behavioral sciences and artificial intelligence to help organizations improve their work culture.

Bock said instructing an employee to go above their own manager could “invite conflict from one’s immediate manager” and may escalate a situation.

The former senior vice president of People Operations at Google said most HR departments are “pretty forward-thinking in terms of a social justice perspective and want to do the right thing.”

He said when it came to allegations of discrimination, it was imperative for HR representatives to address the situation carefully and in full transparency. For starters, when an allegation like Omarkheil’s is raised, he said HR’s default presumption should be that the victim is being truthful.

“If somebody raises a complaint of discrimination, you start from a bias of believing that person,” said Bock. “It doesn’t feel good to make a complaint like this. [That person has] typically been second-guessing [themselves] this whole time.”

Large companies, Bock said, should employ several best practices in situations like this one. He said that they should conduct a thorough investigation and know that an investigation will make all parties in the conflict uncomfortable. Do get all the facts, he said, and do conduct interviews with other people beyond those directly involved. But, he warns, don’t drag out the process. Don’t ask the junior employee to conduct the investigation themselves. Do provide a path for redemption, he added, but if warranted, don’t shy away from firing people.

Back at UnitedHealth, Omarkheil followed the instructions by his HR representative Jennifer St. George, and detailed his concerns in an email to Peluso, despite his extreme discomfort registering his complaint and discussing it without St. George present. He wrote that it was “clear he was treated different” and that he did “not want to be harassed anymore for anything including my beliefs or cultural background.” Omarkheil told his manager that he felt “embarrassed, demoralized and degraded as a result” and requested a meeting with her to settle the matter.

Instead what followed was a series of emails and meetings between Omarkheil, Peluso and Willhoft, none that brought any resolve. He attempted to go back to the human resources department but each time he was pointed back to Peluso or her manager. He was stuck in a bureaucratic circle.

“A company like UnitedHealth, who the public trusts [with] their families’ healthcare coverage, and these are people from every type of community, it’s incumbent on them that they must show that they’re dedicated to servicing everyone and that they’re going to treat people,

including their employees, equally, regardless of their background.” said Lawrence Pearson, partner at Wigdor LLP, an employment litigation law firm based in New York City representing Omarkheil.

A spokesperson for UnitedHealth Group told HuffPost the company could not “comment on specific matters that are in litigation,” but it took “such allegations seriously” and that the company remained “committed to inclusion and diversity in our workforce, and continuing to meet the needs of the multicultural clients, communities and individuals we serve.”

Peter Romer-Friedman is a workers’ rights attorney at Outten & Golden LLP based in Washington, D.C., where he litigates and supervises employment discrimination cases.

Romer-Friedman said Omarkheil case is a “clear cut case of discrimination and retaliation” and pointed to the very brief time period between when the complaint was filed to Omarkheil’s termination as one of the main indicators.

“It also appears to be a strong discrimination case, because even though most of the evidence of discrimination would be considered circumstantial, there is such strong evidence here that the person who is directly involved in Omarkheil’s termination harbored animus against Muslims and crossed some real lines in harassing this man when he was trying to exercise his religion outside of the workplace.”

Two months after initiating a formal complaint with HR, Omarkheil went into work when he noticed he couldn’t access his email. Once at the office, he was brought into a meeting with Peluso and Willhoft. There was no one from the Human Resources present at the meeting. He was told then that his position was being eliminated and he was terminated effective immediately.

The term at-will employment refers to the U.S. labor law in which an employee can be let go by an employer without establishing a reason, so long as it is not illegal. Romer-Friedman, who previously taught civil rights law as an adjunct professor at Georgetown University Law Center, however noted that the civil right laws overrules the at-will employment rule, including in Omarkheil’s case.

“Just invoking the discretion to fire someone doesn’t bar the person from making a claim for discrimination. Even if someone is a lousy employee, if the real reason you fire the person is motivated by bias, then it’s discrimination full-stop,” Romer-Friedman told HuffPost.

A lawyer representing Peluso, Willhoft and St. George did not respond to HuffPost’s request for comment.

“I was completely shocked. I have kids. I have a family. I have bills. Suddenly everything is going through your mind. [I thought] how am I going to survive this?” said Omarkheil. “It was a tough process. I really didn’t know what to do because I was there for over 11 years, with a really good record.”



Omarkheil and his daughters in their home. He is worried he might have to sell his home if he doesn't find work soon.

Two UnitedHealth staff members who spoke anonymously told HuffPost that Omarkheil's position was in fact never eliminated instead another employee was designated to take his place and now oversees his team.

United Healthcare did not respond to HuffPost's questions confirming or denying what actually occurred to Omarkheil's position.

It was only after the lawsuit was filed, UnitedHealth revealed to Omarkheil that he had signed documents during his employment that required his claims to be arbitrated and not heard in court. With his case now in arbitration, a widely criticized behind closed door process required by private companies including UnitedHealth meant to resolve legal matters outside the court system, Omarkheil and his lawyers withdrew his case from court.

Romer-Friedman, who is critical of cases being taken into arbitration, explained during the process the employer has the upper hand. For example, the panel selected to mitigate the issue is often selected by the employer.

“Arbitration is not transparent,” Romer-Friedman said. “It denies the worker often the opportunity often to tell his or her story which impacts the ability of other people to learn about these problems at a company.”

For the past nine months, Omarkheil has been looking for work, and hasn't found anything yet. With a wife and three daughters to support, Omarkheil says he will be forced to sell his home if something doesn't turn up soon. An Afghan native who immigrated to the United States in 1985, Omarkheil calls himself a New Yorker through and through, with the accent to prove it.

“All these years you work hard and you're left with nothing,” Omarkheil told HuffPost. “At the end of the day, it had nothing to do with my performance. It had nothing to do with anything that I was doing wrong. It was just who I was. I didn't think we would part ways this way. I never saw the ugly side until now.”