

Racial Discrimination & Harassment

The City of Toronto is committed to respectful, equitable service delivery and employment practices. The City recognizes the dignity and worth of every person and condemns harassment, discriminatory actions, and the promotion of hatred. The City acknowledges that racism can have a significant and lasting impact on our communities, workplaces, and families. The City of Toronto is committed to preventing and addressing racial discrimination and harassment through the consistent application of its human rights policies and by advancing the City's motto "Diversity our Strength."

What is race?

Race is a concept. It is a socially constructed way of judging, categorizing and creating difference among people. It is related to geographic, historical, political, economic, social and cultural factors. Although there are no biological "races" the social construction of race is so strong that it creates real consequences for individuals. Historically, race was defined as a natural or biological division of the human species based on physical distinctions (such as skin colour). The notion of race came into existence to support European colonial expansion, as nations and peoples who colonialists sought to dominate were deemed 'non-white' and 'lesser'.

What does racialized mean?

Since race is a social construct, racialization is the process by which societies construct races as real, different, and unequal and make these differences relevant to economic, political, and social life. Specific traits and attributes can also be racialized by connecting them with racialized people and deeming these traits as abnormal or of less worth. Racialized traits can include: physical features, accents, manner of speaking, names, clothing, grooming, diet, beliefs, practices, etc.

What is Racism?

Racism is an abuse of power and privilege. It is based on an ideology of superiority/inferiority between a dominant race over a non-dominant/marginalized population. It marks one set of people as 'other' and 'different' and another set of people as 'normal' or 'better'. Racism occurs when distinctions based on a person's perceived race are used to disadvantage or negatively impact those individuals.

"My presence speaks volumes before I say a word" – Mos Def

What is the impact of Racism?

Racialized persons experience disproportionate poverty, over-representation in prisons and under-representation in political, administrative, economic, and media institutions. They also face greater barriers to accessing employment, housing and health care. Employment discrimination on the basis of race (in job hiring,

promotion, etc.) is particularly egregious as employment is integral to socio-economic well-being which in turn impacts health, access to education, and services more broadly. Racial discrimination and harassment has significant impact on its victim as it attacks the core of basic human respect and dignity. Racial discrimination and harassment tells its victim that they are 'less than', that they are 'abnormal' or 'different' and the perpetrator is 'normal' and 'better'. In this way, racism can exclude individuals from their society, their community, or their workplace, which can cause extreme psychological, emotional, and physical harm. These harms can have lasting effects that carry on through generations and create a continual cycle of marginalization.

Does Racism Exist in Canada?

Unfortunately yes. Racism is a reality that many people have to live with each day, in every aspect of their lives. Although you are no longer likely to see signs indicating "No Jews, Blacks, or Dogs Allowed," racism is still very much present in our society, but in more subtle ways. Statements like "that was in the past, it doesn't happen today" or "I don't see race, I am colour blind" disregard the very real experience that racialized individuals have in society and the continued discrimination many face.

Canadian history is steeped with racism, the results of which continue to permeate through our existing systems and structures. From the cultural genocide inflicted on First Nations people, the racial segregation of black Canadians, the internment camps of Japanese Canadians, the head tax on Chinese immigrants to the recent violence against women wearing religious head coverings, our country's history is tragically filled with examples of racism. This history has had enduring effects on racialized communities as it creates barriers to full and meaningful equality. An example of this is the forced removal of Aboriginal children from their homes to residential schools. While there, the children were forbidden to speak their own languages, practice their traditions and customs, or learn about their own histories. These children were also poorly educated and many were subjected to emotional, physical and sexual abuse. The effect of the residential school system continues to impact Aboriginal communities to this day; resulting in higher rates of poverty, incarceration, and poor health as compared to other populations.

What is stereotyping?

Stereotyping is a process where people are categorized by attributing characteristics, whether positive or negative, to all members of that group. When generalizations are applied to groups it can lead to assumptions that have no basis in reality and ignore the diversity within the group. Historical context can play a role in the creation of stereotypes, for example, the stereotype of Jewish persons being greedy originated in Europe around the 11th century when the Church forbade Christians from lending money. At the time, Jewish people were restricted from other occupations but were permitted to lend money as it was considered 'dirty' for Christians to do. This led to associating Jewish people with greed since the European Middle Ages and crops up in the writings of Shakespeare and Dickens. This negative stereotyping has led to discrimination and harassment to this day. Even positive stereotypes, such as believing that all Asians are excellent at math act as a limiting characteristic for members of the group. The stereotype carries with it assumptions

of lack of creativity and does not reflect the diversity of talents/experiences that exist within the Asian communities.

What does Racism Look like?

Racism can occur in a variety of ways:

Individual racism: can range from targeted racial harassment and overt discrimination to subtle small events that occur on a daily basis. For example:

- Derogatory slurs, inappropriate jokes, cartoons depicting negative or stereotypical images
 - Exclusion from informal social/professional networks, excessive monitoring, micro-aggressions, etc.
- *Micro-aggressions are described as everyday slights, putdowns, or invalidation that is usually unintentionally directed at a marginalized group. These can include assumptions (eg. assuming a visible minority was not born in Canada), physical behaviours (eg. clutching a purse when a black male passes), to verbal comments (eg. "you're not like other Muslims" or "where are you really from?") Micro-aggressions can lead to a poisoned work environment and normalize racism.*

Systemic/Institutional racism: consists of patterns of behaviour, policies, or practices that are part of the social or administrative structures of an organization, and which create or perpetuate a position of relative disadvantage for racialized persons. These policies, practices, or behaviours often seem neutral but effectually exclude racialized individuals. For example:

- Where a company whose management is predominantly white hires through word-of-mouth it is less likely that racialized candidates will even be aware of the opportunity, resulting in exclusion from the hiring process.
 - Unjustifiably requiring 'Canadian Experience' for a hiring opportunity excludes immigrants, many of whom are racialized.
- *Systemic/institutional discrimination is a major barrier to racialized groups, particularly in employment, education and the criminal justice system.*

Racism and Other Characteristics (Intersectionality)

Racial discrimination/harassment can be impacted by related *Human Rights Code* grounds such as colour, ethnic origin, place of origin, ancestry, and creed. Since race is a social construct, the ground of race can also include related grounds and any other characteristic that is racialized as a means to discriminate. For example, a person's lack of communication skills may be the expressed reason for a termination, when in actuality the person's accent is being used as a proxy for race, and related grounds.¹

Additionally, race can overlap or intersect with other grounds such as sex, disability, sexual orientation, and family status to create unique or compounded experiences of discrimination. For example, people will often experience distinctive forms of racism based on stereotyping of their race and gender, such as a young black man

¹ [Liu v Everlink Services Inc., 2014](#)

being seen as "aggressive". Racialized Trans women are disproportionately subject to violence and murder and racial stereotypes regarding a woman's sexuality may make them targets of sexual harassment [See [Sexual Harassment Resource](#)].

What is a Special Program?

"Special programs" are measures that attempt to address historical disadvantage by removing barriers for marginalized groups protected under the [Ontario Human Rights Code](#) to improve their situation. Special programs are permitted under section 14 of the *Code*. These measures can increase access to education, employment, and housing as they attempt to remedy past acts of discrimination by increasing diversity and advancing organizational change. Race-based special programs attempt to place racialized persons on the same footing as those who have not experienced historical disadvantage because of their perceived race. An example of such a program is an Aboriginal Employment Strategy which attempts to increase representation of Aboriginal persons in an organization to a level at least consistent with their availability in the labour market.

What are *your* rights and responsibilities?

Racial discrimination and racial harassment are contrary to the policies and values of the City of Toronto and will not be tolerated, ignored, or condoned under the City's [Human Rights and Anti-Harassment/Discrimination Policy \(HRAP\)](#). All City of Toronto employees have the right to be free from racial discrimination and harassment in all stages of employment and residents are protected in the City's provision of services and facility use.

Employees and service/facility users are also responsible for adhering to the HRAP by not discriminating or harassing others. Upholding human rights principals is a [shared responsibility](#) and we all have a role to play in creating an inclusive and respectful workplace and community. All staff are required to refrain from engaging in behavior that would constitute discrimination or harassment towards members of the public, co-workers, and management.

All management staff have specific responsibilities to prevent and address racial harassment and racial discrimination (see sections [3.0-3.2 of the HRAP](#)).

The City condemns the promotion of hate through its [Hate Activity Policy](#). Hate activities can be racist when they target individuals/groups on the basis of race or related grounds. According to the Toronto Police Service's [Hate Crimes Unit](#) race is one of the most frequently reported motivation factors for hate crimes. Racial harassment can also be a hate activity. The City of Toronto is committed to eliminating hate activity by:

- ensuring that all City employees and service recipients can work and are serviced in an environment without hatred;
- facilitating the combined efforts of various sectors in responding to hate;
- publicly condemning the actions of hate groups/individuals and racist organizations.

What is Racial Discrimination?

Discrimination on the basis of race is defined in the HRAP as any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group because of membership in a group protected in the Human Rights Code or circumstances unrelated to the person's abilities or the employment or service issue in question. See the full definition of discrimination at section 4.3 of the HRAP.

What is Racial Harassment?

Harassment is defined as a course of vexatious comment or conduct that is known or ought to be known to be unwelcome, offensive, embarrassing or hurtful. **Racial harassment** is expressly defined in the HRAP as harassment on the ground of race, which may also be associated with the grounds of colour, ancestry, where a person was born, a person's religious belief, ethnic origin or even a person's language. See section 4.10 for examples of racial harassment.

- **Racial harassment can occur even if the person did not know or mean to do it.** See section 4.14 of the HRAP for the reasonable person test.

A **poisoned work environment** on the basis of race is a form of indirect racial harassment/discrimination. Offensive cartoons, insulting slurs or jokes that are *not directly* targeted at a racialized person have been found to poison the work environment for employees. See section 4.15 of the HRAP for the full definition.

Addressing Racial Harassment and Discrimination

What is the role of the Human Rights Office?

The Human Rights Office (HRO) exists to prevent, correct, and remedy discrimination/harassment that occurs within the workplace or City run facilities/services through alternative dispute resolution. The HRO provides confidential advice and explores allegations of harassment/discrimination impartially. The HRO does not act on behalf of, or represent, any party in a dispute and deals with complaints in an unbiased manner. You can contact the HRO at **416-392-8383** or fill out a confidential online Complaint Form [here](#).

What is the goal of this resource?

The goal is to help you foster an inclusive, positive and respectful workplace and environment for all employees and service or facility users where they can be free of racial discrimination and racial harassment. This includes raising awareness surrounding the complexities of race-related discrimination and harassment. Increasing our understanding of the context of racism, how it can surface in the modern world, and what to do about it is the first step to achieving a more inclusive, welcoming workplace and service environment for all.

1) What if you are a service or facility user who experienced racial discrimination or harassment?

In British Columbia the Human Rights Tribunal found that an Aboriginal woman with a disability was discriminated on the basis of her race, ancestry, colour and disability when security characterized her as "suspicious". She was asked to leave a

shopping mall without any justifiable reason. The Tribunal found that the shopping mall systemically discriminated against Aboriginals and/or people with disabilities.²

Service and facility users should be able to equally engage in all City services and use all facilities without being subject to racial discrimination/harassment. If a resident feels that they have experienced racial discrimination in the provision of services, or in the use of facilities, try to take notes of the incident, get the name of the person who your complaint is about, and the names of any witnesses.

Please speak to a supervisor/manager and explain what happened, by whom, and when. You can also contact the Human Rights Office [*See: Complaints Procedures*]. The Human Rights Office (HRO) will assess your complaint and may conduct an investigation to determine whether there was a breach of the HRAP. The HRO can also examine broader issues that may have contributed to your complaint such as systemic barriers.

2) What if you are an employee who experienced racial discrimination or harassment?

In Ontario, a manager made comments about an employee's casual dress as "ghetto" which were heard by the employee and other staff. This was found by the Ontario Human Rights Tribunal to poison the work environment because of race.³

Employees are protected from racial discrimination/harassment. As a first step, employees should ask the perpetrator to stop and try to resolve the matter respectfully and professionally. Calmly explain why the comment or conduct is offensive. If that fails, or is not appropriate, the employee should speak with management or contact the Human Rights Office (HRO). It is highly recommended that employees take notes of any incidents they believe may be racially discriminatory/harassing.

If a unionized employee feels that they were discriminated against while employed, they may file a grievance. It is important to note that the HRO Process is not available to employees who choose to file a grievance [*See: Complaint Procedures*]

3) What if you are a job applicant and were racially discriminated against?

Dr. Sangha was not hired for a position because he was deemed "overqualified". Although being "overqualified" appears to be neutral, the Tribunal found the failure to hire was discriminatory because being deemed "overqualified" when applying for a job is disproportionately experienced by racialized immigrants.⁴

If you are a job applicant who believes you have experienced racial discrimination, speak with the Human Resources (HR) contact and ask for the reasons why you were not successful. If you believe a job requirement puts you at a disadvantage

² [Radek v. Henderson Development, 2005](#)

³ [Brooks v. Total Credit Recovery Limited, 2012](#)

⁴ [Sangha v. Mackenzie Valley Land And Water Board, 2006](#)

because of your race or other associated grounds, ask HR for more information as to why that requirement was used. If you are unsatisfied with the reasons, and believe you were not screened in/offered a position because of your race, contact the HRO.

For example, if a posting requires "Canadian Experience" but there is nothing in the job demands that requires particular knowledge that can only be gained with Canadian experience (e.g., experience interpreting and applying Ontario legislation) it may be discriminatory. There is a three-step test that is relied on to determine if a standard, factor, or requirement can be justified as legitimate (*bona fide*):

1. If it was adopted for the purpose or goal that is rationally connected to the function being performed
2. If it was adopted in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal
3. If it is reasonably necessary to accomplish its purpose/goal, i.e. accommodation would cause undue hardship.

This test will be relied on when considering if the assessment is discriminatory

4) What if you receive a complaint of racism?

In a recent Ontario case, an employee felt he was given menial tasks and treated 'like a servant' because of his race. The employee complained to management but there was no investigation. Although there was no finding of harassment or discrimination, the Tribunal held the employer liable for failing to take any steps in response to the complaint.⁵

If you are not in management, speak to your supervisor immediately or call the HRO. Management has specific obligations under the HRAP to prevent and address incidents of discrimination/harassment in the workplace. When a complaint of racism is raised, make sure that you take the complaint seriously and follow the City's policies. Explain what your next steps will be, how you will follow up, that they are entitled to confidentiality, and that they are protected from reprisal. Be timely in your approach. Make sure that you obtain all the relevant information from the individual and document it.

Contact the HRO to obtain assistance and support in managing the complaint; the HRO will work with you to resolve the complaint or may take over the investigation if there is a potentially serious or systemic racial harassment/discrimination issue.

As a manager you must also ensure that your workplace is free of racial harassment and discrimination. **Be proactive** in fostering inclusive and respectful workplaces through regular human rights training, creating an environment where staff feel comfortable to vocalize complaints, foster a culture of inclusion, ensure instances of disrespectful behaviour are dealt with immediately, and apply policies consistently.

How can I be an ally?

⁵ [Morgan v. Herman Miller Canada Inc., 2013](#)

If you see or hear jokes, comments, or behaviours that single people out because of their perceived race, step up and say something if it is safe to do so. If you laugh along or say nothing, it may seem like you are condoning the behaviour, or agree with it. You can be an ally by speaking up and supporting others who speak up. You can ask why they think that comment was funny, or say you don't appreciate hearing those kinds of comments/jokes. You can also support the individual by asking if they are OK after the incident, and see if you can offer any support in the future. Talk to the individual about telling management what happened, or make a complaint to management about what you heard. The HRO can accept complaints from any source. Just because you might not have been the target, doesn't mean that you can't speak up when you hear offensive comments.

When workplaces contain racist jokes/language/behaviours it can create a poisoned work environment. All employees have an obligation to prevent this and have the right to be free from working in a toxic environment.

Being an ally also means **taking responsibility**. If you made a joke or comment that could be offensive, but you did not mean to be discriminatory, take a moment to reflect on what was said and apologize. Make sure you don't do it again. People make mistakes; it's what we do afterwards that really counts.

An effective ally also understands the issues at hand, and why racialized individuals could experience certain comments or conduct as discriminatory. Take some time to understand the issues as well as your own privilege(s) and biases, see:

- [Harvard University Implicit Bias Test](#) – a tool to discover unconscious bias
- [Unpacking the Invisible Knapsack](#) – article on privilege
- [See this, Say that](#) – tool for coming up with responses to offensive comments
- [Racism is Real](#) – Video on racism towards Black Americans
- [The Invisible Discriminator](#) – Video on racism towards Australian Aboriginals
- [Immaculate Perception](#) - TED talk on Implicit Bias
- [The Danger of a Single Story](#) - TED talk on implications of dominant narratives
- [Truth and Reconciliation Commission](#) –Residential school system testimonies.
- [Dancing on Live Embers](#) – A useful book on challenging racism in organizations
- [Responding to Everyday Bigotry: Speak Up](#) – Tips on what you can do in response to racist comments
- [Moving the Race Conversation Forward](#) – Video on the need to talk about systemic rather than individual racism

Additional Resources:

- [Human Rights Office](#) – resources, support, and complaint information
- [City of Toronto's Plan of Action](#) – see what the City is doing to eliminate racism
- [Ontario Human Rights Commission](#) – Materials on Race and Related Grounds
- [International Convention on the Elimination of Racial Discrimination](#)
- [Canadian Anti-Racism Community Links](#)
- [Canadian Race Relations Foundation](#)
- [Urban Alliance on Race Relations](#)
- [Specialized legal aid clinics](#) – Free legal services for racialized groups