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ICDR and Civil Rights groups demand EEOC to recognize Caste-based discrimination in the Workplace as already covered by Title VII Civil Rights Laws

May 10, 2021

WASHINGTON, The International Commission for Dalit Rights (ICDR), together with the National Coalition against Caste Discrimination and civil rights groups, submitted a memo urging the Equal Employment Opportunity Commission (EEOC) to recognize the intertwined nature of caste and race and to include a prohibition against “caste-based discrimination,” as already covered by Title VII Civil Rights Law in relevant EEOC non-discriminatory guidelines and other EEOC materials.

Caste-based discrimination, harassment and injustice exists and flourishes in the United States. According to the Census Bureau, in 2018 there were more than 5.6 million South Asians in the United States. Caste-based discrimination and all forms of harassment occur within the same “national origin or race and descent groups.” Americans of South Asian descent may be seen as part of a single “race,” “color,” “descent”, or “national origin” and may have been victims of racial discrimination in the United States. Nevertheless, caste-based discrimination occurs within South Asian communities, with documented evidence of dominant caste people excluding, exploiting, bullying, harassing and discriminating against subordinate caste people known as “Dalits” in private, in public and in the workplace. According to a 2018 survey from Equality Labs, 67% of Dalits in the United States “reported being treated unfairly at their workplace because of their caste. A recent report also revealed more than 250 complaints of caste discrimination from employees in major multinational companies such as Microsoft, Facebook, Amazon, Google, Dell, Uber and Netflix. These reports expose cases of verbal and physical assault, workplace discrimination, sexual harassment and caste slurs.

Caste-based discrimination and harassment are an urgent contemporary U.S. civil rights and social justice issue, especially in the workplace. The US Congress has already recognized that caste discrimination exists and is unacceptable in the U.S. In 2007, the 110th Congress (2007-2008) passed a historic House Concurrent Resolution (H.Con.Res.139), “expressing that ‘caste discrimination’ is unacceptable and the United States is committed to eliminating it and ensuring that qualified Dalits are not discouraged from working with the U.S. government or U.S. organizations.” Similarly, in 2015, during the First Global Conference Defending Dalit Rights organized by ICDR, Congresswoman



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Eleanor Holmes Norton introduced H.Res.158 resolution into the US House of Representatives: “Condemning caste discrimination, untouchability and the practice of birth or descent discrimination against Dalit people, which is widely practiced in Americans of South Asian descent.”

ICDR and the other civil rights groups made the novel legal argument that the U.S. Supreme Court’s *Bostock v Clayton County* (140 S. Ct. 1731 (2020)) ruling applies not only to sex discrimination in employment, but also to other areas of law where discrimination is prohibited. Thus, caste discrimination involves not only discrimination based on descent, but also race and national origin. Title VII of the Civil Rights Act of 1964 protects individuals against harassment, retaliation and other forms of employment discrimination in the workplace. These groups argued that not recognizing and enforcing caste-based discrimination as a form of discrimination severely undermines Title VII of the Civil Rights Act and goes against the EEOC’s mission, which is to further the compelling government interest in addressing and preventing all forms of harassment and discrimination in the workplace and to ensure equal opportunity, inclusion and dignity for all throughout the nation’s workplaces.

The ICDR, members of the National Coalition against Caste Discrimination, and civil rights groups appealed to the EEOC in the strongest possible terms to recognize the intertwined nature of caste and race and include “caste-based discrimination” in EEOC compliance and non-discrimination laws. They also urged the EEOC to hold a public hearing to examine caste discrimination in the workplace.

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