



New York City Forms Response Team To Combat Asian-American Discrimination In Response To COVID-19

Insights

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The New York City Commission on Human Rights (NYCCHR) recently announced the formation of a COVID-19 Response Team to handle allegations of harassment and discrimination related to COVID-19. Although the COVID-19 Response Team will focus on all harassment and discrimination relating to COVID-19, consistent with media reports of an uptick in Asian-American harassment and discrimination, the team will clearly focus on Asian American discrimination.

Overview Of NYCCHR's COVID-19 Response Team

The NYCCHR's press release announcing the formation of the Response Team noted that a full 40% of the harassment and discrimination cases related to COVID-19 have involved anti-Asian harassment or discrimination (105 out of 248 reported cases). This is in stark contrast to the same time period in 2019, when the NYCCHR received only **five** reports of anti-Asian harassment or discrimination.

As with previous response teams the commission has formed (such as with its 2019 Gender-Based Harassment Unit), the NYCCHR will dedicate staff with specific expertise to handle these matters so that they can be handled quickly and correctly. In addition, the Response Team has taken proactive outreach members, such as:

- making efforts to work with community organizations to track and monitor reports of discrimination;
- the NYCCHR's Community Relations Bureau (CRB) has held bystander intervention trainings with the Center for Anti-Violence Education;
- the CRB has co-sponsored community forums in heavily Asian-American communities, such as Sunset Park, Brooklyn and Manhattan's Chinatown, to educate these communities of their rights and protections under the law;
- the NYCCHR held a virtual town hall, in partnership with the NYC Health Department, the Department of Worker and Consumer Protection, and the Mayor's Office of Immigrant Affairs, highlighting workplace rights related to COVID-19; and
- the NYCCHR launched an online resource page outlining New Yorkers' rights and protections from COVID-19 related discrimination.

What Does This Mean For Employers?

Given the numerous media reports of Asian-American harassment and discrimination, and the formation of the NYCCHR's Response Team, you must be cognizant of any complaints of harassment, discrimination, or retaliation that involve Asian-American employees or COVID-19 issues. You must ensure that these types of complaints are thoroughly investigated, with no corners cut, and take proper remedial action if warranted. It is clear that the NYCCHR will be closely scrutinizing all steps that employers take to deal with these types of complaints.

You should also recognize that it may be more difficult to achieve "no probable cause" findings in cases involving these type of allegations. Lastly, even employers outside of New York City should be cognizant of these issues. Although though the New York State Division of Human Rights (NYSDHR) and the federal Equal Employment Opportunity Commission (EEOC) haven't announced specific task forces like the NYCCHR, you can be sure that the agencies are aware of the increase in harassment and discrimination directed at Asian-Americans. It is likely they will also soon step up their efforts to combat this type of discrimination.

Conclusion

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our [New York City](#) office, or any member of [our Post-Pandemic Strategy Group Roster](#). You can also review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

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