

Phase Two: Final Report

Framework For the Future

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

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With continued gratitude to:

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Kichi Maarse (Many Thanks)

This 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; we acknowledge that source for water consumed in Winnipeg, Manitoba is sourced from the Shoal Lake 40 First Nation in Treaty 3 territory. We also acknowledge and thank those that have come before and strive to learn and honour the teachings of the original peoples of this land.

The beauty of anti-racism is that you do not have to be free of racism to be an anti-racist.

Anti-racism is the commitment to fight racism wherever you find it, including in yourself.

- Ijeoma Oluo

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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 protesters marched from the Manitoba Legislative Building to the Canadian Museum for Human Rights. On June 6, 2020, the Museum 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 "#CMHRSStopLying".

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 Writer 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 Writer were considered.

Phase Two commenced in October 2020 and was intended:

- To confirm, add to or modify the interim findings of systemic racism within the Museum, including within non-visitor-facing operations staff and within the office environment;
- To explore further whether sexism, heterosexism, homophobia and/or transphobia are systemic within the institution; and
- To analyse the progress to date made by the Museum in implementing Phase One recommendations.

Thirty-five interviews were conducted with current employees working throughout the organization during Phase Two. These interviews were conducted to provide employees with the opportunity to be heard and to educate the Museum about the impact on persons from equity groups of actions taken or omissions by the Museum, with some emphasis on, but not restricted to, actions taken since August 2020.

Findings made during Phase One were generally confirmed and additional findings have been made. In addition to the stalking of a Black woman by a member which was discovered by the Writer in Phase One during an interview, there were two additional sexual harassment complaints also discovered during interviews in Phase Two: one involving a racialized complainant in 2018; another involving a racialized respondent in 2019, neither of which were disclosed to the Writer by Human Resources.

Record-keeping with respect to sexual harassment reports is decentralized and poor, raising concerns of improper tracking and investigation of complaints and failure to take appropriate action.

There is a pattern of gendered racism being perpetuated against racialized men within the Museum and against Black men in particular, taking the form of sexualizing and fetishizing of certain Black and racialized men and stereotyping Black men as “dangerous” and “predatory”.

The failure to provide formal sexual harassment training to all employees prior to the fall of 2020 was a structural failure and the inadequate treatment of sexual harassment claims within the Museum by management as a whole has resulted in an erosion of trust on the part of staff that there will be fair, equitable and just processes for investigating harassment allegations in the workplace, including sexual harassment.

Sexism and gendered racism have been experienced by people within the institution. Manifestations of racism, sexism and gendered racism have had an impact affecting the

organizational well-being of the institution at the present time, notwithstanding that women are represented at the highest echelons of the organization.

LGBTQ content was omitted or hidden on six occasions in 2017 and one occasion in 2015. The Museum also acted on concomitant requests for tours to specifically avoid content relating to women's rights in general and abortion rights in particular. That practice was also discontinued at the same time as the practice of omitting LGBTQ2+ content was discontinued.

There has been a consistent underrepresentation of members of the LGBTQ2+ communities in middle and executive management. The Museum's implementation of Phase One recommendations to ensure equitable representation (representation accompanied by the power to affect decisions made) have begun to show results in this regard.

It is the responsibility of the Museum to implement the recommendations made in both phases of this Review, and thus the focus of this Review is on the actions taken by the Museum's leadership to address systemic racism and other forms of oppression within the Museum. Recommendations for which the Museum may require further guidance, or for which commentary is required, together with additional recommendations are set out in Part Two of this Report.

The Writer has been fully apprised in detail of the implementation of all Phase One recommendations by the Museum. The Museum's progress implementing recommendations made in Phase One under the thoughtful guidance of the current C.E.O. is generally satisfactory and the Museum's efforts to date have been significant.

Beyond implementing recommendations, the capacity of the executive management team (excluding the C.E.O.) to lead the Museum's anti-racism and anti-oppression efforts is not currently well-developed.

The Writer recognizes that since the release of the Phase One Report members of the executive management team have also been working diligently to develop the skills required to lead the organization toward equity and have made significant efforts to help the organization regain its footing. The role of this Writer, however, is to identify the structural failures which have occurred, whether those structural failures are still occurring, and where corrective measures have been undertaken, but have not yet taken root.

A significant number of employees interviewed during Phase Two expressed their belief that there has been insufficient accountability on the part of some members of executive management who contributed both actively and passively to a work environment in which racism and other oppressions were permitted to flourish. Even when not directly related

to systemic oppressions *per se*, weaknesses in leadership have nevertheless allowed those systemic oppressions to persist, with a disproportionate impact on current and former marginalized staff, whose lives, physical health, mental health, and financial well-being have also been disproportionately impacted. The well-being of employees and redressing harm should be the primary focus of the Museum in holding its leadership accountable.

The Writer has taken note, however, of the efforts made by many of the employees interviewed in pursuing anti-racism and their contributions to the Museum's betterment since this Review began.

Several employee-led groups have been created by staff as a grassroots response to the historic and current conditions at the Museum (except the Inclusion Learning Circle which was a committee struck by the Interim C.E.O. and has since evolved into a staff-led group) to improve communication between employees working in different departments and to address issues related to equity:

- Rainbow Equity Council;
- Accessibility Council;
- Francophonie Council; and
- Inclusion Learning Circle made up of Indigenous, Black and employees with other racialized experiences.

These efforts must continue as the hard personal work to disrupt racism within oneself, the Museum and our broader society will never be done.

During both phases, some men employed at the Museum have reported to this Writer their feelings of guilt because they have seen sexist behaviour occurring but did not intervene; those men have also committed to addressing such behaviour when it occurs as a matter of using their privilege to support equity in the workplace. The Writer encourages employees of all genders to continue to challenge their own responses when witnessing oppressive conduct.

White employees interviewed in Phase Two have articulated ongoing concern about how the Museum will repair itself and the people it has harmed. A hopefulness about their roles in changing the culture of the Museum was frequently articulated to the Writer.

A number of white employees have discussed with the Writer their journey to dismantle their own biases and their eagerness to learn more. The Writer encourages those white staff members who are doing the hard personal work of disrupting their own socialization and concomitant prejudices to continue. Each person's journey to anti-racist practice will

take a different path, but the willingness to confront and overcome one's own biases is a necessary first step.

Mistakes will be made; biases, racial or otherwise, will manifest. Repair and reconciliation can happen. The first step of personal growth is one's acknowledging the harm caused (even if unintended), taking steps to repair the harm, and then committing to conducting oneself differently.

Education and practice take time. While one may begin the journey to anti-racist practice in a matter of months, there are no "quick fixes"; the practice of anti-racism requires ongoing learning and commitment.

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 some 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*, ss. 3,15.2).

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*, ss. 3,15.2).

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”). Five people have held the position of Chief Executive Officer, including the current C.E.O:

- Mr. Stuart Murray (2009 to 2014);
- Interim C.E.O., Ms. Gail Stephens (2014 to 2015);
- Mr. John Young (2015 to June 25, 2020, hereafter “former C.E.O.”);
- Interim C.E.O. and Board Chair, Ms. Pauline Rafferty (June 25, 2020 to August 17, 2020, hereafter “Interim C.E.O.”); and
- Ms. Isha Khan (August 17, 2020 to the present, hereafter “current C.E.O.”).

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:

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

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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 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 LGBTQ¹ content at the request of school groups booking tours.

¹ Although LGBTQ2+ is a more inclusive term to describe lesbian, gay, bisexual, transgender, queer, Two-Spirit peoples and people with additional sexualities and genders, there is currently no content at the

These reports surfaced in social media as did assertions by current and former staff of sexual harassment and sexual assault.

Phase Two 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 Phase One Report was released on August 5, 2020.

One purpose of the second phase of this review is to provide to current employees the opportunity to be heard; many current Museum employees did not have an opportunity during Phase One to express their concerns and feelings with respect to racism and systemic oppression at the Museum.

Another purpose of this second phase of the Review is to expand the scope of inquiry to identify the ways the Museum's employees and processes may be contributing to racism and other forms of oppression.

The scope of Phase Two is intended:

- To confirm, add to or modify the interim findings of systemic racism within the Museum, including within non-visitor-facing operations staff and within the office environment;
- To explore further whether sexism, heterosexism, homophobia and/or transphobia are systemic within the institution; and
- To analyse the progress to date made by the Museum in implementing Phase One recommendations.

Interviews

During Phase Two, interviews were conducted with employees throughout all levels of the organization. These interviews were intended to provide employees with the opportunity to be heard and to educate the Museum about the impact on persons from equity groups of actions taken or omissions made by the Museum.

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.

Thirty-five interviews were held with current employees of the Museum. To the greatest extent possible, the Writer has aggregated and anonymized the information received because employees are entitled to as much privacy as can be afforded, irrespective of whether they are experiencing harm or contributing to harms experienced by others. Second, it is not necessary to repeat in detail neither the harms that have been experienced historically nor since the conclusion of Phase One of this Review, to substantiate that racism exists.

Document Review

Documents that the Writer reviewed during Phase One included:

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

- Relevant legislation.

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

- 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
- A comprehensive list of all training undertaken by select human resources team members and persons in management.

In Phase Two, the Writer reviewed additional documents including:

- Copies of selected training materials including those used to train members of hiring panels;
- Copies of training materials for recent sexual harassment training and anti-Black racism training taken by Museum employees;
- Selected staff performance reviews;
- Budgets for the Human Resources department and for the Museum as a whole, including expenditures, for the last three years;
- A list of all employees who are currently working part time without assigned hours;
- Information with respect to certain previous sexual harassment investigations;
- Selected assessment grids relating to hiring competitions;
- Selected assessment grids relating to offers of employment;
- The 2016/2017 employee engagement survey questions and responses/analytical data;
- The 2019 employee engagement survey questions and responses/analytical data, including the draft report from the Employee Engagement Committee;
- The Human Resources department's development plans for the last three years;
- 2015-16 Corporate Plan Summary;

- 2017-18 Corporate Plan Summary;
- 2019-20 Corporate Plan Summary;
- 2021-2022 Transitional Plan;
- Emails to all staff from the C.E.O.; and
- Letters of offer and resumes for selected management positions.

Terminology

The Writer has attempted to protect the identities of current and former staff and management in this Report insofar as possible; 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 pronouns should not be assumed where unknown as binary pronouns exclude those persons who are gender-diverse.

Several terms are used in this Phase Two Report which were previously defined in the Phase One Report (e.g.: gendered racism); where specific terms arise, they should be interpreted in the same manner as they were defined in the Phase One Report. The definitions are attached hereto as Appendix “A”.

Part One: Themes Arising in Phase Two

Racism

Systemic/Institutional Racism

The findings with respect to systemic racism as articulated in the Phase One Report are confirmed:

1. Racism is pervasive and systemic within the institution, with significant impacts on hiring and retention of Indigenous, Black, and racialized 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.

Many current employees of the Museum outside of management did not have an opportunity during Phase One to express their concerns and feelings with respect to racism and other forms of systemic oppression within the Museum. Their narrations in the aggregate confirm previous findings and support the conclusion that racism remains in both the structures of the Museum and everyday interactions among employees, to the detriment of the Museum as a whole and its employees.

This conclusion is neither unexpected nor unique to the circumstances of the Museum. Racist systems have been built and reinforced in Canada over the course of centuries. More than a few months' effort is required to effect lasting changes to an institution and to its culture. Both structural change and personal commitment on the part of those who uphold those structures in large or small ways are required to achieve meaningful change.

The overlay of Museum closures and many staff working remotely due to COVID-19 may have had the effect of temporarily diminishing some oppressive behaviours of everyday racism and other oppression because of a reduction in interpersonal interactions; these behaviours, however, have continued during the pandemic. It is expected that oppressive personal interactions will likely increase as day-to-day operations continue to normalize absent conscious effort to disrupt them.

Racism and oppression cannot be "fixed" in a matter of months; disrupting oppression is an ongoing process. It has a beginning but not an end.

Certain themes with respect to systemic and institutional racism have emerged or are confirmed:

- Anti-Indigenous racism and colonialism continue to manifest themselves to the disadvantage of Indigenous employees;
- Anti-Black racism continues within the Museum, manifested in the forms which are systemic, “everyday” and gendered;
- There is a degree of reluctance in senior executives to hold white members of management personally accountable for those actions which help sustain systemic and everyday racism in the workplace and such reluctance operates to the detriment of Indigenous, Black and racialized staff;
- Colonialist structures are affecting processes related to corporate governance, decision-making and expectations;
- Strategic planning and budgeting processes are systemic factors which had been supporting the maintenance of oppressive structures have improved;
- The Museum’s implementation of the Phase One recommendations is beginning to effect change to some processes within the Museum; manifestations of everyday racism, however, continue to negatively impact Indigenous employees and employees from racialized communities. This is expected; everyday racism is inter-personal and must be continually disrupted in all institutions. It is not possible to simply eliminate manifestations of everyday racism by way of policy change.

Everyday Racism and Colonialism

Several Indigenous and racialized employees reported everyday racism as commonplace and ongoing within the Museum. By way of example:

- Microaggressions continue to occur during interpersonal interactions; for example, one racialized employee described being advised by a co-worker - who had been named as a spokesperson on behalf of other employees - that their co-workers felt that they had bad body odor (a common stereotype imposed on racialized people). In fact, the smell came from sweaters that were used as part of uniforms of other employees that had not been washed. The employee described as a humiliating experience having to bring the unwashed clothing to prove that their body was clean. While the “spokesperson” apologized, at no time was there any acknowledgment of the use of a common racist stereotype nor its impact;

- Some Indigenous and/or racialized employees reported that they are often asked for advice on matters specific to their identity and spend a significant amount of time providing that advice only to have their advice ignored, resulting in their feeling that they are being consulted in a perfunctory manner to satisfy a tick box on a check list;
- Similarly, some employees reported having completed additional work assigned to them because of their expertise or experience related to their Indigeneity and/or racialization; although this work falls outside of their job descriptions, they report having received little recognition and no compensation for their additional time and discretionary effort in doing so;
- Indigenous and racialized employees reported having been subjected to expectations and standards of job performance that exceeded the expectations held for white employees and have been reprimanded for errors or actions when their white counterparts were not;
- Indigenous and racialized employees reported having had their decisions, skills and expertise questioned by colleagues and being pressed to justify their decisions or their actions (much as some women irrespective of race and/or indigeneity have reported their skills and expertise are questioned within the Museum).

There is, within the Museum, clear and significant underrepresentation of racialized and Indigenous employees (Black and Indigenous staff in particular) in all areas of the Museum, and in particular among staff who do not interact with the public, where the underrepresentation is stark. The one racialized person working in Human Resources, as well as the Museum's only Indigenous curator, each departed the Museum in the months following the release of the Phase One Report.

The Writer asked one supervisor of employees about instances of racist conduct exhibited by one employee to others as disclosed during interviews; the employee expressed annoyance with having to address the issues facing the Museum and expressed clear racial bias inside and outside of the presence of racialized staff. The supervisor did address the matter with the employee; the conduct of the employee was reported to have improved to some extent. In discussing the matter with the Writer, however, the supervisor focused on the *intentions* of the employee, rather than focusing on the *impact* of the employee's conduct. The same supervisor also referred to the fight against racism as a "soft" skill, and by necessary implication, of lesser importance than the "hard" skills for which the employee was hired.

This perception cannot be allowed to stand. The impact of everyday racism is cumulative and impacts on the physical and emotional health of Indigenous and racialized employees as discussed in the Phase One Report and confirms that at least this supervisor does not yet have the skill set to lead on matters relating to equity. It is likely that other supervisors are also still in the early stages of their learning and will continue to require supports in this area. Education and practice take time. While one may begin the journey to anti-racist practice in a matter of months, there are no “quick fixes”; the practice of anti-racism requires ongoing learning and commitment.

The Writer was also informed of historical discriminatory conduct which may have occurred, where one racialized employee appears to have been subjected by their supervisor to racial bias in assessing their performance. The Writer reviewed records relating to this assertion. The criticism of the employee’s job performance was reported to have included taking issue with the manner in which the person sat in their chair and other subjective or non-substantive critiques; there were also criticisms with respect to the employee’s performance which related to their actual job functions. Based on the information available, it is possible that racial bias played a role in the critique of the employee’s performance. The racialized employee did not accept the criticisms as valid and ultimately took a lesser-paying job elsewhere to remove themselves from the workplace environment.

The imposition by superiors of differing performance expectations on subordinate employees based on the race or ethnicity of the subordinate employees is commonplace in work environments. The Writer has received similar narrations emanating from more than one area of the Museum.

In an unrelated matter, one employee emailed correspondence to the Writer (copied to the executive management team and the Interim C.E.O.) within days of the release of the Phase One Report. The content of the email clearly demonstrated their racial bias and resistance to change. The Writer reported to management her concerns for the safety of racialized employees who may be working with this employee.

The Writer has not been made aware of any follow-up from management with the author of the email. The lack of timely response on the part of the management (which predates the commencement of the appointment of the current C.E.O.) with respect to this issue is as concerning to the Writer as the email itself.

The employee who sent the email was invited by the Writer to be interviewed on two separate occasions; the employee challenged the purpose of the request but did not respond substantively to it. Having regard to the fact that senior management was copied on the email by the employee themselves, the employee’s inaction is concerning to the

Writer. Such inaction suggests that the employee's commitment to change – at least in this instance – is tepid.

A number of white employees have discussed with the Writer their journey to dismantle their own biases and their eagerness to learn more. The Writer encourages those white staff members who are doing the hard personal work of disrupting their own socialization and concomitant prejudices to continue. Each person's journey to anti-racist practice will take a different path, but the willingness to confront and overcome one's own biases is a necessary first step.

Mistakes will be made; biases, racial or otherwise, will manifest. Repair and reconciliation can happen. The first step of personal growth is one's acknowledging the harm caused (even if unintended), taking steps to repair the harm, and then committing to conducting oneself differently.

In part, the right training can help individuals to begin to uncover some of their biases. Training can also *introduce* individuals to the elements of anti-racist practice and show the way forward for individuals engaged in developing the practical skills and emotional resilience to enable them to address their own biases and harms created. Beyond receiving training, however, one's ongoing personal commitment to anti-racist practice is essential.

Several employee-led groups have been created by staff as a grassroots response to the historic and current conditions at the Museum (except the Inclusion Learning Circle which was a committee struck by the Interim C.E.O. and has since evolved into a staff-led group) to improve communication between employees working in different departments and to address issues related to equity:

- Rainbow Equity Council;
- Accessibility Council;
- Francophonie Council; and
- Inclusion Learning Circle made up of Indigenous, Black and employees with other racialized experiences.

White employees interviewed in Phase Two have articulated ongoing concern about how the Museum will repair itself and the people it has harmed. A hopefulness about their roles in changing the culture of the Museum was frequently articulated to the Writer. Not surprisingly, racialized employees concurred generally but did not express optimism to the same degree. They continue to experience everyday racism in the workplace but have noticed some improvements. Their main concern as expressed to the Writer was whether the Museum would achieve lasting change, particularly once the pressure caused by public exposure and the Review recedes.

Sexual Harassment and Gendered Racism

At the conclusion of Phase One, the Writer made four findings with respect to sexual harassment (numbering follows the original text):

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.

Findings 3 and 5 are no longer accurate while findings 4 and 6 remain unchanged.

The Writer makes the following further findings:

- In addition to the stalking of a Black woman by a member which was discovered by the Writer in Phase One during an interview, there were two additional sexual harassment complaints discovered during interviews in Phase Two; one involved a racialized complainant in 2018; another involved a racialized respondent in 2019. Neither complaint was disclosed to the Writer by Human Resources;
- Record-keeping with respect to sexual harassment reports is decentralized and poor, raising concerns of improper tracking and investigation of complaints and failure by the Museum to take appropriate action; and
- There is a pattern of gendered racism being perpetuated against racialized men within the Museum and against Black men in particular, taking the form of sexualizing and fetishizing of Black men and the stereotyping of Black men as “dangerous” and “predatory”.

Standard of Proof in Workplace Investigations

There is a usual process by which most claims of workplace harassment, including sexual harassment, are addressed by an employer. Generally, upon receipt of a complaint of harassment, an investigation is initiated to determine whether, on a “balance of probabilities” the harassment did or did not occur. This standard is better expressed as a conclusion as to whether it is more likely than not the harassment took place. If a complaint cannot be substantiated on that standard, then a finding of harassment cannot be made.

If a claim of harassment is sustained on a balance of probabilities, corrective measures on a continuum may be imposed by the employer. The corrective action may progress from education to a verbal warning and may include termination, depending on the:

- severity of the harassment;
- frequency of the harassment;
- whether the harassment has occurred as part of an ongoing pattern of conduct; and
- other aggravating or ameliorating factors.

The issue this Writer must determine is whether systemic oppression within the Museum contributed to flaws in the processes used to investigate and address claims of harassment, irrespective of the outcome of the investigation proper.

Stalking by a Member of the Museum

In Phase One, a case of sexual harassment – the stalking by a member of a Black employee – was discovered during an interview. This complaint was previously undisclosed to the Writer by management. The details of this harassment and stalking took place between 2015 and 2017, ending only when the employee left the Museum. The events were described in detail at pages 41 through 43 of the Phase One Report and herein repeated.

Additional concerns about the manner in which this matter was handled arose during Phase Two. During separate interviews with two union representatives, each recalled being present in a meeting with the head of Protection Services (who has since retired) where their concerns for the employee’s safety were put forward.

Each representative recalled that the head of Protection Services verbally expressed objection to the continued presence of the stalker/member in the Museum. Each described the head of protection services as having a physical file which included CCTV

stills of the stalker/member as well as a copy of an email where the head of Protection Services recommended the termination of the membership of the stalker/member.

The representatives further asserted that, in the same email, management to whom the employee reported declined to revoke the membership of the stalker and minimized the member's conduct. The Writer has no reason to doubt the account of the two union representatives. The Writer did request that the current head of Protection Services search for the documents referred to by the union representatives, but the current head reported they were unable to find any related records. At the Writer's request, a person in management did a second search of their records and did forward to the Writer additional emails on the subject. The emails received by the Writer did not include the one reported by the representatives.

In putting the specific allegation to the person in management during Phase Two (that they declined to revoke the membership when it had been recommended), the person in management responded in a manner similar to the response received in Phase One, which was that management was to have met with the member when the member returned and would advise him that continued conduct could result in his membership being terminated. This occurred in or about May 2016. The stalking did not terminate, and no further action was taken directly with the member thereafter as reported in Phase One.

The additional emails provided by management did reveal, however, that current management in Human Resources was made aware of this issue in June 2017 (at latest). An email string between an employee in Human Resources and the employee who was stalked (copied to Human Resources management and the employee's union representative) contains a request by Human Resources that the employee come forward to speak with a member of that department. During Phase One, however, the Writer was led to believe by current Human Resources management that the department had been previously unaware of the matter.

It is unclear whether the employee did come forward to speak; however, having regard to how well-documented and persistent the stalking was and the involvement of at least three different departments in the Museum, there should have been no need. This failure to act decisively to protect this vulnerable employee – who was only 20 years of age when the stalking commenced and 22 when she left the Museum – is a failure of management leadership.

Previously Unreported Allegation of Sexual Harassment

In Phase One, the Writer highlighted flaws in the manner in which complaints by Indigenous and racialized women were received and addressed by management, either

because of victim-blaming, because of a failure to act on reports made, or because of a failure on the part of management to communicate those reports to Human Resources.

During Phase Two, there was one further complaint of sexual harassment uncovered by the Writer which was made in 2018. It involved a racialized complainant. The racialized complainant reported the incident to her manager and insisted that the closed-circuit video camera footage be checked. She was advised by her manager that the tapes had been checked and there was no footage substantiating her claim.

The complainant asserted to the Writer that she was not interviewed by anyone in Human Resources; this was confirmed by Human Resources. The manager (who is no longer employed by the Museum) with whom she spoke was one of the two managers who were found to have mishandled harassment complaints by Indigenous and/or racialized women in the Phase One Report.

As indicated herein, the fact that a complaint is not *substantiated* does not mean that it did not *occur*; it only means that there was not enough *evidence* to substantiate the complaint on the balance of probabilities. The failure of the manager (to whom the complaint was made) to report the allegation to Human Resources is another example of the systemic failure of the Museum to address with rigour the complaints of harassment of racialized employees at the Museum.

Sexual Harassment – Racialized Men

Three complaints relating to the same alleged harasser, a Black man, are described at paragraphs 39 and 40 of the Phase One Report. One complaint – that the respondent was standing too close to women and men – was substantiated. The other two complaints were not substantiated upon investigation. In light of events which have taken place since the release of the Phase One Report, these events are now revisited by the Writer.

The Writer reviewed the notes made by Human Resources management when meeting with the respondent about the alleged harassment. The notes disclose that the respondent indicated to Human Resources management that "...if he was a white guy this would not be happening". Human Resources did not investigate this assertion.

By contrast, when one of the complainants asserted – nine days after the respondent asserted to Human Resources that *he* was being targeted on the basis of race – that the respondent had told others that she was being racist in making the allegations, the internal investigation was expanded to determine if the respondent had done so in violation of the Respectful Workplace Policy. The allegation made by the complainant was not substantiated after investigation.

The differential treatment of the complainant and the respondent, with respect to their complaints, is clear. It is also an indication that Human Resources management allowed the Respectful Workplace Policy to be weaponized (albeit unsuccessfully) against the respondent.

Calling attention to racism or referring to someone or something as “racist” as a concern articulated in good faith should neither be dismissed out of hand nor be construed as a breach of respectful workplace policies.

When determining whether such a statement is made in “good faith”, one must recall that a person’s own racial biases can affect one’s analysis of whether an assertion of racism has been raised in good faith. For example, “tone policing”² is a diversionary tactic and common manifestation of everyday racism where the racialized or Indigenous person’s concerns are invalidated because of the way in which the information is presented. It is normal for a person experiencing racism to feel anxious, upset, angry, frustrated, or fearful and to express any of those emotions. Tone policing also serves to reinforce oppressive stereotypes, such as Black women and men being “aggressive”, “angry” or “scary”. Tone policing functions to make the manner of communication more important than the message and prioritizes concern for the comfort of the recipient over resolving the substantive concern.

Tone policing need not be verbal. An example of non-verbal tone policing is the response of owners and some members of the public to NFL players kneeling in protest during the playing of the American national anthem. Kneeling in protest has been a form of peaceful protest practiced by many activists, including Dr. Martin Luther King, Jr. Rather than respond to the substantive concern – the physical harm and killing of Black people perpetuated by police and other citizens – the issue was deflected by focusing on whether “taking a knee” was unpatriotic and what the consequences for that perceived lack of patriotism should be.

² Layla Saad defines tone policing in her book, “Me and White Supremacy” as “a tactic used by those who have privilege to silence those who do not by focusing on the tone of what is being said rather than the actual content. It can be policing BIPOC for using tones that are “too angry” when talking about racism or celebrating them over other BIPOC for using tones that are considered more soft, eloquent, and soothing. In both cases, BIPOC are expected to cater to the white gaze – the white supremacist lens through which people with white privilege see BIPOC – and the comfort level of a person’s white fragility when talking about racism.” Saad, L. *Me and White Supremacy: Combat Racism, Change the World, and Become a Good Ancestor*. Sourcebooks, 2020. pp 46-47. For a more fulsome definition, please see Appendix “A”.

It is also common for some to refer to racialized people raising racism as a concern or factor as “playing the race card”. This phrase is used to deflect attention from the substantive issue of racism which has been raised. The phrase is used to dismiss a concern raised as a false claim of racism, made in an attempt to “win” an argument or to escape negative consequences. In reality, there are often significant consequences to racialized and Indigenous people for speaking up about racism in workplaces (and elsewhere) which severely penalize the racialized person and can render their ability to remain in the workplace impossible. This has, unfortunately, been the case at the Museum in the recent past.

Claims of racism within the workplace should be assumed to have been made in good faith unless clear and direct evidence to the contrary substantiates that the assertion was made in bad faith or for an improper purpose. When an issue of racism is raised, it should not be dismissed out of hand. A person in authority should instead take the time to hear the racialized person’s concerns, and should bear in mind that additional expertise may be required to fully understand and address the concerns.

Complaints lodged to “defend” against assertions of racism must also be carefully investigated to determine if the complaint constitutes retaliation.

Several other employees of different genders and races have also expressed concerns with respect to the fairness of this respondent’s treatment in the workplace by some colleagues. There was a common belief expressed by several co-workers that the respondent was targeted because of his race by a small group of employees who ultimately made the workplace intolerable for him. Several examples described by the employees interviewed included:

- That they had never observed the respondent to behave inappropriately in the workplace in any way, despite working with him on a daily basis in public areas, that he was a friendly but socially awkward person whose conduct was being read through a lens that rendered normal, friendly conduct “predatory”;
- That the same women were overheard talking about the respondent’s personal grooming. He was reported to have felt unwelcome in the lunchroom as a result of their behaviour, supporting the inference that the respondent was being targeted generally, and not simply as a result of his alleged behaviour;
- That new employees were immediately warned by some existing employees that the respondent was a predator, thus inducing others to interpret his behaviour through that lens;
- One person reported that one complainant approached another racialized employee in the department to be a “witness” about the conduct of the respondent,

and when the request was rejected because the employee had not observed any inappropriate conduct, that complainant stated “oh, it’s because he’s your *brother*” (i.e.: implying that the employee was not going to become involved on the sole basis that both the respondent and the witness were Black);

- One of the complainants also alleged that the respondent had sexually harassed another female employee; that employee, however, denied any harassment had occurred when interviewed by Human Resources.

The Writer draws no conclusion as to whether the respondent in this case did or did not sexually harass one or more women in the workplace. *Whether the respondent did or did not harass one or more women in the workplace does not preclude him also being the victim of gendered racism in the same workplace.*

In this case, the allegations of harassment investigated were on the less severe spectrum of behaviours that can constitute harassment. The previous investigator found that even if the harassment were substantiated this would have been the case. Notably, the external investigator found that “concerns have escalated more due to gossip and drama within the workplace than due to inappropriate conduct on the part of [the respondent]”.

If sexual harassment is found on the balance of probabilities, then consequences must flow from that finding to remediate the behaviour and restore safety to the workplace. When any person is targeted on the basis of their race and/or gender, that, too, must not be tolerated and steps must be taken to restore safety to the workplace. What flows from these events is an analysis of how these complaints and the culture within that particular department could have been addressed differently by management.

Failures of Management

Early intervention on the part of management both to remediate any behaviours found to be inappropriate on the part of the respondent and to end the targeting of the respondent could have obviated the escalation of the conflict in this department, while restoring a sense of safety among affected staff.

Other than the first generic complaint (that he was standing too close to both men and women), the respondent was never found to have sexually harassed anyone, and despite strong evidence that he had been targeted by some employees, the employee was left to manage the conduct of his co-workers on his own. The respondent felt that he would never be safe from accusations of harassment and felt he had no choice other than to leave his employment to protect himself – at the expense of his financial security.

Sexual harassment training had not been offered to any staff for several years prior to the fall of 2020. Requests by the union that the respondent receive sexual harassment

training were not actioned by Human Resources. Human Resources management has advised the Writer that the respondent received individual coaching by a member of Human Resources. The Writer concludes that the failure to provide formal sexual harassment training to all employees was a structural failure on the part of Human Resources, particularly given that the department had not expended its full training budget on an annual basis during the last three fiscal years.

The inadequate treatment of sexual harassment claims within the Museum by management as a whole has resulted in an erosion of trust on the part of staff that there will be fair, equitable and just processes for investigating harassment allegations in the workplace, including sexual harassment. The degree to which trust in the Museum's processes has been lost among some employees is significant, and management has lost the credibility to manage these events — particularly when there are intersections between race and gender.

This loss of trust and credibility is attributable, at least in part, to a combination of:

- A poor theoretical understanding of the ways in which sexual harassment and stalking manifest in workplaces as well as the harms emanating from supervising management's failure to protect its employees when such investigations arise;
- A poor theoretical and practical understanding in management of the ways in which gendered racism manifests in the workplace and in particular as it relates to sexual harassment;
- The failure of Human Resources management to investigate the assertion of a racialized respondent that he was being targeted by co-workers because he was Black;
- A missed opportunity to re-visit the respondent's assertion of racism upon receipt of the report of the previous external investigator retained to investigate the complaint which attributed the escalation to "exaggeration" and "gossip";
- The failure of Human Resources to educate staff as to the expected range of disciplinary outcomes that may flow from a finding of "sexual harassment". This failure of education has led to unrealistic expectations and disillusionment among some employees; and
- The failure of the Museum to provide regular training on sexual harassment to staff or management, even when requested by the union.

Other Racialized Men in the Workplace

As indicated in the Phase One report, the intersection of race and gender also applies to the stereotyping, attitudes and treatment of Black men that may manifest as gendered racism.

Employees of various races and in more than one department also noted that certain Black and racialized men did appear to be stereotyped as dangerous, predatory, and were also sexualized within the work environment. The Writer received several reports by employees who either experienced or observed events which, in the aggregate, support the conclusion that Black and other racialized men have been and continue to be sexualized and marked as predatory within the Museum.

The fetishization of Black men's sexuality is the opposite side of the coin to marking Black men as dangerous and predatory. When convenient, the Black man is objectified sexually, however, the stereotype of danger and predation is also sometimes invoked by those with white privilege to control racialized men. The recent case of Amy Cooper calling the police when asked to leash her dog by a Black man birding in Central Park is one example of this stereotype in action outside the Museum. The same stereotype has been consistently applied in Canada for centuries.³

Most Black and some racialized men interviewed in either Phase One or Phase Two expressed feelings of unease and vulnerability in the workplace that causes them to expend significant amounts of energy on a day-to-day basis policing their own behaviour to avoid false allegations of impropriety. One racialized man stated, "I spend a lot of time and energy protecting myself...I can't build something sustainable [at work] because all I can do is protect myself."

This demonstrates that the harms emanating from workplace racism impact not only the victimized individuals but also the Museum itself which is deprived of the full potential of its employees.

³ Maynard R. (2017). Policing Black Live: State Violence in Canada from Slavery to the Present. Fernwood Publishing, p. 40-45.

Sexism

At the conclusion of Phase One, the Writer made the following finding with respect to sexism:

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.

This finding is modified as manifestations of sexism and gendered racism are having an impact affecting the organizational well-being of the institution at the present time. , notwithstanding that women are *represented* at the highest echelons of the organization. Women and men consistently reported that: women's expertise is sometimes challenged in the workplace in the form of microaggressions committed by men; women's expertise is often unrecognized or undervalued by some male employees at the Museum; some women are not being taken as seriously as men; and male colleagues "talked over" women during meetings.

These dynamics were reported to the Writer to have been reinforced by the former C.E.O. of the Museum.

There have been reports of persons in management who had imposed sexist values and expectations upon staff members. The tolerance of, or actual participation in, the sexist treatment of women at internal meetings or elsewhere is inseparable from the failure of management to intervene and protect the young employee who was enduring stalking and harassment by a member. Both narrations speak to an underlying attitude of undervaluation of women and their contributions to the success of the Museum.

During both phases, some men employed at the Museum have reported to this Writer their feelings of guilt because they have seen sexist behaviour occurring but did not intervene; those men have also committed to addressing such behaviour when it occurs as a matter of using their privilege to support equity in the workplace. The Writer encourages employees of all genders to continue to challenge their own responses when witnessing oppressive conduct.

Pay Equity and Promotion

Beyond the aggregate reports of day-to-day sexism manifesting in the ways herein described, there appears to be a longer-term impact of sexist, gendered decision-making on the extant culture of the institution.

The Museum applies a job evaluation methodology to evaluate all positions within the institution. Jobs are first classified into levels, or pay grades, and then salary ranges are applied within those levels. This methodology is designed to provide consistent and equitable job classifications and should result in fairness and consistency in terms of compensation. When the nature of a position changes substantially, the position can be re-evaluated to determine if it should be classified differently. Similarly, when a person is promoted to a position classified at a higher level, an increase in pay follows. Positions are sometimes reclassified retroactively permitting “back pay” to a prior fixed date.

There are indications that decisions relating to promotion and salary increases were gendered to the detriment of individual women in management and the organization as a whole, notwithstanding the system of job classification described in the previous paragraph. It has been repeatedly reported to the Writer that there was resistance on the part of the former C.E.O. to having positions held by women in management classified or reclassified to match appropriately salaries to the duties being performed.

It has been asserted that some men were promoted, at least in part, to increase their salary based on their perceived family status as “breadwinners”. While women were also promoted, the information received by the Writer indicates that the same criteria were not applied to women as a justification for doing so. This practice appears to be limited in scope and there are no indications this is or was a widespread practice within the Museum.

The impact of some of those decisions has affected the culture within the Museum, diminished the effectiveness of the management team, and permitted systemic oppressions to be perpetuated.

Heterosexism, Homophobia, and Transphobia

At the conclusion of Phase One, the Writer made three findings with respect to heterosexism, homophobia, and transphobia:

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.

Finding 8 remains unchanged. Finding 9 is confirmed in that there were no further reports of hidden content related to LGBTQ2+ peoples. Several employees indicated that there were also concomitant requests for tours to specifically avoid content relating to women's rights in general and abortion rights in particular. That practice was also discontinued at the same time as the practice of omitting LGBTQ2+ content was discontinued.

Finding number 10 is modified to confirm that there has been a consistent underrepresentation of members of LGBTQ2+ communities in middle and executive management. The Museum's implementation of Phase One recommendations to ensure equitable representation (representation accompanied by the power to affect decisions made) have begun to show results in this regard.

Accountability of Leadership

The Writer recognizes that since the release of the Phase One Report members of the executive management team have been working diligently to develop the skills required to lead the organization toward equity and have made significant efforts to help the organization regain its footing. The role of this Writer, however, is to identify the structural failures which have occurred, whether those structural failures are still occurring, and where corrective measures have been undertaken, but have not yet taken root.

Generally, employees interviewed remarked favorably on the efforts of the current C.E.O. to support changes in structures, processes and culture at the Museum.

A significant number of employees interviewed during Phase Two expressed their belief that there has been insufficient accountability on the part of some members of executive management who contributed both actively and passively to a work environment in which racism and other oppressions were permitted to flourish. Even when not directly related to systemic oppressions *per se*, weaknesses in leadership have nevertheless allowed those systemic oppressions to persist, with a disproportionate impact on marginalized staff.

The Writer cautions Museum leadership not to fall into the comfortable trap of acknowledging the existence of systemic oppressions but conducting itself as though those oppressions are "no-fault offences" for which no one can (or should) be held personally accountable because their actions may have been informed by implicit rather than explicit bias.

This reasoning is problematic for two reasons: first, except in obvious cases, it is not always ascertainable whether bias is implicit or explicit, and engaging in that false analysis serves no purpose other than to reinforce the "good-bad binary": the person

whose conduct is in question is a “good” person, therefore their biases must have been “implicit” and the harm caused unintentional; and thus cannot be held responsible; the person whose biases are explicit is a “bad” person, whose conduct is intentional and to whom consequences must flow for their actions.

More importantly, however, irrespective of whether biases are implicit or explicit, the impact and harms perpetuated on marginalized staff is the same. The well-being of employees and redressing harm should be the primary focus of the Museum in holding its leadership accountable.

The ongoing stalking of an employee by a member, for example, was permitted by management to continue for approximately two years because management would not revoke the membership of the stalker and would not ban him from the building. Management chose not to protect an employee who was most vulnerable because of her youth, race, and gender. The Museum allowed clear and obvious sexual harassment and danger to this employee to persist without taking decisive action. No special skill set should have been required to support this employee: only common sense and empathy.

The harassment experienced by marginalized employees at the Museum past and present deeply affects their lives, physical health, mental health, and financial well-being and it is upon these harms that the Museum must focus its attention.

The Relationship Between Human Resources and Supervising Management

In considering the totality of the submissions and information received in Phases One and Two, the Writer concludes that some structural failures resulted from the functioning of certain executive management members individually vis-à-vis members of their own teams. Structural oppression resulting from dysfunction was also maintained within certain departments as well as by the dysfunctional relationship between Human Resources and supervising management.

Human resources departments have several functions which are mandated by statute, such as ensuring the health and safety of workers, implementing workplace harassment policies, and providing required training, investigations of harassment (sexual or otherwise)⁴, and occupational health and safety. Human Resources departments also

⁴ See, generally, the *Canada Labour Code* R.S.C. 1985, c.L02, and the Work Place Harassment and Violence Prevention Regulation, SOR/2020. Note that the Regulation came into effect at the

have functions which are not necessarily mandated, such as managing employee benefits and training not mandated by statute, but which are nevertheless key to the success of the organization.

Good governance requires a functional supervising management team, as well as a functional human resources department. Human Resources should be able to coach supervising management in performing certain functions. While the role of Human Resources in matters of hiring, discipline, promotion, and termination are generally advisory in nature, in those instances where Human Resource management becomes aware of a breach of a statutory obligation, it has an obligation to so advise supervising management and to escalate the matter as is necessary to remediate the breach.

At the Museum, there are indications that both Human Resources management and supervising management bear responsibility for allowing an unsafe work environment, discriminatory hiring practices and other manifestations of systemic oppression to persist.

Strategic Plans

The Museum's strategic (corporate) plan is produced by the Board of Trustees in consultation with the C.E.O., management, and staff. The corporate plans in place prior to the commencement of Phase One of this Review listed strategic goals in five areas:

- Visitor experience;
- Infrastructure;
- Stakeholder relations;
- Financial sustainability;
- People.

Within each category, areas of focus and specific actions to support the strategic goals change with each iteration of the Corporate Plan. During both phases of this Review, employees expressed feeling pressure to meet aspirational goals with respect to generating revenue, increasing the number of people visiting the Museum, and enhancing the Museum's international profile. The creation of aspirational goals as a strategy had an unintended outcome, however, in that significant focus was placed on these goals by management — sometimes to the exclusion of other essential functions, such as ensuring that employees are given the tools required to do their work safely.

commencement of Phase One; events may be described in this Report which would constitute breaches of the Regulation had it been in force at the time the events occurred.

The Writer has reviewed the 2021-2022 Transitional Plan for the Museum. The plan replaces the former iterations of its strategic goals (which had a focus on management expectations with respect to staff, but did not focus on ensuring that staff had the tools and resources available to meet the expectations of the Museum's leadership) and replaces them with the following:

1. Be sustainable;
2. Be relevant; and
3. Grow engagement.

Each strategic goal has specific operational goals followed by specific and detailed organizational strategies and designation of which teams are expected to lead and which are expected to be contributors in each area. By way of example, the organizational goals under the first strategic goal, to be sustainable, are as follows:

- 1.1 Create a safe, healthy, and respectful work environment.
- 1.2 Strengthen our financial sustainability.
- 1.3 Minimize the impact of our operations on the environment.
- 1.4 Maintain our physical and digital assets.
- 1.5 Improve existing and implement new processes and workflows that promote shared institutional prioritization.

Throughout the Transitional Plan, there is a newfound and clear balance between meeting the Museum's statutory mandate, promoting equity and environmental sustainability, fulfilling operational needs, and maintaining the financial sustainability of the Museum.

Budgets

The Writer's review of the budgets for the Human Resource department confirmed that the annual allotment for general training in the 2020/2021 fiscal year and in the two previous fiscal years was \$25,000.00 an amount which was asserted to be sufficient for only one external training course (such as sexual harassment training) for the entire staff on a single occasion. This allotment for general training, however – minimal though it was – was not spent on an annual basis. The Writer acknowledges that there may have been practical exigencies which made it difficult to create and maintain a schedule of regular training in the absence of sufficient staff hours, budget, and commitment to a culture of education by the former C.E.O. It is concerning, however, that sexual harassment training

was requested for one racialized respondent and that training was not afforded to him despite the fact that funds were available for that very purpose.

In recognition that training was needed at the Museum, the Museum increased by ten-fold its budget for the general training of staff, from \$25,000.00 to \$250,000.00, with the possibility of further increases in the next fiscal year in recognition of the immediate need for remediation and the need to establish an annual training cycle.

This shift in priorities is necessary and highlights that there has been insufficient focus on the building blocks of a healthy institution in the Museum's budgets until recently. The decision not to offer more regular training, for example, does not appear to be an oversight. Human Resources management reported that when a more robust training budget was repeatedly requested of the former C.E.O., the response it received was that training was not a priority.

While every organization has a process by which budgets are determined, budgets are a reflection of the senior leadership's priorities for the organization. In other words, an organization's values are prioritized in their budgets and budgets reflect the values of the organization.

Aggregated Findings

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.
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.~~
3.1 In addition to the stalking of a Black woman by a member which was discovered by the Writer in Phase One, there were two additional sexual harassment complaints uncovered during interviews in Phase Two; one involving a racialized complainant in 2018; and another involving a racialized respondent in 2019, neither of which were disclosed to the Writer by Human Resources.
- 3.2 Record-keeping with respect to sexual harassment reports is decentralized and poor, raising concerns of improper tracking and investigation of complaints and failure to take appropriate action.
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.
6.1 There is a pattern of gendered racism being perpetuated against racialized men within the Museum and against Black men in particular, taking the form of sexualization and fetishization of Black men and stereotyping Black men as dangerous and predatory.

- 6.2 The failure to provide formal sexual harassment training to all employees was a structural failure on the part of Human Resources, particularly given that the department had not expended its full training budget on an annual basis during the last three fiscal years.
- 6.3 The inadequate treatment of sexual harassment claims within the Museum by management as a whole has resulted in an erosion of trust on the part of staff that there will be fair, equitable and just processes for investigating harassment allegations in the workplace, including sexual harassment.
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.~~ Manifestations of sexism and gendered racism have had an impact affecting the organizational well-being of the institution at the present time, notwithstanding that women are represented at the highest echelons of the organization.
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.~~ There were also concomitant requests for tours to specifically avoid content relating to women's rights in general and abortion rights in particular. That practice was also discontinued at the same time as the practice of omitting LGBTQ2+ content was discontinued.
10. There are some indications of homophobic conduct within the institution which warrant further exploration to determine scope.
11. There has been a consistent underrepresentation of members of the LGBTQ2+ communities in middle and executive management. Implementation of Phase One recommendations to ensure equitable representation (representation accompanied by the power to affect decisions made) have begun to show results in this regard.

Part Two: Remediation

Implementation of Phase One Recommendations

Generally, the recommendations made in Phase One were intended to:

- Guide changes to the structures and processes within the Museum to ameliorate the manifestations of systemic oppressions, including underrepresentation of members of equity-entitled groups;
- Address deficiencies in the Museum’s communications and content as it relates to Black Canadian content and LGBTQ2+ content (and Two-Spirit content in particular); and
- Begin the process of having staff and management take personal responsibility (through education and training) for their roles in opposing racism and other forms of oppression in the workplace. Training cannot “fix” racism, but it can assist individuals to learn how principles of anti-racism may be put into practice.

The Writer has been fully apprised in detail of the implementation of all Phase One recommendations by the Museum. The Museum’s progress implementing recommendations made in Phase One under the thoughtful guidance of the current C.E.O. is generally satisfactory and the Museum’s efforts to date have been significant.

Beyond implementing recommendations, the capacity of the executive management team (excluding the C.E.O.) to lead the Museum’s anti-racism and anti-oppression efforts is not currently well-developed.

Those recommendations for which the Museum requires further guidance or for which commentary is required are addressed by the Writer in this section.

It is the responsibility of the Museum to implement the recommendations made in both phases of this Review, and thus the focus of this Review is on the actions of the Museum’s leadership in addressing systemic racism and other forms of oppression within the Museum. The Writer has taken note, however, of the efforts made by many of the employees interviewed in pursuing anti-racism and their contributions to the Museum’s betterment since this Review began. These efforts must continue as the hard personal work to disrupt racism within oneself, the Museum and our broader society will never be done.

Recommendation #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.

Progress Reported by the Museum

The Diversity and Inclusion Committee initiated the development of a self-identification questionnaire for Board members, so that there is a meaningful way to track diversity of the Board and to ensure that diverse lived experience is part of the skills and experience matrix used to evaluate the Board's combined qualifications. Data is expected to be collected in fourth quarter of the 2020/2021 fiscal year.

Commentary

The Board of Trustees should be required to submit information with respect to the demographic compositions of the Board of Trustees and its committees to the Office of the Minister of Heritage annually as part of its overall reporting to support inclusion and equity at the Board of Trustees.

Recommendation #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.

Progress Reported by the Museum

Board policies are being sorted by the Human Resources and Governance Committee, with the assistance of the Corporate Secretary, and will be handed over to Board committees to review, simplify and ensure that the respective practices and policies for which they are responsible do not perpetuate systemic racism and other forms of oppression. Policies which govern C.E.O. performance evaluation, accountability, and Board education and training are being prioritized for revision.

Commentary

The Board of Trustees' Human Resources and Governance Committee and the Diversity and Inclusion Committee should work jointly in this endeavour to ensure that an interdisciplinary process of policy review and revision takes place in a timely manner.

Once complete, the Museum should implement a schedule for the regular review of policies.

Recommendation #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.

Progress Reported by the Museum

The Board's education and training activities are being led by the Human Resources and Governance Committee. In addition to the Board engaging in self-learning on issues of anti-Black racism, building Indigenous knowledge and other human rights issues, the Board has included time for learning on its regular meeting agendas.

Commentary

The Board of Trustees is encouraged to continue its efforts to engage in both self-learning and structured learning with respect to racism and, in particular, anti-Indigenous racism, anti-Black racism and other forms of oppression. Trustees should be able to use an intersectional lens to bring broader understanding of the ways in which various oppressions intersect and manifest within the Museum and how these oppressions interact with and are reinforced by systemic oppression in our society. As with Recommendation #5, the Human Resources and Governance Committee should work together with the Diversity and Inclusion Committee to achieve this goal. The Board of Trustees is also encouraged to participate in staff training.

Recommendation #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.

Progress Reported by the Museum

C.E.O. Performance objectives were established by the Board and approved at the September 25, 2020 Board meeting and included the following objective:

Fostering Diversity, Inclusion and Accountability within the Museum and in all areas. Continuing efforts to increase the diversity of the workforce and foster the inclusion of a broad range of voices and views in governance and decision-making.

Commentary

The performance objective as drafted is sufficient in the context of the performance of the current C.E.O., whose leadership in the areas of diversity, inclusion and accountability have been strong.

In order to affect structures within the Museum long-term, however, the Writer is amending this recommendation so that the C.E.O.'s performance expectations and deliverables explicitly refer to -- and be predicated upon -- anti-racist, anti-colonialist and anti-oppression frameworks.

While the current C.E.O.'s commitment to disrupting the intersecting systems of oppression within the organization is strong, performance objectives and deliverables should not be based on the skill set of the person currently holding the position. As a matter of good governance and proactive succession planning, this performance objective ought to be amended as recommended herein.

One gap which exists in diversity, inclusion, and equity ("DEI") theory is the frequent and explicit absence of inquiry as to why organizations are not diverse, inclusive, or equitable. The language of "DEI", without concomitant and express commitment to addressing the root causes of inequity, serves only to mask the existence of racism and intersecting systemic oppressions within institutions.

The implementation of structural change rooted in anti-racist, anti-colonialist, and anti-oppression frameworks is an essential component for a sustainable culture of anti-racism and anti-oppression to develop and take root. This must be a core component of the job description of C.E.O.

Recommendation #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.

Progress Reported by the Museum

A number of steps have been taken to promote the expectation that each staff member is personally responsible for promoting an anti-racist and equitable work culture. In addition to regularly setting out the expectation that each is accountable to the others, efforts have included revision of all executive management job descriptions to include:

Creates a culture that promotes respect, equity, inclusion, and innovation and models anti-racist and accountable behaviours.

The process of reviewing job descriptions in all other areas is ongoing. Each will include a similar express expectation as that recommended for the C.E.O. Accountability agreements will be developed, or refinements will be made to the current Performance Plan model to ensure that senior management's oversight is maintained.

Individual personnel issues that raise concerns about racism or equity are elevated to the C.E.O. Such issues will involve coaching discussions with the Chief Human Resources Officer and the executive management responsible for the employees. The message in all cases is that racism and discrimination will not be tolerated and will be addressed. These situations have also been an opportunity to coach the managers or supervisors involved in reaching out to the person(s) who may have been directly impacted by the behaviour to check in with them, the person who may have engaged in the behaviour, and the whole staff group, as appropriate.

All staff have been encouraged to engage in self-learning and resources have been made available to them. Many staff groups are engaging in group discussions as they go through the resource list appended to the Phase One report.

A Staff Advisory Committee has been established to inform the C.E.O. directly of concerns in the workplace, and a confidential C.E.O. mailbox has been set up.

Staff have self-organized by membership in equity-entitled groups and an Equity Council structure has now been formalized. Currently, there is a Rainbow Equity Council, Accessibility Council, Diversity, and Inclusion Learning Circle made up of Indigenous, Black and employees with other racialized experiences, and a Francophonie Council. The Councils are tasked with setting up their own governance structure and will report directly to the new Director, Equity and Strategic Initiatives position, and will meet at least four times per year with the executive management team. These Councils will be engaged in work under the Framework, with meetings to occur on paid time.

Commentary

It is recommended that the Museum amend job descriptions for all employees to include performance expectations requiring a demonstrated commitment to anti-racist and anti-oppression practices and concrete deliverables to guide employees.

Recommendation #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.

Progress Reported by the Museum

A new position entitled Director, Equity and Strategic Initiatives, has been created. This position will report directly to the C.E.O. and work closely with the Executive management team, leading equity and other strategic initiatives to build a positive and equitable workplace.

Commentary

The Writer has concerns with the implementation of this recommendation by the Museum to date.

The decision to recommend an executive management position as structured in the recommendation was deliberate and intended to address both structural deficiencies at the Museum and to reduce the risk of failure of the placement in fulfilling its intended functions. The Writer will deal with each of these concerns in turn.

Dual Reporting Lines

A dynamic arose during the tenure of the former C.E.O. whereby the flow of information to the Board of Trustees from the Museum's executive management was curtailed by him. Whereas members of executive management were previously able (in part) to communicate directly with the Board of Trustees and the Board of Trustees to engage with executive management directly during board meetings, the former C.E.O. began to filter through himself all reports intended for Board of Trustees. That the main (or only) communication between the Board of Trustees and executive management of an organization would be through its C.E.O. is not unusual in the world of corporate governance, and thus not remarkable on its face.

The curtailing by the former C.E.O. of the flow of information between the Board of Trustees and the executive management team, however, was one factor which caused the Board of Trustees to miss warning signs about the failures of leadership and their impact on operations of the Museum, to the detriment of the institution, its employees, and the public.

The purpose of the Writer's recommending dual reporting lines was to create a permanent structural change which would ensure that, irrespective of the level of expertise and commitment of any future C.E.O. to disrupting racism and other oppressions at the Museum, the Board of Trustees would have access to the information required to assure itself that their stewardship would not again be compromised by failures in communication and leadership. While all Chief Executive Officers of the Museum have had expertise in the subject area of human rights, expertise in the practice of, and personal commitment to anti-racism and anti-oppression must not be presumed to follow academic training in any given subject area relating to human rights.

Executive Management

The culture of any institution is created by its leadership. At present, other than the C.E.O., there is little capacity in executive management to lead cultural change, nor is there yet capacity to recognize in which ways bias and inequities are affecting decisions at the Museum — irrespective of whether those decisions appear to relate to equity.

In any institution, the functions of an equity officer must be regarded as essential to the well-being and success of the organization. The painful lessons learned by the Museum over the past year exemplify this necessity.

To be successful, a C.E.O. must be supported by their executive team in all respects, including decision-making. While the current C.E.O. has expertise in many areas, the best decisions are nevertheless made when there can be a robust exchange of ideas.

Principles of equity must be infused into all decisions and processes of the institution. At present, this cannot occur.

One member of executive management interviewed during this Phase referred to diversity as a “soft skill”. It is apparent the principles of equity are not yet fully understood by the entirety of the Museum’s leadership. To restore credibility and the full functionality of the executive leadership team, an equity officer should be a member of executive management; as having the equity officer at the executive leadership table lessens the risk that commitments to “equity” are performative.

The Museum must educate the current executive management team to apply principles of equity. It is the conclusion of the Writer, however, that the timetable for building capacity in this area does not accord with the present needs of the Museum and its employees. While most executive managers at the Museum can model commitment to principles of equity and inclusion, a fluent understanding of these concepts, their application, and the ways in which oppressions manifest take years to learn. “Unlearning” previously oppressive practices also takes time.

Specific expertise in the area of inclusion and equity is also required to support the Museum in disrupting racism and other forms of oppression. To use an analogy, while members of executive management can understand financial statements, being able to do so is not a substitute for the leadership, knowledge and guidance provided by a Chief Financial Officer. An Equity Officer and Anti-Racism Practice Lead of equal rank at the executive table is essential to the success of the Museum.

Entrenching equity throughout the Museum’s policies, processes and operations will require senior leadership to infuse principles and values of equity into the fabric of the organization and clearly communicate to staff that this is a key priority. In her book, *On Being Included: Racism and Diversity in Institutional Life*, Dr. Sara Ahmed writes:

A diversity champion is regularly described by practitioners as having a genuine commitment to diversity and thus being willing to speak up and stand up on behalf of certain policies. Many of my interviewees talked pragmatically about the importance of who does this standing up: it is important that diversity champions are senior and credible people with the organization, people whose views will be taken seriously...If diversity is devalued as “soft”, as I noted in chapter 2, **then diversity work can aim to harden diversity**, by finding

champions who are not viewed as a “soft touch” (emphasis that of this Writer).⁵

Anti-Racism Practice Leadership

Anti-racism practice cannot be learned only through attending training or engaging in self-study. It is also necessary for the Museum employees to learn how apply these principles in everyday situations throughout the organization.

This particular aspect of the role of an equity officer is essential to the development and application of new skills. A practice lead must have the power and authority to support this process.

Risk of Failure

In order to give the Museum the greatest chance of success at implementing lasting structural change, the Museum leadership must anticipate and work proactively to prevent those circumstances which may lead to the failure of equity and inclusion initiatives.

In a relatively new development in organizational governance, corporations have begun adding equity officers to their corporate teams. Challenges with such positions have already been identified. In their article entitled *Diversity Insight: Set Up To Fail!*⁶ Jerlando F. Jackson, Ph.D. references a study “conducted by executive search consultancy Russell Reynolds of 234 diversity executives on the S&P 500 found that, despite an influx of new chief diversity officer positions, few CDOs are given the resources and support they need to succeed.”

Dr. Jackson lists four “critical challenges” to consider which arose from this survey:

- chief equity officer roles are very new, most being created within the past three years;
- diversity and inclusion are a low business priority;
- unrealistic responsibilities and inadequate resources to manage a multifaceted role (which may include responsibilities from compliance, to designing and implement an equity strategy); and

⁵ Essed, P. (1991). *Understanding Everyday Racism: An Interdisciplinary Theory*. Newbury Park: SAGE Publications, Inc. p. 131

⁶ Jackson, J. *Diversity Insight: Set Up To Fail!*, CUManagement Magazine, January 13, 2020. , 2021.

- data collection is often insufficient to inform decision-making due to the absence of demographic data.

For the equity officer at the Museum to successfully implement initiatives requires commitment from senior leadership, funding, staff resources, and good demographic information with respect to the Museum's employees. The totality of the functions of the equity officer cannot be fulfilled without adequate resources including dedicated staff upon whom the equity officer may rely. The Museum is contemplating hiring additional staff to support the Director, Equity and Strategic Initiatives.

When the equity officer has a close working relationship with all aspects of leadership (including Human Resources and Communications with full access to and support from the “C-Suite”), reporting, minimally, to the C.E.O. and also to the Board of the organization, the likelihood of successful outcomes improves.⁷

While the Writer understands that revising the role to create an executive position has not been precluded, in the opinion of the Writer this process should take place as soon as possible so that the change in structure becomes integral to the functioning of the Museum as a matter of best practice and proactive succession planning.

Recommendation #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.

Progress Reported by the Museum

Recruiting a candidate who will increase the diversity of perspectives in the workplace has been a priority in the recruitment of all positions.

One of the objectives of the current organizational review has been to create opportunities to increase diversity at all levels, and there have been group and one-on-one meetings with several employees to discuss career advancement, interest, and previous experiences.

⁷ Hamilton, D. *Don't Let Chief Diversity Officer Be a Dead-End Job*. Bloomberg, January 18, 2021. <https://www.bloomberg.com/opinion/articles/2021-01-18/don-t-let-chief-diversity-officer-be-a-dead-end-job>

An external consultant has been engaged to conduct an internal workforce survey that will be the first step in creating an Equity Plan. This work commenced in February 2021.

Commentary

White women have been and continue to be represented at all levels of the organization, including executive management. Arguably, the workplace is “diverse” based on gender, although representation alone has not always resulted in a fully equal sharing of power and influence between some men and women within the organization.

Middle and executive management is now becoming more diverse with the addition of a racialized C.E.O., one director who is both racialized and a member of LGBTQ2+ communities, and one white person in executive management who is also a member of LGBTQ2+ communities. These additions to the management team will bring a new perspective to the leadership table and serve to support and encourage staff that decision-making processes and decisions made will continue to improve.

That having been said, there are no Black or Indigenous persons represented at the director or executive management levels. The one Black executive ever to serve the Museum was subjected to gendered racism so severe that she was required to leave the institution to remove herself from harm in the fall of 2019.

As hiring continues at all levels of the organization, Museum leadership is cautioned not to treat all racialized peoples as “interchangeable”. The federal Employment Equity Act, which is intended to encourage and prioritize hiring from four under-represented groups in the workplace, categorizes all racialized peoples as “visible minorities” and does not recognize differences in the barriers that different racialized peoples may face within this category. Indigenous people are not “visible minorities” within the meaning of the Act (or at all) and form a separate equity-entitled category under the legislation.

While many racialized persons may be experiencing barriers to employment caused by systemic racism in Canadian society, those barriers do not manifest in the same ways or to the same degree for all people. Some of the harms experienced in wider Canadian society as a result of systemic racism create barriers to employment in particular for Indigenous peoples and Black people.

The 2019 Indigenous Economic Progress Report issued by the National Indigenous Economic Development Board examines in detail the barriers Indigenous peoples face in Canada:

Indigenous populations face deeply rooted systemic barriers embedded in the Canadian economic

landscape, notably the Indian Act and its restrictive land regime, inadequate implementation of the treaties, and systematic exclusion of Indigenous peoples from economic systems. This has resulted in Indigenous overrepresentation in low paying jobs, higher unemployment rates, and lower educational attainment than their non-Indigenous counterparts.⁸

In his text, *Black Canadians: History, Experience, Social Conditions* Dr. Joseph Mensah devotes an entire chapter to the analysis of Black people in the Canadian labour market (Chapter 6); he notes in conclusion, “All things considered, however, the plight of Blacks in the Canadian labour market is among the worst, no matter how one interprets the available empirical data.”⁹

The social media campaign that raised awareness of racism within the Museum – and which triggered this Review -- was primarily driven by former and current employees who are Black and Indigenous, and it is they who have suffered disproportionately from harms arising from racism and other oppressions at the Museum, being forced to leave their employment. In this way, harms experienced within the Museum are compounded by the effects of systemic racism in our society.

This disproportionate impact of racism upon Black and Indigenous employees at the Museum should be redressed in future recruitment efforts by prioritizing the hiring of Indigenous and Black staff. Other racialized employees within the Museum have also experienced harm and/or have also left the Museum as a result of racism they have experienced, and this further recommendation is not intended to detract from this fact. The Museum should also continue to actively recruit persons from racialized and/or LGBTQ2+ communities so that the workplace becomes representative of the population of Canada and the Museum has the benefit of the different perspectives, expertise, and knowledge that an equitably diverse workforce brings.

⁸ The National Indigenous Economic Development Board. *The Indigenous Economic Progress Report* (2019) <http://www.naedb-cndea.com/wp-content/uploads/2019/06/NIEDB-2019-Indigenous-Economic-Progress-Report.pdf>

⁹ Mensah, J. *Black Canadians: History, Experience, Social Conditions*. Fernwood Press, 2010. p. 182.

Recommendation #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 peoples).

Progress Reported by the Museum

\$250,000.00 has been allocated towards education and are proposing an increase of a further \$100,000.00 for the 2021/2022 fiscal year.

While the goal has been to develop a comprehensive mandatory education program, it has become clear that this will require considerable dedicated resources. Until the Director, Equity position is hired, this work has been led by the C.E.O. with assistance from Human Resources. All staff (including volunteers and contractors) have participated in sexual harassment training and anti-Black racism/implicit bias workshops, with a leadership-focused session for the leadership team.

Workshops on gender inclusive language, diversity, equality and inclusion, anti-Black racism and other topics have been arranged for all staff and 90% of the Leadership team are participating in the ten-week, Circles of Reconciliation program.

Human Resources and visitor-facing staff have also engaged in a Trauma-Informed Leadership course, and the Leadership team will take it shortly.

Guests (in-house and external) have been invited to speak to the Missing and Murdered Indigenous Women and Girls Calls to Justice in December 2020 and marked International Women's Day with an all-staff meeting with a guest.

Commentary

Significant progress has been made in providing training to staff, and the decision to include coursework in trauma-informed leadership is noted with approval in particular. The Writer encourages the Museum to continue to plan for training on an annual cycle as is currently in development. The Writer did receive consistent feedback in interviews that the sexual harassment training just provided was heterosexist and did not reflect the different ways in which sexual harassment can present.

Recommendation #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.

Progress Reported by the Museum

This work has commenced through Human Resource departmental review.

Commentary

In light of the analysis herein respecting the functionality of the Human Resources department, a complete audit of the department is recommended.

Recommendation #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.

Progress Reported by the Museum

See Recommendation #30. The Museum is in the early stages of developing a new concept for the delivery of the content in the Mikinak-Keya tour that will also include adding additional historical teaching and content relating to the Truth and Reconciliation Committee and *Missing and Murdered Indigenous Women and Girls* Reports to be delivered by Museum Staff. The Museum has considered various opportunities to redevelop the tour in collaboration or in partnership with another Indigenous organization. The current thinking is that the ceremonial aspects and traditional teachings would be delivered by Elders/Knowledge Keepers.

Commentary

The Museum's open design requires that consideration be given to scheduling tours to avoid events where noise carries and alcohol is being served at the same time that

traditional teachings are being offered or at other times when Elders advise doing so would be inappropriate.

Recommendation #36 and Recommendation #37

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. It is recommended that employees be trained specifically in the area of unconscious bias in harassment (including sexual harassment) investigations.

Progress Reported by the Museum

The human resources staff participated in the Trauma Informed Leadership course and in a Workplace Restoration course in February 2021. All staff and volunteers engaged in mandatory sexual harassment training in October and November 2020.

Commentary

Specific training with respect to recognizing the impact of gendered racism is required on the part of all investigators in addition to specific training in the proper conduct of sexual harassment investigations. Only one person currently on staff has training in sexual harassment investigations.

Phase Two Recommendations

The Writer makes the following recommendations in addition to the 44 recommendations made in Phase One:

45. It is recommended that specific training educating future investigators to recognize the impact of gendered racism is required. Additionally, specific training in the proper conduct of sexual harassment investigations should be undertaken within 90 days of release of this Report.
46. It is recommended that, in prioritizing the hiring of Indigenous and/or racialized persons and/or persons who are members of LGBTQ2+ communities, the Museum should pay particular attention to the targeted recruitment of Black and Indigenous employees in recognition of the disproportionate harms faced by Black and Indigenous persons employed by the Museum.
47. It is recommended that searches and job postings be left open until a qualified and diverse pool of candidates is achieved. This may require adjusting the manner in which positions are posted, engaging in targeted recruitment, or utilizing other methods of increasing the candidate pool.

48. It is recommended that Human Resources make use of anonymization software to anonymize employment applications and resumes.
49. It is recommended that a complete audit of the Human Resources department be conducted as soon as possible.
50. It is recommended that the Museum develop a mechanism to collect demographic data voluntarily provided by employees, either in isolation and/or as part of future employee engagement surveys to support equity initiatives.
51. It is recommended that the Board of Trustees submit demographic data with respect to the composition of the Board of Trustees in its annual reporting to the Minister of Heritage.
52. It is recommended that all job descriptions at the Museum include anti-racism, anti-colonialism and anti-oppression performance objectives and expectations.
53. It is recommended that performance evaluations no longer include a self-evaluation component in order to reduce employer bias.¹⁰
54. It is recommended that discretionary effort and the sharing of specific expertise falling outside of employees' respective job descriptions be formally considered as a category in annual performance evaluations.
55. It is recommended that the Museum consult with its employees to determine how discretionary effort and the sharing of expertise *falling outside* of employees' job descriptions should be recognized and/or compensated.
56. It is recommended that a formal Executive Sponsorship program be developed within 12 months of release of this Report to provide the necessary mentoring and sponsorship for Indigenous, Black, and racialized employees.
57. It is recommended that processes be developed to ensure the alignment across all teams producing content relating to Indigenous peoples.
58. It is recommended that the Museum ensure that future sexual harassment training for staff and leadership includes content relating to the ways in which sexual harassment manifests for people of all genders and sexualities.

¹⁰ See: *Designing a Bias-Free Organization*, Harvard Business Review, July-August 2016.

59. It is recommended that a formal and annual training cycle be developed for all employees of the Museum, including for executive leadership as well as the Board of Trustees.
60. It is recommended that the Board of Trustees develop a mandatory onboarding program for all incoming members of the Board of Trustees to ensure that there is a sufficient level of understanding of the ways in which systemic oppressions manifest, including but not limited to anti-Black and anti-Indigenous racism, colonialism, sexism, ableism, homophobia, and transphobia, as well as principles of anti-racism, inclusion and equity.

Appendix “A” – Terms and Definitions

The terms which are used throughout this document have specific intent and meaning. These terms are defined in this document 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 to 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 to 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 + Powerⁱⁱⁱ

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 mis-conceptualized 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 not consciously 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

While understanding the science behind implicit and explicit bias is helpful to becoming accountable for all of our actions, an overemphasis on categorizing bias frequently emerges, resulting in a deflection from the harms caused to people or groups.

The over-emphasis on whether bias is implicit or explicit is one of the ways in which the good-bad binary is activated. If one’s biases are implicit, then one is ‘good’ and if one’s biases are explicit, then one is ‘bad’. A central feature of anti-racism practice is to center the individuals or groups harmed and redressing that harm. Focusing on *intentions* centers the person who is causing harm and their feelings and also serves to protect and maintain racism.

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}

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” (emphasis that of this Writer.).^{xiv}

BIPOC

The acronym, “BIPOC” refers to “Black, Indigenous and People of Colour”, and is used to denote Indigenous persons as well as 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, particularly for those who identify as both Indigenous and Black or as a person of colour, and who then experience racism (including colonialism) in a manner which is in some respects qualitatively different than those who only identify as Indigenous or only identify as Black.

The 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 murderabe”.^{xv}

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, anti-Indigenous racism, and anti-Black racism, as well as Canada’s historical and current treatment of other racialized groups.

Some, but not all, Indigenous people object to the use of the term “BIPOC” as a result of their unique status as the original peoples of this land and whose experiences and issues resulting from colonialism are fundamentally different than other forms of racism.

Some Indigenous persons prefer to use the acronym “IBPOC” which makes clear that Indigenous persons are the original people of the land. The term is not used by the Writer in this Report save and except when quoting from a source using the term.

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”^{xvi}

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.^{xvii}

Microaggressions

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

... verbal and nonverbal interpersonal 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. 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.^{xviii}

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”.^{xix xxxx}

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, many 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 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.^{xxii}

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.^{xxiii} 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.^{xxiv} 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.

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].”^{xxv}

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”*).^{xxvi} 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.”^{xxvii}

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.^{xxviii}

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 realization of human rights by a person or a group of persons; or
- maintaining and reinforcing gender stereotypes”.^{xxix}

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.^{xxx}

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.^{xxxi}

Diversity, Inclusion and Equity

Diversity, Inclusion and Equity are related terms, but are not interchangeable.

Diversity is, in the context of Canadian federally-regulated institutions, 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.^{xxxii}

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.^{xxxiii}

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.^{xxxiv}

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, 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.^{xxxv}

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.

Tone Policing

“Tone policing” is a diversionary tactic and common manifestation of everyday racism where the racialized or Indigenous person’s concerns are invalidated because of the way in which the information is presented. It is normal for a person experiencing racism to feel anxious, upset, angry, frustrated, or fearful and to express any of those emotions. Tone policing also serves to reinforce oppressive stereotypes, such as Black women and men being “aggressive”, “angry” or “scary”. Tone policing functions to make the manner of communication more important than the message and prioritizes concern for the comfort of the recipient over resolving the substantive concern.

Tone policing need not be verbal. An example of non-verbal tone policing is the response of owners and some members of the public to NFL players kneeling in protest during the playing of the American national anthem. Kneeling in protest has been a form of peaceful protest practiced by many activists, including Dr. Martin Luther King, Jr. Rather than respond to the substantive concern – the physical harm and killing of Black people perpetuated by police and other citizens – the issue was deflected by focusing on whether

“taking a knee” was unpatriotic and what the consequences for that perceived lack of patriotism should be.

Layla Saad defines tone policing in her book, “Me and White Supremacy” as:

...A tactic used by those who have privilege to silence those who do not by focusing on the tone of what is being said rather than the actual content. It can be policing BIPOC for using tones that are “too angry” when talking about racism or celebrating them over other BIPOC for using tones that are considered more soft, eloquent, and soothing. In both cases, BIPOC are expected to cater to the white gaze – the white supremacist lens through which people with white privilege see BIPOC – and the comfort level of a person’s white fragility when taking about racism

... So much about tone policing has to do with Anti-Blackness and racist stereotypes (often intersected with sexism), topics that we will dive deeper into during week 2 of this book. A white person’s expression of anger is often seen as righteous, whereas a Black person’s anger is seen as aggressive and dangerous

... Tone policing or the possibility of it implicitly or explicitly being used, is a constant drain on the psyches of BIPOC. In an attempt to avoid the tone policing of people with white privilege, many BIPOC will often subconsciously preemptively tone police themselves in order to avoid having to deal with white fragility

... It is often a big shock when BIPOC decide they will no longer tone police themselves and instead fully express their range of feelings about racism. People with white privilege wonder with confusion and frustration, Where is all this anger coming from?, not realizing it was always there and that the expression of it is the beginning of self-reclamation as a BIPOC.^{xxxvi}

Appendix “B” – Aggregated Recommendations

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 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 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. Counteracting 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 peoples).

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 of 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, that 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 and 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 content, 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 peoples, 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 peoples 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 take place during Phase Two of this Review with respect to barriers to employment for persons with disabilities take place.
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.

Phase Two Recommendations

45. It is recommended that specific training educating future investigators to recognize the impact of gendered racism is required. Additionally, specific training in the proper conduct of sexual harassment investigations should be undertaken within 90 days of release of this Report.
46. It is recommended that, in prioritizing the hiring Indigenous and/or racialized persons and/or persons who are members of LGBTQ2+ communities, the Museum should pay particular attention to the targeted recruitment of Black and Indigenous employees in recognition of the disproportionate harms faced by Black and Indigenous persons employed by the Museum.
47. It is recommended that searches and job postings be left open until a qualified and diverse pool of candidates is achieved. This may require adjusting the manner in which positions are posted, engaging in targeted recruitment, or utilizing other methods of increasing the candidate pool.
48. It is recommended that Human Resources make use of anonymization software to anonymize employment applications and resumes.
49. It is recommended that a complete audit of the Human Resources department be conducted as soon as possible.
50. It is recommended that the Museum develop a mechanism to collect demographic data voluntarily provided by employees, either in isolation and/or as part of future employee engagement surveys to support equity initiatives.
51. It is recommended that the Board of Trustees submit demographic data with respect to the composition of the Board of Trustees in its annual reporting to the Minister of Heritage.
52. It is recommended that all job descriptions at the Museum include anti-racism, anti-colonialism and anti-oppression performance objectives and expectations.
53. It is recommended that performance evaluations no longer include a self-evaluation component in order to reduce employer bias.¹¹

¹¹ See: *Designing a Bias-Free Organization*, Harvard Business Review, July-August 2016.

54. It is recommended that discretionary effort and the sharing of specific expertise falling outside of employees' respective job descriptions be formally considered as a category in annual performance evaluations.
55. It is recommended that the Museum consult with its employees to determine how discretionary effort and the sharing of expertise *falling outside* of employees' job descriptions should be recognized and/or compensated.
56. It is recommended that a formal Executive Sponsorship program be developed within 12 months of release of this Report to provide the necessary mentoring and sponsorship for Indigenous, Black, and racialized employees.
57. It is recommended that processes be developed to ensure the alignment across all teams producing content relating to Indigenous peoples.
58. It is recommended that the Museum ensure that future sexual harassment training for staff and leadership includes content relating to the ways in which sexual harassment manifests for people of all genders and sexualities.
59. It is recommended that a formal and annual training cycle be developed for all employees of the Museum, including for executive leadership as well as the Board of Trustees.
60. It is recommended that the Board of Trustees develop a mandatory onboarding program for all incoming members of the Board of Trustees to ensure that there is a sufficient level of understanding of the ways in which systemic oppressions manifest, including but not limited to anti-Black and anti-Indigenous racism, colonialism, sexism, ableism, homophobia, and transphobia, as well as principles of anti-racism, inclusion and equity.

End Notes

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