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RDR's Second Annual Research Journal



On behalf of the Board of Directors and member organizations of the Regional Diversity Roundtable (RDR), I am delighted to offer you our second annual *Journal of Promising Practices on Diversity and Equity*. The authors of this journal share one essential element with the RDR vision - “achieving inclusion”. The articles remind us that we need to strive for change in the areas of practice, policy and legislation.

Each author with their unique perspectives demonstrates that institutionalizing equity requires efforts at the individual, organizational and community levels. RDR's focus this past year as it grew and strengthened as an entity, has been to lead by example. We have continued to offer the Peel community, our members and the neighbouring regions support and learning opportunities in the areas of diversity, equity and inclusion while beginning the implementation stage for the D&I Charter ourselves.

In keeping with our capacity building goals, we have included papers in the current resource that speak to existing inequities that need addressing in our workplaces, programs, services and society. In this resource, we have responded to the need for tools and strategies in the organizations' equity pathways.

Each paper showcases evidence based practices and critically challenges thinking while advocating for inclusion of all. This resource is offered in the hope that it provides knowledge and skills to diversity and equity practitioners and other professionals working in Peel to further their own and their respective organizations' inclusion and equity efforts collectively.

We appreciate the dedication of all the authors of the resource and their willingness to help shape Peel and build a cohesive community. We are also grateful to:

- The Board for its leadership
- The Capacity Building Working Group for its creativity and passion
- The Coordinator and staff for her willingness to do more each day
- The member organizations and their representatives at the RDR table for their ongoing support
- The Ontario Trillium Foundation for the funds
- Most importantly, we thank you, our readers and resource users for joining us in the journey of change

To an Equitable and Inclusive Peel,
Varsha Naik, RDR Chair





No Offence But, I'm Going to Talk about Racism: Re-Situating Anti-Racism within the Diversity Lexicon

Why Equity-Driven Organizations Must Continue to Talk About Race

By: Nicole Bernhardt

ABSTRACT This paper advocates an approach that respectfully draws attention to the disproportionate distribution of power and privilege throughout Canadian organizations along racial lines, and engages racialized and non-racialized individuals in a substantive dialogue about the organizational change required to challenge racial inequity.

If diversity initiatives are to have a positive effect on the workplace, anti-racism cannot be absent from the discussion. The popularity of the term 'diversity' may in part be attributable to its generality and banality; it has the capacity to be embraced precisely because it does not threaten existing power structures. Accordingly, "if the success of diversity is partly that it becomes detached from histories of struggle over inequality, then the success of diversity work might require reattaching the word to those same histories" (Ahmed, 2012: 80). Effective diversity measures should include the following: developing an organizational awareness of how racism and privilege impact opportunities and behaviours within the workplace; workplace policies and training sessions with explicit reference to racism and race-based discrimination; the collection of racially-aggregated data; and an attentiveness to intersectionality. Through reviewing how the case for diversity can be made both on the basis of social justice and on the basis of business imperatives, it will be argued that an approach which neglects social justice considerations will fail to further equality for historically marginalized groups. In his review of the rise of the corporatization of diversity, Williams observes that "the appearance of diversity was as good as actual diversity" (2015: 84). Without an underlying commitment to address social injustices, diversity measures risk being reduced to

exploitative window-dressing exercises that are indifferent to racial inequity.

The Case for Diversity

The Ontario Human Rights Commission's Policy and Guidelines on Race and Racism advises organizations that:

Effective training should not avoid the use of anti-racism terminology. Anti-racism training implies a goal of producing an understanding of what racism is and how it can be challenged. Anti-racism training aims to achieve not only a change in individual attitudes, but also a transformation of individual and collective practices. (OHRC, 7.3.1.)

Yet despite this direction, organizational "anti-discrimination" training tends to prefer terms such as "inclusion" and "diversity" in lieu of overt references to racism. The terms 'racism' and 'anti-racism' have been criticized for having a polarizing effect on the workplace and opponents of this terminology have described the language of racism as being inherently negative. Smith identifies that "the word [anti-racism], and its practice, seemed to have disappeared, swallowed up and made benign under the guise of diversity, social cohesion and/or inclusion" (2010: 9). The term racism is so heavily laden with negativity that behaviours that ought to be termed as racist are instead referred to as

'inappropriate' or 'politically incorrect' so as to avoid disharmony. This refusal to cope with the significance of race is contrary to an anti-racist framework which maintains that race is both a real and salient category which requires "critical inquiry of the practices and dynamics that organize and constitute the lives of marginalized people" (Dei et al., 2004: 31). Anti-racism insists that racial inequity cannot be addressed without an expressed attentiveness to the category of race and the enduring presence of racism.

Rather than becoming embroiled in the challenges of getting organizations to accept and speak openly about the persistence of racism, the diversity approach strives to highlight for organizations the benefits of fostering a racially and ethnically diverse workforce in which individuals from a variety of cultural and racial identities are provided with an opportunity to contribute to the health and wealth of the organization. The business case for diversity strives to demonstrate that the goal to address and eradicate racial inequity is not incongruent with capitalist aims. Instead, it is argued, increased diversity can increase profit by appealing to a wider market and generating new competitive ideas by breaking free of homogenous thinking and introducing different perspectives.

Beyond appealing to those individuals principally concerned with 'the bottom line' the diversity approach also strives to be more inclusive than an anti-racist approach. "Diversity is a concept with wider appeal than traditional equal opportunities, since it encompasses differences that apply to everybody, not just to those who can place themselves within a minority or disadvantaged category" (Tomlinson & Schwabenland, 2010:103). Anti-racism models of organizational change seek to expose and dismantle structures that have placed racial minorities in a position of disadvantage while privileging members of the racial majority. In doing so, a dichotomy is established between the racialized and the non-racialized, the disadvantaged and

the privileged. This dichotomy can exacerbate divisions within an organization and produce experiences of guilt and resentment amongst non-racialized employees who feel that they are being blamed for historical inequities. Conversely, the diversity approach avoids discussions of power and privilege, and instead stresses that we all come into the workplace with different perspectives and personal histories, thus all of us contribute to a diverse workplace.

Privileging the Privileged

As identified above, one of the apparent advantages of diversity discourse is that by tempering discussions of discrimination so that they are free of potentially offensive references to racism and privilege, we avoid offending potential allies who are not members of racially disadvantaged groups. That said, one of the most concerning omissions from many diversity discussions is the impact of this approach on those individuals who have been historically disadvantaged. As Wade describes, "diversity discussions make people of colour supplicants, and whites become their benefactors" (2004: 1545). Under the diversity model members of disadvantaged racial and ethnic groups, need to entreat those in power to grant them inclusion by demonstrating value. Inclusion, within this context, is not rights-based but something to be conferred on the basis of added cultural or economic value. Since diversity as an organizational goal is being prefaced on the argument that there is an advantage to the organization of including previously underrepresented groups, racialized staff enter the organization with the added pressure of having to demonstrate not only that they are competent to perform the task for which they have been hired, but in addition bring unique attributes which justify the increased presence of racialized people within the workplace. Since the concepts of power and privilege are absent from the discussion, efforts towards a more

representative workforce cannot be justified as an attempt to remove existing systemic barriers, and instead the rationale must rely on business, rather than moral or legal, imperatives.

Targeted efforts to increase the number of racialized staff members in upper-management positions and to expand recruitment activities beyond mainstream outlets are warranted if understood within the historical context that racialized people have been consciously and unconsciously barred from these positions. Ostensibly neutral 'colour-blind' practices have resulted in significant disparities which fall along racial lines. Individuals who have benefited from the practice of race-based discrimination need to be able to discuss and identify persisting forms of racism in order to act as effective allies. Lopes argues for the importance of cultivating employees who are able to speak from a position of privilege about inequities in order to further equity-driven change within an organization: "Employees who advocate on behalf of equity, who take positions on matters that have a detrimental impact on a community or group of people, and who learn how to recognize their unearned privileges are vital to healthy workplaces" (Lopes, 2010: 443). Developing employees with these capacities requires open discussions regarding how systemic racism functions, in order to provide staff with the ability to identify and act against racism. Under the discourse of diversity, individuals are able to deny the existence of racism within the organization and are thereby less equipped to identify instances of racism when they occur.

Conceals Power Imbalances

Wade warns against "diversity doublespeak" in which the language of diversity is used to conceal racial discrimination, by placing an emphasis on the importance of diversity while ignoring the presence of inequities.

diversity doublespeak allows companies to avoid responsibility for enduring

discrimination within the firm. When managers and boards talk about their diversity efforts while at the same time failing to adequately monitor compliance with antidiscrimination law, their firms' reputations glisten, even while employees of color suffer. (2004:1546)

By diverting attention away from anti-discrimination obligations, and focusing on increasing the visibility of racial and ethnic minorities, the diversity approach succeeds in giving the appearance of organizational change while neglecting the experience of racialized employees within the organization. Diversity activities frequently include celebrating days or months which are associated with racial/ethnic minorities, increasing the presence of racial/ethnic minorities in promotional materials, and diversity mentorship programs. All of these initiatives, if run effectively, could contribute to a more inclusive organization where racial/ethnic minorities feel welcomed and valued. However, these diversity initiatives are insufficient in eradicating institutional racism. Unless there are systems in place to: monitor exclusionary hiring and promotion practices, collect data on the racial stratification of the workplace, and establish and maintain an effective complaints system to address allegations of racism and discrimination, racial equity will not be achieved.

While diversity initiatives may not, if done appropriately, have a negative impact on employees of colour in the workplace, there is a risk that these efforts will divert resources and attention away from anti-racism systemic change efforts that are less likely to receive upper management endorsement. "In the workplace, diversity sensitization or training has largely displaced talk about and/or resistance to racism and sexism" (Bannerji, 2000: 549). Diversity initiatives are frequently praised as an attempt to create 'culture change' which extends beyond mere compliance with legal human rights obligations. Unfortunately, these diversity initiatives can

create the illusion of change while maintaining the status quo if they are not accompanied by anti-racism strategies. The strategies should include the collection of racially-aggregated data, capturing where racialized people are situated within the workplace, and a robust complaints system which ensures that there are consequences for engaging in racial discrimination.

Through the placating effect of tokenism, diversity approaches which focus solely on representation serve to obfuscate institutionalized power imbalances and hide inequities. Anti-racism approaches seek to ensure that not only are racialized faces present, but in addition, voices identifying the persistence of racial inequities have the opportunity to be heard. This second objective challenges the notion that diversity is inherently profitable and that through greater inclusion businesses can access a wider market. Since speaking about the existence of racism is unpopular, and identifying instances of bigotry can frequently cause offense and disharmony, the inclusion of racial and ethnic minorities is often contingent upon their silence on certain issues.

In order to gain the power to speak, racialized people within organizations must appeal to those with the power to determine who gets heard, thus reinforcing existing power relations. Those in a position of power are able to ask questions such as: "What kinds of differences are permissible? How much diversity is acceptable? How much conformity is required? Where do we draw the line?" (Fleras & Leonard Elliott, 2002:18). Inherent in these questions is the expectation that existing institutional practices and organizational structures risk disruption through diversity and unless there is an embedded advantage for those in positions of power in embracing diversity it is better to 'draw the line.' However, the practice of racism not only creates disadvantage, it also creates advantage. Dismantling racist practices within organizations will be disadvantageous to

those who have previously benefited from the exclusion of others. The diversity approach attempts to sell the notion that inclusion is better for everyone, yet if we accept that racial inequity has existed and continues to exist then we must be prepared to rectify this inequity through means which will remove the unearned privileges which persist uncontested under the diversity approach.

Conflates 'Race' and 'Ethnicity'

One of the purported advantages of a diverse workplace is the claim that greater racial diversity within the organization will necessarily produce a greater variety of perspectives. Abu-Laban and Gabriel identify that "Diversity' here is little more than something that can be consumed (products of 'ethnic culture') or a feature to be capitalized upon and marketed" (2002:173). In order to challenge those in the workplace who believe that differences introduce conflict and divisions, the diversity approach strives to highlight the business and organizational advantages of infusing the workplace with ethnic differences.

Essentialist notions inform the nature of the value which supposedly can be supplied by an ethnic other. In her study of the experiences of diversity practitioners, Ahmed found that "Diversity as 'feel good' politics is clearly evident in the cultural enrichment discourse of diversity, which one practitioner described as 'the Thai food stall' model. Diversity can be celebrated, consumed, and eaten" (2012: 69). When challenges do emerge under the diversity model these challenges are understood within the context of ethnic differences, rather than potentially discriminatory practices. Bannerji concludes that "the deployment of diversity reduces to and manages difference as ethnic cultural issues" (2000:555). Thus racial inequities are misunderstood as cultural differences and the concepts 'race' and 'ethnicity' are conflated.

Thompson asserts that "the conflation or equation of race with ethnicity often diminishes

the claims of racial minorities” (2008:527). By equating racial and ethnic identities, the challenges encountered when engaging in diversity can be blamed on the ideological differences and cultural practices which allegedly pose challenges for social integration. By this account, despite the commendable diversity and inclusion efforts made by the organization, certain members of racial/ethnic minorities cannot be integrated into the organizational culture because they cling to cultural practices or religious beliefs that are wholly incommensurate with an inclusive, productive workplace.

Conclusion

I have argued that the ‘language of diversity’ is inadequate for addressing racial inequities. In attempting to construct an approach that appeals to the greater populace and appears profitable for those driven by economic interests, what is lost is a focus on the enduring race-based inequities that stymie the ability for racialized employees to flourish within an organization. Diversity language allows those individuals advantaged by racial discrimination to continue to minimize or deny the significance of racism while reaping the benefits of an ethnically/racially diverse workplace. “On its own terms selling diversity may ‘work’, but it does not necessarily guarantee greater equality between Canadians” (Abu-Laban & Gabriel, 2002: 12). As a result of adjusting the language and the objectives into something that could be ‘bought into’ organizational race-based equity is no longer a foreseeable outcome. “This market-oriented emphasis effectively sidelines issues of systemic discrimination and inequality” (Abu-Laban & Gabriel, 2002: 173). Securing the support from the leadership of the organization and workplace allies is an important factor in achieving equity-driven organizational change, but it cannot be at the expense of racialized members within the organization who continue to experience racial discrimination.

Organizations that recognize the ethical and legal obligations to address institutional racism, will better serve the racialized employees within the organization than those companies that simply espouse diversity principles. While I agree with Tomlinson and Schwabenland that ‘social justice’ and ‘the business case’ approaches to diversity are not incommensurable (2010: 119), stressing the economic advantage of encouraging diversity can place undue pressure on racial and ethnic minorities within the workplace and subsume issues of racial inequity under a multiculturalism framework. While certain diversity initiatives can have a positive effect on the workplace, anti-racism cannot be absent from the discussion. Efforts to secure allies should focus on developing an awareness of how racism functions and the importance of acknowledging and speaking from a position of privilege, rather than modifying anti-racism language to make it more palatable. Workplace policies and training sessions should make explicit reference to racism and provide tools for identifying and addressing race-based discrimination. Finally, organizations need to collect racially-aggregated data that captures the racial stratification of the organization. Without reference to, and resistance of, racism all that can be expected is the persistence of racism under the heading of diversity.

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Your Automatic Conclusions: An Unconscious Bias Review

By: *Graybridge Malkam*



ABSTRACT This paper will provide an overview of the current thinking and literature on the increasingly pressing topic of unconscious bias. By defining the key terms relating to this topic and exploring its role in our evolution through the lens of neuroscience, it will provide focused insights into the interplay of unconscious bias and the workplace, as well as indicate the implications of the literature for diversity practitioners.

Regardless of how fair-minded or objective we believe ourselves to be, we all have biases. According to a new study released in July 2014 by the Employers Network for Equality and Inclusion (enei), despite claims that the London 2012 Paralympic Games signaled a change in attitudes towards disability, levels of unconscious bias are higher now than they were before the Games. Various research indicates that everyone is prone to unconscious bias (Nosek, Smyth, et al., 2007; Rutland, Cameron, Milne, & McGeorge, 2005).

Every day we make decisions on what is important to us based on available information. Scientists estimate that at any given time we are exposed to as many as 11 million bits of information per second, and yet our brain is limited to processing only 50 bits of information per second (Shannon, 1948, Mlodinow, 2012). For instance when we interact, the vast amount of information we receive is cognitively overwhelming and we simply cannot process everything about each new person we encounter. In order to save time and effort, the brain activates ‘shortcuts’ by categorizing information for fast decision making. These shortcuts are what Kang (2008) calls “templates of knowledge that help us to organize specific examples into broader categories.” This rapid categorization occurs with the brain processing information using the lens of our background, cultural environment, and personal experiences developed

over the course of our lifetime (Castelli, Zogmaister, & Tomelleri, 2009; Kang, 2012; Rudman, 2004). It acts rapidly making quick judgments, assessments, assumptions and interpretations of people and situations we encounter.

Therefore, unconscious bias originates from information processing shortcuts and manifests in our applying “common sense” based on what we think we know, motivational and emotional factors, social influences such as stereotypes, and the media (Kang, 2012, Dasgupta, 2013).

Understanding Unconscious Bias

At its most basic, unconscious bias, also known as “implicit bias” and “implicit social cognition” is our tendency to prefer a thing, a person, or point of view of another person or group quite instinctively at an unconscious level (Rudman, 2004). What differentiates it from the explicit or general bias, is that it arises outside our conscious awareness, and does not necessarily align with individuals’ openly expressed views. Unconscious bias is often not accessible through self-introspection (Beattie, 2013). While it may appear to be a positive and necessary trait to allowing us to make quick associations, it can cause us to make decisions that are not objective. Neuro-psychologists tell us that unconscious bias can ignore our normal, rational and logical thinking. For instance, you might deliberately work towards demonstrating non-prejudicial

behaviour, but tend to overlook introverts during meetings. It is so automatic that individuals who engage in such unconscious discrimination are often not even aware they are doing it (Wilkerson, 2013).

As humans we sometimes exhibit various types of bias tendencies. The first of these is *confirmation bias*, a tendency to favour only those perspectives that agree with our existing views or position while dismissing others no matter how valid they are (Nickerson, 1998; Darley & Gross, 2000). A study done by Ohio State University showed that people are most likely to seek out information that confirms their political, religious, and social points of view than those that challenge them (Knobloch–Westerwick, 2009). This creates a tendency to deflect individuals, groups, and information that make us feel uncomfortable or insecure about our views.

We may also have *affinity bias*, a tendency to gravitate towards people who look, sound and behave like us or have something in common with us; a situation common in the hiring process.

Ingroup bias is our tendency to identify with the views of our group; it ensures the reservation of positive emotions such as admiration, sympathy, and trust for the ingroup. Sondra Thiederman (2008, p.22-23) sees this tendency as healthy and essential to feeling confident and developing personal self-esteem. However, it can also trigger negative, destructive and hurtful behaviours whereby we give preferential treatment to members of our group (Greenwald & Krieger, 2006). According to Dvorsky (2013), ingroup bias “causes us to overestimate the abilities and value of our immediate group at the expense of people we don’t really know.”

Often our brain tends to make these unconscious judgments based on first impressions (Biesanz, et al. 2011; Gilron & Gutchess 2012). In a fast-paced environment this might seem helpful, however it might lead us to rely on untested messages (Gladwell, 2005) which can lead to discriminatory decisions.

Evolutionary Basis for Bias

Bias often has a negative connotation, but it has been instrumental to us getting where we are. We are on this earth because our ancestors strategically adapted to changing circumstances in their lives and the surrounding environment in which they lived; they fought ferociously to survive. Along the way, they decided why certain events happened, whether true or not, based on the best available knowledge at the time. It seems we humans have a natural tendency to create order out of chaos and, in doing so, attribute a cause to an event. We are pattern-seekers and, as many phenomena do have discernible, deterministic causes, the system we developed and encoded serves us well quite often. However, when there wasn’t a clear cause, we made up a reason anyway—hence the advent of errors of judgment and the birth of biases!

Biases may or may not align with conventional wisdom but, since we are wired to learn, we have the capacity to alter our “biases” in relation to current evidence. In effect, we have the capacity to adapt or update our thinking to meet the circumstances that arise. Studies have shown unconscious associations we have formed can be gradually unlearned and replaced with new mental associations (Dasgupta, 2013; Kang and Lane, 2010).

Our tightly interconnected brain is good at adaptation. It is a distributed, multi-module non-linear network with no boss and many options from which to choose when an event happens. Put another way, the architecture of our brain is a complex system like the weather, the Internet, or an ant colony. It operates on associations: when a neuron in a memory network is activated, it will light up all the other neurons elsewhere, in other networks previously linked to it. Hence the expression, “what fires together wires together” (Hebb, 1949).

Our free-wheeling thoughts about an event will be checked against what we know, fitted in accordingly, and put into our memories as

connected—emotions get mixed in too. With no five-star general in charge, and if there are no team members or peers with whom to argue, our memory is primarily retrieved automatically in the form of unconscious bias. New information different from our last memory does not get incorporated easily. That requires work or conscious thought!

Fast forward to today, we continue to wrestle with how to interpret the events and behaviours of others around us. The battle is always between the new bits of information received, and our made-up narrative with which we feel comfortable. Climate change, the weather, new technologies, financial crises, gridlock, joblessness, pandemics and much more threaten our safety and security. The human spirit seldom gives up. We try to figure it out increasingly on a global, local and personal basis. Our brains (the conscious parts) decide. We believe. And, we adapt.

Trial and error of processing new information works more or less because we have to argue our beliefs (positive or negative biases) in a team or on a larger scale. We challenge assumptions. We ask for and look for the evidence. We then might take a second look at our points-of-view. Eventually collective intelligence mitigates the errors. The mounting evidence on the reality of climate change is an example.

The culprit behind bias creation is primarily our left hemisphere according to Kahneman, 2011; Gazzaniga, 2009; McGilchrist, 2009 and many others who study and write about how we make decisions. It is the great interpreter; it does not like chaos. It tries to fit everything into a story—events with context. It does not believe in randomness. The left hemisphere does not operate in real time but rather in post-hoc time (explanations and observations) trying to make sense out of scattered “facts.” A little bit of fudging here and there arises to create a story that makes sense. It is a slow thinking process.

FIGURE 1

Left Hemisphere	Right Hemisphere
More specialized in interpretation	Ultimate explorer if we let it
Quality of thinking is only as good as the information it accesses	A good listener
Slow (simplicity)	Fast (complexity)
Pay attention to detail	Pay attention to things and relationships
Abstract/analysis	Always on and observing

SOURCE: Graybridge Malkam

When the left hemisphere strays too far from reality, the “explorer” might rein the “interpreter” in because of what it “knows.” The two hemispheres are complementary, acting like a smart partnership when we humans choose to take advantage of our respective specialties.

Since survival has been our *raison d’être* over millennia, we rely first and foremost on our emotional brain to guide us. The threat/reward response is vital to our well-being. In our modern organizations, it is alive and well, determining how we will interpret an event or action or react to change, to a new person, to feedback, and generally to the way we are treated by others; the opportunities for bias creation abound.

David Rock’s SCARF model¹—Status, Certainty, Autonomy, Relatedness, and Fairness, as described in more detail below—captures the essence of this system, wherein we strive to maximize reward and minimize threat and along the way make up the narrative for better or worse.

SCARF Model

Status: In social relationships we are acutely aware of our status relative to others. We accept roles (the boss role, for example)

but we thrive better (are rewarded) in an egalitarian atmosphere. Humiliation in front of others (threat), in which our status is under the microscope, is extremely painful. No wonder saving face is an important social skill on both sides!

Certainty: We do not like uncertainty because it is upsetting to our sense of security and safety. Plus, it takes more mental energy to deal with it. That's why we love to plan (it's a reward even if faulty) and to inspire ourselves with hope over an unpredictable future.

Autonomy: Leaders feel less stress than those in the front line of the action. Their sense of control mitigates against the chaos. But no matter where we are in the pecking order, there are universal ways of rewarding ourselves to increase autonomy (e.g. daily gratitude, meditation, exercise, celebrating with others, giving to others) so that the positive overcomes the negative, thereby improving our emotional well-being and ability to adapt—and be open—to our changing circumstances.

Relatedness: Trust is the glue catalyzed by social connections that generates positive, non-threatening feelings. "Does that person have my back?" is a thought that goes through most of our heads in reference to a boss or colleague. If the answer is "no," we retreat to a protective, less collaborative and open mode in which our beliefs or biases run the show.

Fairness: Well-known primatologist Frans de Waal (2012) and his colleagues have demonstrated quite robustly in their research that monkeys, chimpanzees and many other animals balk when a partner receives a reward and they do not, especially when they did the same work. Social justice is built into our sense of fairness (reward). Inequality taken to extremes (threat) upsets the social equilibrium. Given that our emotional threat/reward response has served us well for surviving and thriving, we can understand that biases are not always rational, or based on

irrefutable evidence. If our emotional needs are not satisfied or not addressed, no amount of new information will be readily consumed consciously. Our biases will be the winners until we feel safe, secure and respected.

Unconscious Bias in the Workplace

Unconscious bias behavioural research is increasingly adopting a workplace focus. Recent years have seen many dialogues, training modules, and events examining this topic. Below, we have summarized a few findings and examples of how unconscious bias can influence decisions and behaviours in the workplace, in the area of gender, weight, recruitment and compensation.

Gender

Gender promotion and relocation transfers

William Beilby testifies on behalf of employee plaintiffs engaged in employment discrimination cases including those against Home Depot, Merrill Lynch, and Walmart. According to his 2003 Expert Report of William Beilby, Caucasian men often overlook women and minorities because of preconceived stereotypes in the evaluation of such persons, even when they are consciously trying not to do so. For example, in identifying candidates for management positions requiring relocation, hiring managers systematically excluded women from consideration because they reflexively assumed that women weren't interested in jobs requiring them to move long distances.

Gender success and likeability – Heidi/Howard Roizen Case Study

Research also shows that success and likeability are positively correlated for men, and negatively correlated for women. In her book, *Lean In: Women, Work, and the Will to Lead*, Sandberg (2014) writes about two professors from New York University and Columbia Business School, Cameron Anderson and Frank Flynn, who ran an experiment to test perceptions of men and women in the workplace. In 2003, they took a Harvard Business School case study about a venture capitalist called

Heidi Roizen, who became very successful by using her “outgoing personality ... and vast personal and professional network.”

The professors gave half of their students Heidi’s story to read, and to the other half they assigned the same story with just one subtle difference—they changed Heidi’s name to Howard. When the students were polled about their impressions of Heidi and Howard, the students rated both as equally competent, but when asked who they would prefer to work for, Howard was almost universally seen to be a more appealing colleague, with Heidi seen to be selfish and “not the type of person you would want to hire or work for.” The same data with a single difference—gender—created vastly different impressions. Sheryl Sandberg’s conclusion is that when a man is successful, he is well liked. When a woman does well, people like her less. This she noted presents a conundrum for women as it either makes them undermine their accomplishments or demotivates them from doing well.

Weight

Professionals likely to be biased against overweight women – People Management Survey

In his publication, *People Management Finds Widespread HR Bias Against Men and Overweight Women*, Joshua Bjerke writes about a specialty survey conducted by People Management to assess the link between gender and competency. The study found that about half of HR professionals were found to be biased against overweight women, while nearly 40 per cent were biased against overweight men. Fifty-one per cent of respondents held an unconscious bias towards overweight women that would be likely to affect their behaviour toward these women. Just four per cent of respondents showed a bias against slim women (Bjerke, 2012).

Medical practitioners more likely to be biased against overweight patients – Wake Forest Study

In a three-year study titled, *Are Medical Students Aware of Their Anti-obesity Bias?* conducted with 300 geographically diverse medical students representing at least 25 different states and 12 countries outside the United States, David Miller and a team of researchers at Wake Forest Baptist Medical Center found that almost 40 per cent of medical students have an unconscious bias against obese people. This unconscious bias did not vary by gender, race, age, clerkship timing, or academic year (Miller et.al, 2013). The implication is broad; not only can this bias affect clinical care and the doctor-patient relationship, but even a patient’s willingness or desire to go see their physician.

Recruitment

A Canadian based study, *Why do Some Employers Prefer to Interview Matthew, but Not Samir? New Evidence from Toronto, Montreal and Vancouver*, has shown that potential employers may never follow through on a candidate’s resume if the name on the resume sounds “foreign.” Researchers have linked the underlying reason to unconscious bias, with potential employers having concerns about whether the person has the social and language skills the job requires (Oreopoulos and Dechief, 2011). This is consistent with findings from other studies (Bertrand and Mullainathan, 2004; Oreopoulos, 2009).

Compensation

In a study by the Massachusetts Institute of Technology (MIT) titled “Gender, Race, and Meritocracy in Organizational Careers,” Emilio Castilla studied the effect of a merit-based reward system in the workplace. Results showed that women and minorities continue to receive less compensation than white men with equal scores on performance evaluations. The author developed and tested a set of propositions isolating performance-reward bias, and discovered that gender, race and nationality differences continue to affect salary growth (Castilla, 2008). Although these policies are often adopted in the hope

of motivating employees and ensuring meritocracy, policies with limited transparency and accountability can actually increase bias and reduce equity in the workplace.

A Guide for Diversity Practitioners

Following are some good practices and tips that can help diversity practitioners, HR professionals or people managers keep their biases in check, and contribute to the promotion of an inclusive workplace at their organization.

Build Awareness/Recognize: Encourage staff and managers to recognize that we all possess unconscious biases — even those with avowed commitments to impartiality, such as judges. Staff and managers should be introspective. Offer the opportunity to complete an online Implicit Association Test (IAT) at <https://implicit.harvard.edu/implicit/>, so that they can learn more about unconscious bias.

Engage: Create a forum that encourages open conversations about how both you and your staff members should handle concerns around differences, or awkward issues that could impact their experiences or inclusion in the workplace.

Educate: Adopt high involvement and capacity building workplace methods (e.g. coaching and mentoring to encourage participation and opportunity, at all levels of the organization), making sure they are both accessible and in practice, accessed by members of diverse groups.

Implement: Use diverse panels of interviewers and committees so that a range of perspectives contribute to screening, assessing and selecting talented candidates who will be successful and help the organization grow. If there is a bias concern, include more structured interview questions so that a standard process is applied for all candidates.

Analyze: Review company policies and practices to identify and eliminate deficiencies, as well as barriers to the employment of candidates from diverse backgrounds at

all levels of your organization and employment life cycle. An example of a practice that can trigger unconscious bias relates to the language used in the recruitment process: e.g. recruitment ads that suggest an organization seeks candidates who are “smart and innovative,” can work against certain groups that are stereotyped as not smart. More appropriate language would be, “organization will need someone with experience to increase innovation by 23 per cent.”

Apply: Implement a zero tolerance for negative behaviours by challenging offensive jokes, non-inclusive hiring practices, and a tendency towards asking opinions for the unusual suspects, and instigate intentional positive team behaviours (micro-affirmations) through encouraging learning opportunities across and between cultures, genders, races, and generations.

Explore: Ask for ideas and input from people that you usually would not; this helps break stereotypes and assumptions.

Measure: Employ diversity metrics to help you spot any hidden biases in the organization. For example, statistical analysis of performance and staff surveys can provide good metrics to spot patterns and monitor relationship quality.

Evaluate: Put in place diversity standards and accountability mechanisms that can help evaluate if professionals (e.g. recruiters, interviewers, judges, doctors, etc.) are fair, objective and bias-aware.

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A Comparison of Diversity and Inclusion Strategic Plans and Measurement Tools

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ABSTRACT This paper investigates some of the diversity and inclusion strategic plans and measurement tools that have been developed by public sector and non-profit organizations. An analysis of the functionality, advantages, and limitations of the plans and tools is presented in this paper to provoke further thought on the development and implementation of diversity and inclusion initiatives within an organization.

Introduction

The topic of diversity and inclusion is the elephant in the room for many public sector and non-profit organizations. As Canada's demographics start to change, organizations are grappling with how to adapt their services and internal practices to an increasingly diverse population. Diversity for the purposes of this paper is interpreted as a wide range of human qualities and characteristics – dimensions may include (but are not limited to) ethnicity, race, gender, sexual orientation and age (Conference Board of Canada, 2008). Some organizations have chosen to remain complacent instead of proactive in addressing organizational behavior and practices. According to a report by the Mowat Centre (2014), the non-profit community in Ontario exhibits a lack of commitment to diversity and inclusion at the organizational level. This is not good news.

The statistics show that visible minorities, women, Aboriginals, lesbian, gay, bisexual and transgender (LGBT) as well as baby boomers are a significant proportion of Canada's population. One in five Canadians currently identify themselves as a visible minority (Statistics Canada, 2011). In 2031, it is expected visible minorities will make up 32% of the population (Statistics Canada, 2010). Much of that growth will come from international migration, which currently accounts for two thirds of Canada's population increase (Statistics Canada, 2014). Women make

up just over half of the population at 50.4% (Statistics Canada, 2014). By 2031, women will continue to be over half the population (Statistics Canada, 2011). Persons with a disability consist of 13.7% of the population (Statistics Canada, 2012). LGBT make up 5% of the population (National Post, 2012). Aboriginals are 4.3% of the population; it is expected that the proportion will rise to 5.4% by 2031 (Statistics Canada, 2011). Canada's population is also aging; the ratio of people aged 55 to 64 now surpasses those aged 15 to 24 (Statistics Canada, 2014). The statistics clearly show that Canada's population is highly diverse and future projections indicate that this trend will continue well into the future.

These demographic realities cannot be ignored as there are consequences for organizations that do not change their behaviours and practices. A report by the Canadian Institute of Diversity and Inclusion (CIDI) notes that organizations that don't address diversity will experience negative impacts that include: the inability to serve a diverse population, difficulty in retaining talent, lower employee engagement and high staff turnover (Canadian Institute of Diversity and Inclusion, 2013). On the other hand, organizations that embrace diversity will experience positive outcomes. Organizations that have diversity within the leadership ranks are more competitive and experience greater financial and organizational performance,

enhanced creativity, greater innovation and better social cohesion (Conference Board of Canada, 2008). Diversity within an organization also helps to leverage the talent base, reflect the marketplace and build a reputation for the organization (Catalyst, 2014). It is clear that organizations that are proactive in addressing diversity are better off than those that choose to operate under the status quo.

Some public sector and non-profit organizations have charged forward in the area of diversity and inclusion. This paper seeks to investigate some of the strategic plans and measurement tools that have been developed to provide further thought to the development and implementation of diversity and inclusion initiatives.

Strategic Plans

To begin addressing diversity and inclusion within an organization, a strategic plan is essential - it provides a roadmap as to where the organization wants to go and how it will get there (Canadian Institute of Diversity and Inclusion, 2014). A strategic plan also helps to communicate to organizational leaders the 'why' or business case for addressing diversity and inclusion (Canadian Institute of Diversity and Inclusion, 2014). In fact, soliciting the CEO's support is pivotal in driving diversity and inclusion initiatives within an organization (Anderson and Billings-Harris, 2010). The strategic plan also helps to communicate the organization's diversity and inclusion goals and objectives to internal and external stakeholders and may also help to open up dialogue both within and outside of the organization. Having an open and clear communication line to all stakeholders with this regard is essential (The Conference Board of Canada, 2008). A strategic plan is an important first step for any organization that would like to develop and implement diversity and inclusion initiatives – it helps to articulate the imperative for addressing diversity and inclusion, solicit buy-in from the CEO and senior leadership, and provide a road map as to how

the organizations will move forward.

Some of the more notable strategic plans have been developed by larger organizations. The Centre for Addiction and Mental Health (2014) developed the Diversity: Policy Framework which sets out principles, expectations and outcomes, key priorities, and a statement of desired culture. The Ontario Ministry of Education (2009) developed Ontario's Equity and Inclusive Education Strategy, which includes a vision for an inclusive education system as well as high-level action items for the Ministry, school boards and schools. The Ontario Public Service (2013) developed the OPS Inclusion Plan 2013-2016 which lays out a vision, priorities for change, measurement of progress, and a scorecard.

Analysis of Strategic Plans

The strategic plans are consistent in laying out a vision and action items/key priorities. In all of them, the vision statement provides the context for change and the action items/key priorities articulate how the vision will be carried out.

Timeframes help to structure the execution of the strategic plan. The OPS Inclusion Plan 2013-2016 and Ontario's Equity and Inclusive Education Strategy articulate a timeline for the delivery of their key priorities/action items. However, only Ontario's Equity and Inclusive Education Strategy provides timelines as to when specific actions are to be carried out- this approach helps an organization to set immediate goals and keep the implementation of the strategic plan on track.

All of the strategic plans identify key internal and external stakeholders that are required in the implementation of the plan. The Centre for Addiction and Mental Health's Diversity: Policy Framework identifies expectation and outcomes at the organizational, program, service and staff level. Ontario's Equity and Inclusive Education Strategy ties actions to the following stakeholders: the Ministry, School Board, and School. The Ontario

Public Service Inclusion Plan 2013-2016 identifies general areas of the organization that have a stake in implementing the Plan. Identifying key stakeholders helps to assign responsibility across the organizational structure so that no one area has to assume sole ownership – the success of the strategic plan becomes a collective effort of the entire organization.

Another key part of a strategic plan is the scorecard as it helps to determine the degree to which the implementation is a success. The Ontario Public Service Inclusion Plan 2013-2016 measures progress by asking the following questions: ‘what will success look like’ and ‘how will we measure progress.’ A scorecard also helps to keep the strategic plan top of mind among leaders in the organization.

The strategic plans discussed in this paper all articulate how the organization envisions addressing diversity and inclusion and are similar in identifying timeframes and action items/key priorities. Where these documents start to differ is in the duration of the action items/key priorities, the level of accountability assigned to internal and external stakeholders, and the degree to which the implementation of the plan is measured.

Measurement Tools

A measurement tool is an important must have if an organization wants to demonstrate commitment to its diversity and inclusion strategy. The old adage ‘what gets measured, gets done’ is true and failure to do so can mean a lack of commitment and funding for diversity and inclusion initiatives (The Canadian Institute for Diversity and Inclusion, 2013). There is value in collecting and tracking data: organizations are able to measure gaps and identify opportunities for improvement; attract, retain and motivate diverse, well-qualified staff; and, improve the quality of decision-making, service delivery and programming (Ontario Human Rights Commission 2009).

While some organizations have developed strategic plans to guide diversity and inclusion work, others have developed measurement tools. The following are examples of tools that have been selected for this paper:

- The Association of Faculties of Medication (AFM) Canada Equity and Diversity Audit Tool (2011) developed to promote diversity and equity among the medical schools. The tool covers the following functions: strategic planning, policies and procedures, committee representation, admission and selection, support programs and services, curriculum development, faculty recruitment and promotion, staff recruitment and development, communications and community relations. For each function, the tool asks a number of key questions answered against a checklist of ‘yes, no, and don’t know’. Next to the checklist is a column for next steps. The tool also includes a template to develop an action plan.

- The Cultural Diversity Institute (CDI), Cultural Competency: A Self-Assessment Guide for Human Service Organizations (2000) covers key areas of the organization: governance, administration, policy development, organizational culture, staff recruitment and retention, leadership, training, and community relations. For each area of the organization, the tool asks a set of questions to be answered using a checklist of ‘yes, no and in progress’.

- Strengthening Diversity in Your Organization: A Self-Assessment Tool (2014) developed by The Regional Municipality of York covers eight areas of organizational responsibility: leadership/governance, service delivery, employment practices, contracting and purchasing, communications, professional development, community relations, monitoring and performance. Each organizational area of responsibility has a set of indicators and for each indicator a score is

required with evidence to back up that score.

- The Ministry of Health and Long-Term Care (MOHLTC), Health Equity Impact Assessment Tool (2008) is designed to specifically access the impact of health policies/programs on different population groups. The tool helps organizations to identify population groups that may be impacted by the administration of policies/programs, to scope out the potential impacts, identify mitigation techniques for any negative impacts, and to note opportunities for monitoring impacts as well as ways to disseminate information to the affected population groups.

- The Ministry of Children and Youth Services (MCYS): A Diversity Toolkit for Residential Care Settings (2008) – the tool is specific to residential care settings and covers the following areas: administration, human resources, intake and admissions, and programs. For each area, a set of indicators is listed that range in score from 1 to 5.

Analysis of Measurement Tools

The tools use various approaches to the measurement of diversity and inclusion initiatives within an organization. The AFM, CDI and the York Region Self-Assessment Tool are similar in that they have been designed to be used within the organizational context and cover specific functions such as: governance, leadership, human resources, policy and program development, community development, and procurement. However, the MOHLTC and MCYS tools are specific to the population base they serve. The MOHLTC tool is unique in that it is set up based on determinants of health rather than an area of the organization. The MCYS tool is slightly more complex in that it is designed for a population group within an organizational setting (the residential care setting). Nevertheless, the tools serve as examples of the various ways that diversity and inclusion can be addressed whether that is at an organizational level,

within a particular public policy area, or with respect to a specific population group.

The tools also differ in their functionality. The CDI tool provides a checklist of ‘yes, no and don’t know’ against a set of questions. A checklist is a good first step to take stock of how the organization is addressing diversity and inclusion; however, it does not probe an organization to think ahead in terms of how it can be more inclusive. Another drawback of using a checklist is that it is easy to tick off the respective boxes and feel as though the organization has done its part in addressing the topic.

The AFM tool also uses a checklist but probes further by asking for next steps and an action plan; this helps the organization to move from assessment into action. The absence of benchmarks, however, limits the functionality of the tool. A checklist can be a subjective process; therefore, without benchmarks it can be difficult for an organization to know the extent to which they are diverse and inclusive. A set of benchmarks may help an organization to identify how much further they need to go in their diversity and inclusion practices.

The York Region Self-Assessment Tool uses an entirely different approach from the CDI and AFM tool. The tool lists a set of indicators for each organizational area and uses a scoring system in which evidence is required to support the score given to each indicator. The evidence can be in the form of qualitative and quantitative information, such as policies, plans, and data. Taking stock of the evidence helps an organization to assess where they currently are in their diversity and inclusion practices and to make an informed decision as to how they need to proceed. The limitation with this tool is that there are no set benchmarks so it can be difficult for an organization to know where exactly improvements need to be made.

The MCYS tool uses a list of criteria and a scoring system that is benchmarked; this helps an organization to understand where

they currently stand and where they need to be in order to get a higher score. The tool also has a template to develop an action plan. The limitation with this tool is that it does not ask for evidence as with the York Region Self-Assessment Tool.

These tools show various approaches an organization can take to measure their diversity and inclusion practices. The tools themselves can also be easily customized. Perhaps a robust tool would be one that incorporates the features of all the tools presented in this paper – a checklist or set of indicators, a scoring system that is benchmarked, evidence gathering, next steps and an action plan.

Conclusion

Public sector and non-profit organizations that are moving forward on diversity and inclusion have developed their own strategic plans and measurement tools to address the changing demographics of their workforce and the communities they serve. Based on the examples described in this paper, it would seem that organizations have developed either a strategic plan or a measurement tool, but not both. Having a combined approach of a strategic plan and measurement tool would seem best - the strategic plan identifies the business case and garners the leadership backing to carry out diversity and inclusion work, and the measurement tool provides an analysis as to where the organization is currently at with their diversity and inclusion practices and opportunities for improvement.

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Organizational Change and the Policy on Removing the Canadian Experience Barrier

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ABSTRACT This paper provides an assessment of the OHRC policy initiative, *Removing the 'Canadian experience' Barrier*, as a strategic link between the goals of a skilled labour force and a bias-free workplace. This paper argues that making the policy case for the human rights dimensions of social exclusion in hiring is an innovative way to advance creative organizational change that effectively responds to the marginalization and racialization of newcomer populations, by dismantling the chronic rationalization of a harmful workplace practice.

Situating the Rights Dimensions of Social Inclusion

As globalization, technological change, collective human experiences and advances in knowledge drive human societies in the 21st century, how successfully Canada continues to manage the challenges of diversity will have an important bearing on the social and economic success of the country, the quality of our communities and the success of our corporations. In this regard, transnational immigration intake is a public policy priority designed to respond to a range of skills-related challenges in Canadian workplaces. The purpose of transnational immigration is to contribute to national progress and position Canadian society to effectively compete in the global knowledge-based economy. However, the modern management of multicultural diversity has encountered a vexing historical impasse. The acquired techniques and strategies for the social and economic integration of immigrants have now failed to stem the precipitous labour-market decline of the more recent groups of racialized newcomers¹.

As the Canadian Labour Force Survey (LFS)² reveals, there has been a dramatic downturn of immigrant labour market outcomes in the last few decades. This coincides with a major demographic shift in immigration intake – from traditional European source countries to non-traditional and non-White source

countries. Over the period from 1996 to 2005, for instance, 'visible minority'³ source regions (namely, Africa and the Middle East, Asia and the Pacific, and South and Central America) have accounted, on the average, for close to 80 percent of annual immigration to Canada (Citizenship and Immigration Canada, 2006: 26). Meanwhile, as a group racialized Canadians earn significantly less than previous immigration cohorts and their non-racialized Canadian counterparts. One recent study, for example, found that racialized Canadians earned only 81.4 cents for every dollar paid to non-racialized Canadians (Block and Galabuzi 2011: 3). In this connection, there is now a significant body of racialization literature documenting how the modern workplace is culturally regulated to the disadvantage of foreign-born and foreign-trained and predominantly non-European and non-White immigrant workers (Bauder 2003; Samuel 2004; Liu 2007; Foster 2008a,b; Foster 2009a,b).

Supporting research has confirmed that vulnerable populations of non-White global migrants are now over-represented in survival jobs and/or contingent work, and are thereby more likely to experience the full impact of labour market segmentation (Dasgupta 1996; Ng 2001) – including atypical employment contracts, limited social benefits and statutory entitlements, job insecurity, low job tenure, low wages, and high risk of ill health (Fudge and Vosco, 2003).

In this respect, racialized outcomes in the workplace are now experienced as an element of social structure not simply an irregularity in it. The upshot is, Canada has grossly minimized the capabilities of the racialized communities it claims to embrace.

Racialization research has discovered that the social exclusion of immigrants of colour can only be comprehensively understood in the context of power relations which includes environments of cultural discrimination (Foster, 2006; 2008a). This implies that the tensions between the power, beliefs, norms, and values of marginalized minorities and the dominant majority culture in Canada act as push and pull factors that continue to increasingly challenge Canada's commitment to multicultural inclusiveness. This also suggests widening the search for possible policy solutions into the realm of human rights approaches that can address structural factors related to the imbalance of power between marginalized and dominant cultures.

The Ontario Human Rights Commission's (OHRC) **Policy on removing the 'Canadian experience' barrier**⁴ makes a case for a rights-based critique of social exclusion that is worthy of close examination.

The New OHRC Workplace Policy Guideline Regarding Canadian Experience

Typical population or labour policy solutions to immigrant income inequality to date have primarily concentrated on providing assistance adjusting to the Canadian marketplace – such as, upgrading technical and essential skills, matching jobs and skills, and/or improving essential skills of newcomers in Canadian workplaces, particularly those in non-regulated occupations. In the regulated professions, policy development has been directed toward foreign credential assessment processes. Headway to date with the 'marketplace-adaptation approach' has included working with provinces and territories to negotiate bilateral agreements on immigration-needs and settlement

instruments; engaging post-secondary institutions and assessment agencies; engaging employers as primary stakeholders and negotiating with regulated professions; improving coherence in regulatory processes to recognize credentials and skills; as well as sponsoring mentoring programs, and 'clear career path' and information portal initiatives, and the like. Still, marketplace-adaptation initiatives for immigrant workplace integration has had limited success stopping, or even slowing, the labour market decline of racialized newcomers.

Under the auspice of the Human Rights Code Amendment Act⁵, the OHRC policy on removing the 'Canadian experience' rule is designed as a tool to begin untangling the threads of cultural discrimination in the workplace, by making a statutory case for the human rights dimensions of social exclusion. This entails organizational hiring procedures based on mutual recognition and empowerment that are "as inclusive as possible and that they have taken steps to accommodate applicants covered by the Code. This would mean assessing people on an individual basis, and would include considering non-Canadian experience and other qualifications" (OHRC 2013: 12).

In a rights-based approach, workplace hiring is not just regarded as market issue but an equity issue as well. Applied to the foreign credentials and accreditation gap this puts a much clearer responsibility on governments and workplace institutions to engage measures to promote equal opportunity and/or to prevent employment discrimination. A rights-based approach situates every human being both as a person and as a right-holder. It recognizes the existence of rights, and reinforces capacities of duty bearers (e.g. employers and governments) to respect, protect and guarantee these rights. It strives to secure the freedom, well-being and dignity of all people everywhere, within a balanced framework of essential standards and principles, duties and obligations; by supporting

mechanisms to ensure that entitlements are attained and safeguarded.

Accordingly, the OHRC's policy position on removing the 'Canadian experience' rule is grounded in the premise that if a multicultural mosaic is a fundamental strength of our society we cannot abide a two-tier system of employment, where Canadian experience is inherently valued more by the marketplace than equivalent non-Canadian experience. As rights-holding equals "[A] strict requirement for 'Canadian experience' is prima facie discrimination (discrimination on its face) and can only be used in very limited circumstances" (OHRC 2013: 3). Immigrant workers are not simply subject to the whims or prejudices of employers and job recruiters. As rights-bearing equals "[A] distinction based on where a person acquired their work experience may indirectly discriminate based on Code grounds such as race, ancestry, colour, place of origin and ethnic origin" (OHRC 2013: 8). Imposing requirements of this nature can be a barrier in recruiting, selecting, hiring or accrediting, and so, may contravene the Code. "Even where employers and regulatory bodies may be acting in good faith, a candidate's Canadian experience, or lack thereof, is not a reliable way to assess a person's skills or abilities" (OHRC 2013: 11). Therefore, as rights-holding equals, there is a duty to potential immigrant hires to justify its use, based on the established legal tests sets out by human rights court decisions and OHRC policy (OHRC 2013: 8).

A rights-based approach recognizes employers and regulatory bodies should always have to show why Canadian experience is needed. The onus as duty-bearers is placed on employers and regulatory bodies to show that a requirement for prior work experience in Canada is a bona fide requirement, and central to the core responsibilities of the job. Hence, it is specified under the Code, where discrimination is found, the organization or institution the claim is made against may establish a defense to the discrimination

by showing that the policy, rule or requirement that resulted in unequal treatment is a legitimate standard, or a 'bona fide' requirement. In the *Meiorin*⁶ decision, the Supreme Court of Canada set out a three-part test to determine whether a standard that results in discrimination can be justified as a reasonable and bona fide one. The organization or institution must establish on a balance of probabilities that the standard, factor, requirement or rule:

1. was adopted for a purpose or goal that is rationally connected to the function being performed
2. was adopted in good faith, in the belief that it is needed to fulfill the purpose or goal
3. is reasonably necessary to accomplish its purpose or goal, because it is impossible to accommodate the claimant without undue hardship." (OHRC 2013: 11).

By framing regulatory standards for how individuals, employers, service providers and governments should act to ensure compliance with the Code, the policy on removing the 'Canadian experience' rule creates a strategic link between a skilled workforce and bias-free work environments. For employers it provides an available regulatory support to prepare them for integrating newcomers into the workplace. For employees it promotes the equal opportunity and access to jobs for which they are qualified and match their abilities. This provides a conceptual bridge between the needs of Canadian employers for capable professionals and trades people, on the one hand; and a growing non-White immigrant workforce that is facing extreme difficulties finding suitable employment, on the other.

Future Prospects

Removing the 'Canadian experience' rule is consistent with current public discourses on breaking down job requirements into specific competencies, and striving to ask candidates

to demonstrate their experience (Horton 2000). This is commonly identified as part of the larger bias-free movement to assess specific skills and competencies in hiring contexts (Kessler, 2006).

Researchers and community-activists who are proponents of the bias-free movement only rarely invoke human rights concepts, although many are open to related notions. Some proponents of the movement address moral dimensions of economic issues, but tend to avoid human rights language. Others apply notions of accountability, transparency, participation, and the like in the context of labour policy, without relating them to a human rights framework. Together, proponents of the bias-free movement on both the research and activist side continue to raise awareness and promote a more nuanced understanding of discriminatory workplace barriers – particularly in areas of interviewing, recruitment, training and promotions.

It is fair to say, however, the OHRC's anti-discrimination mandate has a level of legitimacy and policy capacity that extends beyond the potential of consciousness raising. The prominence of the OHRC's public policy mandate is given by the Supreme Court of Canada. The Court has characterized human rights legislation as quasi-constitutional. This means that the Ontario Human Rights Act is almost as fundamental to our legal structure as the Charter. Moreover, the Court has ruled that where there is a conflict between human rights legislation and other laws, human rights legislation takes priority, unless the human rights law itself creates a clear exception. This highlights an important distinction from other equal employment opportunity initiatives. The OHRC offers a robust 'mutual recognition and empowerment' stance on the constitutional footing of enforceable rights with regulatory authority (Foster and Jacobs, 2014: 370). This provides a unique capability – both rule and policy-based – to dismantle the chronic rationalization of a harmful workplace practice, and contribute to

organization-based social change.

Moving forward in Ontario, we can expect the policy to remove the 'Canadian experience' rule will be given great deference as it is applied to the facts of new cases that come before the courts and administrative tribunals of competent jurisdiction. Assuming the usual juridical path, the OHRC's new policy will result in a series of complaints from the workplace that are resolved one way or another in courts, until there is enough scope to these complaints to progressively legitimize expanded workplace hiring practices, and routinize more comprehensive definitions of corporate competence and 'qualified to practice' standards.

There are, however, already indications that the new 'Canadian experience' policy is gaining some traction in the Ontario workplace. Scans of major internet job sites and public advertisements, pre- and post-implementation of the new policy, show that deference to 'Canadian experience' is already starting to be weaned from the hiring criteria in many occupational sectors in Ontario. Daily informal scans conducted by operational services of the OHRC indicate that the vast majority of job postings specifying 'Canadian experience' are now for positions outside of Ontario, in other provinces. A typical scan of a major internet job site in the month of June (2014) revealed that of 19 job postings that called for 'Canadian experience' only 1 job posting was for a position in the province of Ontario⁷.

Initial signs are that the policy on removing the 'Canadian experience' rule has at least contributed to a general increase of awareness and more conscientious attention being paid to potential biases related to the cultural interpretation of institutionalized labour processes.

Conclusion

At present references to 'Canadian experience' appear to be more deliberately related to specific job requirements in Ontario. The

language of ‘Canadian experience’ has been taken under advisement. It can be observed that hiring criteria across various sectors tend to coalesce around cognitive or ‘hard’ skills and behavioral or ‘soft’ skills – including education, job specific skills, previous experience, effective team work atmosphere, familiarity with product industry, excellent written and verbal communication, and eligibility to work in Canada.

How these combinations of ‘soft’ and ‘hard’ skill-requirements are gauged in face-to-face interview sessions is subject to further investigation. It is possible, for instance, that many of the so-called ‘soft’ skills – related to such abilities as teamwork, communication, flexibility, patience, time management, or motivation – will still be interpreted by job interviewers from a dominant culture paradigm. In this circumstance, soft skills can become a euphemism for ‘Canadian experience’, utilized in the absence of other offending language.

Nonetheless, by making the policy case for the human rights dimensions of social exclusion in hiring, the OHRC’s guidance on removal of the ‘Canadian experience’ rule provides a new depth perception to workplace dynamics; and a new measure of leverage to racialized newcomers throughout the province in their pursuit of gainful employment.

Notes

1. The term ‘racialized’ is used to acknowledge “race” as a social construct and a way of describing a group of people. Racialization is the process through which groups come to be designated as different and on that basis subjected to differential and unequal treatment. In the present context, racialized groups include those who may experience differential treatment on the basis of race, ethnicity, language, economics, religion (Canadian Race Relations Foundation, 2008).

2. Labour Force Survey (LFS). Found in Yssaad, Lahouaria. 2012. “The Immigrant Labour Force Analysis Series The Canadian Immigrant Labour Market 2008-2011.” Statistics Canada – Catalogue no. 71-606-X, December. Ottawa. <http://www.statcan.gc.ca/pub/71-606-x/71-606-x2012006-eng.pdf>.

3. ‘Visible minority’ refers to whether a person belongs to a visible minority group as defined by the Employment Equity Act and, if so, the visible minority group to which the person belongs. The Employment Equity Act defines visible minorities as “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour”. The visible minority population consists mainly of the following groups: Chinese, South Asian, Black, Arab, West Asian, Filipino, Southeast Asian, Latin American, Japanese and Korean. The term visible minority as a social category and unit of analysis has come increasingly under attack and is contested as an ‘asymmetrical term’ that implies Whiteness as a normative standard by which others are measured, and therefore, the others are defined by what they are not. For the purposes of this paper, the term ‘visible minority’ is used when it is consistent with the original source materials and documents; otherwise the term ‘racialized group’ is employed.

4. See – Ontario Human Rights Commission. 2013. Policy on Removing the “Canadian experience” barrier. February 1. <http://www.ohrc.on.ca/en/policy-removing-%E2%80%9Ccanadian-experience%E2%80%9D-barrier>. The OHRC’s policy is written in an accessible and user-friendly style. One of the key features is that it provides many ‘best practice’ examples in order to reinforce right-holder and duty-bearer responsibilities. This paper analyzes the policy’s deep structure and grounds with a view toward exploring its organizational change potentials.

5. *Human Rights Code Amendment Act, SO 2006, c 30 [HRC Amendment Act]*. The OHRC's statutory authority is given by the Code. For instance, Section 30 of the Ontario Human Rights Code authorizes the OHRC to prepare, approve, and publish human rights policies and to provide guidance on interpreting its provisions. The power to develop policies is part of the OHRC's broader responsibility under section 29 to promote, protect, and advance respect for human rights in Ontario, to protect the public interest, and to eliminate discriminatory practices. Under the mandate of the Act, the Commission is now responsible for monitoring the state of human rights and reporting directly to the people of Ontario. It has been given the power to:

- Expand its work in promoting a culture of human rights in the province
- Conduct public inquiries
- Initiate its own applications (formerly called "complaints")
- Intervene in proceedings at the Human Rights Tribunal of Ontario (HRTTO); and
- Focus on engaging in proactive measures to prevent discrimination using public education, policy development, research, and analysis.

6. *British Columbia (Public Service Employee Relations Commission) v. BCGSEU ["Meiorin"]*, [1999] 3 S.C.R. 3.

7. Personal interview with an OHRC service operator July 3, 2014. (As part of the on-going policy evaluation process OHRC officials informally monitor the general job search websites – including Eluta, Monster, Beyond com Careers, Craigslist, Charity Village, Hot jobs, Wow Jobs, Workopolis and others. From the inception of the policy, there has been a noticeable decline in the official use of 'Canadian experience' as a formal hiring criterion in Ontario.)

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White Papers and Revelations¹

By: Golbon Moltaji



ABSTRACT Recruitment of international students theoretically prepares Canadian citizens, future ambassadors of Canadian trade, and political interests for the global marketplace; appropriately, international students are now becoming an integral part of Canada's immigration strategy. Contrary to the extensive options available to international students for permanent settlement in Canada, most of the programs in place are successful in attracting international students but not necessarily in retaining them.

Introduction

After the Advisory Panel on Canada's International Education (IE) Strategy announced the government's goal to double the number of international students by 2022, the Canadian higher education institutions added to their fervent for attracting foreign students². The Government of Canada seems to be in favor of retaining international students as immigrant applicants. Stakeholders of IE all agree that it is necessary to keep the international students informed about the immigration and relevant legal documentation procedures. The mentioned partners and the institutions are committed to the importance of providing integrated services for the international students, both academically and socially. However, despite a 50% initial intention of permanent settlement among international students, only less than 20% of these students pursue permanent residency. From the immigration strategy perspective, these statistics indicate a potential for better coordination between stakeholders of IE especially Department of Foreign Affairs and Trade and Development [DFATD] and Citizenship and Immigration Canada [CIC]. Government officials' discourse about international students' migration combined with the recent shift of the immigration discourse towards skilled immigration (Griffith, 2013, Pike, 2012, Ministry of Trade, 2012) leaves little doubt about a conclusive approach towards retaining international graduates³. Over the past few years the government has put forward efforts for

facilitating international students' settlement (CIC Fact Sheet, 2012, Lu, Zong & Schissel, 2009, Minister of Ontario Citizenship and Immigration, 2010) and several policy changes for facilitating international students' immigration and integration⁴. However, international students' experiences in Canada, ratify similarities to those historically recorded from other groups of immigrants (Kelly, 2012, Spiro, 2008, Belkhodja, 2006 etc.)⁵. On paper it is expected that their migratory experience should be relatively serene as international students are proficient in one of the official languages and acquire living experience while acquiring Canadian credentials⁶.

White Papers

This article discusses two legislative changes that affected IE sector indirectly and then provides insight for improving the fulfillment of IE goals in Canada. Bill C-24 was a highly expected reform to Canadian citizenship with the theme of protecting and strengthening the value of Canadian citizenship. It was prominently a response to the recent concerns about fraudulent immigrant and citizenship applications. The former citizenship requirements allowed counting each day spent in Canada on an authorized work or study permit as half day towards the residency requirements for citizenship applications. Overall, up to 365 out of the required 1095 days of residence could be gained under temporary residency status. Under the new bill, the time spent in Canada on temporary

study and work permits will no longer count for citizenship applications. This Bill raised mixed reactions⁷ during its legislative process.

Another example is Bill C-35 or the “Cracking Down on Crooked Consultants Act”. This bill initially oscillated the increasing concerns about immigration and refugees who were reportedly exploited by unethical and incompetent practice of illegal services and advisers. The bill restricts the immigration consultation support services only to those who are certified by a designated body and is applicable to the Canadian institutions and International Student Advisers (ISAs) inside the International Offices. Even though ISAs did not necessarily go beyond providing guidance on how to select application forms and immigration stream, etc. These support services were halted with the activation of an amendment to immigration. International students’ economic contributions reached \$8 billion only in 2010. The biggest portion of this fiscal engine comes from long-term international students. They are an excellent source of highly qualified and skilled work force alongside being a well-integrated portion of newcomers to Canada. While both of the introduced legislations are meant to make Canadian citizenship more valuable, they essentially make it less accessible to eligible candidates.

Students of Citizenry

Decision making for obtaining permanent residency is the stepping stone to citizenship (Spiro, 2008, Brubaker, 1989). Acquiring citizenship means that the new citizen builds a political relationship as a stakeholder in the political community of the nation state by which he or she fuses to the collective values. This contract is conceptually a meaningful membership and is bound with freedom and belonging (Anderson, 2013). In most liberal democracies that allow naturalization, the potential citizen eventually acquires membership of the national political community. The process of naturalization is inevitably

influenced by the structural role of policy. Citizenship in this sense is a means to an end and, already counters it to an acquisition more than a box-ticking bureaucratic exercise. One of the major drives behind the new Canadian citizenship legislative changes is that it prevents the procedure from becoming a bureaucratic agenda and authorizes only genuine immigration applicants.

Universal Students for Global Citizenship

Canada is amongst the biggest attractions for international students across the globe. The country has the opportunity to acquire favorability in the highly competitive IE sector by fostering greater social skills among international graduates. This entails educating them for positioning themselves for entering relevant occupational fields during their study period in Canada. In fact, vision 2022, perceives that IE develops a global perspective for the citizens of the world. In such discourse, citizenship is a means for accessing mobility and collective good (Anderson, 2013). Therefore pursuing regulated goals of IE requires implementation of policies that, not only foster the economic gains that Canada has prospected, but also helps in protecting the reputation of the country’s inclusive immigration system in relation to global citizenship. The links between student motilities and other motilities that are the driver for economic prosperity and social progress, (Alexander, 2013) make IE a wide life-course aspiration for students. Achieving the economic or social goals of IE and, immigration is possible only through spreading veridical information, and appropriate institutional protection (Kurstak, 2011). Fulfilling these goals calls for an approach that acknowledges the affirmative and pivotal role of constitution in crafting fundamental policies that provide for and secure individuals’ capabilities. Correspondingly, distribution and preservation of substantial provisions needs to become one of the direct responsibilities of a variety of

governmental agencies throughout the world (Kurstak, 2011). Successful conveyance of the forward-looking IE strategy for 2022 in combination with immigration of international students requires this section to monitor and overview the policy changes that indirectly impact international students.

Firstly, IE should be perceived as a social phenomenon and a human mobilization strategy with extensive ties to global economy and labor market (Findlay et al. 2011). Recognizing shortcomings in the process through which international graduates' transit to immigrants and citizens has induced government funded programs projected to fulfill the global demand for training their university graduates (Gribble & Blackmore, 2012). Similar perspectives that have helped in other actors of IE could similarly be exercised in the Canadian context. This requires providing training that underlines enabling international graduates as capable global (Canadian) citizens and not solely objects of work. Academic institutions can facilitate international graduates' migratory affairs and, introduce programs that prospect international students' life trajectory outside of academics programs.

The stakeholders of IE could negotiate the possibility of a specific designation for international students in immigration laws; in a broader context it is argued that education sector is radically different other from sectors that are subject to immigration and citizenship controls (Humphries, 2013). A plausible provision is introducing a new class of immigration for international students that provide credit for the time of residency (as practiced by Australia, New Zealand, Sweden, Germany, France, Italy). Over all, IE in Canada should be accompanied by legislation that potentially moves the system in favor of international graduates so that immigration no more bars the harbinger of IE to achieve its farfetched goals from flourishing.

Notes

1. Inspired by musical album by Muse; Black Holes and Revelations, released on June.08.2008

2. Canada's IE Strategy should seek to double the number of full-time international students, from 239,131 in 2011 to more than 450,000 by 2022 (DFATD, 2012).

3. Mr. Ed Fast, the international trade minister, said in January 2014 that the government recognizes that IE is a key driver of jobs and prosperity in every region of Canada. [T]his strategy will also help us advance Canada's commercial interests in priority markets around the world and ensure that we maximize the people-to-people ties that help Canadian workers, businesses and world-class educational institutions achieve real success in the largest, most dynamic and fastest-growing economies in the world.

Karen McBride, Chair of CCIE and the president and CEO of the Canadian Bureau for IE (CBIE) endorsed Vision 2022 and said since it identifies intentional education as a key driver in Canada's future prosperity it is a milestone for IE. Minister Finley opened a longer than before postgraduate work permit for international graduates to encourage choosing Canada as their living destination (CIC, 2008).

Minister Kenny clarified he has a similar point of view (CIC, 2012) "Immigrants with Canadian study and/or work experience and who have good language skills integrate into the Canadian labour market more successfully than immigrants without such characteristics". Ontario immigration minister Dr. Eric Hoskins echoed the rhetoric of country's international and foreign students; the best and the brightest immigrants (Pike, 2012, Ministry of Trade, 2012, Lu, Zong & Schissel, 2009, Cudmore, 2005) as he announced the inclusion of international students graduating from Master's programs in the Provincial Nominee Program.

Parliamentary Secretary to the minister of citizenship and immigration, Dr. Wong announced the expansion of the postgraduate work permit in February 2011. He emphasized on the government's commitment to steadfast retention strategies through introducing more inclusionary programs that makes it easier for this international graduates to immigrate to the country.

In a heartfelt post in CBIE's blog, Minister Alexander (2013) drew on his own experience as an international student to treasure an economic future that is tied to academic mobility and those in pursuit of education and exciting new careers. In the latest improvement that indicates to the country's philosophy of becoming a pole of attraction and a model of stability in the world, effective from June 1st, 2014, international students will be able to work off campus without requiring to obtain an off campus work permit (CIC, 2014).

4. These changes include; introducing the on and off campus work permits (CIC, 2009 & 2011), post graduate work permit (CIC, 2012), including the international students in the Foreign Skilled Workers Program (CIC, 2011) as well as the Provincial Nominee Programs (CIC, 2009).

5. Precarious employment and dead end jobs and absence of recognition by desired employers following graduation and during transitioning to immigrants are among the issues depicted literature.

6. Unlike other immigrant applicants, international students do not go through the same sequential processing continuum of immigration (Selection, language instruction, becoming citizens). Rather, they are selected after they have passed the language proficiency requirements for entering the country.

7. A petition written on behalf of international students and foreign workers that was posted publicly to refute the mentioned Bill

has gained more than 6000 signatures. With an emphasis on the residency of Canadian Experience Class applicants or Provincial Nominees who live and work in Canada for several years before becoming eligible for obtaining citizenship the mentioned petition perceives the right to permanent residency as "earned" through living and integrating to the Canadian society. The bill was opposed by both NDP and the Liberal party of Canada, and was observed by representatives of the above mentioned petition during its proceedings. Many of those who spoke against the bill, including Ted Hsu, Member of Parliament for Kingston and the Island, described that the bill discourages citizenship and contrary to its intentions, makes new comers less loyal to Canada.

8. As Bill C-35 and its empirical indications unfolded, CBIE expressed a necessity of distinction between the role of ISAs and that of private consultants (UA, 2013). Confusion and deprivation from genuine advice over the course of temporary residency hereafter will agonize Canada's immigration strategy. (Humphries, 2013).

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