



September 20, 2019

**VIA EMAIL**

Ms. Twyla Robinson  
General Manager, Customer Relations & Executive Centre  
Air Canada Centre  
7373 Côte-Vertu Blvd. West  
Saint-Laurent, Quebec H4S 1Z3  
[twyla.robinson@aircanada.ca](mailto:twyla.robinson@aircanada.ca)

**RE: Air Canada's discriminatory treatment of Ms. Fatima Abdelrahman, on a flight from San Francisco to Toronto.**

Dear Ms. Robinson,

My name is Ammad Rafiqi and I am the Civil Rights & Legal Services Coordinator at the San Francisco Bay Area office of the Council on American-Islamic Relations ("CAIR-SFBA"). CAIR-SFBA is a nonprofit American Muslim civil rights advocacy organization which aims to protect the civil rights of individuals from Arab, Middle Eastern, Muslim, and South Asian ("AMEMSA") communities. I represent Ms. Fatima Abdelrahman ("Ms. Fatima") and her family. Ms. Fatima, an American Muslim, experienced discrimination by one of your employees or agents at the gate of her Air Canada flight departing from San Francisco International Airport ("SFO").

On August 1, 2019, Ms. Fatima, a promising 12-year old U.S. National Squash team player, planned to travel from SFO to Toronto's Pearson International Airport ("YYZ") on AC 758 with her teammates to participate in an international tournament against Canadian opponents. Ms. Fatima encountered no issues passing through TSA's security screening. However, as she happily began boarding her flight with her group, a male-identifying Air Canada gate agent approached Ms. Fatima and demanded that she remove her religiously mandated headscarf ("hijab"). Scared and worried but able to maintain her composure, Ms. Fatima explained that she wears the hijab because of her sincerely-held religious beliefs as a practicing Muslim, where she chooses to cover herself in front of men who are not related to her and more generally, in public. This encounter was followed by two other Air Canada employees who approached Ms. Fatima reiterating that she needed to remove her hijab because she was not wearing it in her passport photo.

Ms. Fatima requested a private screening area so that, should the employees continue to insist despite being informed of the religious nature of the headscarf, she could remove her hijab in the

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exclusive presence of female Air Canada agents. The employees refused this request and eventually escorted Ms. Fatima to a tunnel nearby where other passengers were entering the plane and forced her to remove her hijab. This experience not only went against Ms. Fatima's reasonable request to be able to adhere to her religious beliefs but also left her feeling angry and humiliated.

It was only after Ms. Fatima's older sister, Ms. Sabreen Abdelrahman complained about this incident on Twitter that there was any acknowledgement by your organization that this incident was deeply troubling in its impact on Ms. Fatima and that the actions undertaken were discriminatory in nature. In an email response on August 4, 2019, Ms. Jenna Bennett, a Customer Service Manager with Air Canada mentioned that the company recognized the importance and significance of respecting a customer's right to privacy in accordance with their religious beliefs by ensuring that any identification checks be conducted discretely in a private area. Her response, however, failed to mention that Air Canada employees conducted the search in a manner not befitting said right to privacy or in accordance with applicable U.S. or Canadian laws and regulations which Ms. Bennett mentioned briefly without specific reference in her email. Moreover, in Ms. Bennett's last email communication with the Abdelrahman family, on August 19, 2019, she referenced updates to Air Canada's boarding procedures initiated after this incident. These include procedures such as requiring that identity screenings conducted by airport agents need not require removal of religious head coverings such as hijabs and that identity verification be done in a private space away from the boarding gate/desk area. While these steps are necessary and long over-due, Air Canada's response fails to acknowledge the emotional distress its actions caused Ms. Fatima as well as the violations of anti-discrimination laws.

CAIR-SFBA is disappointed to learn of such behaviors by Air Canada's employees and agents. CAIR-SFBA is specifically concerned about the discriminatory treatment and violation of privacy rights directed at Ms. Fatima. Such discriminatory actions have no place anywhere, let alone in a place of business and transportation. All individuals in the United States and particularly in California have full and equal rights to receive business services without harassment regardless of their race, color, religion, sex, or national origin. Furthermore, CAIR-SFBA is also troubled by the flippant and callous attitude that the Air Canada employees displayed in response to Ms. Fatima's requests for privacy.

Specifically, the actions of Air Canada employees and agents violated Title II of the Civil Rights Act of 1964, which provides for equal access and "the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation . . . without discrimination or segregation on the ground of race, color, religion, or national origin." 42 U.S.C. § 2000(a). Pertinent to this situation, § 2000a(c) states that all establishments affecting commerce fall within the purview of this law if they involve transportation between any foreign country, i.e., Canada, and any State, i.e., California.

Moreover, Air Canada employees and agents also likely violated 42 U.S.C. § 1981, as Ms. Fatima is a member of a protected class and sought to make or enforce a contract for services and was denied the right to enjoy the benefits and privileges of the contractual relationship. At the

same time, similarly situated persons outside the protected class did not have to receive services in a markedly hostile manner. *Christian v. Walmart Stores, Inc.*, 252 F.3d 862, 872 (6th Cir. 2000). Additionally, given Air Canada's use of federal aviation facilities to conduct business, Air Canada employees are in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000(d), which explicitly states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Moreover, California Civil Code § 51, also known as the Unruh Civil Rights Act, provides in relevant part:

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or disability are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Air Canada is also in violation of California Civil Code § 51.5 for discriminating against Ms. Fatima due to her immutable personal characteristics and religion. California Civil Code § 51.5, an extension of the Unruh Civil Rights Act, prohibits business establishments from discriminating against any person because of their perceived characteristics or association with a person who has, or is perceived to have, any of those characteristics.

It is deeply troubling that Air Canada agents and employees would participate in such an incident. Our client is prepared to escalate her complaints to the appropriate state and federal agencies. However, she is also willing to negotiate an amicable settlement to avoid a protracted and costly legal fight, provided the following demands are met:

- monetary damages for pain and suffering relating to emotional distress and harm suffered;
- a copy of Air Canada's current anti-discrimination policy;
- a copy of Air Canada's updated and previous identity screening policy;
- immediate policy changes prohibiting discrimination and harassment of Air Canada customers based on their purported race, national origin, and religion amongst others;
- immediate reprimand of the Air Canada employee(s) involved in the incident;
- cultural competency training for all employees;
- implementation of periodic review mechanisms to ensure that such trainings are successfully executed; and
- a formal written apology.

We appreciate your cooperation and timely response in resolving this matter. This letter is sent without waiver of any right or remedy of Ms. Fatima, at law or in equity, all of which are hereby expressly reserved. However, we will provide **two weeks** from the date this letter is received to settle all claims, or we will have no recourse other than to escalate this complaint.

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We appreciate your cooperation and timely response in resolving this matter. Please be advised that this letter is intended as a confidential settlement communication pursuant to California Evidence Code §§ 1152 and 1154. The description of facts contained herein is not intended to be exhaustive, as additional facts may become known based on further investigation. I can be reached at 408.986.9874 or by email at [arafiqi@cair.com](mailto:arafiqi@cair.com).

Sincerely,

A handwritten signature in blue ink that reads "Ammad WajRaf". The signature is written in a cursive style with a horizontal line underneath the name.

**Ammad W. Rafiqi**  
CAIR-SFBA Civil Rights & Legal Services Coordinator