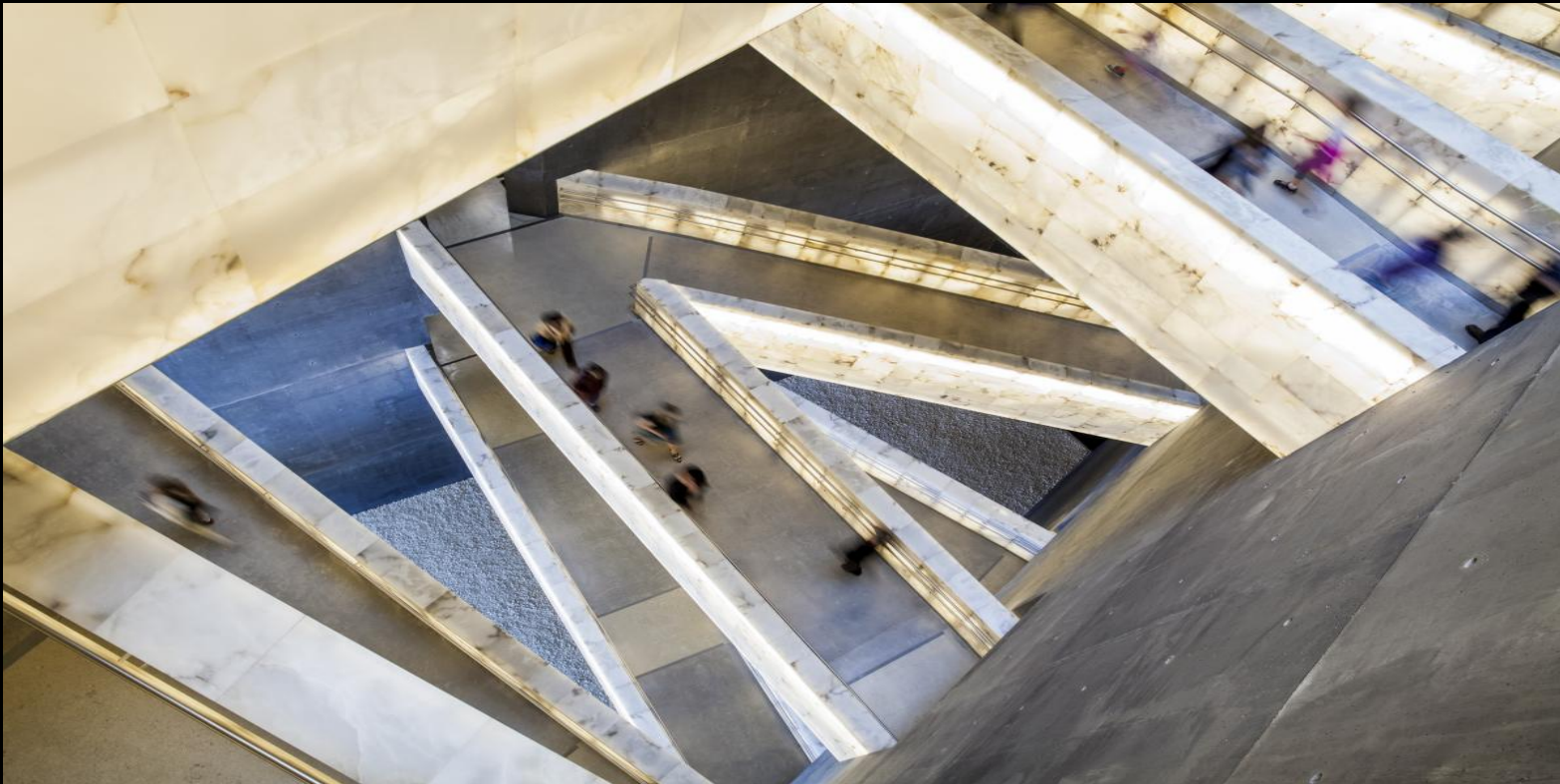


PHASE ONE REPORT

REBUILDING THE FOUNDATION

External review into systemic racism and oppression
at the Canadian Museum for Human Rights



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Laurelle A. Harris, B.A., L.L.B., C.F.M, Review Lead

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Acknowledgments

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Kichi Maarse (Many Thanks)

This Phase One Report was written on the ancestral and traditional lands of the Anishinaabe, Cree, Oji-Cree, Dakota, and Dene peoples, and on the homeland of the Métis Nation, Turtle Island.

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Executive Summary

In the wake of the deaths of Mr. George Floyd and Ms. Breonna Taylor at the hands of police, a peaceful protest took place in Winnipeg on June 5, 2020. The protestors marched from the Manitoba Legislative Building to the Museum. On June 6, 2020, the Canadian Museum for Human Rights posted images and expressions of support for Black lives on social media, writing:

About 15,000 people attended the #Justice4BlackLives rally at the Manitoba Legislature, listening to speakers and observing moments of silence.

With chants of "No Justice, No Peace" filling downtown Winnipeg, the crowd marched to the Canadian Museum for Human Rights.

Powerful protests and rallies like this are leading to more and more public dialogue about systemic racism and the role of the police in our communities.

#BlackLivesMatter

A group of current and former employees of the Museum objected on social media to the Museum positioning itself as an ally to Black peoples and asserted that the Museum was rife with systemic racism. Their accounts of discrimination and systemic anti-Black and anti-Indigenous racism were posted to Instagram using the hashtag "#CMHRStopLying".

In addition, former employees reported experiencing homophobia, and reported the Museum's censorship of LGBTQ content at the request of school groups booking tours. These reports on social media included assertions that sexual harassment and sexual assault were not properly investigated by the Museum.

In mid-June 2020, the Reviewer was engaged to conduct an external review into the allegations of systemic racism and discrimination. Twenty-five interviews were held with current and former employees of the Museum, and written accounts submitted to the Review were considered. The Review team heard firsthand accounts of their experiences at the Canadian Museum for Human Rights, and the resulting trauma, physical, emotional and financial harm suffered.

Racism within the Canadian Museum for Human Rights is pervasive and systemic. Employment practices, policies, and actions of employees within the institution have contributed to maintaining racism as a system of inequality. Black, Indigenous and People of Colour have been adversely impacted physically, emotionally and financially by their experiences within the institution.

Heterosexism is present throughout the institution, and exhibits containing LGBTQ content had been omitted or hidden from children on school tours on seven occasions between 2015 and 2017. There are indications of homophobic conduct that require further examination.

There are indications that sexual harassment complaints made by Black women may not have been investigated or addressed adequately prior to the fall of 2016. There are no indications that sexual harassment investigations have not been conducted or have been conducted improperly from the fall of 2016 to the present.

Recommendations have been made to begin the process of remediating harmful practices that contribute to systemic oppression and inequality.

Introduction

In 2008, the *Museums Act* (S.C. 1990, c. 3) was amended to create the Canadian Museum for Human Rights (hereafter “the Museum”). The Museum was the first national museum created in more than forty years and was the first national museum to be built outside the national capital region.

Archeological excavation began in 2008 in the area known as The Forks in Winnipeg. Given the historical and cultural significance of the site to Indigenous peoples, there were, and remain, objections among Indigenous peoples to the construction of the Museum at The Forks.

The Museum, together with other Canadian national museums, has the statutory mandate to play:

... an essential role, individually and together with other museums and like institutions, in preserving and promoting the heritage of Canada and all its peoples throughout Canada and abroad and in contributing to the collective memory and sense of identity of all Canadians; and is a source of inspiration, research, learning and entertainment that belongs to all Canadians and provides, in both official languages, a service that is essential to Canadian culture and available to all. (*Museums Act*, s. 3)

The statutory mandate of the Museum is:

... to explore the subject of human rights, with special but not exclusive reference to Canada, in order to enhance the public’s understanding of human rights, to promote respect for others and to encourage reflection and dialogue. (*Museums Act*, s. 15.2)

The Museum opened to the public on September 20, 2014.

The Museum is directed by a Board of Trustees appointed by the Government of Canada. The President and Chief Executive Officer of the Museum is also appointed by the federal government (hereafter interchangeably “the C.E.O.” or “Chief Executive Officer”). Three people have held the position of Chief Executive Officer:

- i. Mr. Stuart Murray (2009 to 2014);
- ii. Interim C.E.O., Ms. Gail Stephens (2014 to 2015); and
- iii. Mr. John Young (2015 to 2020).

In the wake of the deaths of Mr. George Floyd and Ms. Breonna Taylor at the hands of police, a peaceful protest took place in Winnipeg on June 5, 2020. The protestors marched from the Manitoba Legislative Building to the Museum. On June 6, 2020, the Museum posted images and expressions of support for Black lives on social media, writing:

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In mid-June 2020, the Writer was engaged to conduct an external review into the allegations of systemic racism and discrimination.

Shortly thereafter, former employees reported experiencing homophobia, and in particular censorship of LGBTQ* content at the request of school groups booking tours. These reports surfaced in social media as did assertions by current and former staff of sexual harassment and sexual assault.

Mr. Young stepped down as C.E.O. in July 2020.

*Although LGBTQ2+ is a more inclusive term to describe lesbian, gay, bisexual, transgender, queer, Two-Spirit people and people with additional sexualities and genders, there is currently no content at the Museum relating to Two-Spirit people. When referring specifically to the content at the Museum, the acronym "LGBTQ" is used in this Report; LGBTQ2+ is used inclusively in all other respects.

Process

The first phase of the Review consisted of interviews with current and former staff members at all levels of the organization, document review, and one site visit.

The purpose of dividing the Review into phases is:

- a. To assess the degree to which systemic racism and oppression is affecting the organization and its employees;
- b. To make immediate findings on an interim basis; and
- c. To generate recommendations for remediation and further inquiry.

The second phase of the Review will delve more comprehensively into issues of inclusion and equity within the organization, with the scope of that process being informed by the interim findings in this first phase.

The Review is not intended to make findings as would be the case in a workplace investigation into individual conduct but, rather, to assess the degree to which issues may be systemic, identify the manner in which oppressions have manifested, and the degree to which employees affected by those oppressions may have been affected.

The Terms of Reference for the first phase of the Review are:

- a. To identify the specific nature and scope of concerns raised by current and former staff and the ways in which systemic oppression may be manifested within the Museum;
- b. To identify and analyze the response of management to the employees' expressions of the specific concerns raised;
- c. To identify areas of strength and areas of concern with respect to the response of management to the specific concerns raised. This is a starting point to achieving understanding of the manifestation of systemic racism and other forms of oppression within the Museum; and
- d. To provide initial findings and to make recommendations that may be taken in short order to commence remediation by way of a Phase One Report.

The process of the first phase consisted of:

- a. Select interviews with employees and former employees at all levels of the organization;
- b. The review of policies and other internal documents; and
- c. A physical site visit of the Museum's galleries.

Work commenced on June 22, 2020 and all interviews were completed by July 25, 2020.

Interviews

The initial criteria for determining which individuals would be interviewed in this phase were:

- a. Those persons who had come forward publicly - either on social media or in media interviews - with accounts of oppressive conduct they experienced or witnessed;
- b. Current employees of the Museum who contacted the Writer on or before June 22, 2020;
- c. Current members of management to whom persons asserting the presence of oppressive conduct reported directly;
- d. Members of the executive management team to whom the members of management referred to above reported, whether or not such executive managers were still employed by the Museum; and
- e. The Museum's former Chief Executive Officer.

Over approximately four weeks, 25 interviews were held with current and former employees of the Museum. A total of 13 former employees were interviewed, including former executive managers and the former C.E.O. A total of 12 current employees of the Museum who held positions at different levels of the organization were also interviewed. Interviews ranged from one hour to five hours in duration, with most averaging approximately two to three hours.

In addition, four former employees who identify as Indigenous provided their accounts anonymously through an *aanikanootaagewikwe* (a woman who translates or interprets for the people).

No interviews were conducted with members of the Board of Trustees at this stage of the review process; questions relevant to this phase of the review were posed in writing. It is expected that interviews with Trustees of the Museum will take place during the second phase of the review.

Several current and former volunteers also expressed in writing their concerns and these documents were also considered. It is contemplated that additional comprehensive meetings with volunteers will take place in the second phase of this Review.

Document Review

Documents that were reviewed included:

- a. Employment records of former employees who have asserted that they suffered harms;
- b. Selected human resources records;
- c. Records relating to claims of racism, sexism, homophobia and sexual harassment, including external reviews conducted;
- d. Documents provided by interviewees;
- e. A selection of the Museum's Human Resources policies:
 - i. All iterations of the Respectful Workplace Policy;
 - ii. All iterations of the Code of Business Conduct and Ethics;
 - iii. The Internal Application Policy;
 - iv. The Performance Improvement Policy;
- f. The Collective Agreement for unionized staff;
- g. Job descriptions for select employees and former employees;
- h. Selected assessment grids relating to hiring competitions;
- i. Employment Equity reporting pursuant to the Employment Equity Regulation for the most recent reporting year (2018); and

- j. Relevant legislation.

In addition, at the request of the Writer, the Human Resources department compiled the following data for review:

- a. The total number of persons whose employment was terminated during their probationary period, together with the total number of those persons who are members of equity groups; and
- b. A comprehensive list of all training undertaken by select human resources team members and persons in management.

Site Visit

A site visit was conducted on July 15, 2020, to permit the Writer to examine content relating to Black Canadians and LGBTQ2+ communities, including Two-Spirit peoples. Because of the restrictions of COVID-19, some digital content was not accessible as it requires touch screen displays. Documents created by staff with more information about the displays in one gallery were provided and follow-up was completed with the Museum's Director of Research and Curation.

Terminology

The Writer has attempted to protect the identities of current and former staff and management in this Phase One Report insofar as possible. In order to do so, there will be instances where the words "staff" and "employees" are used to refer to all persons employed by the Museum, irrespective of their position or whether they are still with the Museum. The pronouns "they" and "their" are also used in the singular as well as the plural both to assist in anonymizing persons interviewed and in recognition that use of male and female pronouns exclude those persons who are gender-diverse where their preference is unknown.

Current and Historical Context

Throughout their interviews, current and former employees were consistent in their descriptions of the intense focus of staff and management in preparing the opening of the Museum. They worked under stressful conditions because of cost overruns and the pressure to have exhibits complete prior to opening.

A former executive described Museum staff and management as deferring operational planning and expectations in the push to open the Museum. After the opening took place, that comprehensive planning and alignment of expectations remained unaddressed.

Whereas before the opening there were clear procedures and communication lines for staff to follow to obtain approval via a steering committee on issues from operational decisions to programming, after opening, the same structure was not applied to policies, procedures, and operational decisions; rather than as a consequence of deliberate planning, these decisions were made reactively.

When the Museum did open, certain exhibits were not complete and were, therefore, curtained off. One former executive expressed that after the Museum opened, a summative evaluation of all the operations should have been completed, which would have provided empirical information upon which management could make informed decisions about operations going forward. Despite three managers so proposing, no such evaluation took place.

In August 2015, eleven months after the Museum opened, Mr. Young was appointed President and Chief Executive Officer of the Museum.

In 2016, a significant restructuring of the organization took place which promoted four directors to positions as vice-presidents. At that time, the department responsible for the development of content for public and school programs and the department responsible for the delivery of that content by staff (either leading tours or delivering programs) were severed from one another with each department reporting to separate vice-presidents. The Department of Research and Curation, which was responsible for developing the exhibits proper and their content, as well as the Department of Exhibitions, which was responsible for the project management of exhibits, reported to a third vice-president.

A consistent theme emerging from current and former staff at all levels of the organization has been that lines of communication were consistently poor between departments. Departments were described by several staff members as information “silos” which rendered difficult their ability to work collaboratively with other departments.

Separating the functions of program development and program delivery under different vice-presidents exacerbated these “silos”, leaving no mechanism for employees to work collaboratively. One volunteer commented that the “... Museum’s right hand did not know what the left was doing”.

In addition to the exacerbation of communications issues, the reorganization resulted in a more hierarchical management structure.

There were fewer joint meetings with multiple levels of management in the room together. Although the steering committee remained, the stratification imposed by the restructuring reduced the flow of information between various levels of management.

More than one interviewee asserted that, after the middle of 2015, significant emphasis had been placed on increased production of temporary exhibits at the expense of ensuring the functionality of the organizational structure and, later, at the expense of the renewal of core exhibitions.

Another significant cultural challenge asserted during interviews by staff who interacted with the public and developed programs was that “front-facing” or “front-of-house” employees generally had backgrounds and/or strong interests in human rights, whereas most individuals in management did not. In the view of many current and former staff members interviewed, there was a tendency on the part of management to treat the Museum as a profit-oriented corporation having its primary focus on revenue generation to the exclusion of organizational health and the fulfilment of its mandate.

Several current and former front-facing staff expressed the view that the content could not be delivered to the public without a primary organizational commitment to the values espoused by the Museum. One manager stated that there needed to be “... more focus on understanding that we are more than just a museum, we are a human rights museum, and there is a responsibility that is tied to that, that is different [from any other museum]”.

Several current and former staff members expressed that working for the Museum was a dream come true. They entered their employment with the hope and expectation that they would be a part of something transformational. Staff of all backgrounds reported that they commenced employment at the Museum with the expectation that the workplace would be inclusive, that their experiences and knowledge would be appreciated, and their contributions to the success of the Museum valued. It is noteworthy that some former staff members, despite their negative experiences at the Museum, expressed a willingness to return to work at the Museum if the work culture were to change.

In addition, front-facing staff have been one of the most diverse group within the Museum in indigeneity, race, sexual orientation and gender identity, whereas, the vast majority of

persons in management, and upper management have been white and heterosexual. The other most racialized group at the Museum are noted to be security guards and cleaning teams who operate within the Museum as contractors.

A cultural schism developed in the Museum between “front-of-house” staff who were able to contribute the diversity of their lived experiences to their work, and “back-of-house” management, who appeared to see the work of the Museum through the lenses of their own, non-racialized experiences. These divergent perspectives resulted in a schism between front-of-house workers and the managers.

In general, upper level managers were reported to be less attuned to the impact of race, sex, gender identity and sexual orientation on the dynamics between themselves and staff, and were not attuned to the impact of those identities on front-facing staff in their interactions with the public - particularly with respect to race.

Another consistent theme arising from interviews of former and current staff was the perception that favouritism was rife within the organization, with (white) candidates for positions being hand-picked by management for both external hires and internal promotions. Interviewees expressed that white employees were also seen to engage in social networking with individuals in management and were then able to leverage those relationships to their advantage in the workplace.

Some of these problems were structural: The 2016 reorganization that separated program development from program delivery, and the abolition of the Steering Committee (where all directors were together at the table with executive management are two examples).

Definitions and Concepts

Throughout this Phase One Report, terms are used that have specific intent and meaning. These terms are herein defined to afford the Writer and readers a shared conceptual understanding of the analysis herein contained.

Terms such as “prejudice”, “discrimination” and “racism” are often used interchangeably and, while these are interrelated concepts, they have specific meanings and are neither synonymous nor interchangeable.

Prejudice

Anti-racism scholar and educator, Dr. Robin DiAngelo, explains prejudice, discrimination and racism in her book, *White Fragility: Why It's So Hard for White People to Talk About Race* (2018). Prejudice is:

...prejudgment of another person based on the social groups to which that person belongs. Prejudice consists of thoughts and feelings, including stereotypes, attitudes and generalizations that are based on little or no experience and then are projected onto everyone from that group. Our prejudices tend to be shared because we swim in the same cultural water and absorb the same messages. ⁱ

The Canadian Race Relations Foundation also refers to the misuse of racism and prejudice as though the terms are synonymous.

The terms ‘racism’ and ‘prejudice’ are sometimes used interchangeably but they are not the same. A primary difference between the two is that racism relies on a level of institutional power in order impose its dominance.ⁱⁱ

The Alberta Civil Liberties Research Centre defines prejudice as “... a set of discriminatory or derogatory attitudes based on assumptions deriving from perceptions about race/skin colour,” and makes a connection between racism, racial prejudice and power:

Racism = Racial Prejudice + Power ⁱⁱⁱ

By power we mean: the authority granted through social structures and conventions—possibly supported by force or the threat of force—and access to means of communications and resources, to

reinforce racial prejudice, regardless of the falsity of the underlying prejudiced assumption...the importance of the concept of power to anti-racism is clear: racism cannot be understood without understanding that power is not only an individual relationship but a cultural one....^{iv}

Most people understand that conscious acts of discrimination – using racist slurs, and the application of force or the threat of force such as burning crosses, placing nooses for Black people to find, or calling the police falsely to allege criminal behaviour on the part of Black and Indigenous people – are racist. What is understood less often is that those actions are expressions of the racial *power* conferred on white people by our society. Incidents such as these are misconceptualized as aberrations committed by ignorant and bad people.

Bias

Conscious bias (also known as explicit bias) refers to the attitudes and beliefs we hold about a person or group on a conscious level. The recent increase in hate speech against Asian peoples in the wake of COVID-19 is an example of conscious bias.

Unconscious bias (or implicit bias) refers to prejudices that arise from the internalization of messages we receive from those “cultural waters” referred to by Dr. DiAngelo, but of which we are unaware.

We use the term “implicit bias” to describe when we have attitudes towards people or associate stereotypes with them without our conscious knowledge...the mind sciences have found that most of our actions occur without our conscious thoughts, allowing us to function in our extraordinarily complex world. This means, however, that our implicit biases often predict how we’ll behave more accurately than our conscious values.^v

Discrimination

Discrimination is the process by which our prejudices become activated by actions that include “... ignoring, exclusion, threats, ridicule, slander, and violence...” in its most extreme form.^{vi} All people have prejudices, irrespective of race, gender identity, sexual orientation, or other aspects of their identity, and all people discriminate at one point or another.

In Article 1 of the *United Nations’ International Convention on the Elimination of All Forms of Racial Discrimination*, “racial discrimination” is defined as:

... any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.^{vii}

Racism

Racism differs from individual racial prejudice (thoughts and feelings) and from racial discrimination (actions, however slight, including microaggressions) in the historical accumulation and use of **institutional power** and authority to support the prejudice and to enforce **systematically** discriminatory behaviours with far-reaching effects.

Systemic Racism

The term “systemic racism” represents the structures of power and oppression built over centuries in Canada (and elsewhere) that enforce the racial hierarchies that confer benefits on certain people at the expense of others. Systemic racism provides a scaffolding that can operate to the disadvantage of and cause harm to BIPOC* people even without the conscious intent to do so.

According to Williams, Lawrence and Davis, systemic racism refers to:

... the processes of racism that are embedded in laws (local, state, and federal), policies, and practices of society and its institutions that provide advantages to racial groups deemed as superior, while differentially oppressing, disadvantaging, or otherwise neglecting racial groups viewed as inferior.^{viii}

Institutional Racism

Institutional racism is a concept closely related to systemic racism; it describes the manner in which racism manifests and operates in institutions specifically and is:

... the collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.^{ix}

*Black, Indigenous and People of Colour.

Anti-Indigenous Racism and Anti-Black Racism

In Canada, anti-Indigenous racism and anti-Black racism refer to racism which has arisen in the context of the colonization and settlement of Turtle Island; their manifestations are inextricably intertwined with Canada's history and continue to the present day. Both forms of oppression have provided and continue to provide an economic foundation based on unpaid and underpaid labour. In the case of anti-Indigenous racism, the economic foundation includes the use of land and resources. In order to fully understand the impact of anti-Indigenous racism and anti-Black racism, one must understand their historical importance to the founding of Canada.

Colonialism

Colonialism is the historical practice of European expansion into territories already inhabited by Indigenous peoples for the purposes of acquiring new lands and resources for the colonialists, also referred to as "settlers". This expansion precipitates the violent suppression of Indigenous peoples' governance, legal, social and cultural structures. Colonialism attempts to force Indigenous peoples to conform to the structures of the colonial state. "Colonialism remains an ongoing process, shaping both the structure and the quality of the relationship between settlers and Indigenous peoples."^x

Anti-Indigenous racism has existed since European contact. Anti-Indigenous racism goes hand-in-hand with the colonization of Turtle Island that could not have been accomplished without the systematic oppression of Indigenous peoples. This form of racism has conferred continuing economic benefits to settlers resulting from the appropriation of land and resources at the expense of Indigenous peoples.

Anti-Indigenous racism is upheld by the:

... ongoing race-based discrimination, negative stereotyping, and injustice experienced by Indigenous peoples within Canada. It includes ideas and practices that establish, maintain and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonial policies and practices in Canada.^{xi}

Systemic anti-Indigenous racism is evident in discriminatory federal policies such as the *Indian Act* and the residential school system. It is also manifest in the overrepresentation of Indigenous peoples in the provincial criminal justice and child welfare systems, as well as inequitable outcomes in education, well-being, and health. Individual lived experiences of anti-Indigenous racism can be seen

in the rise in acts of hostility and violence directed at Indigenous people.^{xii}

Anti-Black racism is also older than Canada as a modern nation-state. The attitudes, prejudices, beliefs, and stereotyping of Black peoples stem from four centuries of systemic oppression:

During the early settlement and colonization of Canada, Black persons in Canada did not arbitrarily find themselves in a lower social and economic status than white Canadians. Rather, first slavery, then segregationist state policies regarding immigration, labour and education put them there and keep them there, despite both organized and everyday acts of resistance.^{xiii}

According to the Ontario Anti-Racism Directorate, anti-Black racism is upheld and evidenced by the:

... prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. **Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger White society.** Systemic anti-Black racism is manifest in the current social, economic, and political marginalization of Black people in Canada, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system.^{xiv} (emphasis that of this Writer.)

BIPOC

The acronym “BIPOC” refers to “Black, Indigenous and People of Colour”, and is used to denote groups that have been racialized by the dominant culture and are affected by racism; in this respect it is intended to be an inclusive term. BIPOC is not, however, intended to equate the ways in which racism operates against people within these groups nor is it intended to suggest an equivalency in terms of the harms suffered.

It is particularly important to note that:

... though there is a relationship, the racial logic of slavery and settler colonialism take different forms and are not reducible to one

another; anti-Blackness and settler colonialism rest on somewhat different foundations. Indigenous peoples are seen as “in the way”, and laws and policies are used toward destroying Indigenous communities to secure unfettered access to Indigenous land (Sium 2013, Tuck and Yang 2012:6; see also Wolfe 2007)...Contrastingly, in the logic of Black enslavement, it is the Black *personhood* that is under attack: “the slave” is a useful commodity, but “the person underneath is imprisonable, punishable and murderable.”^{xv xvi}

The manner in which racism operates against those racialized persons who are neither Black nor Indigenous differs yet again, but the roots and dynamics of all forms of racism in Canada cannot be fully understood in the absence of an understanding of colonialism, of anti-Indigenous and anti-Black racism, as well as Canada’s historical and current treatment of other racialized groups. In this Report, there are instances of discrimination with respect to people from other racialized groups; the particular ethnicity is deliberately omitted to safeguard the privacy of those persons insofar as possible. “Racialized” is also used generally and is for the purpose of this Report used synonymously with BIPOC.

Non-Racist

The term “non-racist” is used by some people who perceive themselves as operating outside of the existing system of racism. They assert that they have no prejudices and thus are incapable of discrimination. This is a false presumption of neutrality. One example of this false presumption of non-racism is “colourblindness”, often expressed as “not seeing colour”. Inherent in a claim of “colourblindness” is an unawareness of any personal role or benefit conferred by race.

Anti-Racism

Anti-racism is the active process of choosing to challenge not only one’s own biases and prejudices, but to engage in the work of actively dismantling racism as a system of oppression.

The term “non-racist” masks racism. Anti-racism represents active engagement in the work of “unmaking” our own prejudices and working to end racism as a structure of oppression.

According to the founding director of the Boston University Center for Antiracist Research, Dr. Ibram X. Kendi, the term non-racist is problematic because “... it is a claim that signifies neutrality: ‘I am not a racist, but neither am I aggressively against racism.’” As Dr. Kendi explains, there is no neutrality in struggles against racism: “... the opposite of ‘racist’ isn’t ‘not racist’ It is anti-racist”.^{xvii}

Everyday Racism

As many scholars have noted, part of the persistence and prevalence of racism lies in its very definition. We are more familiar (and indeed comfortable) with allegations of racism that involve white supremacist and extremist groups. There is, however, inadequate awareness of the ways our daily conduct, practices and beliefs reflect embedded racism. Aspects of everyday racism include taken-for-granted ways of seeing, thinking and acting and have become so standardized that they are usually not recognized as manifestations of racism.

Sociologist Philomena Essed introduced the notion of *everyday racism* to address the familiar, taken-for-granted and everyday actions, attitudes and relationships that racially organize our daily lives, and which sustain inequality.

Everyday racism involves elements such as tone, demeanour, language, a gaze, forms of surveillance, hostility and differential treatment. Dr. Essed emphasizes that one needs to shift the focus from *intent* to *outcome*, as discrimination and harm occur regardless of whether individuals are aware of their motives and attitudes.

Another key insight concerns the fact that everyday racism is not a singular act, but a multidimensional one and its impact is cumulative.^{xviii}

Microaggressions

Microaggressions are also a form of everyday racism and refer to:

... verbal and nonverbal personal exchanges in which a perpetrator causes harm to a target, whether intended or unintended. These brief and commonplace indignities are part of the way everyday racism operates, and communicate hostile, derogatory, and/or negative slights to the target.^{xix} Importantly, microaggression theory values the target's perception in identifying harm, as perpetrators often are unaware that they have engaged in an exchange that demeans the target.^{xx}

Microaggressions are not "micro" in the sense that they do little damage; on the contrary, microaggressions occur continuously throughout a racialized person's life (often daily), and research shows that the cumulative effects of microaggressions can cause significant harm. Many of these "insults, invalidations, and indignities are so pervasive that they often are unrecognized".^{xxi xxixxxiii}

The Good/Bad Racism Binary

As a society, we frequently observe (if only on television) and are generally horrified by extreme forms of explicitly racist behaviour, such as the murder of Black and Indigenous men and women by police on camera, the burning of crosses, or the use of racial slurs. Unfortunately, most non-racialized people limit their definition and understanding of racism to events such as these, and accordingly see only the tip of the racism “iceberg”. As a result, some people equate those who engage in explicitly racist acts as “bad” people, and people who do not as “good” people.

When racialized people attempt to address behaviour that is unconsciously racist – and inevitable as a result of the messages we receive from our culture – those perpetuating the conduct tend to reject any possibility that their behaviour might be racist, as they believe themselves to be “good” people. This limited understanding of the ways in which racism operates supports their belief that they are “good” people who would never engage in racist behaviour. The response that is triggered is frequently offense, anger and defensiveness.^{xxiv}

Intersectionality and Gendered Racism

Intersectionality is a term coined by the American lawyer and academic Kimberlé Crenshaw. Intersectionality describes a theoretical framework and paradigm through which the effects of multiple forms of oppression can be understood to converge and be compounded.^{xxv} For example, according to Statistics Canada, women working full time in Canada earned an average of 75 cents for every dollar earned by men in 2016, but Indigenous women earned only 65 cents, racialized women earned 67 cents, and newcomer women earned 71 cents.^{xxvi} The pay gap cannot be explained by gender alone, but by the combined effects, or intersection, of racism and sexism.

The intersection of race and gender is evident in the stereotypes, attitudes and treatment of racialized peoples. For example, Indigenous women and Black women are stereotyped as being hyper-sexual – the consequence of which is that sexual harassment and violence perpetuated on Black and Indigenous women is not considered to be as egregious as the sexual harassment and violence experienced by white women.

Robyn Maynard writes in relation to Blackness: “Resonating loudly into the present, the ever unsubstantiated association of Blackness with immorality, depraved sexuality and criminality was firmly entrenched [in Canada].”^{xxvii}

These biases are reflected in how claims of sexual harassment are investigated in workplaces or by police. These biases are also reflected by some lawyers and members of the judiciary when trying sexual assault cases (see Busby’s *Sex Was in the Air:*

Pernicious Myths and Other Problems with Sexual Violence Prosecutions)^{.xxviii} The epidemic of, and systemic apathy toward, missing and murdered Indigenous women, girls, and Two-Spirit people is another example of the manner in which racism and sexism intersect, resulting in Indigenous women, girls, and Two-Spirit people disappearing and dying at rates which are vastly disproportional to those of white women:

The common thread weaving these statistics together is the fact that violence against Indigenous women, girls, and 2SLGBTQQIA people is not an individual problem, or an issue only for certain communities. This violence is rooted in systemic factors, like economic, social and political marginalization, as well as racism, discrimination, and misogyny, woven into the fabric of Canadian society. As [Kohkom] explained, “I’ve been in survival mode since I was a little girl, watching my back, watching goings on. Because I’ve seen my aunties, my cousins, my female cousins brutalized by police. And, growing up as a First Nation woman in this city, in this province, in this country – we’re walking with targets on our backs.”^{xxix}

The intersection of race and gender also applies to the stereotyping, attitudes and treatment of Black men. As Maynard wrote:

Black men and women were presumed to possess a pathological sexuality that threatened to contaminate Canada’s white settlers. The Black-male-as-rapist trope proved quite powerful in Canada, and the anti-Black hysteria linking Blackness to sexual danger that permeated the media and public opinion had a foothold in the highest levels of government.^{xxx}

Sexism

Sexism has recently been defined by the Council of Europe, as follows:

Sexism may occur in the public or private sphere, whether online or offline, with the purpose or effect of:

- violating the inherent dignity or rights of a person or a group of persons; or
- resulting in physical, sexual, psychological or socio-economic harm or suffering to a person or a group of persons; or

- creating an intimidating, hostile, degrading, humiliating or offensive environment; or
- constituting a barrier to the autonomy and full realisation of human rights by a person or a group of persons; or
- maintaining and reinforcing gender stereotypes.^{xxxii}

As with racism, sexism is also a systemic form of oppression.

Heterosexism

Heterosexism is the systemic bias that favours heterosexuals and heterosexuality. It has been encoded into and is a characteristic of the major social, cultural and economic institutions of Western society. It stems from the idea that male and female roles, thoughts and expressions are separate and distinct. Like other systemic oppressions, heterosexism falls within the spectrum of sexism, racism, classism, ableism and ageism.^{xxxii}

Additionally, heterosexism reinforces the belief that gender exists only as a binary (male or female are the only options for the assignment of gender).

Homophobia and Transphobia

Heterosexism is a systemic bias that leads to, intersects with, and fuels homophobia and transphobia. Homophobia and transphobia refer to the irrational fear, dislike, hatred, intolerance, and ignorance of homosexuality and diverse gender identities. The terms refer to prejudice with respect to LGBTQ2+ persons.^{xxxiii}

Diversity, Inclusion and Equity

Diversity, inclusion and equity are related terms, but are not interchangeable.

Diversity is, in the context of Canadian federal institutions such as the Museum, a legal requirement under the *Employment Equity Act*, which is intended to protect against the exclusion of four designated groups in the workplace – women, “Aboriginal” persons (this term is the language of the *Act* and not that of the *Writer*), persons with a disability, and visible minorities.^{xxxiv}

More broadly, diversity should also include members of all marginalized groups. A diverse workplace means that employment has been accessed in a workplace by people of different ethnic, cultural, racialized backgrounds, religions, minorities and persons of varying abilities. Despite the use of the term “equity” in the title of the statute, this law,

even when properly applied, does not *automatically* render a workplace inclusive or equitable.

Inclusion refers to equal participation and treatment within institutions and, more broadly, within society. In this way inclusion involves more than mere physical presence or representation of members of marginalized groups. An institution which is representationally diverse but not diverse in its practices is not a truly inclusive workplace.

According to Frances Henry and Carol Tator, inclusion:

... exists when disadvantaged communities and designated group members are incorporated into a pre-existing institutional framework and share power and decision making at all levels in projects, programs, and practices.^{xxxv}

In her book, *On Being Included: Racism and Diversity in Institutional Life*, Sara Ahmed demonstrates how the term “diversity”:

... can be used as an adjective, as a way of describing the organization, a quality, or an attribute or an organization. The language of diversity can also be used normatively, as an expression of the priorities, values, or commitments of an organization.^{xxxvi}

What is omitted from our common understanding of diversity and inclusion is *power*. The inclusion of the “other” is framed as inclusion into existing structures while the organizational structures, cultures and practices remain intact. There is no discussion of who has been excluded or why – thus the response is to bring “more” marginalized peoples into the existing structures and expect them to align with prevailing norms and values without the institution self-examining as to how and why these people have historically been excluded, marginalized, and tokenized.^{xxxvii}

Equity occurs where the “other” is not merely incorporated into existing workplace structures, cultures and practices, but where the “other” also is imbued with *the power to affect* the structure, culture and practices of the organization. The term “equality” refers to formal equality but does not necessarily translate from fairness in principle into fairness in actuality. In contrast, “equity” refers to equality in fact and substance, where the effects of oppression have been ameliorated.

Racism

It is the conclusion of the Writer that the Museum does perpetuate racism on an institutional and systemic level. The reasons for that conclusion follow.

Interviews of current and former staff commenced in late June 2020. What was immediately noted on the part of the Writer and Ms. Bruce was the extreme level of distrust of the institution by current and former staff who were interviewed. For certain former staff members in particular, the trauma experienced by them during their tenure with the Museum, and the consequences flowing therefrom, have caused significant harm.

In order to build sufficient trust and rapport for some former staff to participate in this process, the Writer and/or Ms. Bruce met with them in person, by videoconference and/or by telephone two to three times prior to conducting interviews in order to build sufficient rapport so that they felt comfortable recounting their experiences. Although interviews were slated for a period of two hours, it was not uncommon for interviews to exceed that length substantially. As a matter of trauma-informed practice, the Review team recognized the importance of holding space for everyone who was interviewed. Those who attended interviews were encouraged to bring support people with them and, in many cases, the support people were also able to provide valuable insight into both the environment at the Museum as well as ways in which people suffered harm as a result of their employment there.

Every person interviewed recalled their excitement when hired by the Museum, at having the opportunity to be a part of the narrative of the Canadian Museum for Human Rights. Many former employees reported that their feelings of loyalty to the institution and its stated values caused them to remain with the institution and try to change the environment from within. They continue to hold the idea of a museum for human rights in high regard.

For those who left the Museum voluntarily, their doing so was uniformly described as an act of survival: leaving behind work they believed in and were committed to, as well as losing financial security that has not been recovered. Some even indicated that, despite the trauma of their experiences, they would return to the Museum if the environment were to change.

The efforts of staff – racialized and non-racialized – to change the institution from within in the face of what was, and remains, pervasive institutional racism were generally unsuccessful. In addition, staff at the Museum who persisted in their efforts to address racism in the workplace were penalized, some being branded by management as “troublemakers”, “difficult” or “angry”. All of these are common responses to being

challenged to change exclusionary and/or racist behaviour and systems. The “CMHRStopLying” movement is the result of the Museum’s refusal, over the course of years, to acknowledge the existence of racism within the institution. Several current and former employees have expressed that they knew that the crisis of this moment was going to happen for some time; the question in their minds was one of timing, not certainty. The aim of this Report is to begin the process of reframing the current crisis as an opportunity for the Museum to demonstrate leadership in addressing systemic racism within its walls.

The ways in which the institution supports and perpetuates racism is divided into three broad categories:

- a. Distinct in/actions;
- b. Employment practices;
- c. Policies and practices.

Distinct In/Actions

Current and former BIPOC employees have shared their experiences on social media; more employees also shared their experiences with the Writer and/or Ms. Bruce. Many narrated experiences were corroborated by accounts from other former and current staff members. A fraction of those experiences are recounted herein.

BIPOC employees reported being passed over repeatedly for promotion in favour of equally or less qualified white candidates. For example, one man of colour, who holds a Master’s degree in Law and speaks four languages had never been promoted. He also teaches at two universities and is beginning work on his doctorate.

Black employees advised that they had encouraged their bilingual Black friends and family members to apply for entry level positions and reported that these people were never contacted. By contrast, employees noted that friends and family members of white employees were routinely hired.

One Black employee who started as a host (an entry-level position) prior to the opening of the Museum reported she was paid \$2.00 per hour less than all but one other host for over two years. When she discovered that this was the case and advised her manager, she was told that she could have negotiated for more. With the help of a white colleague, she pursued the matter through Human Resources, and eventually received back pay.

An Indigenous woman who led the Mikinak-Keya tour wanted to smudge but had forgotten her matches. She asked a co-worker for assistance and the worker did provide her with a lighter. The worker told her to “put it back in my locker when you are done”. When the

employee asked if there was a lock on it or if the worker wanted her to lock it up when she was finished with it, the worker replied “no, there’s no lock, there’s nothing in there for you to steal”. Another co-worker later told the employee that the worker had continued to tell others that she had no money, no keys, or anything valuable in her purse after the Indigenous woman had left the area.

One BIPOC person advised of differential treatment by a person in management who ignored them but acknowledged white people whom the person was with on five separate occasions. Another BIPOC person advised that the same person in management, who is no longer with the Museum, approached and, without any greeting, reprimanded them in a gallery, telling them to “get busy” or words to that effect. In fact, the employee had been assisting a new employee-in-training, using their work break to do so; something the person in management would have been aware of had they not acted on their assumptions. This is an example of unconscious bias and microaggressions at play: one common stereotype attached to Black people is that they are lazy, unmotivated, or do not make sufficient effort in discharging their duties. This stereotype has its roots in slavery and persists to this day. The hidden message of this microaggression is reflective of the stereotypes commonly held in our society.

Dress Code

More than one BIPOC employee reported differential enforcement of the dress code at the Museum. In one instance, several Indigenous employees had each been given lanyards that had been specially beaded for them and carried traditional knowledge in the pattern. One woman was singled out for breaching the dress code and was not permitted to wear her beaded lanyard (the Museum issues a standard blue lanyard). When she lent the beaded lanyard to a white colleague to wear, the white colleague was permitted to do so.

A Black employee was repeatedly and progressively disciplined for wearing the same dress pants as a number of white women she worked with. One woman had what were described as the “perfect” dress pants; several women went to the same store to buy the same pants. Only the Black employee was singled out for “violating” the dress code.

Several employees reported that when raising issues and concerns with respect to racism or unfairness in the workplace, their employment would be threatened by one manager who would advise them “maybe this job isn’t the right fit for you”.

Racism from the Public

BIPOC program interpreters reported near daily microaggressions and explicitly racist comments from the public on a regular basis, including while they were leading VIP, stakeholder and donor tours, without intervention from management when present.

Several Indigenous program interpreters left their employment with the Museum as a result of persistent breaches of protocol on the part of the Museum as well as the anti-Indigenous racism experienced generally. For example, one program interpreter described being laughed at by visitors while singing a traditional song on the hand drum. Another visitor asked for the program interpreter's name so that she could "pray" for her.

There is a daily report that is completed each day by the Lead program interpreter on duty. Incidents relating to racism from the public were included in those daily reports, which were received by multiple levels of management. No action was taken to address these reports of racism from the public. Records of requests for action were provided to the Writer from former employees which dated as far back as 2015; these reports also included suggestions to improve circumstances for the employees, such as:

- The amendment of the Respectful Workplace Policy or the creation of a Visitor's Code of Conduct, both of which the Writer has been advised have been adopted by other cultural institutions;
- The creation of signage and materials to guide visitors on expectations of respectful conduct;
- For the Mikinak-Keya tour, advance preparation for the public about what to expect and how to conduct themselves respectfully given the spiritual nature of the tour; and
- Better supports from the Museum, such as placing more than one program interpreter on tours, when faced with racism imposed by the public.

Issues from Within

Front-facing Indigenous and Black employees of the organization, including a racialized woman in management, reported that when they raised issues relating to racism or attempted to contribute insights and expertise, their efforts to ensure that the workers of the Museum were not being subjected to oppression or racism were rebuffed. This also happened to the man of colour which will be referred to in the section about homophobia. BIPOC employees, and Black employees in particular, consistently reported that they were labelled as "difficult" and "angry" and that white co-workers asserted that they were

being “attacked” when issues with respect to race, bias and equity were raised. Many described also being silenced and treated disrespectfully in meetings.

One person in management described how she was treated in ways that were very similar to those of front-facing employees; in this instance, however, the former executive suffered in silence. When she tried to explain that what was happening to her was gendered racism, she found no one who could fully relate to her experiences.

One anecdotal episode in the Museum’s history exemplifies the manner in which racism in the form of unconscious bias manifests, relating to a proposed Black History tour entitled “History in Black”. In short:

- Program interpreters received what many believed to be a final version of the “script” of content delivery for the tour. Several program interpreters of different racial backgrounds raised concerns with their immediate supervisors. The immediate supervisors who received the feedback were supportive of the concerns raised;
- Middle managers, however, took the concerns as personal criticism and accused the staff of calling them “racists”. Rather than address the issues raised, managers deflected that concern and instead asserted that the behaviour of the staff members was inappropriate in general;
- Other communication issues exacerbated this dynamic, including the manner in which middle management framed the issues to upper management. The middle managers claimed that the employees were rude and disrespectful, rather than simply conveying the substantive concerns;
- The upheaval this caused was so significant that the union became involved. Museum management did not address the issues in a timely way, and the matter dragged on for nearly a year with no resolution other than the entrenchment of feelings of betrayal on the part of the employees.

From the standpoint of systemic racism, the response of the middle managers exemplified how easily unconscious bias can derail interactions among co-workers.

The Mikinak-Keya Spirit tour, created by the Elders Circle Seven and gifted to the Museum, introduced Indigenous spiritual teachings to the public. Only Indigenous program interpreters presented the tour, and then only after first learning the teachings of the Elders as to how to conduct the tour. Because of its spiritual nature, it was considered to be a sacred duty undertaken by the Indigenous program interpreters.

Among other issues, the Museum was reported to have repeatedly permitted alcohol to be served at events near the location of the tour, which was prohibited by the Elders. One employee described being torn between following the directives of the Museum and feeling that she was violating her sacred duties as handed down by the Elders.

Two different Indigenous employees of the Museum have reported they were each questioned (in separate instances) by Francophone volunteers as to their ability to converse in French. When the Indigenous persons replied in the negative, one volunteer then stated that the employee should not be allowed to work at the Museum if they did not speak French. The other volunteer made similar comments to the other Indigenous employee and added the employee “was only hired because [she] was Indigenous”.

It is important for all individuals to recall that while Indigenous employees may not speak French, they may speak other languages indigenous to Turtle Island, or, if they do not speak those languages any longer, such loss is the result of genocidal policies imposed on Indigenous peoples by Canada. While there are only two *official* languages in Canada, it must also be recognized that our nation’s official languages are the result of negotiations between two cultural groups of settlers. It is important for settlers to recall that French-language rights arise from Canada’s colonial history; to assert that Indigenous people who do not speak French have no place at the Museum reinforces colonialism.

Former staff have reported that there is no dedicated indoor space in which Indigenous employees may smudge should the need or desire arise on short notice. Employees who wish to smudge must do so outside or must give advance notice to the building managers to turn off the sprinkler system and make arrangements to address indoor air quality. This was confirmed during the Writer’s site visit.

White colleagues who were also program interpreters provided their own accounts of the racism their BIPOC co-workers were subjected to and the ways that they tried to support their colleagues. By way of example only:

- One white co-worker observed conduct on the part of persons on a tour that was so racist that the white co-worker joined the tour with their Indigenous colleague in order to buffer the colleague from the conduct;
- More than one white colleague took on the role of advocate to management, because based on their observations, if the racialized employees raised any issues to management, their concerns would likely be dismissed;
- Staff are reportedly permitted to read subject matter relating to human-rights during slow periods; one white employee reported being reprimanded for reading the anti-

racist text, *Why I Am No Longer Talking to White People About Race*, by Reni Eddo-Lodge; by their manager who was personally offended;

- White co-workers who supported racialized co-workers were themselves sometimes labelled as troublemakers also;
- White employees reported witnessing microaggressions committed against their colleagues by other employees of and visitors to the Museum.

Effects of Systemic Racism at the Museum

BIPOC employees reported negative effects arising from their experience at the Museum, including:

- Initial diagnosis of, or an exacerbation of pre-existing depression, anxiety, and Post-Traumatic Stress Disorder which, in some cases, made it difficult or impossible to obtain other employment long term;
- Other effects of trauma, including anger, shame, fear and sadness and severe loss of self-esteem;
- An inability to trust others in their new workplaces, causing severe social isolation;
- Financial losses including:
 - Loss of career opportunities that would have generated greater financial stability;
 - Loss of health benefits and pension benefits;
 - One person, while suffering an illness caused by their workplace experiences, reported being informed only hours before their contract expired that it would not be renewed, causing a financial crisis that culminated in the loss of their home;
 - Loss of academic funding after deferring the commencement of an academic program as a result of the trauma experienced in the workplace.

Employment Practices

The 2018 workforce analysis of the Museum confirms that which is apparent to those working at the Museum: visible minorities, Indigenous persons, and those with disabilities are underrepresented at the Museum and in particular within management.

Concerns expressed with respect to hiring practices included:

- That some racialized staff had applied for promotions repeatedly and in every instance a white person was hired for the position;
- That there was a culture of favouritism within management at the Museum, and that persons in management hand-picked non-racialized people from outside and inside the institution for the available position and that would be the person ultimately hired;
- That non-racialized staff engaged in social networking with persons in different levels of management and leveraged those connections to obtain promotions, an avenue of advancement to which racialized staff had no access, thus disadvantaging them;
- That the official language requirements for certain positions were set unnecessarily high, resulting in otherwise qualified racialized candidates being screened out;
- That more than one Black employee advised that Black friends or relatives who were fully bilingual and who had applied were never contacted for interviews for entry level positions that had opened;
- That one Black man worked forty hours per week as a volunteer but was passed over repeatedly for paid employment; that he was hired only when the matter came to the attention of the only Black executive at the Museum, who demanded that the employee be treated fairly; and
- That an employee was advised that there would be “trouble” if they gave a BIPOC former colleague a good reference that. The employee believed that the former employee had been well-liked and was a hard worker.

A limited review of specific employment competitions and the success (or lack thereof) to certain racialized individuals was undertaken and general hiring practices were reviewed with the Department of Human Resources. In at least two instances, racialized candidates were arguably equally qualified or better qualified than the successful (white) candidate were passed over for promotion. In one instance, the hire was justified by management because the racialized person did not have experience in management – despite being significantly more qualified in other areas than the successful candidate. This begs the question: how does an otherwise qualified internal candidate attain promotion to managerial positions if the Museum does not afford them management training or experience? Minimally, unconscious bias is affecting hiring practices.

The following issues with employment practices were identified, meriting immediate recommendations as well as further exploration of these hiring practices in Phase Two:

- a. The review of resumes submitted for positions are not screened “blind”, in other words, the person screening resumes to ensure qualifications are met is aware of the names and/or identities of the applicants;
- b. Hiring committees do not require, and usually do not have racialized members assessing the candidates;
- c. For each competition reviewed, the assessment criteria did not include scoring relating to equity, thereby not recognizing the value that the lived experiences of racialized candidates would bring to the Museum;
- d. For each competition reviewed, assessment criteria were sufficiently rigid so that there could be no allowance for analogous and/or transferrable experience or skills;
- e. There is no policy in place that requires the hire of a racialized person where there are two equally qualified candidates, one of whom is white and one of whom is racialized;
- f. There is no management or leadership training program so that otherwise qualified candidates who require management training may be eligible for promotion;
- g. No review of job descriptions to assess whether the need for complete fluency in both French and English for all hires in any given position may be inadvertently creating barriers to employment for racialized persons has not taken place;
- h. The practice of using contracts when hiring front-facing staff (in particular) appears to have operated to the detriment of BIPOC former staff. Some employees, by raising issues with respect to racism in the workplace, by resisting the differential application of policies, and/or as a result of harms experienced in the workplace having caused illnesses, have experienced the threat of non-renewal or had contracts that were allowed to lapse. One employee was specifically told that the purpose of issuing contracts instead of hiring permanent staff was that it was “too hard to get rid of people”; and
- i. At the request of the Writer, the Human Resources department compiled statistics which revealed that a disproportionate number of Indigenous people and visible minorities have been released from employment with the Museum during their probationary period:

- a. Two employees were released from employment in 2011; of those, one employee identified as Indigenous;
- b. Two employees in 2012 were released; of those, one employee identified as a visible minority;
- c. One employee was released in 2013; they did not declare themselves to be Indigenous or a visible minority;
- d. Two employees released in 2014 declared themselves to be neither Indigenous nor visible minorities;
- e. Three employees were released in 2015, one of whom identified as Indigenous; and
- f. One employee was released in 2018 and that employee identified as Indigenous.

These statistics are also an indication of systemic racism affecting employment practices.

The Writer acknowledges the official language requirements and the need to safeguard minority-language rights as it relates to Canada's official languages, and the acknowledgment noted above is not intended to undermine French-language rights. It is possible, however, to ensure that services in French are available at all times, that French-language rights are respected and meet federal requirements, and at the same time ensure that this requirement is not affecting the hire of racialized candidates unnecessarily.

Policies

When one juxtaposes the Internal Application Policy's goals and the hiring practices of the Museum, this policy does not appear to be consistently applied. Moreover, the policy does not address equity in hiring.

The Writer reviewed the Museum's Respectful Workplace Policy, Visitor Services Excellence Training materials, the Internal Application Policy, and Code of Business Conduct. Further policy review is intended to take place in Phase Two.

The Respectful Workplace Policy prohibits racist behaviour and disrespectful treatment. Like most respectful workplace policies, however, the provisions thereof are difficult to apply when addressing unconscious bias or everyday racism and microaggressions. While the policy can be relied upon to address instances of explicit bias (the use of racist slurs, for example), most racialized people do not experience explicit bias on a day-to-

day basis to the same degree that they experience implicit bias and everyday racism. This is an issue which is inherent in most respectful workplace policies and is not unique to the policy of the Museum.

Further, the policy suggests that the aggrieved person try to work out the problem with the person who has not behaved respectfully, before seeing a manager or someone in the Department of Human Resources. This is problematic for several reasons:

- a. The policy presupposes that all employees have equal power in the workplace. They do not. White employees receive the benefit of their racial privilege – which is reinforced by the culture of the workplace – as they do in Canadian society generally and racialized employees are not on an equal footing;
- b. The person who has committed microaggressions is likely to be unaware of their own unconscious biases;
- c. The policy asks the aggrieved party to “invite the other person to share their intent” – in the case of everyday racism, unconscious bias, or microaggressions, the *intent* of the person whose behaviour has been oppressive is not relevant, because *intent* is not an essential ingredient of oppressive behaviour – it is the *impact* on the racialized (and/or otherwise marginalized) person that must be considered;
- d. White people who have not been educated in anti-racism or unconscious bias often respond with anger and/or defensiveness at being called “a racist”;
- e. Respectful workplace policies have been weaponized by white people in workplaces when the racialized person attempts to talk to them about their problematic behaviour, asserting that being called a “racist” is inherently disrespectful and insulting;
- f. The person investigating the complaint may also not have any understanding of their own unconscious biases, nor have training in anti-racism to enable them to understand the nature of the racialized person’s concerns;
- g. The policy permits “facilitated conciliation”, which can be a useful tool in the workplace; however, care must be taken that the person facilitating the conciliation process conducts the conciliation from an informed and anti-racist perspective.

Similarly, the Museum must consider the way other Museum practices may impact its anti-racism and anti-oppression efforts. For example, the Kairos (blanket) exercise is currently being offered by non-Indigenous program interpreters; this practice does not

promote decolonization and subjects the delivery of the program to interpretation (inadvertent or not) by non-Indigenous people. As a matter of good anti-oppression practice, Indigenous people should be given the space and resources to tell their own stories.

Training

An initial review of training offered by the Museum was conducted.

The Museum does have in-house training in a variety of areas and absorbs the cost of individuals' training obtained outside the Museum (for example, French language or American Sign Language training). There is no training offered relative to anti-racism, unconscious bias, or cultural competency.

Sexual harassment training has been offered to some persons in management on an irregular basis. Not all management have received such training. Several employees also expressed that they had not received sufficient training in general, and management training in particular.

The Department of Human Resources is responsible for in-house training. It was reported that the department's training budget has been chronically underfunded to such a degree that training requiring outside educators can be offered only rarely. Requests for additional funding are reported to have been consistently denied.

Front-facing staff receive visitor-service training to educate them in how to engage with the public. Some staff members noted that the Visitor Service Excellence training enforced, in general, a "customer is always right" theme. While they were afforded training on how to deal with difficult visitors generally, such training did not include information on how staff should react in the event they were subjected to discriminatory behaviour by a member of the public.

The materials do touch on the topic of "engaging with visitors who are disrespectful", stating that "... when we consider that a visitor's behaviour is unacceptable, it is appropriate to tell them why that is so and ask them to change it". This recommendation was to be implemented in practice when staff were experiencing racism from visitors. The majority of those in management do not have the training or the lived experiences to recognize that oppressive conduct has occurred in order to support their employees.

The current training offered by the Museum does not recognize that there are power imbalances at play which disadvantage front-facing staff members, and racialized staff members who engage with the public.

It is important to recall that BIPOC employees are not in a position of power in their interactions with visitors, both because of race and their employment status.

Several staff members have advised that they have experienced oppressive conduct while conducting VIP tours where the persons behaving inappropriately are the friends or family members of upper management, stakeholders, or donors. Given the inherent power imbalances, it is not reasonable for one to expect that a front-facing staff member could use the method proposed in training without being at risk of serious repercussions.

While the training materials advise staff members to call a manager if disrespectful conduct occurs, that measure is insufficient in practice to remedy oppressive conduct from the public. Staff interviewed noted that:

- It was not always possible to reach a manager;
- Staff dealing with a single member of the public had more recourse than did staff who were conducting tours, as it was unlikely that another could take over the tour;
- It presupposed that the manager on duty would be supportive of racialized staff and not behave oppressively themselves;
- Managers of front-facing staff were perceived to frequently minimize reports of visitor misconduct from staff;
- Neither staff nor management had training to recognize the ways in which discrimination might be manifesting. Staff were treated by management as being “over-sensitive” or emotionally weak for being unable to handle the discrimination they faced.

Interviewees have confirmed that neither anti-oppression nor anti-racism training have ever been offered by the Museum.

In 2015, one Indigenous cultural competency workshop was offered. Several people interviewed recalled that the feedback from the Indigenous person providing training was that he did not feel the staff were sufficiently open to receiving the training, and refused to conduct the training again. Management did not receive the trainer’s refusal as a signal that staff and management were in need of additional training and education; the training was not offered again.

Another significant barrier to training lies in chronic underfunding. The Chief Human Resources Officer advised that her training budget, despite repeated requests, has never been adequately funded. As a result, the Department of Human Resources does not have the capacity to offer training in a meaningful, consistent and deliberate way.

The majority of staff and management interviewed were open to receiving anti-racism and anti-oppression training notwithstanding that they had not previously identified this need, although several staff members advised that they had already asked for anti-racism and anti-oppression training. One manager explicitly referred to the possibility of receiving such training as “a gift”. A manager of front-facing staff advised he had been engaging in self-study but felt that this method was inadequate on its own.

Education and training alone are insufficient to effect meaningful and lasting change in a workplace environment. The principles learned theoretically must go hand-in-hand with empirical experience if there is to be meaningful change in the workplace. One manager remarked that the pace of work in the Museum does not permit reflection on how the Museum operates nor does it permit time for proper management of staff. The same manager added that “... we need the time and the space to put that training to good use”.

The process of transforming the Museum into a workplace that practices anti-racism requires both changes to the structure and practices of the Museum and an ongoing commitment to dismantling systemic racism. The first step to doing so is to engage in a process of “unlearning” prejudicial beliefs that result in the unconscious and conscious biases that contribute to and maintain systemic oppression.

This process cannot be undertaken in a meaningful way by limiting that commitment to receiving training in the workplace.

Museum Content

While conducting the Museum site visit, it became apparent to the Writer that Black Canadian content was vastly underrepresented within the Museum, which in turn creates in the visitor the impression that while there may have been historic problems with respect to the treatment of Black people in Canada, those issues were not ongoing or pervasive. Nothing could be further from the truth. Black people in Canada continue to suffer from the effects of slavery, segregationist housing, education, and other racist practices and policies.^{xxxviii} For example, Black people in Canada are incarcerated and over-represented in the child welfare system in numbers which are disproportional to the general population, earn less than the average Canadian, and have been able to accumulate significantly less wealth.^{xxxix}

The omissions from the Black Canadian narrative as they relate to human rights create the false impression that anti-Black racism is not embedded into the fabric of Canadian society. This, in turn, also reinforces the good/bad binary referred to earlier and allows visitors to leave the Museum with a significant shortage of information about the human rights abuses imposed upon Black people in Canada for the last four centuries. Further,

the content leaves the mistaken impression that Canada is a post-racial society in which our “issues” with anti-Blackness were long ago resolved.

The very content in the Museum itself reinforces the pervasive denial of anti-Blackness in Canada, which is also evident in the Museum’s culture and practices.

Effects on the Museum

In the aggregate, the presence of racism within the institution has not only harmed current and former employees; the Museum and the community have also suffered negative effects. By way of example only:

- There are so few Indigenous program interpreters that the Mikinak-Keya tour is not being offered, thus depriving the public of the opportunity to experience and learn more about some Indigenous cultures;
- Staff morale appears to be low;
- The culture of the Museum has been consistently reported to be toxic, which in turn can have an impact on job performance;
- There is significant distrust of management on the part of at least some staff;
- Based on a limited review of performance evaluations, some of the BIPOC employees who have left the employ of the Museum as a result of the racism experienced were excellent employees and committed to the mandate of the Museum, causing the Museum to lose the valuable contributions of those employees.

Sexual Harassment

There are currently two individuals within the Department of Human Resources who are trained to investigate allegations of sexual harassment; one of those persons is a racialized woman. All allegations of sexual harassment are investigated by one of these two individuals. The current iteration of the Respectful Workplace Policy, however, permits all concerns with respect to conduct which may violate the policy to be reported to either Human Resources or a manager; sexual harassment is not currently subject to its own distinct process under the policy.

In practice, the Chief Human Resources Officer has made it clear to management that all allegations of sexual harassment must be referred to Human Resources for investigation.

In determining whether sexual harassment has or has not occurred, the standard of proof which is applied is the civil standard referred to as the “balance of probabilities”. In other words, the person investigating a claim of sexual harassment is tasked with determining whether it is more likely than not that sexual harassment has occurred.

This Review is not being conducted as a workplace investigation to make findings on the balance of probabilities as to whether previous investigations were correctly decided, as this is outside the parameters of the mandate of the Writer. This Review is intended to determine whether there are *systemic* issues which have caused sexual harassment claims to go uninvestigated, or which have resulted in systemically biased investigations.

The Chief Human Resources Officer reported to the Writer eight investigations of sexual harassment. In conducting interviews, one further case of sexual harassment was also discovered that predated her tenure as head of Human Resources at the Museum. The current Chief Human Resources Officer was employed by the Museum in a non-managerial capacity from 2010 to 2013; she then returned to the organization as the Director of Human Resources in the fall of 2016. The Chief Human Resources Officer reported that after returning to the Museum as the Director of Human Resources, there was documentation of only one complaint of sexual harassment that pre-dated her return. As a result, it is difficult to identify at this stage of the Review whether there may have been systemic issues with respect to the investigation of sexual harassment that occurred earlier than the fall of 2016.

As will be discussed, one further case of reported sexual harassment was uncovered during the course of this Review for which there were no centralized records in Human Resources.

Of the eight complaints for which there were formal Human Resources records, five of the eight complaints investigated were substantiated. Of those five, three of the

respondents were working at the Museum as contractors and were removed from the Museum.

Another complaint of sexual harassment was embedded within a larger complaint of inappropriate workplace conduct. The allegation of sexual harassment related to the use of a single inappropriate word describing a sexual act on one occasion. The allegation of sexual harassment on this basis was substantiated. The respondent no longer works at the Museum.

A complaint of sexual assault was also made in the form of unwelcome touching. The complainant was interviewed with both a manager and an investigator from Human Resources, as was the respondent. As part of the investigation, video footage was reviewed which did not support the account of the complainant. Accordingly, the finding made on the balance of probabilities was that the allegation was not substantiated.

The remaining three complaints related to the same respondent, as particularized below.

The First Complaint

In 2018, Human Resources was notified by several employees that an employee, a Black man who emigrated from another country, had engaged in conduct such as standing too close to both men and women. At that time, the staff members who came forward did so informally and expressed that the issue, in their view, was cultural. The employees did not want the man to be disciplined.

The Second Complaint

A second complaint was made about the same respondent in 2018. The allegation was that the male employee made an inappropriate comment about the complainant's appearance. No third party had heard the comment alleged to have been made, but the complainant was encouraged by two other employees to report the matter to Human Resources. An internal investigation was conducted, and on the balance of probabilities, the investigator determined that the alleged sexual harassment was not substantiated.

The Third Complaint

The third complaint involving the same respondent was not a discrete event. One of the co-workers who had encouraged the complainant to report the second complaint was dissatisfied with the result of the internal investigation. As a result, the Chief Human Resources Officer commissioned an external investigation of the second complaint.

During the course of the external investigation, seven people were interviewed. It was then further alleged by the dissatisfied co-worker that she had been told by another woman that the respondent had made another inappropriate comment. That woman declined to participate in the investigation, and another witness who was present during the alleged incident did not substantiate the allegation.

The external investigator found that, on the balance of probabilities, sexual harassment had not occurred on the occasions reported. The external investigator also noted that, had the alleged actions of the respondent been substantiated, they were on the less severe side of the spectrum of unacceptable behaviour. The Writer has confirmed with the Chief Human Resources Officer that had this complaint been substantiated, the resulting discipline would not have been termination of employment.

The external investigator also found that the allegations about the respondent had been escalated due to gossip and “drama” in the workplace, noting that while disrespectful and harassing conduct in the workplace is not tolerable, neither is gossip and exaggeration.

From the fall of 2016 onward, there was no indication of systemic failures on the part of the Museum to investigate and act upon complaints of sexual harassment. It is noted, however, that some persons interviewed disclosed issues of concern with respect to the handling of sexual harassment complaints made by racialized women prior to the fall of 2016, under the previous Director of Human Resources.

One Black woman advised that in 2014 or 2015 she had informed a person in management that she had been sexually harassed by a security guard. She reported that she was advised by that person in management that “he has friends in high places, don’t bother [raising a complaint]” or words to that effect. As a result, the Black woman did not report her experience to Human Resources. Records confirm that in 2018, that same security guard faced complaints of sexual harassment by several non-racialized women which were investigated, and his placement at the Museum was terminated. The accounts of other persons interviewed about the incidents that took place in 2018, including that the man had “friends in high places” corroborate the account of the Black woman. There is no evidence whatsoever to suggest that anyone interfered with the investigation, nor is there any evidence that the security guard’s personal relationships shielded him from investigation.

One Indigenous woman reported to a person in management that she had been sexually harassed; the person in management correctly contacted Human Resources and an interview was conducted with a member of the Human Resources department present. The Indigenous woman had previously reported conduct on the part of visitors that made her uncomfortable but did not reach the level of harassment.

The person in management, however, reportedly said to the staff member, “we have to figure out why these things keep happening to you” or words to that effect. The person in management was not corrected by the employee from Human Resources in front of the woman, although the woman herself reported that she told him the way he spoke to her was inappropriate. This account of the employee is confirmed in the notes of the staff member from Human Resources.

These responses by persons in management, irrespective of the circumstances, were inappropriate. It is noteworthy that both persons in management reported having received no training in the area of sexual harassment nor did they remember the incidents. It is an important reminder that the intentions of the persons in management in question had no effect on the impact felt by each employee. Both responses by persons in management reinforce stereotypes about Black and Indigenous women and discourage reporting by the very women who are among the most vulnerable to sexual harassment and assault in Canada.

In another incident, a different Black woman, in one of the five cases of sexual harassment that was substantiated, reported feeling “so alone”, judged and unsupported by the person in Human Resources who took her complaint (that Human Resources staff person is no longer with the Museum). She reported that, several weeks after she made the complaint, she was called back into Human Resources and told: “Well, you were telling the truth.” She was then asked, “Are you sure you want to move forward with this complaint, because there are serious consequences for him if you do.” This is a clear example of unconscious bias at work: the Black employee’s account of harassment was doubted; she was treated as though she was responsible for her own harassment. The corollary to that treatment is the white man harassing her was not fully responsible for his actions and, therefore, should not have been penalized by being removed from his placement at the Museum.

The Human Resources employee’s decision to place the burden of responsibility for the outcome of the event onto the complainant is a manifestation of unconscious bias, as was the delay in advising the complainant of the finding of sexual harassment.

The final report of sexual harassment for which there were no centralized records in the Department of Human Resources was uncovered during a former employee’s interview. Documents were subsequently located by the Museum at the request of the Writer. This complaint related the ongoing sexual harassment and stalking of a Black woman, now a former employee, by a member of the Museum (hereafter referred to as “the Member”) for approximately two years, from 2015 through 2017. The events were reported by the woman as follows:

- The Member was an older white man in his sixties; the employee was approximately twenty when the harassment began;
- Sometime in early 2015, the Member began to visit the Museum on a regular basis, as often as three times per week;
- The Member attended frequently enough that he was able to learn her schedule as she was a full-time employee. Eventually, when she began to work part-time, he was known to ask others at the Museum whether and when she was working;
- The Member would ask her out on dates, which she would decline;
- The Member brought her flowers;
- The Member began to wait outside for her after shifts;
- One manager and certain security guards tried to assist the employee by replacing her in the gallery she was working in or by calling her on the Museum radio to alert her to the Member's presence, but this was insufficient to curb The Member's conduct.

The woman reported this harassment to another manager who was slow to act. Only in June of 2015, by which time the behaviour had persisted for months, was the matter elevated to management and to Protection Services (building security). Documents provided by the Museum corroborate this assertion.

The primary concern of the Museum, according to the documents, was that the Member's conduct was a security risk. At one point, the Member was able to obtain a visitor badge and made his way into areas of the Museum not accessible to the public. His conduct was also considered disruptive to the workplace generally.

Although monitored by security, the Member's behaviour was permitted to persist without the intervention of the Museum. In October 2015, when the Member's conduct was again reported to management, a person in management spoke with the Member personally, advised the Member that his conduct was unacceptable, and that if it continued his membership would be cancelled.

The admonition did not curb the Member's behaviour. The former employee further advised that she continued to report the Member's presence and that at one point was told by a someone in management that she could not keep calling security as it was misdirecting resources. It does not appear that anyone in Protection Services or upper

management was made aware of either the reporting or the response of the person in management.

In May 2016, an email was sent from Protection Services to management again advising of the Member's continued harassment. The plan was to monitor the Member's presence in the building in the event that he again approached the employee. Security was given the authority to intervene, or the former employee was told she could indicate she was uncomfortable. The Member would be reminded that his membership could be terminated and be escorted from the building.

There are no further records to verify whether anyone in Protection Services or management continued to follow up with the employee. The former employee advises that the behaviour continued into 2017 when she left the Museum's employ.

Several concerns arise from the employer's account and the records:

- The actions of the Member were minimized;
- The mechanism to monitor for the man's presence was inadequate; another employee with knowledge of the events has advised that the Member was able to repeatedly enter the Museum to look for the former staff member without detection and the employee was dependent on others to warn her of the Member's presence in the building;
- The danger and risk of serious harm to the employee was minimized; the conduct described not only constitutes sexual harassment, but stalking;
- When the Member began to reattend the Museum after the warning he received, his return was not identified by the Museum as an escalation of the harassment/stalking. If the Member had been addressed personally by a person in management and continued to attend the building to stalk the former employee, Museum staff had no reason to expect that the conduct would terminate when no direct action with the Member was taken in May 2016;
- The former staff member was not advised of any legal rights she had, including to right to apply for a Protection Order under *The Domestic Violence and Stalking Act*, nor was the Member's membership revoked; and
- The former staff member reports that no one ever walked her to her car at the end of shifts, even though she reported that the Member had been waiting for her outside.

LGBTQ Content

On the basis of the information available, the omission of LGBTQ content on school tours occurred once in 2015 and on six occasions in 2017. There has been no information found to date whether tours were modified to hide LGBTQ content in 2016.

In 2015, the issue first arose when a teacher from a school in a religiously conservative community expressed they were afraid of losing their employment when they discovered that LGBTQ content would be visible on the school tour. A middle manager, who is no longer an employee of the Museum, directed that the tour be modified to avoid that content. One person interviewed recalled these events. They also recall that they felt uncomfortable with the decision but did not feel they were in a position to object.

There is no information that has been received to date that suggests the directive given by the former middle manager was communicated to executive management prior to 2017. At that time, objections from program interpreters intensified and the practice was discontinued.

While there does not appear to have been any written policy or directive with respect to the middle manager's decision, it does appear that the discussion with respect to this issue centred on the limits of religious freedom. Only when objections raised by program interpreters in 2017 reached executive management was consideration given to the Museum's mandate to uphold human rights.

It also does not appear that consideration was given to the impact that these actions would have on children in the school groups who might themselves be LGBTQ2+. A total of 126 students are known to have received modified tours; it is reasonable to assume that some of those students would have been LGBTQ2+.

It also appears that, prior to 2017, the impact of the middle manager's decision was not considered. One former program interpreter who identifies as LGBTQ2+ advised that they were extremely upset at being asked to omit content and recalled how important it would have been for them as a child to have seen and heard that content. The program interpreter noted the difference it might have made to them as a child as they struggled with the feeling of isolation growing up without role models.

While further inquiry will be made in the second phase to confirm these initial findings, it does not appear primarily that this was a decision based on group discussions, but it does appear that it was the decision of a single person in middle management. It does appear, as a result of poor communication between middle and executive management, executive management was unaware of this practice until 2017. The practice was not endorsed by executive management.

One person did advise that on at least one occasion the same-sex marriage “wedding cake” display in the Canadian Journeys gallery was physically hidden behind a curtain. At the time the Museum opened, some exhibits were not ready to be viewed and were curtained off in the Canadian Journeys gallery. That exhibit may have been covered in this manner. The Writer draws no conclusion as to whether content was intentionally physically blocked in this manner. One former employee did report being asked to use their body to block the display from view on at least one occasion.

It has been consistently communicated by interviewees that no discussions took place nor was attention given to the potential impact on staff generally or on members of the LGBTQ2+ community, specifically including children. The underrepresentation of members of the LGBTQ2+ community in management has likely contributed to the practice continuing as it did.

Significant criticism both from members of the public and from staff members has been received during the course of this Review with respect to the substance of the apology offered by the Executive Team on June 6, 2020 for the actions of the Museum in excluding and hiding LGBTQ content.

The “CMHRStopLying” hashtag was created in response to perceived systemic racism at the Museum. The decision of the Executive team to issue an apology which made no mention of racism whatsoever was offensive to many racialized people, including members of the LGBTQ2+ community, and others.

This criticism is not unfounded. The Museum has, to date, neither explicitly acknowledged nor apologized for the racism perpetuated at the Museum. By contrast, within days, the Museum acknowledged and apologized for the fact that LGBTQ content had been hidden. The apology has been viewed by many as tone deaf at best.

The Two-Spirit community has been in communication with the Museum over the years, advocating for the addition of Two-Spirit content to the Museum. There is currently no Two-Spirit content.

To include Two-Spirit people in an apology to the LGBTQ2+ community (the “2” representing “Two-Spirit” in the acronym) for hiding content when the Museum’s content is devoid of any reference to Two-Spirit people suggests that the apology was, at least in part, performative.

In “apologizing”, the Museum sought to ameliorate one harm caused by its conduct but exacerbated another harm in its place by erasing Two-Spirit and racialized people from the narrative.

There has been no information received to substantiate the assertion that the Museum removed LGBTQ content from the galleries. More than one person working to open the Museum has advised that when the Canadian Journeys gallery was being designed, an external review of the *proposed* exhibits resulted in a finding that there was insufficient Black Canadian content in the gallery and an exhibit relating to the Underground Railroad was created. The information received indicates that the proposed LGBTQ content was absorbed into other exhibits within the Museum. It does not appear that there was homophobia inherent in this decision – rather, it was a matter of balancing content from more than one disadvantaged group.

Homophobia and Transphobia

Two former employees who identify as LGBTQ2+ have asserted that they faced discrimination based on their sexual orientation; one such individual is also a person of colour.

More than one person in management agreed that the person of colour was subjected to everyday racism and/or homophobia in the form of increased scrutiny of overtime worked and travel expenses incurred, for example, despite these expenses having been approved by that person's direct supervisor and the vice-president of the division.

Similarly, while more than one person interviewed felt that the manner in which the racialized former employee raised concerns about legitimate issues was sometimes problematic, more than one person also advised that the form and manner of the employee's communication caused others to dismiss the content of the concerns raised by the former employee. For example, the employee raised concerns about the process of developing a temporary exhibit, which they considered as disrespectful of racialized and vulnerable community groups while some white staff did not see it as problematic. Ultimately the concerns as to the process were addressed, but this only occurred after the racialized employee forced the issue.

It is important to recognize that when the efforts on the part of people who identify as BIPOC and/or LGBTQ2+ to have their co-workers consider issues of equity and inclusion are met with a negative response, there are two options: they can allow the matter to go unaddressed; or they can continue to press the matter. If the person does the latter, it is common to have that person labelled as being "difficult" or "angry". In addition, non-racialized colleagues may criticize the form of communications to deflect attention from the substantive concerns.

The racialized former staff member also asserted that prior to the Museum's opening in 2014, they had raised issues with respect to LGBTQ2+ content in the gallery relating to the Charter of Rights and Freedoms. There was only one court decision referring to LGBTQ2+ rights included, and it did not touch on rights of transgender and gender-diverse persons. Another employee who was also identified as a member of the LGBTQ2+ community coincidentally also made the same comments.

Independently of one another, both individuals reported that their concerns were accorded little or no weight and were told that there was enough gay content in that gallery. There did not appear to be an appreciation on the part of those in management to whom these concerns were raised that gender identity and sexual orientation were conceptually different.

The non-racialized former employee also reported that prior to their expressing concern about the content in the Charter gallery, a person in management took them and their colleagues to another location at the Museum for privacy and then advised the group that associating with the aforementioned racialized employee would be a "... career-limiting move".

The white former employee reported that after they raised the issue of content in the Charter gallery, there were complaints from management with respect to their conduct in the workplace for which they received a disciplinary warning. The former employee believes the concerns expressed about their conduct in the workplace were an excuse to terminate their employment. Their employment was in fact terminated three months into their probation period; accordingly, cause was not required. They believed their work performance was excellent.

In interviews, one employee who identified as non-binary and one individual who identified as queer have each advised that they did not feel sufficiently safe to come out to their colleagues at the Museum. One individual, who is also racialized, advised that their time at the Museum had been difficult enough due to racism within the institution. They expressed they felt fear that their treatment by others would worsen if they disclosed their sexual orientation. The second individual referred to the general toxicity of the environment and the history of the Museum's "othering" of marginalized peoples as deterrents to their coming out.

Sexism

Women have been and continue to be employed at all levels of the organization. In general, there do not appear to be structural barriers preventing non-racialized women from accessing employment. There is currently only one racialized person in the executive structure of the Museum; that person is the C.E.O. of Friends of the Canadian Museum for Human Rights and is not involved in the day-to-day operations of the Museum. Only one other racialized person has entered executive management in the history of the Museum and that individual is no longer employed there.

There are, however, indications of differential treatment of women, commencing the middle of 2015.

The Writer has received several accounts from employees at all levels of the organization and of all genders which support a pattern of differential treatment of women both racialized and non-racialized, including but not limited to: ignoring women on a repeated basis but engaging with men, speaking condescendingly and disrespectfully to women in meetings, and refusing to acknowledge the value of their work. Further examination in Phase Two of these issues is recommended to determine whether this pattern of behaviour is pervasive and systemic.

Interview with Former C.E.O.

The Terms of Reference for this Review include the mandate to “identify and analyze the response of management to the employees’ expression of the specific concerns raised”.

On June 8, 2020 the former C.E.O. made a public statement of accountability which was published on the Museum’s Facebook page, wherein he wrote:

In the aftermath of the killing of George Floyd, people around the world have been taking action to call for an end to police violence and systemic racism. The movement for racial justice in the United States and in Canada stretches back hundreds of years but, too often, voices breaking the silence on racism are marginalized, ignored or dismissed.

As an institution dedicated to human rights, the Museum seeks to amplify those voices. But it is also the Museum’s responsibility to listen when issues are raised about its own practices and take action to address them.

Over the past two days, some current and former employees have posted comments on social media about their experiences with racism at the Museum. I hold myself accountable for fostering a climate of anti-racism at the Museum through all of our work. Starting immediately, the Museum will reach out in a number of ways to staff and volunteers who identify as Black, Indigenous or people of colour to listen to their experiences working at the Museum and their concerns about its systems and policies. This is a necessary first step and will be followed by an action plan.

I acknowledge it is not enough for the Museum to make statements opposing racism. We must identify shortcomings and blind spots, both within ourselves as individuals and within the Museum, and take concrete steps to improve. That work will not happen overnight, nor will it ever be complete. It is a practice that we must adopt in every aspect of our work.

I am grateful to those who have invested their energy to hold us accountable. I look forward to providing updates on the necessary steps the Museum is taking in the weeks and months ahead.”

In order to follow up on the public statement of accountability, and in order for the former C.E.O. to have an opportunity to respond to the substance of the concerns raised by former employees on social media, the former C.E.O. was interviewed on July 23, 2020.

In all, the responses of the former C.E.O. during the interview were inconsistent with his statement made on the Museum's Facebook page on June 8, 2020.

At no point during the discussion did the former C.E.O. express any appreciation of the gravity of the concerns raised with respect to racism. He did not acknowledge the validity of any of the claims and accepted no personal responsibility for the environment at the Museum which harmed his employees. He did not express any remorse.

Throughout the interview, the former C.E.O. did not appear to appreciate that as C.E.O. there was an obligation on his part to demonstrate leadership in response to longstanding concerns about systemic racism and oppression within the institution. He did not appear to appreciate that it was his responsibility to ensure that systems of oppression were not at work in the Museum.

Findings

Racism

1. Racism is pervasive and systemic within the institution, with significant impacts on hiring and retention of BIPOC employees and harm to individuals resulting therefrom.
2. Based on the limited interviews with members of the management team, management does not appear to have sufficient knowledge of foundational concepts about racism.

Sexual Harassment

3. At the present time, there is no finding as to whether sexual harassment investigations were undertaken improperly or at all prior to the fall of 2016.
4. There are indications that sexual harassment and stalking complaints made by Black women may not have been investigated or addressed adequately prior to the fall of 2016.
5. There are no indications that sexual harassment complaints are not being investigated or addressed adequately at the present time, however, processes for reporting complaints by staff and processes for the receipt of complaints by management and human resources staff should be clarified.
6. There are indications that additional training to understand the vulnerabilities that racialized women and gender-diverse peoples experience in relation to sexual harassment is required.

Sexism, Heterosexism and Homophobia

7. Sexism and gendered racism have been experienced by people within the institution, particularly with managers, and there are sufficient indications to warrant further exploration in Phase Two.
8. Heterosexism is present in the practices of the institution, including practices which reinforce the gender binary.

9. LGBTQ content was omitted or hidden on six occasions in 2017 and one occasion in 2015. Further exploration of this practice is warranted to determine if the practice occurred more pervasively.
10. There are some indications of homophobic conduct within the institution which warrant further exploration to determine scope.

Phase One Recommendations

Government of Canada

1. It is recommended that the Government of Canada take all steps necessary to ensure that the Board of Trustees is representative of the diversity of Canada, and in particular has not fewer than one Black person and one Indigenous person and one member of the LGBTQ2+ community on the Board at all times in addition to members of other equity groups. Such representation should comprise not less than one-third of the total of nine trustees mandated by the *Museums Act*.
2. It is recommended that the Government of Canada and the Board of Trustees determine appropriate interim measures to ensure that the diverse perspectives of Canadians, and in particular members of the Black and Indigenous communities, are heard and their perspectives included until the regular cycle of appointments to the Board of Trustees has re-composed the Board as in the previous recommendation.
3. It is recommended that the Government of Canada use its best efforts to appoint a Chief Executive Officer who is a member of a BIPOC community. In the event that the search process does not produce a qualified candidate, it is recommended that the appointment process recommence.

Board of Trustees

4. It is recommended that the Board of Trustees amend the terms of reference of the Diversity and Inclusion Committee to require not fewer than one Black person, one Indigenous person (and ideally representatives from First Nations, Métis and Inuit peoples) and one person who identifies as LGTBQ2+ at all times, in addition to members of additional equity groups.
5. It is recommended that all board policies approved to date and future board policies undergo a thorough analysis to screen for bias, and to ensure that board policies promote, and support equity as defined in this Report.
6. It is recommended that the Board of Trustees engage in mandatory, ongoing anti-racist and anti-oppression education, both by way of self-learning and through scheduled training sessions. A sample program for self-study can be found at Appendix 1.

7. It is recommended that the Board of Trustees set goals for the Chief Executive Officer to promote a culture of equity, inclusion and accountability within the Museum.
8. It is recommended that the Board of Trustees require the Chief Executive Officer to engage in meaningful community relations with Black, Indigenous and LGBTQ2+ communities, and to ensure meaningful community relations with transgender/gender diverse and Two-Spirit communities in particular.

Executive Management (including the Chief Executive Officer)

9. It is recommended that stakeholder relations continue to include Indigenous communities, and also develop meaningful stakeholder relationships with Black, Indigenous and LGBTQ2+ communities with the goal of ensuring meaningful relationships with transgender, gender diverse, and Two-Spirit members of LGBTQ2+ communities.
10. It is recommended that evaluation of the performance of the entire executive management team include deliverables with respect to having each member commit personally to principles of anti-racism and equity. The executive management team should model their commitment to anti-racism, equity and accountability at the Museum.
11. It is recommended that an executive position be created for a chief equity officer and anti-racism practice lead with sufficient budget and staffing to carry out their duties, and whose mandate, inter alia, will be to:
 - a. Report jointly to the Board of Trustees and C.E.O.;
 - b. To support the C.E.O., management and the Department of Human Resources in leading the organization in its efforts to become an anti-racist and equitable institution;
 - c. To create an anti-racism policy and other policies to ensure that Museum becomes an equitable and inclusive workplace;
 - d. To lead management and staff in anti-racism and anti-oppression efforts'
 - e. To assist in maintaining unbiased hiring practices;

- f. To develop and provide and/or procure necessary training;
 - g. To assist in the development of management and leadership skill development;
 - h. To assist with the retention of classroom skills and apply those skills in the workplace;
 - i. To provide a safe and confidential place for employees to voice their concerns with respect to racism and other forms of oppression in the workplace.
12. It is recommended that as positions at all levels of management open or are created, the recruitment of BIPOC and LGBTQ2+ executives and managers be prioritized.

Training

13. It is recommended that sufficient resources be allocated to permit a robust training cycle that includes mandatory education for the C.E.O., management and employees in:
- a. Anti-racism;
 - b. Unconscious bias;
 - c. Decolonization;
 - d. Countering homophobia and transphobia;
 - e. Sexual harassment;
 - f. Indigenous cultural competence;
 - g. Black cultural competence; and
 - h. LGBTQ2+ cultural competence (paying special attention to transgender persons, gender non-binary persons, and Two-Spirit people).

Hiring Practices

14. The Museum is a unionized workplace. Policies and practices undertaken by the Museum must also conform to the terms of the Collective Agreement for in-scope employees. A review of the Collective Agreement does not appear to prohibit the adoption of processes such as the ones recommended here, but it is outside the scope of this Review to make that determination. Most managerial positions are out-of-scope and thus not subject to the terms of the Collective Agreement.
15. It is recommended that the Museum immediately move to the blind assessment of resumes/applications for all candidates.
16. It is recommended that the Museum recognize in its assessment criteria that persons from diverse backgrounds bring different experiences and knowledge that are assets to the Museum.
17. It is recommended that assessment criteria permit scoring on equivalent experience for certain requirements to recognize that some employment skills can be transferable.
18. It is recommended that the mandatory requirements for all positions and assessment criteria be screened for implicit bias.
19. It is recommended that the practice of issuing contracts for full-time and part-time staff with assigned hours be terminated immediately for all new hires and replaced with permanent hires with a six-month probationary period.
20. It is recommended that, when using an external recruitment agency, the Museum prioritize racial equity and ensure that the recruiter understands the importance of equity.
21. It is recommended that hiring committees blind-review all applications received by the recruiter, and not simply the short list of candidates, to ensure that any unconscious biases on the part of the recruitment company are identified.
22. It is recommended that all hiring committees have at least one BIPOC member whenever possible.
23. It is recommended that a complete analysis of the Museum's employment practices be undertaken in Phase Two to identify whether further remediation is required beyond the recommendations already proposed.

24. It is recommended that positions be re-evaluated to ensure that the degree of fluency in both official languages currently required is necessary so as not to serve as a structural impediment to BIPOC candidates qualifying for positions for lack of fluency in French or English while remaining in compliance with federal requirements and maintaining a commitment to supporting French language rights.

Heterosexism, Homophobia and Transphobia

25. It is recommended that gender pronouns be pluralized and be non-binary in all internal and external documents.
26. It is recommended that, upon arrival, all members of the public be advised where to locate women's, men's and universal washrooms within the Museum as a matter of course, and not only in response to a request. Signage so indicating should be placed throughout the Museum.
27. It is recommended that the Museum immediately adopt the practice of listing preferred pronouns in all correspondence.
28. It is recommended that the Museum, after systems have been put into place to ensure the safety of front-facing staff, confidentially consult with front-facing staff to determine if staff members feel there is sufficient safety within the Museum to include preferred pronouns on name tags.
29. It is recommended that all communications, including digital and print materials be reviewed to identify and remove gender binaries.

Museum Content, Tours and Programs

30. It is recommended that a review take place with respect to Indigenous peoples content, Black Canadian content, and LGBTQ2+ content, with particular attention paid to Two-Spirit voices.
31. It is further recommended that the Museum adopt a general approach with respect to Black Canadian content which is analogous to the general approach used with respect to Indigenous peoples, and in particular should make clear Canada's history in the oppression of Black Canadians from slavery to the present.
32. It is recommended that tours and programs with primarily Indigenous content be delivered only by Indigenous people, including the Kairos blanket exercise.

33. It is recommended that a full examination of the physical environment in which the Mikinak-Keya tour is delivered take place to ensure that the tour is delivered in accordance with the teachings of the Elders Circle Seven.
34. It is recommended that a tour for Black Canadian history be developed and launched within 12 months and which includes meaningful community consultation as part of the development process.

Facilities

35. It is recommended that a place be designated for staff and contractors to use for their well-being, including smudging, prayer, meditation or conversation, to debrief when difficult situations arise, with such adaptations to facilities as required to ensure that health and safety issues are addressed.

Human Resources

36. It is recommended that employees tasked with investigating harassment complaints (including sexual harassment) undertake further training on a regular basis to stay current with best practices.
37. It is recommended that employees be trained specifically in the area of unconscious bias in harassment (including sexual harassment) investigations.
38. It is recommended that the Museum clarify to all employees its current practice requiring that all reports of sexual harassment be directed to the Department of Human Resources for investigation.
39. It is recommended that the Respectful Workplace Policy be reviewed to clarify explicitly the process for bringing forward complaints of harassment.

Interactions with the Public

40. It is recommended that the Museum immediately produce a Visitor's Code of Conduct, together with materials required to ensure that the public is aware of its obligation to engage respectfully with staff. Signage so indicating should be placed within the Museum.

41. It is recommended that the Museum further explore in Phase Two strategies to create additional emotional safety for staff interacting with the public, including those providing VIP, donor and stakeholder tours.

Reconciliation and Issues for Further Exploration

42. It is recommended that the Museum issue a meaningful apology to Black and Indigenous people which is action-based, and that further exploration of avenues for reconciliation, including the remediation of financial harm in demonstrable cases, take place during Phase Two of this Review.
43. It is recommended that further exploration with respect to barriers to employment for persons with disabilities take place during Phase Two of this Review.
44. It is recommended that further exploration to determine the extent to which sexism may operating within the Museum also take place during Phase Two of this Review.

End Notes

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Appendix 1

Anti-Racism Course of Self Study

Required Texts:

- Robyn Maynard, *Policing Black Lives: State Violence in Canada from Slavery to the Present* (2017)
- Dr. Derald Wing Sue and Dr. Lisa Beth Spanierman, *Microaggressions in Every Day Life*, 2nd Edition (2020)
- Robin DiAngelo, *White Fragility: Why It's So Hard for White People to Talk About Racism* (2018)
- Reni Eddo-Lodge, *Why I'm No Longer Talking to White People about Race* (2017)
- Ozlem Sensoy; Robin DiAngelo, et al. *Is Everyone Really Equal?: An Introduction to Key Concepts in Social Justice Education* (2011)
- Chelsea Vowel. *Indigenous Writes, A Guide to First Nations, Métis & Inuit Issues in Canada* (2016)

Please note that some of these texts and videos are written in the American context. As will be seen, the Canadian context is analogous.

This list is intended to be read or watched in order.

1. Introduction

- a. Read: *Is Everyone Really Equal?* Chapter 1: How to Engage Constructively in Courses that Take a Social Justice Approach
- b. Watch: Dr. Robin DiAngelo interviewed by Gwen Iffel on Amanpour & Co. (17:13)
<https://www.youtube.com/watch?v=Qx-gUfQx4-Q>
- c. Watch: Kimberlé Crenshaw, On Intersectionality (2016, 30:40)
<https://www.youtube.com/watch?v=-DW4HLgYPIA>

2. Read: *Is Everyone Really Equal?* Chapter 3, Culture and Socialization, Chapter 4, Prejudice and Discrimination
3. Watch: Dr. Robyn DiAngelo, White Fragility Lecture (2019, 1:42:00)
<https://www.youtube.com/watch?v=HrOFpaB-PQI>

Note: while the text, *White Fragility*, is not included in these materials, it should be read independently.

4. Read: *Why I'm No Longer Talking to White People about Race*, Chapter 2, The System, Chapter 3, What is White Privilege?, and Chapter 7, There's No Justice, There's Just Us.
5. Read: *Microaggressions in Everyday Life*: Chapter 1, Microaggressions as Toxic Rain: Here, There and Everywhere; Chapter 3, The Psychological Dilemmas and Dynamics of Microaggressions; Chapter 5, Microaggressive Stress: Impact on Physical and Psychological Well-Being

Try to reflect on what microaggressions which you may have committed or which you may have experienced.

6. Watch: Harry Daniels: A Métis Man for The People
<https://www.youtube.com/watch?v=PSxrySVcuOA>

and

Watch: Supreme Court of Canada extends rights to Métis and non-status Indians
<https://www.youtube.com/watch?v=Fm8qzcV8qDs>

7. Read: *Policing Black Lives*: Introduction, "On State Violence and Black Lives", Chapter 1, Devaluing Black Life, Demonizing Black Bodies" and Chapter 2, "The Black Side of the Mosaic"

and

Read: *A Guide to First Nations, Métis & Inuit Issues in Canada* (2016), Part 2, Chapters 3, 4, 5 and 6

8. Watch: Dr. Ibram X. Kendi, The Difference Between "Not Racist" and Antiracist (2019, The Aspen Institute, 50:58)
<https://www.youtube.com/watch?v=TzuOlyyQlug>

Further readings:

9. Paulette Regan, *Unsettling the Settler Within* (2011)
10. Desmond Cole, *The Skin We're In* (2020)
11. Ibram X. Kendi, *How to Be an Antiracist* (2019)
12. Anne Bishop, *Becoming an Ally, Breaking the Cycle of Oppression in People*, 3rd Edition (2015)
13. Arthur Manuel and Grand Chief Ronald Derrickson, *The Reconciliation Manifesto, Recovering the Land, Rebuilding the Economy* (2017)
14. Lee Maracle, *My Conversations With Canadians* (2017)
15. Bob Joseph, *21 Things You May Not Know About the Indian Act, Helping Canadians Make Reconciliation With Indigenous Peoples a Reality* (2018)
16. Bob and Cynthia Joseph, *Indigenous Relations: Insights, Tips & Suggestions to Make Reconciliation a Reality* (2019)