Combatting Racism in Employment

With racial injustice uprisings in the US, and similar demonstrations taking place Canada-wide, racial inequalities and injustice are top of mind.

Now is the time for institutions to review internal policies and practices to ensure that they are consistent with human rights legislation and promote equality in employment and diversity and inclusiveness in the workplace. To this end, employers should:

1. Review their human rights policy

- Is it current with recent changes to human rights legislation?
- Does it allow for a non-intimidating procedure for making complaints?
- Does it describe a trauma-informed investigative process that provides procedural fairness for all parties?
- Does it provide for significant retaliation consequences?
- Is it accessible to employees?
- Have employees acknowledged their understanding of the policy?

2. Review social media policy

- Have we as a business decided on the value of a social media presence?
- Have we articulated to employees our position on social media use?
- Have we prescribed when and how employees can use our social media platform?
- Do employees understand the parameters around their own personal social media use when it can be tied back to the business?
- What are the reputational consequences of employees' social media use?

3. Review hiring and training programs

- Do our recruitment methods impose any systemic barriers?
- What criteria do we use to select employees for training programs and advancement?
- How can we better engage employees who exhibit a protected ground under human rights law?

4. Consider training for managers and employees

- How long has it been since we last conducted anti-discrimination and harassment education?
- Have all staff recently had this training?

- What should this training look like in the midst of a pandemic, perhaps workshops via ZOOM?
- Beyond basic human rights training, should we provide cultural competency education and unconscious bias training for decision-makers, including managers and internal investigators?

5. Indigenous Reconciliation plan

- Have we become more aware of the history and source of past and current racism and discrimination of Indigenous Peoples in Canada and reviewed the calls for action from Canada's Truth and Reconciliation Commission that apply to our business or industry?
- Have we as a business created a reconciliation statement and plan?
- Have we communicated to employees our commitment to a workplace that promotes employment and training and opportunities for Indigenous Peoples?
- Have we made indigenous cultural competency training available to our employees?

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

by Andrea Raso and Michael McDonald, Clark Wilson LLP