

# Systemic Discriminatory Cases

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## Asian Hate Crime

The history of racial discrimination has been long-standing even before the height of Asian Hate Crimes in the West. There has been a lot of instances, whether recorded or undocumented, that led to hateful comments and physical intention to hurt victims of the situation, and this has made more damages and hates since the pandemic started.



## American FireFighter

At the height of the Asian Hate Crime and the Pandemic, an Asian – American Fire Fighter Timothy Burkhard filed a discrimination lawsuit against the New Jersey Deputy Chief Pietro Martino and the city for an alleged racist remark. **Martino allegedly made racist comments against Asians during the Fire Department's training on COVID-19.** "Mockingly," asked Burkhard if he had recently been to Wuhan, China "while he squinted his eyes so that they narrowed in a racist caricature of Asian facial features and left his mouth open. **"The situation was witnessed by other 19 firefighters and the incident was timely reported but the notice of this incident to the city failed to remediate or repudiate this repulsive racist and divisive conduct, according to Burkhard.** The incident was against the New Jersey Law Against Discrimination which says" prohibits discrimination and harassment based on actual or perceived race, religion, national origin, gender, sexual orientation, gender, identity or expression, disability, and other protected characteristics. The law applies in employment, housing, and places of public accommodation (generally, places open to the public, including businesses, restaurants, schools, summer camps, medical providers, etc.).

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## Approach

According to Statistics Canada, as of July 2020, the proportion of visible minorities who experienced an increase in harassment or attacks based on their race, ethnicity, or skin color has tripled compared to the rest of the population since the start of the pandemic. A hate crime is defined by the Federal Bureau of Investigation, as a criminal offense motivated by bias against the victim's race, religion, disability, sexual orientation, ethnicity, gender, or gender identity (Farivar, 2021). It is believed that the increase of hate to Asians, especially to Chinese, was brought by the Former President of the United States of America, Donald Trump using racial slurs to describe the virus by ethnicity of where it came from – damaging rhetoric for Asian Americans (Proterfield, 2021). And in a piece of published news, NBC News reported that Anti-Asian hate crimes increased by nearly 150% in 2020 in some states (Yam, 2021).

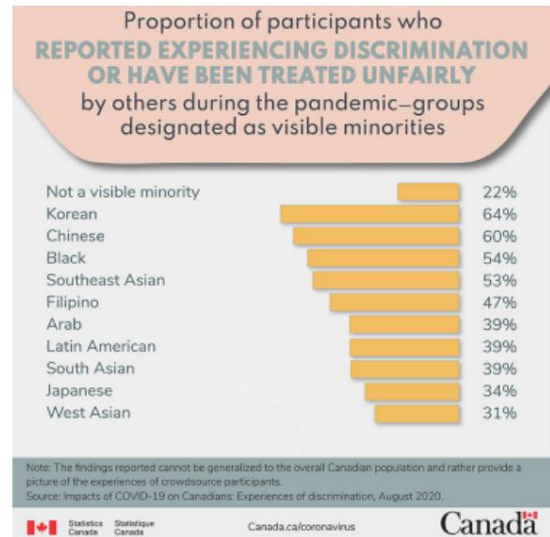
This situation has greatly affected employment in the industry. In some instances, discrimination is observed in the recruitment and selection of employees. According to a report by Forbes, in the US they use the pandemic as a scapegoat to blame or give a picture of the reason why Covid-19 existed. For Asians, discrimination is likely about race or nationality is the case. However, the bar on discrimination applies to all aspects of employment, including hiring, firing, promotions, benefits, and workplace harassment, also illegal harassment can include racial slurs and derogatory comments (Spiggle, 2020). Even a highly educated Asian individual faces additional barriers and discrimination when trying to climb the career ladder at work after being tagged as “over credentialed” compared to white Americans.





## Action&Remedies

This can be a long conversation to start with, but a simple step to create a better inclusion of the **Asian community to all communities starts with educating individuals about the situation.** This may be brought by the pandemic, but this is not something that needs a vaccine to end hate crimes based on race, nationality, or origin to any individuals in the public, especially in the workplace. The picture may be focused on the Asian Americans, but this situation has affected all the Asian mixed race in the world that keeps the conversation going on. In the US, the National Council on Family Relations has created a link of sources to help dismantle the racism towards Asian-Americans. This issue will come to an end, may not be now, but **the start of educating children and continuing the conversation can lead to a better understanding of what is right or wrong in the eye of a child.** The perception of adults can stay, but once this can be well educationally fed to them, this can paint a new picture for acceptance and respect towards all races.



## Conclusion

This situation occurred due to ignorance and disrespect on the surge of covid-19 cases. The lawsuit could have been prevented if one of many witnesses stood up to address the racist comments that the Deputy Chief has made. Educating an individual is not wrong especially if you address the person's failure to observe respect among colleagues' differences.

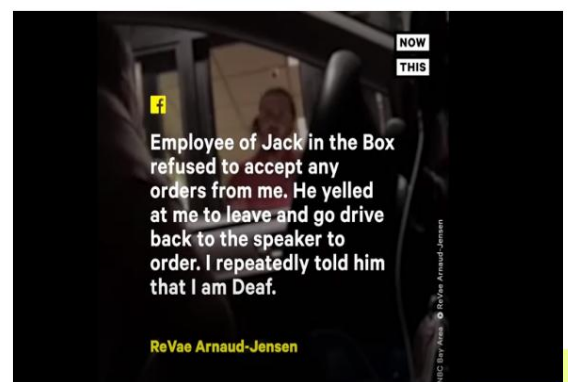
# Deaf woman files discrimination complaint against judge for denying sign language interpreter

Before jumping into the case of Ableism, These videos give us hint to understand what kind of ableism discrimination can happen in real life.

If you interesting in further information, please check below video links.

- <https://www.youtube.com/watch?v=i0EF0h44Kw8>

- <https://www.youtube.com/watch?v=k6SVlinX-WM>



## Summary

ReVae Arnaud-Jensen, who has been deaf since birth, said she couldn't hear the employee at the drive-thru speaker where she was supposed to place her order, Arnaud-Jensen's son captured the exchange on his phone. She said "Employee of Jack in the Box refused to accept any orders from me. He yelled at me to leave and go drive back to the speaker to order. I repeatedly told him that I am Deaf."

A Jack in the Box spokesperson said the employee in the video was fired. "We do not tolerate the mistreatment of any customers and expect employees to follow all training procedures, be respectful, courteous." **However, ReVae Arnaud-Jensen said It is not only training, but That's also not going to change. Because you need that depth of knowledge of deaf culture to fully understand the needs.**

## Systemic Ableism

Discrimination against disabled persons occurs in countries worldwide and may be reflected in individual, societal, and institutional attitudes and norms and in the arrangement or dynamics of certain environments. Indeed, interpretations of ableism are based on perspectives of what constitutes normal ability, which often gives shape to beliefs and norms and to physical and social environments.



## Ben Saad vs. Ontario Inc.

Ben Saad, the applicant, came to Canada from Tunisia to support his family. **He was a migrant worker who was injured on the job some five months after he began his work for Ontario Inc.,** the respondent. The former was terminated in February of 2015 while on light duty. He alleged the termination was a result of his disability.

The applicant testified that on November 4, 2014, he suffered a head injury at work. **Despite having a doctor's note excusing him from work for a period of one month, he felt pressured to return and consequently only took one week off work and was given light duties upon his return.** He testified that his supervisor pressured him to return to normal duties right up until he was terminated. When he asked about the reason for the termination, he was told that he simply was not needed anymore. The applicant also testified that following his termination, he found it very difficult to find a job, citing that during a meeting he had previously been told by his employer that if any of them stopped working for them, it would tell other employers that these workers were a problem, and it would not be easy for them to get a work permit elsewhere.



## Decision

The Tribunal found the employer fired Ben Saad because of his attendance record, which was a result of his injury and resultant disability. “He had a dream to bring his wife and children to Canada, which ended with his termination,” reads Vice-Chair Kershaw’s decision. **The Tribunal found a clear connection between the injury and the firing.** In a human rights application, the burden is on the applicant to establish on a balance of probabilities that disability was a factor in the termination.

**The discriminatory act was making the decision to terminate the applicant on its view that he had very poor attendance which he would not have had if he had not been injured.**



## Action&Remedies



**The respondent must hire a consultant with expertise in human rights to develop a human rights policy.** Company owners, managers, and employees in the human resources department must take on-line training human rights training. The applicant was awarded \$20,000.00 for injury to dignity, feelings, and self-respect; and The company must provide a copy of it to all employees and the applicant within six months of the date of this Decision.



## Conclusion

In enforcing the prohibition of discrimination against the disabled, the courts have ruled that employers have a legal duty to take reasonable steps to accommodate an employee's individual needs. This legal duty does not apply, however, if the only way to resolve the problem will cause the employer undue hardship, which is a hardship that is substantial in nature. To deal with this problem, most businesses offer some form of illness and long-term disability insurance or policy as part of their benefits package. (Yates, Bereznicki-Borol, & Clarke, 2017)

The Ontario Bar Association (OBA) has stated that “the key change that must take place, therefore, is attitudinal or philosophical. **Legislators must act on the assumption that assistance, support, and protection necessary to permit persons with disabilities to achieve equality and full participation in society are required as a right and are not offered as a privilege.** The assumption has to be that society will benefit when persons with disabilities are encouraged and allowed to participate fully in society at all levels.” (Ontario, 2020)



## Indigenous People



There are a number of negative stereotypes associated with Indigenous people, including assumptions about the pervasiveness and causes of alcohol and drug addiction, unemployment, and violence (Backhouse, 1999; de Leeuw, Kobayashi, & Cameron, 2011). One persistent and particularly damaging depiction is that Indigenous peoples are willing 'wards of the state,' dependent on others, and ultimately better off when the federal government oversees their affairs (Erickson, 2005).

## Mary Ellen Turpel-Lafond

There was an investigation conducted by former judge Mary Ellen Turpel-Lafond, and in her report, she mentioned that Stereotyping or Systemic racism is very common for the indigenous people in the health care units of BC. About 9000 people participated in her investigation and about **84% percent of people agreed with the fact that they experienced some forms of discrimination in health care and over half of the indigenous health care workers witnessed discrimination personally at work.** One of the nurse practitioners Tania and a member of the first nation's health council emphasize 'Stereotypes Kills' while discussing the incident of the death of her aunt by the negligence of the health care unit. She mentioned that her aunt was taken to the emergency room after a fall and she injured herself badly but instead of giving her the emergency treatment, the Nurse said that the health care staff presumed that she was intoxicated and did not pay much attention to her medical requirements but by the time they realized that she was not intoxicated and needs medical attention immediately, then it was too late as her aunt passed away while shifting to the major regional hospital due to experiencing brain injury. So, by the mentioned case it is crystal clear that still, systemic discrimination occurs for some people in forms of various ways, but **it is devastating to know about the social psychology, or belief of the majority of the people about particular origin or category of people such as health care staffs stereotype belief about Tania's aunt as she belongs to first nation community and intoxicated which results at the end of her life by the staff's initial negligence.**

## Conclusion

This incident is recognized by political authorities and the health minister of BC Adrian Dix has apologized for this negativity of the health care staff during the emergency and even promised strict action on these kinds of incidents and promised an independent investigation for this case into anti-indigenous racism in the health care system.



# Platform to Dismantle Systemic Discrimination

Ways of Dismantling that can be used in:

- Corporations

- Education System

Educators or teachers have the power to decide on what to teach their students in school.

- Policy System

Call or write to state legislators and governor to support state-wide criminal justice reform or it could also be writing to state legislators to require racial impact statements be required for all criminal justice bills and prioritize race equality.

- Banking

Expanding a network is essential for the culture of commerce, but for business owners who feel alienated or shut out of the conversation.





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<https://www.youtube.com/watch?v=-NNDGiENobs>

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THANK YOU.

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