



The Seattle City Council became the first U.S. jurisdiction to identify caste as a protected class under its Human Rights Code on February 21, 2023, when it passed CB 120511, "An Ordinance Relating to Human Rights; Including Protections Against Discrimination Based on an Individual's Caste" (the Ordinance).

Caste—which the Ordinance defines as "a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion—is no longer a legally permissible basis for discrimination, retaliation, or harassment in employment, housing, or public accommodation.

Individuals who believe they have suffered discrimination, retaliation, harassment, or other unlawful treatment on the basis of caste may file a charge with the Seattle Office for Civil Rights (SOCR), which is empowered to enforce the Human Rights Code (the Code) and impose remedies including hiring, reinstatement, attorneys' fees, damages for humiliation and mental suffering, and/or other remedies to effectuate the purposes of the Code.

Seattle City Council's move comes amid a growing movement to adopt caste-based protections for employees. The movement received national attention in 2020 when 30 women of the Dalit caste—the lowest-ranking class in India—published a statement in the *Washington Post* about their experiences.

Other cities and states are facing similar questions. The California Civil Rights Department (CRD) has been litigating a case through state and federal courts on behalf of an employee who alleges he was discriminated against because of his caste. But, because California does not recognize caste as a protected class, the CRD is arguing discrimination on the basis of ancestry.

## Next Steps for Seattle Employers

Employers should review current policies to include caste as a protected class in Seattle, including equal employment opportunity policies. Further, employers should review anti-discrimination training provided to management and human resources personnel to ensure they are aware of the new requirements. Employers with questions or doubts about their compliance should consult experienced legal counsel.

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