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Sikh woman discriminated, says commission

India Post News Service

NEW YORK: The US Equal Employment Opportunity (EEOC) issued a determination that National Wholesale Liquidators discriminated against a Sikh woman who was told to take off her turban and that Sikhs are "thieves and are nasty." The Commission issued the finding after a year long investigation initiated when the victim in collaboration with the Sikh Coalition and a private attorney, Ravinder Singh (Bhalla), filed a charge of discrimination with the EEOC.

The Sikh woman, Sukhvir Kaur, was ultimately fired from her job at a National Wholesale Liquidators store in Queens, New York. She had worked for National Wholesale Liquidators for over two years in the clothing department.

"Based on consideration of the documentary and testimonial evidence, the Commission determines that Respondent subjected Charging Parties and a class of similarly situated individuals to harassment on the basis of their race, national origin, sex (female)... The Commission also determines that Respondent discriminated by imposing an English only rule and prohibiting South Asians from speaking their native language in the workplace, even during work breaks"

Her trouble began when her employer hired a new manager during the summer of 2004. The manager told her that he did not want Indians and Pakistanis working at the store, and that he preferred Guyanese and Spanish employees. He said that Indian and Pakistani employees were "dirty" and "nasty" and that Sikh employees are "thieves."

In addition to speaking in derogatory terms about her religion and ethnicity, Sukhvir's manager also told her to take off her turban because he liked women with long hair. He also asked her to wear western clothing which is tighter fitting and would look more attractive to him.

When Sukhvir Kaur refused her manager's advances, he retaliated against her by requiring her to clean bathrooms. Her manager told her that if she ever complained to anyone about him, he would report to the police that she had been stealing from the store. She was ultimately fired by her manager because she refused his advances during October 2004.

The Sikh Coalition assisted Sukhvir Kaur with filing a charge of discrimination with the EEOC during August 2005. The EEOC conducted a year long investigation during which it interviewed scores of Sikh and South Asian workers employed at National Wholesale Liquidators branch where Kaur was employed.

Ultimately, the EEOC found on September 29 that National Wholesale Liquidators had discriminated against Sukhvir Kaur and two other South Asian workers who had filed similar charges of discrimination independent of Kaur. The Commission's finding is sweeping in its breadth finding that Sukhvir and others suffered discrimination on the basis of race, national origin, religion, sex, and through the imposition of English only rules.

"I would like to thank the Sikh Coalition for helping me file this charge of discrimination. I would not have been able to do this myself" Sukhvir said.

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Sukhvir Kaur and National Wholesale Liquidators will enter into Mandatory mediation negotiations. If mediation fails to resolve the dispute, Kaur or the EEOC may file a federal lawsuit against National Wholesale Liquidators. The Sikh Coalition will stand by Sukhvir Kaur.

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