THE PERVERSIVENESS OF RACISM IN CANADA: BORDEN AND SMITH v. BOB’S TAXI

SUMMARY
On July 15th, 2011, Javonna Borden and her two nephews Jordan (13) and Davhon (10) Smith experienced racialized discrimination by Bob Taxi’s employee Aleksey Osipenkov; during the incident Ms. Borden and her nephews were referred to as “niggers”. The denial of service based on race persisted for months following the initial incident.

The case was first brought to the Provincial Court of Nova Scotia with no resolution for Ms. Borden and her nephews. The Nova Scotia Human Rights Commission resolved the case, whereby a monetary penalty and other conditions were imposed on Aleksey Osipenkov and Bob’s Taxi.

HISTORICAL CONTEXT
Nova Scotia is home to one of Canada’s largest indigenous African Canadian populations that have been subjected to discrimination, exploitation, segregation politics, environmental racism, and denied basic political and human rights systematically throughout history. Resistance and empowerment have been present particularly in the preservation of culture and spiritual identity (Este & Thomas Bernard, 2006; Perreaux, 2010).

Over time, racialized slurs and language have been tools utilized to oppress and African Canadians disproportionately. The use of the word “nigger” was specifically established as a derogatory term by the early 1800’s and remains a principal term in white racism (Middleton & Pilgrim, 2001).

CASE ANALYSIS
The case demonstrates structural African-Canadian oppression in the following three ways:
1) Jordan Smith was only able to reach out to the one African-Canadian support worker in his school and did not feel safe to tell anyone else.
2) Ms. Smith had to take two months off work, being financially strained, due to not having enough African-Canadian supports in the work place and having strained relations with co-workers of other cultures and races.
3) Mr. Osipenkov used his power and position to black-list Ms. Borden from using Bob’s Taxi, creating issues with transportation and freedom of movement. Also, due to the incident, Ms. Smith chose not to utilize Bob’s Taxi, creating the same transportation issues for her.

During the hearing, it was believed that the Crown Attorney did not practice due diligence when collecting and weighing the evidence, which not only reinforced Mr. Osipenkov’s position of power as a Caucasian male over the complaints brought forward by his African-Canadian passengers, but also further oppressed his passengers by denying their right to be represented in a fair trial.

MEDIA ANALYSIS
The media covered the case from November 2014 to March 2015 and clearly articulated that the language used was deplorable. Subsequently, calling on broader society to reflect on their covert or overt acts of racism. From an anti-oppressive perspective, the articles could have focused more on the Complainants instead of Mr. Osipenkov to show the emotional impact that racist language and discrimination have on individuals. The fairly extensive media coverage may be related to the socio-political climate in the United States and the “Black Lives Matter Movement”.

PROPENSITY FOR CHANGE
The Nova Scotia Human Rights Commission has successfully enacted micro and macro level changes:
1. Mr. Osipenkov was individually mandated to human rights training and education.
2. The Human Rights Commission acknowledged and addressed structural oppression and Mr. Osipenkov’s abuse of process throughout the proceedings.
3. As an institution, Bob’s Taxi was mandated to deliver human rights training to their employees.
4. Bob’s Taxi was also ordered to implement policy and process to better investigate human rights complaints.

PRACTICE IMPLICATIONS
Human rights are an important component of anti-oppressive practice and are congruent with the profession’s stated goals related to the pursuit of social justice. Social workers have responsibilities at all levels of practice including validating stories of racialized discrimination, believing victims and then linking them to solidarity networks and support groups. Social workers can participate with communities in social action and also facilitate educational human rights workshops.

Social workers are well positioned in their institutions to address racism and redress oppressive practices at the institutional level. Social workers must also advocate for economic change, as poverty continues to be a major barrier in the actualization of all human rights (Green, Kiernan-Stern, Baskind 2008; Sakamoto & Pitner 2005; Gillespie, Ashbaugh & Defiore 2002, Dominelli, 2003; Ife & Fiske, 2006).

Racism is not an individual pathology, rather a systemic structural problem that is constructed and maintained by the collective acts of many individuals (Vaught & Castagno, 2008).