

Making a Difference: The 10 Things Employers Can Do to Combat Racism



The standard racial discrimination and harassment policies to ensure compliance with human rights laws is no longer enough for these turbulent times. In response to the murder of George Floyd, employers across Canada and the world are taking a broader stand against racism. But while there's only so much a single employer can change society, where they can make a difference is with regard to how people think and behave in their workplace. Here are 10 actions you can and should take right now to reaffirm and reinforce your commitment to root out racism and racial discrimination within your own organization.

1. Do a Numerical Analysis to Identify Systemic Discrimination

The first thing employers seeking to combat systemic racism must do is ensure their organization isn't part of the problem. **Explanation:** Being a racist, i.e., a person who believes that a group of people is inherently inferior, isn't illegal; acting on those beliefs is. Hate crimes are the most obvious example. A more subtle form of illegal conduct is racial discrimination, which includes any action, intentional or unintentional, that unfairly treats a person or group less favorably because of their race, even if the organization doesn't realize it. **Example:** A predominately White professional firm consistently rejects Black applicants because they don't "fit" the company's culture.

What to Do: Numerical data about your hiring, promotion and staffing decisions can help you identify systemic or institutional discrimination at your own organization. Red flags to look for:

- Under-representation of people of colour at your organization relative to the percentage of qualified individuals of colour in your applicant pool may indicate systemic discrimination in your hiring practices;
- Unequal distribution of people of colour in your organization, e.g., high concentration in entry-level positions and low representation in managerial positions, may indicate that your training and promotion practices are inequitable; and
- Disproportionately high percentage of disciplinary actions against

employees of colour may be indicative of discriminatory effects of your HR policies and/or codes of conduct.

2. Analyze Policies, Practices & Decision-Making Processes

Review your organization's policies, practices and decision-making processes to unearth systemic and institutional discrimination. Questions to ask:

- Do you hire persons of colour at a rate that reflects their representation in the pool of qualified applicants? If not, consider whether your recruitment, interviewing or hiring practices are having the effect of excluding qualified minorities.
- Are persons of colour at your organization participating in training opportunities at the same rate as other employees? If not, review your training and development policies and practices for red flags, e.g., limiting training only to senior employees.
- Are persons of colour proportionately represented at senior levels of your organization? If persons of colour are concentrated at lower level or technical positions, determine if your systems for promotion are posing obstacles to equitable advancement.
- Is the turnover rate for persons of colour higher than it is for other employees? If so, review your disciplinary and layoff policies and procedures.

TOOL

HR Audit: Are Your Employment Practices Perpetuating Racial Discrimination?

Special Report: Hiring & Recruiting with Attention to Diversity

3. Assess Whether Your Organizational Culture Excludes or Marginalizes Minorities

Discrimination may be embedded within an organization's culture, which the Ontario Human Rights Commission (OHRC) defines as shared patterns of informal social behaviour, decision-making and interpersonal relationships resulting from deeply held and largely unconscious values, assumptions and behavioural norms. Because they're the subjective constructs of people in power, organizational cultures may exclude or marginalize people of colour.

Example: Colleagues appreciate a White employee with a straightforward communication style for being a "straight talker" but deride an African Canadian with similar attributes for being "abrupt" and "disrespectful."

What to Do: Beware of hiring and staffing decisions based on informal processes or subjective criteria, such as whether a person "fits" into your organizational culture.

TOOLS

Hiring & Recruiting: The Liability Risks of Evaluating Job Candidates' "Fit" with Your Organization

Model Policy on Use of Organizational "Fit" as Criterion for Recruitment & Hiring

4. Survey Your Employees

The best way to figure out how employees perceive your organization's culture and commitment to racial equality in the workplace is to ask them directly in the form of a survey. Employees should also be surveyed when they leave the organization as part of the exit interview. **Best Practice:** Doing a confidential rather than an anonymous survey generally produces the best results because it enables employees to answer candidly; being able to correlate responses to specific individuals also enables you to analyze the data by demographic, job role, department, etc.

Caveat: Be aware that survey results suggesting that there are racial issues within your organization creates a legal duty to take action. If not, the survey becomes a smoking gun that can be used as evidence against you in a discrimination suit to prove that you were aware of a racial problem but didn't address it.

TOOLS

Model Employee Diversity and Inclusion Questionnaire

5. Speak Out against Racism

Consider doing what so many leading corporations have done in response to the George Floyd tragedy: Crafting a statement from a high-level officer to all employees condemning racism and reaffirming your organization's commitment to promote inclusion and diversity and ensure that all employees are treated with dignity and respect. Be aware that in the current environment, remaining silent may engender bad feelings of your employees, customers and community. By the same token, companies are better advised to say nothing than issue a statement they don't believe.

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Sample CEO Statements Condemning Racism

Corporations Take Action in Response to George Floyd Murder

In addition to statements condemning the murder of George Floyd, Ahmaud Arbery and Breonna Taylor, many leading companies in the U.S. and Canada have taken real actions to promote the cause of unity and racial justice. Examples:

The Quaker Oats Company ended its Aunt Jemima breakfast foods brand.

PepsiCo, the parent company of Quaker Oats, announced a 5-year, \$400 million initiative to increase Black managerial representation by 30% and more than double business with Black-owned suppliers.

Mars Inc. announced plans to "evolve" its Uncle Ben's brand.

Airbnb launched "Project Lighthouse" in partnership with civil rights organizations to investigate and prevent discrimination on its platform through new policies.

Adidas, which also owns Reebok, committed to filling 30% of new positions with Black or Latino workers.

Bank of America announced a \$1 billion, 4-year commitment to strengthen economic opportunities in communities of colour.

PayPal is committing \$530 million to supporting Black-owned and minority-owned businesses and bolster its internal diversity and inclusion practices.

Comcast has dedicated \$100 million over 3 years toward diversity and inclusion efforts.

IBM has stopped investing in facial recognition software used by police forces, **Microsoft** will no longer share its version with the police and **Amazon** will stop sharing its software with police for a year.

Nike, Twitter, Square, The New York Times and **Vox Media** made the Juneteenth celebration of Emancipation a paid holiday.

PwC is creating a Diversity & Inclusion Staff Advisory Council.

Sephora signed the “15% Pledge” and committed to devoting 15% of its shelf space to products from black-owned businesses.

Walmart, Walgreens and **CVS** will stop placing African-Canadian beauty products in anti-theft cases, alongside other beauty products not given the same protections.

NASCAR banned the Confederate flag from appearing at its races.

6. Issue an Anti-Racism Vision Statement

Even before the recent events, human rights commissions across Canada have called on organizations to issue a clear, concrete anti-racism vision statement that includes:

- Recognition that racism exists in Canada and that management has a role in combating it;
- Management’s commitment to eliminate racism and promote equality, inclusion and diversity in the organization’s workplace;
- Recognition and respect for the unique identities of Aboriginal peoples and their need for a distinct approach to anti-racism measures;
- A description of measures the organization will take to further these commitments.

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Model Anti-Racism Vision Statement

7. Review Your Anti-Discrimination & Harassment Policy

The anti-racism vision statement should be part of a broader anti-discrimination and harassment policy. But while such a policy is—or at least should be—a staple for every organization, the George Floyd tragedy is the perfect occasion to revisit it and ensure it’s clear, comprehensive and up-to-date. required at every organization.

TOOLS

Anti-Racial Discrimination & Harassment Policy Checklist

Racial Discrimination & Harassment Policy

8. Ensure You Have an Effective System for Resolving Complaints

Commitments and policies are useless without a mechanism for reporting, investigating and resolving actual complaints. Specifically, the anti-discrimination and harassment policy must explain how the complaint mechanism works, including with regard to:

- How to make a complaint and to whom to report it, including alternatives in case the designated complaint recipient is involved in the alleged misconduct;
- Assurances of confidentiality and protection from reprisal for submitting a complaint;
- Assistance and support available to employees involved in the complaint;
- Who will investigate the complaint;
- The investigation methods and how long they're expected to take;
- Whether mediation or other Alternative Dispute Resolution measures are available to resolve the complaint;
- The potential disciplinary consequences and remedies to be used if the investigator finds that discrimination or harassment did, in fact, occur; and
- The fact that the internal complaint doesn't strip employees of their right to file a complaint with the jurisdiction's human rights commission and the deadline for doing so (one year in most jurisdictions).

9. Expand from Non-Discrimination to Diversity Training

Education and training are essential to fulfill your commitment to provide a workplace free from discrimination, starting with the discrimination and harassment training required by law. But this is the moment where all employers need to consider going beyond the law and providing broader training on diversity and inclusion. Explanation: The discrimination laws require you to tolerate racial and personal differences and not let them interfere with your employment decisions; inclusion and diversity are about not only accepting but embracing differences and using them to make your organization stronger and more successful.

10. Implement a Diversity Program

Last but not least, consider whether to appoint an officer/committee to make recommendations to management and implement programs to ensure diversity at your organization.

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Supporting a Culturally Diverse Workforce