



DEPARTMENT USE ONLY À L'USAGE DU MINISTÈRE
Reference No. N° de référence

POLICY GRIEVANCE PRESENTATION (PSLRA s. 220)
PRÉSENTATION D'UN GRIEF DE PRINCIPE (LRTFP a. 220)

Please note:

In accordance with PSLRA s. 207, all departments and agencies within the core public administration have an informal conflict management system (ICMS) in place. Its existence does not affect the right to file a grievance. However, the employer and bargaining agent representatives are encouraged to use the ICMS when appropriate, at any stage of the grievance process, in an attempt to informally address workplace differences.

Veillez noter :

Conformément à l'article 207 de la LRTFP, les ministères et agences de l'administration publique centrale ont établi un système de gestion informelle des conflits (SGIC). L'existence d'un tel système n'affecte pas le droit à soumettre un grief. Toutefois l'employeur et les représentants des agents négociateurs sont encouragés à se servir du SGIC, à n'importe quelle étape du processus de grief, afin de tenter de régler de façon informelle les problèmes en milieu de travail.

SECTION 1

This grievance is filed by Ce grief est soumis par	
<input type="checkbox"/> Bargaining agent Agent négociateur	<input type="checkbox"/> Employer Employeur

SECTION 2

BARGAINING AGENT INFORMATION INFORMATION DE L'AGENT NÉGOCIATEUR

Bargaining agent Agent négociateur	Bargaining unit/component Unité de négociation/élément	
Name and title of authorized bargaining agent representative Nom et titre du représentant autorisé de l'agent négociateur	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Address for contact Adresse pour fins de communication	E-mail address Adresse électronique	

SECTION 3

EMPLOYER INFORMATION INFORMATION DE L'EMPLOYEUR

Name and title of authorized employer representative Nom et titre du représentant autorisé de l'employeur	Telephone No. N° de téléphone	Facsimile No. N° de télécopieur
Address for contact Adresse pour fins de communication	E-mail address Adresse électronique	

SECTION 4

GRIEVANCE DETAILS DÉTAILS DU GRIEF

Statement of the nature of each act or omission or other matter giving rise to the grievance Exposé de la nature de chaque action, omission ou situation ayant donné lieu au grief	
Date on which each act, omission or other matter giving rise to the grievance occurred Date de chaque action, omission ou situation ayant donné lieu au grief	Department or agency involved (if applicable) Ministère ou organisme (s'il y a lieu)
Collective agreement Convention collective	Expiry date Date d'expiration
Corrective action requested Mesures correctives demandées	

SECTION 5

SIGNATURES

		Signature of Employer Representative	Date
Date received Date de réception		Signature du représentant de l'employeur	

Appendix “A”
to the Policy Grievance Dated October 19, 2020, Relating to Discrimination at
the Canadian Human Rights Commission

This is a policy grievance filed pursuant to section 220 of the *Federal Public Sector Labour Relations Act*¹.

Details of Policy Grievance

The Canadian Human Rights Commission is a Canadian institution that has a mandate to protect and promote equal opportunity and an inclusive society free of discrimination.

In spite of the human rights mandate and the current **Black Lives Matter** context in Canada, Black and racialized people working at the Commission continue to experience the adverse impact of policies, procedures, practices and attitudes that serve as barriers to their advancement, health, safety, and overall well-being.

On July 10, 2020, nine (9) of these employees², including AJC members, sent a letter to the Chief Commissioner outlining some of their ongoing concerns and making concrete recommendations for substantive change.

A copy of this letter is attached as **Appendix B**.

To date, these concerns and others have not been adequately addressed. As a result, Black and racialized employees at the Commission continue to experience systemic anti-Black racism, anti-Black sexism and systemic discrimination which manifests as daily assaults on their dignity.

DEFINITIONS

The Ontario Human Rights Commission provides a useful definition in its fact sheet on racial and systemic discrimination which is cited on a government of Canada website:

Racial discrimination can result from individual behaviour as well as because of the unintended and often unconscious consequences of a discriminatory system. This is known as systemic discrimination.

¹ [Federal Public Sector and Labour Relations Act](#), S.C. 2003, c. 22, s.2

² NB - the 9 employees include 7 current Black employees, 1 former Black employee, and 1 otherwise racialized current employee.

Systemic discrimination can be described as patterns of behaviour, policies or practices that are part of the structures of an organization, and which create or perpetuate disadvantage for racialized persons.³

A useful definition of anti-Black racism can be found on the website of the Ontario government.

Anti-Black racism is 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. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system.⁴

In 2017, the United Nations' Working Group of Experts on People of African Descent noted the unique nature of anti-Black racism in its report on its mission to Canada:

Canada's history of enslavement, racial segregation and marginalization has had a deleterious impact on people of African descent, which must be addressed in partnership with communities. Across the country, many people of African descent continue to live in poverty and poor health, have low educational attainment and are overrepresented in the criminal justice system. It is important to underline that the experience of African Canadians is unique because of the particular history of anti-Black racism in Canada, which is traceable to slavery and its legacy, through specific laws and practices enforcing segregation in education, residential accommodation, employment and other economic opportunities. History informs anti-Black racism and racial stereotypes that are so deeply entrenched in institutions, policies and practices, that its institutional and systemic forms are either functionally normalized or rendered invisible, especially to the dominant group. This contemporary form of racism replicates the historical de jure and de facto substantive conditions and effects of spatial segregation, economic disadvantage and social exclusion.⁵

On June 2, 2020, the Canadian Human Right Commission issued its own statement on anti-Black racism in Canada, including the following paragraph:

³ [Racism and racial discrimination: Systemic discrimination \(fact sheet\), OHRC.](#)

⁴ [Data standards identification and monitoring systemic racism - Glossary](#)

⁵ [Report of the Working Group of Experts on People of African Descent on its mission to Canada](#)

*Racist comments and racist acts, no matter how subtle, must no longer be ignored or tolerated in Canada. Even the most subtle forms of racism contribute to the conditions that permit overt racism and violence to occur. When we are complacent, we are complicit. When we are silent, we are complicit.*⁶

DETAILS OF BREACH:

At the Canadian Human Rights Commission, Black and racialized employees report that they experience systemic anti-Black racism, anti-Black sexism and systemic discrimination every day by being:

- Consistently excluded from acting and training opportunities, and other opportunities for career advancement;
- Subjected to demeaning and humiliating behaviour from managers and colleagues;
- Repeatedly given work that is at classification levels below their job description or given work at classification levels above their job description without the commensurate remuneration;
- Consistently not meaningfully consulted regarding projects and initiatives, which are purportedly intended to address the handling of race-based complaints;
- Consistently excluded from formal and informal networks for career advancement;
- Made to feel as if their significant expertise and voices are not being heard, considered, respected or valued;
- Tokenized in the workplace, including in the assignment of work;
- Subjected repeatedly to the characterizing of normal communication from Black employees as aggressive thereby perpetuating the stereotype of the “angry Black woman”;
- Targeted and further excluded when they speak out against systemic anti-Black racism;
- Subjected to differential treatment with respect to informal and formal mentoring, coaching and career advancement;
- Selectively excluded from discussions, meetings and investigations which have a direct impact on their work;
- Excluded and/or not meaningfully included in discussions which require the expert advice and lived experiences of Black and racialized employees;
- Significantly under-represented in the workplace, including at managerial and senior levels.

⁶ [Statement - Anti-Black racism in Canada: time to face the truth](#)

- Repeatedly subjected to inadequate and defensive responses by managers (including by upper management/senior leadership) when concerns about systemic racism are raised

This is in contravention of the following articles of the LP collective agreement:

- Article 36 (No Discrimination) on intersecting grounds of race, colour, sex, ethnic origin
- Article 26 (Safety and Health)
- Article 5 (Management Rights)
- And/or any other articles applicable in the LP collective agreement

A copy of the Law Practitioner (LP) Agreement between the Treasury Board and the Association of Justice Counsel, expiry date 2022-05-09 is attached as **APPENDIX C**.

In addition, the Commission's actions and omissions are in contravention of section 7 (b) of the *Canadian Human Rights Act*⁷ as well as a breach of the *Values and Ethics Code for the Public Sector*⁸ and the *Treasury Board Policy on Harassment Prevention and Resolution*⁹.

Corrective Actions Requested:

The Union is seeking the following:

- A declaration that the Employer has breached all of the abovementioned articles, policies, Codes and related articles;

A declaration that the Employer has specifically breached the Collective Agreement and section 7 (b) of the *Canadian Human Rights Act*;

- An order that the employer cease and desist from its ongoing violation of the Collective Agreement and the *Canadian Human Rights Act*;
- An order that the Employer take immediate action, as outlined in Appendix B, to ensure Black and racialized employees feel safe, respected and valued in their workplaces;
- Any other remedies required to make the employees whole; and
- Any other remedies deemed just in the circumstances.

⁷ [Canadian Human Rights Act](#) (R.S.C., 1985, c. H-6).

⁸ [Values and Ethics Code for the Public Sector](#)

⁹ [Policy on Harassment Prevention and Resolution](#)