



WOKE IS THE NEW BLACK

MJ Sports, Inc. is a large sports and athleisure brand in the United States of America, having started as a small sports shoe making business founded by Mike Johnson, in Illinois. Now based in New York, the business grew rapidly and became one of the leading sports brands in America. In recent years profits have fallen as old school products no longer interested the young buyer. In an effort to increase profits, MJ Sports, Inc. hired John Danes, a legend in the advertising world who was known for his astute ability to foresee trends and enable companies to monetise popular passions at their peak. Danes turned the brand image of MJ Sports around producing goods that would attract the new millennial consumer and running successful ad campaigns, using powerful celebrity voices. The company also sponsored the California Bears in the National Football League, the fifth largest domestic football league in the world. Profits increased by a huge margin and MJ Sports, Inc. was a leading brand in the sports market again.

In July 2017, Keith Carter, a 23-year old black- gay man was hired, fresh from college, as an employee subordinate to John Danes. Keith joined MJ Sports believing that this company would launch his career and bring him several opportunities. Keith proceeded to work under John Danes, executing his exciting ideas and projects. He soon realised that his boss was extremely racist, homophobic and discriminatory. Keith alleges that John would call him a “black queen”, even used the n-word and told Keith he was a sinner, because he was gay. Keith also alleged that John would often call him to his office and show him racist and homophobic memes but never sent them via text messages. John also prevented Keith and his partner from attending office gatherings. These incidents insulted the core of Keith’s existence, and as a former Black Pride activist he decided to do something about this. Keith protested and highlighted John’s ignorance, but John asked Keith to stay in line as he was his boss and any kind of disrespect would be dealt with harshly. This behaviour started affecting Keith’s performance at work.

Keith faced this harassment for a few months and finally decided to make a formal complaint. The Human Resources department was slow in processing the complaint. Danes was a high-level executive and an indispensable asset to the company. Although, Keith was talented, he was just another employee. Further, the founder, Mike Johnson, along with Danes, belonged to a white Evangelist church that opposed same-sex couples. Mike was grateful to Danes for turning his company around, so this made it harder to proceed against him.

The formal investigation of the complaint was hampered by Keith’s inability to substantiate his claim given these conversations were always verbal and never around other people. The



investigation did not find any harassment by John Danes and Keith's complaint was dismissed. Nevertheless, since several companies had recently come under fire for racist work environments, HR convinced Keith to sign a non-disclosure agreement ("NDA") about the whole issue and put it behind him.

Around the same time, Colin Kaepernick, the star footballer of California Bears, knelt in protest while the national anthem was being played in the final rounds of the NFL Super Bowl. The Black Lives Matter movement resurged, and all kinds of racial issues, from police brutality to everyday harassment and discrimination, became a part of the national conversation overnight. The US Supreme Court also legalised same-sex marriage in a historic judgement, sparking pride celebrations all over the country. Keith's spirit of activism also resurfaced.

A lot of brands embraced these movements and showed solidarity hoping to improve market share. MJ Sports, Inc. took out a series of stellar ad campaigns celebrating Pride as well as the Black Lives Matter Movement. Their next campaign was going to cash on the Black Lives Matter Movement featuring America's most famous black Tennis Player Serena Williams, who herself had struggled with racism on and off the court.

Keith was well aware of John's hypocrisy in using these socio-political movements to rope in more "woke" customers. At the meeting discussing the success of the Pride campaign, Danes kept cracking homophobic jokes and dismissed the movement as "pointless", and "a dance party for losers". Keith did not respond, checking himself at the last moment. After the meeting, Keith went to the coffee shop in the building for his lunch break. Danes came in a few minutes later, and Keith approached Danes, asking politely, "Do you not have a shred of integrity in you, sir? Why run a campaign celebrating us when you cannot stand the sight of us?". Danes, triggered at the audacity of his subordinate, slammed his cup of coffee on the table and hissed, "Get something clear in your head, you little faggot- I don't care about your disgusting identity beyond the fact that it brings a fat pay check." Danes stormed out, leaving Keith shaken to the core.

Other employees saw and heard the exchange. Meghan Sanders, a journalist for The New Age, also witnessed the incident. The New Age is an extremely influential online news media company that is reputed for its meticulous, accurate and unbiased reportage.

This was the last straw- Keith filed another complaint of harassment with HR. The HR manager, concerned to see another complaint, facilitated an informal meeting herself between John Danes and Keith in an attempt to sort things out. However, Danes remained arrogant and refused to apologise, and subsequently Keith reached breaking point and threatened to violate the NDA by



**MEDIATION BOMBAY 2019
PROPOSITION 3**



going public with his story. HR initiates mediation between Keith Carter, represented by himself and his lawyer and the company, represented by John Danes and the CEO, Greta Brown.

