HRPA Practice Guideline:

Addressing Racism and Racial Discrimination in the Workplace

Purpose of Guideline

Racism and racial discrimination continue to prevail in society, including workplaces, causing serious harms. HRPA's risk roster and the extensive research conducted on risks to the public (e.g. workers, workplaces, employers) stemming from the practice of Human Resources (HR) found that racism and racial discrimination in the workplace are among the highest risks to the public (workers, workplaces, employers).

HRPA regulates its registered Human Resources ("HR") professionals in the public interest and holds our members, firms and students to the province's highest standards. Like any regulatory body, professional guidance is critical in helping to supplement the **Code of Ethics and Rules of Professional Conduct** and to provide HRPA members, firms and students with the tools to protect the public interest by reducing/preventing risks of harm stemming from the practice of the HR profession.

While this guideline is primarily focused on racism in the workplace, the same principles apply outside of the workplace. This guideline is to be read in conjunction with HRPA's Code of Ethics and Rules of Professional Conduct, which identifies the expectations of all HRPA members, firms, and students who perform in the human resources sector. Members of the public should expect HRPA members, firms, and students to uphold its Code of Ethics and Rules of Professional Conduct.

It is important to note that this guideline is not an exhaustive resource for preventing racism and discrimination in the workplace. HRPA strongly encourages the pursuit of additional education, resources, and support on this topic on an ongoing basis.

DISCLAIMER: The information provided in this Practice Guideline is in respect of the law of the Province of Ontario and is intended for general information only. This Practice Guideline is not provided for the purpose of providing legal advice or a complete statement of the law on the particular topics. Every situation is unique and involves specific legal issues. HRPA members and students are recommended to seek legal advice when addressing and considering complaints, allegations and/or incidents of discrimination in the workplace.

Further, this Practice Guideline is to be read in conjunction with the applicable employment standards and human rights legislation and does not supersede or replace the legal requirements set out in the legislation.

Target user:	HRPA members, registered firms, students and workplace leaders.
Risk of harm to public:	Engaging in or enabling racism and racial discrimination in the workplace causes severe harm to the public (e.g. workplaces, employees, employers, customers, stakeholders). Individuals who are Indigenous and 'racialized' (people that are socially constructed as distinct 'races' and subject to marginalization, which in Canada generally refers to people who are not white) are more likely to experience racial trauma also known as race-based stress as a direct result of racist behaviours, actions, policies and workplace processes. Racism causes severe harm to the public, including but not limited to: • **Racial trauma which includes loss of physical, emotional, and psychological wellbeing such as depression and/or loss of dignity and self esteem** • **Individual, institutional/systemic, and societal inequities and discrimination including related to health, employment, education, policing and the justice system** • **Discrimination and unfairness in employment practices including hiring, promotion, work allocation, and discipline** • **Racial harassment, and** • **Violence.**
Risk of harm to profession:	Engaging in or enabling racism in the workplace can have a harmful impact on the public's trust and view of the profession. Partaking in or condoning racist actions, whether consciously or unconsciously negatively affects the integrity of the profession.
Critical connection to Code of Ethics and Rules of Professional Conduct:	The following provisions of HRPA's Code of Ethics and Rules of Professional Conduct, which all members and students must comply with, apply: • **Section V. Equity and Fairness: Rules #1-5** *Note: This is not an exhaustive list of critical connections this guidance may have to the Code of Ethics and Rules of*

	Professional Conduct. Please ensure you review the Code of Ethics and Rules of Professional Conduct in its entirety.
Desired impact of guidance:	Readers of this guidance should gain knowledge and feel more equipped to: ○ **Recognize and understand the different types of racism and racial discrimination, what anti-racism means, common drivers and concepts related to racism, and common misconceptions about racism.** ○ **Be aware of how racism manifests in the workplace.** ○ **Recognize why and how racist behaviours in the workplace contributes to racial trauma.** ○ **Establish workplace policies and practices that prevent racism and discrimination and address them at both an individual and organizational level.** ○ **Access additional resources related to racism and discrimination.**

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Importance of Guideline

Under Ontario and federal human rights laws, every individual has the legal right to be free from racial discrimination and harassment, including in areas of employment, services, goods, facilities, housing accommodation, contracts and membership in trade and vocational associations. While this is the law, racial discrimination and racism continues to happen, including in workplaces. HRPA is aware that workplaces struggle with preventing and addressing these areas, and this guidance is meant to support HRPA registrants to foster inclusive, anti-racist environments.

The Canadian Human Rights Commission reports, as of 2020, that:

- **Employers are around 40% more likely to select job applicants to interview if they have an English-sounding name even if there is identical education, skills, and experience.**

- **Compared to other Canadians, racialized Canadians earn an average of 81 cents to the dollar.**

Additionally, further Canadian studies reveal:

- **Indigenous people with a high school diploma earn between 15-19% less than non-Indigenous people living in Canada (The Conference Board of Canada, 2017).**

- **~96% of Black Canadians find racism as a concern at work, and 78% state workplace racism they've noticed is severe (York University Study, 2021).**

- **The majority of companies on the Toronto Stock Exchange that report workplace racial data state that there are zero Indigenous and/or racialized people in leadership levels (Zero Report, 2021).**

The ongoing prevalence of racism and racial discrimination in workplaces and outside of workplaces contributes to racial trauma and many other harms to Indigenous and racialized people. Racial trauma has been defined as: "an ongoing physical or psychological threat that produces feelings of fear, anxiety, depression, helplessness, and post-traumatic stress disorder (PTSD)" (Ponds, 2013).

Racism has been linked in numerous studies to contribute to:
- **Poor physical health outcomes**
- **Poor psychological and mental health outcomes**
- **PTSD**
- **Loss of dignity and self esteem**
- **Racial trauma**
- **Isolation, and more.**

Racism and racial discrimination are generally harmful to everyone in the workplace as they can lead to increased workplace absences and stress leaves, reduced work productivity, mistrust, conflict and exposes employers to liability and significant damages.

HRPA registrants can play an important role in helping to implement and model anti-racist practices, processes and policies in workplaces and also in their own individual behaviours, and to help employers meet their legal responsibilities to provide a healthy and safe workplace, free of discrimination. This practice guideline is intended to help with this work.

Overview of Racism

What Racism Is:

The Ontario Human Rights Commission ("OHRC") defines racism as:

> "An ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, these are unconsciously held and have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a number of levels, in particular, individual, systemic and societal."

For the definition of 'race', please see the **appendix** of this document.

Racism operates at several levels:

- Individual (micro) level: Individual beliefs about race, including unconscious beliefs that shape a person's attitudes, beliefs, and decisions. These include stereotypical beliefs unconsciously maintained by individuals that are embedded deeply into systems and institutions. Individual racism can be subtle rather than overt.

- Institutional or systemic level: "[At these levels], racism is evident in organizational and government policies, practices, and procedures and "normal ways of doing things" which may directly or indirectly, consciously or unwittingly, promote, sustain, or entrench differential advantage for some people and disadvantage for others." – OHRC

- Societal level: "Racism is evident in cultural and ideological expressions that underlie and sustain dominant values and beliefs. It is evident in a whole range of concepts, ideas, images and institutions that provide the framework of interpretation and meaning for racialized thought in society. It is communicated and reproduced through… mass media…, schools, universities, religious doctrines, and practices, art, music and literature. It is reflected in everyday language; for example "whiteness" is associated with overwhelmingly positive connotations while "blackness" is associated with negative connotations. This form of racism is maintained through socialization as children begin to absorb these beliefs and values at an early age." – OHRC

What Racial Discrimination Is: When you are treated differently/adversely due to your skin colour or racial or ethnic origin. For workplace examples of racial discrimination, please see the **appendix** of this document.

Common Misconceptions Around Racism and Racial Discrimination:
Below are some common misconceptions around racism and racial discrimination compared with facts that all HRPA registrants should be aware of.

Common Misconceptions	Facts
Racism in Canada is minimal and there are few people who are racist.	A 2019 survey by the Environics Institute for Survey Research found that: • **A third to half of racialized Canadians reported being discriminated against** • **Nearly a third of Indigenous people stated they were treated more unfairly than white people in the workplace** • **Around 40% of respondents who said they experienced racism**

	indicated to surveyors that it happened at work, making work one of the most common places where discrimination occurs This is just one of many surveys illustrating the reality of racism and racial discrimination in Canada.
You can be "colour blind" and not notice race.	Claiming not to see colour or race can perpetuate and condone racism and racial discrimination. Even if well-meaning, this belief can lead you to ignore the racial discrimination and racism Indigenous and racialized people face and/or their lived experiences. It can also prevent opportunities to discuss race and identify your own biases in this area.
Addressing or talking about racism or racial discrimination is reverse racism towards white people (Note: This can be part of "white Fragility" a term defined by the Oxford dictionary as: "Discomfort and defensiveness on the part of a white person when confronted by information about racial inequality and in justice).	Talking about or addressing racism or racial discrimination does not mean that stereotypes and prejudice do not exist for white people. It instead recognizes that there is not a level-playing field between Indigenous and racialized people and white people, and that equal opportunities and considerations are not given.
Indigenous and racialized people play the "race" card to get what they want and/or overreact or are too sensitive.	By assuming someone is playing the "race card" when they talk about racism, it silences, shames, threatens, and stops the person from speaking up about racism or racial discrimination they experience, and dismisses the serious harms that racism and racial discrimination cause people and workplaces.
Indigenous and racialized people themselves are responsible for their own disadvantages.	Indigenous and racialized people tend to not have the inherent power, influence, and privileges that white people are born with

	(see white privilege definition further below). For this reason, it is unreasonable to claim that Indigenous and racialized people are responsible for their own disadvantages when they generally and perpetually face barriers and access to opportunities.

Note: The common misconceptions noted above are adapted from OHRC.

Guidelines

HRPA members and students should follow the below guidelines to protect the public, the profession and themselves from racism and racial discrimination:

1) Be aware of ways in which racism manifests in the workplace

a) Racism manifests in the workplace in all stages and phases of the employment life cycle, including but not limited to recruitment, hiring, on-boarding, promotions, performance management, development opportunities, discipline, and everyday conversations. Awareness of racism is important to start planning and implementing effective and fair practices and required changes.

b) Consider how advantage and disadvantages occur in your workplace, even in subtle ways such as: who is given growth/promotional opportunities, who has trusting and strong relationships, who gets paid more, who is commonly in and promoted to senior positions in the workplace, who is disciplined more, etc.

c) Understand important concepts and/or feeders into racism and racial discrimination in the workplace, including but not limited to: intersectionality, stereotyping, white privilege, unconscious biases, harassment/poisoned work environment, tokenism, and subtle racial discrimination. *The [appendix](#) of this document provides definitions of each of these terms.*

d) Understand how individual (micro), institutional, systemic, and societal levels of racism intersect with one another to create conditions that reinforce racism and racial discrimination in the workplace. A simple example of this:

- o **Micro (individual) level:** A manager in a company has internalized unconscious biases and beliefs that make them prefer to work with people of the same race as them, thinking that it is easier to get along with them and a better "fit."

- o **Institutional or systemic level:** The normal way of doing things at the company tends to be promoting, hiring and advantaging white people in the workplace and unintentionally disadvantaging Indigenous and racialized people.

- o **Societal level:** These micro and institutional behaviours are reinforced by society's portrayal of race in the media, including TV shows, where white people tend to be employed and promoted into senior positions at work and Indigenous and racialized people work in lower positions.

e) Understand how racism and racial discrimination can lead to or contribute to psychological harm. Racism and racial discrimination in the workplace can significantly contribute to racial trauma and mental health concerns, including PTSD, depression, and anxiety. Awareness of such can importantly inform any policies or workplace guidelines around racism and racial discrimination.

2) Address racism at the individual (micro) level

While you cannot always control how others behave, you play an important role at an individual level in controlling your own actions and in addressing racism. As an HRPA registrant and HR professional, you should:

a) Show respect and fairness towards others at work.

b) Self-educate on racism and racial discrimination and implement the learnings from it in your everyday actions. Do not expect Indigenous and racialized people to bear the responsibility and emotional labour of educating you. Self-education should include learning about racial trauma and psychological harms of racism and racial discrimination. *See the resources section, below, for suggested reading.*

c) Challenge and speak out against any incidents of racism or racial discrimination you're aware of, including: racist jokes, subtle racial discrimination, racist or discriminatory policies and workplace practices, stereotyping, etc. Report any incidents to HR or a senior leadership team member and support proper escalation of these issues to ensure that they are addressed.

d) Not engage, enable, or tolerate racism or racial discrimination in the workplace.

e) Challenge yourself and learn about your own unconscious biases, as well as beliefs that could be influenced by racial stereotypes, both from past experiences and current. *To help get you started in understanding types of unconscious biases and what they are, refer to [this webpage](#).*

f) Use inclusive language. Sometimes, including unintentionally, language used can be exclusive to others and contain racist undertones, such as claiming to not "see colour" (see the common misconceptions, above, for more information on this specific example).

g) Recognize intersectionality, where people can have multiple overlapping and compounding disadvantages in their lives depending on individual circumstances and characteristics, such as gender, race, physical abilities, etc.

h) Be open to talking about race, racism, and racial discrimination. While for some people it can be uncomfortable to talk about race and racism due to fear of unintentionally being offensive or making a mistake, silence on issues of race and racism in the workplace can cause more damage to Indigenous and racialized people. Being open to talking about race is crucial to being aware of and addressing racism and racial discrimination in the workplace. This can be as simple as openly talking about race when issues of racism are brought forward, for example, in the media. The idea here is for race conversations to be respectful and normalized in the workplace so that it can be discussed as you would any other issue.

i) Admit to your own mistakes or failures and show accountability. Whether intentional or not, if you have enabled, contributed to, or engaged in racist or racial discriminatory behaviours, be accountable for your mistakes, remedy them, and learn from them.

j) Listen to Indigenous and racialized colleagues and do not dismiss their experiences or turn their issues into something about you.

k) Diversify your network. Building relationships with diverse people can help you learn from each other, compensate for blind spots and continue to self-educate.

l) Speak up for underrepresented groups. Use any privilege or advantages you may have to create opportunities for others, including by influencing others from advantaged groups where possible. Be cautious not to speak for or over underrepresented groups.

3) Address racism at the organizational level

Workplace policies, practices, procedures, and culture deeply impact how racism and racial discrimination manifests and is responded to. When these tools or environments are poorly developed, they can enable or promote racism or racial discrimination. Conversely, having strong policies and practices that prohibit and prevent racism and discrimination make good business sense and help to contribute to a positive work environment and workplace productivity. This section is sub-divided into important categories to help address racism at the organizational level.

a) Leadership

i. HRPA registrants should be upskilled in addressing racism at the organizational level and support the upskill of leadership to effectively establish and implement anti-racist priorities, objectives and the right policies and procedures.

ii. Like any key priority or initiatives, addressing racism and racial discrimination and anti-racist efforts needs to be led and exemplified from the top, through the leadership team. Leadership should have firm commitments to anti-racism, with a transparent plan and strategy to do so.

iii. Give voice to Indigenous and racialized colleagues and leaders in helping to address racism – but do not task them with addressing these issues on their own.

All leaders must do their own part and work. Indigenous and racialized people should never only be asked to weigh in on issues of race and nothing else.

iv.   Leaders should demonstrate inclusivity, equity, and anti-racist behaviours at all times, no matter what their leadership position or level. There should be tangible evidence of what leaders say and do to tackle racism in the workplace. Employers may wish to consider whether this could also be tied into performance evaluations.

v.   Leaders should seek regular, anonymous, feedback from employees on the organization's progress in addressing racism and racial discrimination and act on the feedback.

vi.   Leaders should create opportunities for career growth and/or promotion of others, including Indigenous and racialized people. This can be provided through:

a. **Sponsorship**: Sponsorship has been shown to effectively help Indigenous and racialized people progress in their careers. Sponsors are more senior than the colleague they sponsor and help to advocate for them and use their influence to promote the colleague, help build networks and relationships with senior colleagues, and help their professional development and progression.

b. **Reverse mentoring**: Pairing a senior management team member with an Indigenous or racialized team member for both to learn from each other, share perspectives, and foster a more inclusive culture. Reverse mentoring helps reduce barriers and bring a direct voice to senior leaders on some challenges faced by Indigenous and racialized employees.

c. **Job shadowing**: Allowing staff, including Indigenous and racialized staff, to shadow more senior staff and provide exposure to skills, experience and aspects of the organization that they have not normally been exposed to.

b) Workplace Policies

i. Organizations should implement and follow a zero-tolerance workplace policy prohibiting racism or racial discrimination and ensure it is consistently followed.

ii. Workplace anti-racism policies and practices should include:

- **a.** Clear ramifications for breaches of the zero-tolerance and anti-racism policy and who to report breaches to.
- **b.** Details for how any reports of discrimination or racism will be investigated promptly and how employees will be protected against reprisals.
- **c.** Employer obligations under the *Ontario Human Rights Code*, as well as employees' protections and rights to be free from harassment and discrimination.
- **d.** Workplace goals to address racism and adopt anti-racist practices, with measurable objectives that can be tracked over time.
- **e.** Clear responsibilities for all employees in regard to their conduct, including challenging and addressing individual or systemic incidents of racial discrimination and racism.
- **f.** How employees should consider and address micro (individual) biases of their own.
- **g.** Key definitions, concepts, and feeders of racism and racial discrimination, including details on what constitutes racism, racial discrimination, anti-racism, and intersectionality.
- **h.** What tokenism is and how it will be avoided in the workplace.
- **i.** The impacts that racism and racial discrimination can have on mental health and wellbeing, and any supports in place for employees facing psychological harm in the workplace.
- **j.** How recruitment, hiring, retention, promotional opportunities, etc. will be managed to avoid systemic racism and barriers– For example:
    - i. Avoiding "hiring for best fit", and instead hiring based on objective measures.
    - ii. Having diverse hiring panels, while avoiding tokenism.
    - iii. Engaging in blind hiring practices (for example, redacting names in resumes, to avoid unconscious or intentional biases playing a role in interview selection based on name.)

iv. Conducting structured interviews with the same standard questions asked of every candidate being interviewed.

v. Advertising job posting in job boards/locations that are often accessed by Indigenous and racialized people.

vi. Ensuring there are no biases in job postings, for example stating "Canadian work experience required" or "must have potential"

vii. Avoiding reliance on referrals, which may result in hiring people of similar backgrounds and perspectives

k. How regular, anonymous feedback will be sought from employees, including through employee surveys, exit interviews, etc. to determine whether racism or harassment is occurring in the workplace, whether employees feel the workplace is equitable, as well as act on feedback received.

iii. All existing organizational policies should be reviewed regularly and on an ongoing basis, including as required by the law, to ensure they foster inclusiveness and help to prevent or stop racism and racial discrimination in the workplace. Seeking anonymous feedback from employees on the organizational policies to help identify any systemic barriers contained in workplace policies and practices is also important.

iv. Benefits policies should enable access to mental health services. Indigenous and racialized people may need tailored mental health supports, including for but not limited to, racial trauma they experience. Organizations should invest in enabling staff to access mental health services, which can greatly support Indigenous and racialized employees.

c) Organizational-Wide Education and Training

I. Robust, annual mandatory training and education for all employees on racism, racial discrimination and anti-racism should be provided. Training and education should address how to recognize and challenge racism, how to appropriately deal with racism in the workplace, how to identify and address different types of racism and discrimination, including subtle racism and racial discrimination, how to identify and address racial trauma as well as psychological harm, and what to do when experiencing or witnessing racist incidents.

II.   Training and education should be led by experts in anti-racism, with Indigenous and/or racialized people involved in the development and delivery of the training and education.

III.   Following training and education, organizations should consider accompanying this with testing and signoffs to ensure employees are truly learning from it.

IV.   Tailored education and training should be mandatory for all leaders of an organization, with details on how to lead by example in being anti-racist and fostering an inclusive, equitable workplace.

d) Organizational Culture and Practices

I.   It is the workplace's responsibility to maintain an inclusive, respectful, healthy environment, including the organizational culture, free from discrimination and harassment. HR professionals are expected to help lead and contribute to this culture and environment.

II.   Organizations should have detailed systems and practices in place for employees to safely come forward if they experience or witness racist, inappropriate or unsafe practices occurring in the workplace.

III.   Ongoing evaluations of workplace culture and assessments of risk and barriers leading to racism in the workplace should be conducted, with employees able to provide insights into this area.

IV.   Racism should be discussed openly as an organization and goals related to anti-racism in the workplace should be transparent, with clear and measurable goals.

V.   Preventing and responding to racism and racial discrimination should be part of the organization's culture and practices. Part of doing so should include an organization-wide anti-racism program, that includes:

   a.   A vision and mission statement and policy
   b.   Clearly defined goals and expectations to tackle racism and racial discrimination in the workplace
   c.   Clear deliverables, dates, and deadlines for achieving goals

d. Ongoing measuring, monitoring and evaluation of progress in implementing anti-racist practices and meeting goals

e. Transparency to employees on progress

f. Leadership responsibilities and employee responsibilities for tackling racism and racial discrimination and implementing anti-racist practices

g. Organizational structure information to help ensure diversity

h. Appropriate cultural norms and the expectation for inclusive types of leadership and decision-making

i. Corrective measures, programs, and strategies to address disadvantages experienced by Indigenous and racialized employees

e) Collect and Use De-identified Race Based Data in the Workplace to Inform Anti-Racist Strategies and Programs

I. Collect and use de-identified race-based data from your workplace to inform anti-racist strategies and programs, which can help to identify and remedy structural/organizational barriers that are upholding workplace inequalities. Data collected could include:

a. Levels of ethno-racial diversity in the workplace

b. Recruitment, retention, and promotional data

c. Disciplinary, complaints, stress leaves, and terminations data (research has shown that workplaces can disproportionately discipline Indigenous and racialized workers compared other workers).

d. Organizational structure – including races of leadership teams.

Note: Collection and use of such data should comply with all applicable legislation – including legislation related to privacy and confidentiality. Employees should be informed of why the data is being collected, how it will be kept anonymous and confidential, and how it will be used. Additionally, employees should be allowed to self-identify their race.

Additionally, it is important to ensure that you are appropriately collecting and using de-identified race-based data. It is recommended that you consult with experts in this area, such as inclusion, diversity, equity, and accessibility consultants, to help with properly executing this important work.

II. Identify patterns in processing race-based complaints in the workplace and address any barriers that are uncovered through this assessment.

III. If you are a large organization, consider publishing your de-identified race data for transparency purposes. This can also serve to help with partnering with other organizations to evaluate data and progress to create more equity in institutions. (Please see note above, regarding compliance with the applicable privacy legislation).

Scenarios

Below please find some examples on how content from this guideline may apply to HR practice. **Please note that these scenarios are <u>not</u> exhaustive or determinative and are meant for illustrative purposes only.**

Scenario 1

Background	M. is a white employee who works closely with their colleague D., a Black employee. After D. was explaining a process to M., M. commented to him "You're so articulate!". D. is not pleased with this comment, which accompanies similar comments made in the past by other colleagues. D. decides to go to HR to discuss what happened and notes the feeling that this is subtle racial discrimination that keeps happening in the workplace. HR says that this does not, under the organization's policy, constitute racial discrimination, harassment, or racism. HR suggests M. was just trying to give a well-meaning compliment but asks M. to apologize to D.
Issues	o While there is no overt racial discrimination or racism evident with M.'s statement, this can be viewed as subtle racial discrimination or as some may call it a microaggression. o This type of remark to a Black person can suggest to them that M. assumed they would be less articulate given their race (D's racial background) and were surprised to see that this was not the case. People often carry unconscious biases that society often expects Black people to be less competent or articulate. o Such comments that have been recurring to D. from multiple employees adds to the racial trauma D. may experience. It reminds

	D. that people assume that because of their race, they are less intelligent and they always needs to prove themselves. o HR's suggestion that this does not constitute discrimination is a conclusion reached without conducting an appropriate investigation of D.'s concerns. It shows that there may be gaps and barriers in the organizational policy that does not adequately address what subtle racial discrimination looks like and how the workplace will work to address it. o HR's comments may be seen as the organization condoning conduct which D. has found offensive. o It is demeaning to have HR ask another employee to apologize while still excusing their behaviour as well-intended. It also can make the employee feel it is a forced apology, with no real lessons learned on the harm and issues at play.
Analysis	Organizations should have detailed training, education and policies related to all forms of racial discrimination, whether subtle or indirect – including examples of what this entails and how the organization will respond to any complaints made in this area.
Bottom Line	Avoid commenting on how people speak, and instead if you wish to compliment a person, you can compliment the specific ideas or insights they had. Solid training, education and workplace policies should be in place to address subtle forms of racial discrimination. Do not make assumptions when responding to an employee's concerns. All complaints and incidents of racism or racial discrimination should be addressed with an investigation that is appropriate in the circumstances.

Scenario 2

Background	X., a manager, is part of a hiring panel for a new management position with some other colleagues, including some executive leadership team members. The hiring panel has narrowed down their selection for the position to two candidates, with one being a white person, and the other a racialized person. The racialized candidate did well at the interview and has more relevant qualifications and experience than the other candidate. As a result, X. and two other managers would like to hire the racialized candidate. Two

	executive leaders on the panel, however, feel that the white candidate, while lacking as much experience, has more potential and would be a better "cultural fit" for the team. As a result, the white candidate is hired.
Issues	o Hiring for "fit" for a team/organization is often informed by biases, including unconscious biases, that result in people favouring candidates that remind them the most of themselves, or look like themselves, even if they are less qualified. The executive leaders on the panel were showing bias in this area by not being objective in their recruitment and selection and focusing on the facts – including that the racialized candidate had better qualifications and experience. o Viewing that a white person is a better cultural fit, despite being less qualified, can have racial undertones -where it is assumed that racialized people have less promise or competence even if their qualifications and experiences show differently.
Analysis	This scenario shows the importance of having an objective, standardized approach to hiring that avoids looking for the right "fit", and instead looks for the most qualified person. It also shows the need to have a balanced, diverse hiring panel and workplace policies in place that address power imbalances within the hiring panels and how differing opinions on who should be hired will be appropriately handled.
Bottom Line	Where any part of the hiring decision is based on, or related to, race (or any other protected ground under the Ontario *Human Rights Code*) there has been discrimination. Keep interviews and hiring processes objective – avoid looking for the right "fit" – which often involves personal biases and subjectivity. Have a diverse hiring panel where power is balanced.

Scenario 3

Background	An organization has decided they would like to create a Chief Diversity Officer position, in light of recent developments and news highlighting the many injustices in society for Indigenous and racialized people. They would like someone with lived experience of discrimination and racism and feel that this role would be best for an Indigenous or racialized person to hold. The organization therefore asks a racialized employee they think would be

	a good fit for this role to apply for the position. If this employee gets the job, they would be the first racialized person to be part of the executive leadership team.
Issues	o This initiative and asking a racialized employee to fill the role can be viewed as tokenism and also subtle racial discrimination. While this high-status role is intended to go to an Indigenous or racialized person, all other high-status roles are filled by non-racialized and Indigenous people. It appears that Indigenous and racialized people are being grouped into certain committees or positions that are only relevant to diversity or lower in status. o Looking to fill a diversity position with someone with lived experience is a reasonable consideration, but to avoid tokenism it should not be seen as the primary qualification. Anti-racism and diversity positions require specialized knowledge which should be the primary consideration in the creation of such policies. Just because a person is Indigenous or racialized and have lived experience does not mean they have the appropriate skills and experience and/or can automatically fulfill the role of Chief Diversity Officer.
Analysis	Tokenism can add to racial trauma and reinforce the notion that Indigenous and racialized employees are only valuable in lower positions or for special positions that relate to racism, diversity and inclusion.
Bottom Line	Organizations need to go beyond creating specialized roles or committees to be filled by Indigenous and racialized people, which can constitute tokenism, and implement policies and practices to address systemic racism and barriers Racialized people experience.

Additional Resources

- **[Seven Things Organizations Should do to Combat Racism](#) – Esther Choo**
- **[White Privilege: Unpacking the Invisible Knapsack](#) – Peggy McIntosh**
- **[What is Intersectionality?](#) – Kimberlé Crenshaw**
- **[Policy and Guidelines on Racism and Racial Discrimination](#) – Ontario Human Rights Commission**
- **[Diversity Data Guide](#) – The Investment Association/PWC**

- **[Count me in! Collecting human rights-based data](#)** – Ontario Human Rights Commission
- **[7 Anti-Racist Books Recommended by Educators and Activists](#)**–The Strategist

As noted above, this Practice Guideline is not exhaustive. Additional resources are available from the Ontario Human Rights Tribunal, Government of Canada, and various law firms, legal and HR consultants. HRPA members and students are encouraged to review these resources and to seek legal advice from legal counsel with any questions they may have.

Evaluation Measures

For any professional guidance issued by the HRPA, it is important to continuously assess the degree to which the guidance is having an impact to actual professional practice among HRPA registrants. From time-to-time, the HRPA will assess the degree of this for this particular guidance using the following evaluation measures:

- **Reviewing HRPA complaints data and discipline hearings to determine whether there has been a decrease or increase in the number of complaints or discipline hearings related to this topic,**
- **Anonymous surveying of HRPA registrants to determine whether and how this professional guidance has had an impact on how you practice HR, and**
- **Anonymous polls and/or surveys of members of the public to assess whether there are any notable changes in this specific area that they are noticing among registered HR professionals.**

This is not an exhaustive list of evaluation measures that may be used and the evaluation measures may be updated at any time. When evaluations are complete, the HRPA will transparently share the results.

Appendix – Definitions and Examples

Anti-Racism:
Anti-racism is the opposite of racism. It means actively identifying and challenging racism, including the micro, institutional, systemic, and societal levels of racism. This includes implementing practices, policies, and actions to fight against racism, including in the workplace.

Harassment/Poisoned Environment:

Harassment as defined in the Human Rights Code is 'engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome'.

A poisoned environment are situations where a social context, like a workplace, is made hostile, toxic or uncomfortable for individuals in a protected human rights group due to a vexatious comment or act. It can arise from a single comment or act and does not need to be directed towards a specific individual.

Intersectionality:

"The interconnected nature of social categorisations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage." – Oxford Dictionary (concept first coined by Professor Kimberlé Crenshaw in 1989).

This concept recognizes that individuals will have different, unique experiences of discrimination depending on various aspects of their identity such as gender, language, disability and the like and how they overlap and intersect. A full understanding of discrimination and marginalization needs to consider this. For example, a racialized woman living with a disability has overlapping and compounding systems of discrimination and disadvantage.

Race:

Race is defined by the OHRC as:

> "**socially constructed** differences among people based on characteristics such as accent or manner of speech, name, clothing, diet, beliefs and practices, leisure preferences, places of origin and so forth. The process of social construction of race is called racialization."

Racism:

The Ontario Human Rights Commission ("OHRC") defines racism as:

> "An ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, these are unconsciously held and have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a number of levels, in particular, individual, systemic and societal."

Subtle discrimination (e.g. microaggressions, microinvalidations):
Subtle forms of discriminatory conduct, which involve small events that are often hard to prove, covert, and are often unrecognized by the perpetrator (usually due to their inherent biases) and occur wherever people are perceived to be 'different.' Under human rights legislation, race only needs to be one factor for racial discrimination to have occurred. Examples of Microinequities include:

- **Microaggressions**, which are Comments or actions that subtly and often unconsciously or unintentionally express a prejudiced attitude toward a member of a marginalized group; and
- **Microinvalidations, which are verbal comments or behaviors that exclude, negate, or nullify the psychological thoughts, feelings or experiential reality of a member of a marginalized group**

Examples of Racial Discrimination:
Racial discrimination can be subtle, like in the below workplace examples, adapted from the OHRC:

- **Formal or informal network exclusion**
- **Denying mentoring or developmental opportunities and training that was made available to others**
- **When working with an Indigenous or racialized person, using excessive monitoring and documentation**
- **Disproportionately blaming for incidents**
- **Assigning less desirable job duties or positions**
- **Inferring normal differences of opinion or disagreements as confrontational or insubordinate when it's with an Indigenous or racialized person**
- **When having normal communication with Indigenous or racialized persons, characterizing it as rude or aggressive**
- **Penalizing an Indigenous or racialized person for not getting along with someone else (e.g. a co-worker or manager), when part of the reason for the tension is due to racial discrimination.**

Stereotyping:
"To believe unfairly that all people or things with a particular characteristic are all the same."
– Merriam-Webster dictionary.

- **For example- the assumption that members of a particular race are smart (or the reverse, unintelligent).**

Tokenism:

"The practice of making only a perfunctory or symbolic effort to do a particular thing, especially by recruiting a small number of people from underrepresented groups in order to give the appearance of sexual or racial equality within a workforce." – Oxford Languages

Unconscious Biases:

Subconscious attitudes that impact how individuals think and feel about others. These attitudes can be very ingrained and can be held since childhood. Unconscious biases can ultimately impact everyday behaviour. More information on unconscious biases is provided later in this document.

White Privilege:

"...unearned privileges, i.e. benefits, advantages, access and/or opportunities that exist for members of the dominant group in society or in a given context. This notion is often termed "white privilege." While this notion may be controversial to some, consider the following statements that are helpful in understanding how experiences differ based on privilege." – Ontario Human Rights Commission

Examples include:
- **If I want to be around people of my race most of the time, I can pretty easily.**
- **I can go shopping alone and be confident I will not be followed or harassed.**
- **I can watch TV and see people of my race well represented.**
- **I don't get asked to speak for all those who are part of my racial group.**
- **If I need a bandage, I can easily get one that more or less matches my skin tone.**
- **I don't feel outnumbered, unheard, isolated, or feared when at work.**

These examples are adapted from "White Privilege: Unpacking the Invisible Knapsack" by Peggy McIntosh.

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