

The Dismantling Of DEI Programs: A Racialized Person's Response



My colleague Liliane Gingras recently wrote a blog titled, "[The dismantling of DEI programs: A lawyer's response.](#)" In that blog, Liliane discussed her concerns regarding the current DEI backlash. Specifically, she expressed concern that some may believe that the absence of a DEI program in the workplace may mean that legal protection from discrimination disappears, which is not the case. Liliane raised some very important questions for employers to consider with respect to their legal obligations. In this blog, I wish to add my perspective on the current backlash, as a racialized person.

We just finished celebrating Black History Month (BHM) in February. BHM is always a time of celebration for the Black community as we honour our accomplishments and achievements. This year, as I celebrated, I found myself in a deeper state of reflection. Reflecting not just on the experience of Black Canadians, but also the wider marginalized community.

We are operating in a time where there is increasing opposition to the notion of diversity, equity, and inclusion (DEI) in the workplace, and we are hearing of many organizations that are "scaling back." It is said that DEI has its roots in the civil rights movement of the 1960s. However, in the last few years, particularly following the global protests after the murder of George Floyd in 2020, we have seen a notable shift in the movement.

While I considered the wave of DEI efforts and initiatives to be a shift in the right direction, I often wondered whether there was a true shift or if it was just a trend that went viral. Unfortunately, the emerging opposition or resistance to DEI is legitimizing some of those concerns. That is not to say that this is true of every organization that embraced DEI efforts. There are many organizations that truly embraced the opportunity to advance diversity, equity, and inclusion in their workplace and have made it part of their organizational culture. However, the current backlash is nonetheless quite telling.

A 2024 study¹ indicated that discrimination and unfair treatment continue to disproportionately affect racialized groups, Indigenous people, women, 2SLGBTQ+ populations, people living with disabilities, and young adults. These results only confirm what we already know – the problem has not been fixed. So, if the problem persists, what is the justification or the reason for opposing ongoing DEI efforts? Is the message being conveyed, "It's not our problem, it's yours?" or "We've done

enough, time to move on to other more important things?" I could appreciate if the argument was, "We need to do it differently or better because what we are doing is not sufficiently effective." There would be truth to that (which is a whole other discussion for another blog). However, that does not seem to be the conversation. My colleague Lori-Ann Green put it aptly when she wrote in her recent [blog](#) that anti-DEI proponents "seem to forget or ignore the many years of blatant inequality that these programmes were implemented to combat." It bears emphasizing that, for marginalized people, DEI efforts are quite literally a fight for our place in this world.

So, for those who have joined the movement of opposition, and to the organizations that are considering shifting focus away from DEI, I invite you to reflect on the message that may be sent to your marginalized employees, customers, and clients and the culture that such a decision fosters within your environment. As correctly stated by Liliane in her blog, "It will be difficult for organizations to, on the one hand, dismantle DEI initiatives, and on the other, convince their employees that a discrimination-free workplace is important."

The questions then become, what are we to do? How do we respond? Should we respond?

My encouragement is that we aim to be on the right side of this conversation in a meaningful way. That means remaining committed to advancing change where change is needed but capitalizing on the opportunity to improve our efforts. Here are four things that organizations can do to combat the DEI backlash and to truly develop and sustain a culture of diversity, equity, and inclusion within their workplace.

1. Avoid being tokenistic

One of the greatest criticisms of the DEI efforts over the past few years is that they have, essentially, been acts of lip-service rather than causing meaningful change. The result is that there may not have been sufficient benefit to all the groups intended to benefit from these measures. As we seek to advocate for ongoing DEI measures, now is an opportune time to think more deeply on the impact of the measures that we have been taking. Organizations are encouraged to intentionally assess and measure what, if anything, has been the true impact for the marginalized community within our environments. A workplace assessment is a useful tool to gather meaningful data on the efficacy of the efforts thus far because it would allow employers to hear directly from those impacted and invite their feedback on what could be done differently.

An added step is the ongoing review of policies, practices, and procedures to assess if there is any adverse impact on any marginalized group. This ongoing review ought to be woven into the fabric of an organization's operations. The need for it is never exhausted.

2. Prioritize accountability

In the wake of the DEI backlash, the risk is that people may become more emboldened to engage in disrespectful behaviour or conduct that infringes human rights laws. Therefore, it is incumbent on employers to prioritize accountability and demonstrate intolerance for such behaviour. This can be achieved through ensuring that the internal policies continue to reflect the organization's position on intolerance, conducting investigations when there are allegations of a breach of those policies, and taking necessary action when the allegations are substantiated. Moreover, whether there is a DEI program in place or not, employers are legally obligated to protect from discrimination. This needs to be understood.

3. Address pushback and have the difficult conversations

I recognize that, even for organizations that are proponents of DEI, there may be naysayers within the ranks that make it difficult to carry on with the efforts successfully. In those circumstances, silence is not the answer. It is important that organizations are clear on their position and engage in the difficult conversations. As it is with any other internal policy or protocol, employees do not have to agree, but, if they wish to continue being a part of the organization, they do have to comply. When faced with the question, "What is the point of still focusing on DEI?" – have an answer. That said, it is important that leaders within the organization are equipped to have these conversations respectfully, objectively, and thoughtfully. Therefore, employers are encouraged to consider what supports may be afforded to their leaders to enable them to engage in these discussions.

4. Respond to any division caused by the backlash

The differences of opinion on this sensitive topic could lead to divisions in the workplace. Such divisions ought not to be ignored because, if left unaddressed, they may lead to the escalation of situations that could have been otherwise dealt with. Workplace restoration is a useful tool to address such divisions. It's useful because it is a process that considers how to create safety and productivity in the workspace while considering the perspectives and interests of all concerned.

Backlash against marginalized groups is nothing new – history confirms that. However, what we get to decide is where we stand and what we stand for.

Footnote

1 "Three-in-ten Canadians have experienced hiring or workplace discrimination" (November 18, 2024), online (Pollara news article): <https://www.pollara.com/three-in-ten-canadians-have-experienced-hiring-or-workplace-discrimination/>

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.

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