



Seattle Becomes First City in Nation to Ban Caste Discrimination

Insights

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The Seattle City Council voted yesterday to pass a bill that adds “caste” to those classes of people protected from discrimination in various arenas, including employment, housing, and public accommodations. While a small number of colleges have prohibited caste discrimination in admissions and internal employment, Seattle is the first jurisdiction to do so as a matter of law. CB 120511 outlaws employers from making workplace-related decisions based on any “system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.” To ensure you comply with the new law and protect the rights of this new class, you may need to familiarize yourself with how “caste” appears in traditions you may not know well.

An Overview of “Caste” in the Employment Context

Caste is a complicated and fluid term. The word derives from Portuguese and was first applied to complex systems of social organization in the Indian Continent that early Portuguese explorers did not well understand.

In Hinduism and related religious traditions, it refers to two concepts.

- First, it refers to the four “varnas” that stratify society. These include the Brahmins (priests), Kshatriyas (warriors and rulers), Vaishyas (merchants and farmers), and Shudras (artisans and laborers) – as well as those with no caste, the Dalits (formerly referred to as “untouchables”) and Adivasi (indigenous peoples of India).
- Second, it refers to the thousands of “Jātis,” which are traditional groups of people in India bound together by occupation, geography, or descent. According to one independent study, two thirds of Dalits have reported suffering caste-based discrimination in the workplace.

Seattle’s Broad New Law

While CB 120511 primarily aims to protect those facing discrimination based on their varna or jāti, it extends much further than that. Its findings note that caste-based discrimination appears in Christian and Muslim communities, as well as in communal traditions within Japan, the Middle East, Nigeria, Somalia, and Senegal. The full extent of “caste” as a statutory term for Seattle employers thus remains unclear, adding to the complexity posing employers.

What Should You Do?

CB 120511 will become effective 30 days after it receives the Seattle Mayor's signature. Once it does, you will have to be ready to address complaints from employees citing discrimination, harassment, or retaliation based on caste. You will obviously be prohibited from engaging in such unlawful conduct, and – more importantly – will also have to ensure your other employees do not engage in the same. Because your managers or employees may already treat each other differently because of caste, this may require affirmative education and outreach within the workplace. Employers should also be prepared to consider caste in performing disparate impact analyses in the context of layoffs that implicate Seattle employees.

While employers operating in Seattle wait for CB 120511 to come into effect, you should update your policies and procedures to include caste, unless those materials already protect employees broadly based on any protected class established by local law. You should work to ensure human resources personnel have some understanding of caste and are prepared to learn more from employees that bring caste-based complaints to them.

Conclusion

We will monitor these developments and provide updates where warranted, so make sure you are subscribed to the [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any questions, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Seattle office](#).

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