

Calling Out Subtle Discrimination in the Workplace



Most organizations in Canada avoid acting to discriminate against their employees while hiring or when on the job. Not only because Canadian legislation prohibits it, but also because most Canadians find discrimination unacceptable. Unfortunately discrimination in the workplace remains and in many cases it goes unrecognized because much of it is flying under the radar.

In Canada organizations are prohibited from discriminating against employees or potential employees on the basis of several factors. Many people have read those factors over and over again without ever thinking about what subtle discrimination may look like in practice as applied to these factors.

According to the “Canadian Human Rights Act” 12 factors are listed as protected grounds in Canada. These include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for an offence.

Additionally, each province may have their own legislation identifying protected grounds from discrimination. In Ontario, for example, there are 14 factors listed in the [‘Ontario Human Rights Code’](#). These include: race, colour, ancestry, ethnic origin, place of origin, creed (religion), citizenship, sex (including pregnancy and gender identity), sexual orientation, age, marital status, family status, disability, and receipt of public assistance.

As often as you may remind yourself and your employees about overt discrimination it is also useful to discuss subtle forms of discrimination as part of an ongoing conversation about fair practices in the workplace.

Examples of Subtle Discrimination

The decision to not hire or promote someone or taking steps to harass someone because of their gender, age, ethnic origin, disability, sexual orientation and so on is clearly discrimination (with very few exceptions such as hiring for a role where gender or religion can be established as a requirement). However, discrimination that is not as overt can also have a significant impact in the workplace.

Different types of subtle discrimination include both systemic and/or operational discrimination and the even more challenging to address, interpersonal or relational

discrimination.

Operational Discrimination:

Example 1 – Discrimination when posting a job opening. If an organization decides to save money and only advertise in one location, say LinkedIn, or only look through their personal contacts in LinkedIn, this could result in lack of representation from qualified candidates. LinkedIn statistics have often demonstrated that there are certain demographics underrepresented on LinkedIn. By only searching through LinkedIn an organization may be systematically discriminating against, for example, indigenous Canadians who appear to be underrepresented on LinkedIn.

Example 2 – Selection of a location for business operations. Statistics demonstrate that low income Canadians, new immigrants and younger people are less likely to own their own transportation. As a result they may be unable to take a job not on a public transportation route or take a job that operates outside public transportation hours. By not addressing location and transportation you could be systematically discriminating against certain employees. In some cases working from home, rideshare, transportation allowances and more can be considered to address this discrimination.

Interpersonal or Relational Discrimination:

Every day your employees interact, take actions and make decisions that impact hiring decisions, performance reviews, promotions and access to opportunities. Within those interactions unintentional or subtle discrimination has a potential short- and long-term impact.

Example 1 – A supervisor does not believe an employee is cooperative or honest because the employee avoids eye contact when speaking to the supervisor or team leaders in the workplace. As a result this supervisor does not invite this employee to participate in as many projects that could be of value to the professional development of the employee and this employee does not receive high scores for teamwork and communication on performance evaluations.

Example 2 – An employee does not participate in the organization's extra curricular events including those sponsored by the organization to raise awareness and money for charities. Other employees and supervisors discuss work-related projects and tasks during these events and as a result the employee is often not aware of work-related requirements or opportunities and more over not seen as a committed or hard working employee.

These scenarios could describe the experiences of any employee and be a matter of choice or indicative of work performance issues. However, for employees with different cultural backgrounds, family status, disability and so on these experiences may be part of a subtle, but ongoing experience of discrimination that results in their loss of status and opportunity within the organization.

Impact of Subtle Discrimination on the Entire Employment Experience

These subtle experiences of discrimination can influence all aspects of the employment relationship including hiring, performance and termination. A hiring manager may not even be aware that he/she routinely considers employees who are native or indigenous Canadians, young single mothers, or employees with disabilities as a poor 'fit' in the organization. This development of an unconscious bias may impact the supervisor's willingness to hire employees with similar profiles or he/she may be less willing to assign projects or support professional development opportunities for those employees.

Additionally, co-workers may fail to engage with an employee who does not share their characteristics or way of operating. This may result in the employees speaking poorly of other employee's work habits, not because they are detrimental but because they are different.

Managing Subtle Discrimination in the Workplace

There is no quick or magic solution to addressing subtle discrimination in the workplace. However, increasing awareness through ongoing conversation and education and a little data analysis can be useful steps.

Raising Awareness: If your employees knew that a staff person would not make eye contact because the person had a disability such as Asperger's, autism or clinical anxiety or because their culture has a different approach to communications that could help bridge the subtle discrimination gap. While you cannot inform your employees of all possible differences among people you can routinely remind them that these differences exist all the time.

7 Tips For Addressing Subtle Workplace Discrimination

Post reminders around the workplace that cultural and personal workplace differences exist and they are not weaknesses.

Train employees to ask questions when they do not understand what is happening or what another person is saying or doing instead of making assumptions.

Encourage employees to share stories of cultural workplace practices; provide training on cultural workplace differences.

Provide information on different disabilities and how they can impact performance, communication and relationships.

Educate managers and supervisors on how to spot their own biases and focus on objective measures of performance.

Gather data on your employee's treatment, performance reviews, hiring and promotions and look for patterns. Capture demographic data (provide precautions to ensure data on protected grounds is gathered and considered in the aggregate).

Actively seek out representation from different cultures, demographics, and abilities in your workplace.

Finally, regularly ask your employees to tell you about their experiences (including anonymously) in the workplace and if they have experienced what feels like subtle discrimination. Gather this information and look for patterns. Then be prepared to discuss how you address subtle discrimination on an operational and systemic level and within the day-to-day workplace relationships within your organization.