

**SYSTEMIC RACISM IN EMPLOYMENT IN CANADA:
DIAGNOSING SYSTEMIC RACISM IN
ORGANIZATIONAL CULTURE**

BY

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EXECUTIVE SUMMARY

This study looks at systemic discrimination in the workplace within a Canadian context. Both pre-employment discrimination or “access discrimination”, and post-employment discrimination or “treatment discrimination” are considered.

The aims of this research were twofold. First, it sought to understand and document the personal experiences of people from varying racial minorities with respect to systemic discrimination in the culture of the workplace. Second, it developed assessment tools that identify this form of discrimination, either alone or in combination with sexism, in order to aid employment equity in the workplace. Consequently, two databases were created: one for human rights cases, and the other for transcripts from focus group interviews.

The first objective involved looking at two sources of data: cases brought before the federal and provincial human rights commissions dealing with complaints of racial discrimination from 1980-1998, and results from a series of focus groups with Asian, South Asian, Black or Native individuals. The focus group interviews were conducted separately for each racial minority group and were facilitated by a person of similar background. The groups considered only behaviours that were either witnessed or experienced by the interview participant and not opinion or hearsay. The data collected included the experiences of both men and women.

The second objective dealing with the assessment tools was accomplished by using the aforementioned material, namely, the human rights cases and the focus groups.

The analysis of human rights cases in Canada involving employment-related complaints on grounds of race found an increase in number of cases at the federal level from 1980 to 1998. The researchers suggest that this may be due to increased incidences or to an increase in the willingness of victims to come forward and complain. The researchers also found that in close to half of the cases, boards of inquiry ruled in favour of the complainants, with monetary compensation for pain and humiliation increasing in frequency. Dismissal, refusal to hire, and harassment were amongst the most prevalent complaints. In addition, a majority of the complainants were male and from white-collar jobs. While members of various racial minorities experienced this type of discrimination, complaints from Black employees were most numerous, followed by South Asians.

As a result of the analysis of human rights cases and focus group interviews, a draft survey questionnaire was developed which identified behaviours that members of racial minorities have experienced as racist or discriminatory. Examples of such behaviours that constitute barriers to equality are: creating a chilly or hostile climate in the workplace, limiting access or participation in work-related social interactions, or introducing bias into decision-making in performance appraisal, promotion, developmental activities, job assignment, and compensation. Experiences of discrimination differed among the four racial minority groups interviewed, as well as between men and women, and the assessment questionnaire

incorporates this diversity. The assessment instrument contains three main sections: (1) information about the respondent, (2) questions about various aspects of the work culture, including the informal social behaviour that the respondent has observed or experienced in the workplace, and (3) behaviours that have been found discriminatory by human rights tribunal and courts.

AVANT-PROPOS

Cette étude porte sur la discrimination systémique dans le domaine de l'emploi au Canada. Deux formes de discrimination ont fait l'objet de recherches : les manifestations discriminatoires préalables à l'embauchage, ou « barrières discriminatoires en matière d'égalité d'accès », et le « traitement discriminatoire » se produisant en cours d'emploi.

La recherche s'est effectuée en deux volets. Elle visait tout d'abord à comprendre et à constater par écrit les expériences vécues par les membres de différentes minorités raciales en matière de discrimination systémique dans la culture d'entreprise. Elle visait ensuite à développer des outils d'évaluation qui permettraient d'identifier cette forme de discrimination, en tant que telle ou en combinaison avec le sexisme, de façon à soutenir l'équité en matière d'emploi. Par conséquent, deux banques de données furent créées, l'une consacrée aux affaires relatives aux droits de la personne et l'autre à la transcription d'entrevues menées auprès de groupes témoins.

Pour satisfaire au premier objectif de la recherche, il fallut examiner deux sources de renseignements : les plaintes de discrimination raciale ayant été déposées entre 1980 et 1998 et portées devant les commissions fédérale et provinciales des droits de la personne, et les résultats d'une série de rencontres avec des groupes témoins d'origine asiatique, sud-asiatique, autochtone et de race noire. Ces entrevues furent effectuées séparément par groupes ethniques et animées par une personne d'origine analogue. Les groupes n'ont tenu compte que des comportements qui avaient été personnellement vécus par les participants, ou dont ces derniers avaient été témoins, ignorant de ce fait les points de vue d'autrui ou les déclarations qui leur avaient été relatées. Les renseignements recueillis comprenaient les expériences vécues à la fois par les hommes et par les femmes.

Le second objectif de l'étude, soit celui portant sur les outils d'évaluation, fut réalisé par l'entremise du matériel précédemment mentionné, à savoir les cas relevant des droits de la personne et les groupes témoins.

L'analyse des affaires relatives aux droits de la personne, liées à la discrimination raciale survenue en milieu de travail, a permis de déceler une augmentation du nombre d'affaires déposées à l'échelon fédéral entre 1980 et 1998. Les chercheurs suggèrent que cette situation peut être attribuable à une augmentation du nombre d'incidents produits, ou à une augmentation du nombre de victimes consentant à les rapporter et à porter plainte. Ils ont également découvert que, dans près de la moitié des cas, les commissions d'enquête avaient statué en faveur des plaignants, et que des sommes compensatoires pour douleurs et humiliation étaient de plus en plus fréquemment accordées. Le renvoi, le refus d'embaucher et le harcèlement constituaient les motifs des plaintes les plus courantes. De plus, la majorité des plaignants étaient des hommes occupant des emplois de col blanc. Bien que les membres des différentes minorités raciales aient subi ce type de discrimination, le nombre de plaintes portées par les employés de race noire était plus élevé, suivi par celui des personnes d'origine sud-asiatique.

Subséquemment à l'analyse des plaintes relatives aux droits de la personne et aux entrevues menées auprès des groupes témoins, l'ébauche d'un questionnaire d'enquête fut préparé en vue de cerner les comportements jugés racistes ou discriminatoires dont avaient été victimes les membres des minorités raciales. Parmi les comportements faisant obstacle à l'équité, citons : la création d'un milieu de travail froid ou hostile, la restriction du droit d'accès ou de participation aux activités professionnelles donnant lieu aux interactions sociales, ou l'introduction de préjugés influençant la prise de décision lors du processus d'évaluation du rendement, de l'octroi de promotions, d'attribution d'activités de perfectionnement, d'assignation de tâches, et de rémunération. Les expériences vécues sur le plan de la discrimination étaient différentes dans le cas des quatre groupes témoins interrogés, et dans celui des hommes et des femmes. Le questionnaire d'évaluation a fait état de cette diversité. L'outil d'évaluation était divisé en trois sections principales : 1) renseignements sur la personne interrogée, 2) questions portant sur différents aspects de la culture d'entreprise, notamment le comportement social informel que le répondant avait observé ou dont il avait été victime en milieu de travail, et 3) les comportements ayant été jugés discriminatoires par les tribunaux et les commissions des droits de la personne.

ACKNOWLEDGEMENTS

The dedicated work and participation of many people made this research possible. The principal investigators wish to thank all of the participants in the focus groups, who gave of their time to share experiences that were frequently painful and distressing, as well as their insights regarding how Canadian workplaces are, or how they can become welcoming and fair for all. Their belief that our research can make a difference was inspiring to us, and it motivated them to contribute to our work.

All of the members of the research team contributed enthusiasm, knowledge, skills, good judgement, and thoughtfulness, and it is due to their work that a complex project such as this could be completed. The principal investigators gratefully acknowledge the work of the following research assistants and associates:

- Edgar Almeida, *focus group facilitator and recruiter*
- Mohammed Al-Waqfi, *who assisted in the analysis of human rights cases*
- Catherine Burr, *Research Associate, who trained the focus group facilitators, provided expert assistance with the analysis of the human rights cases, and coordinated the field testing*
- Martin Cooke, *who set up the computer system (NUDIST) for analysis of the focus group and human rights transcripts*
- Leslie Cross, *who assisted with library research and collection of human rights cases for analysis*
- Faith Hennessy, *who formatted and typed the draft questionnaire*
- Ibukun Omole, *focus group facilitator and recruiter, coordinator of arrangements and administrator for the focus groups, and research assistant for the analysis of focus group data*
- Jennifer Payne, *who provided expert assistance on the NUDIST program*
- Justin Son-Hing, *focus group facilitator and recruiter*
- Addie McKeown, *transcriber of all focus group tapes*
- Jodie-Lynn Waddilove, *focus group facilitator and recruiter*

Finally, the principal investigators wish to thank the Canadian Race Relations Foundation, without whose support this project could not have been undertaken, and the employer¹ that has provided crucial assistance by testing the draft questionnaire with volunteer employees.

¹ Whose identity will remain confidential at this time

RESEARCH OBJECTIVES

The purpose of our research was to develop assessment tools that can be used to identify the extent and nature of systemic racism, and of systemic racism in combination with sexism, within the culture of an organization. Our research question was:

From the standpoint of members of racialized minorities, what are the patterns of behaviour within the culture of a workplace that create invisibility, a chilly climate or, in severe instances, a poisoned environment, and that constitute barriers to career advancement and equal participation in the workplace?

Based upon information gathered from human rights cases and from focus groups, we developed assessment tools that can be used to diagnose systemic racism in organizational culture as part of an employment equity change process.

An additional purpose of the research, which emerged during the research process, was to develop data sets for further analysis, which will lead to publications about the nature of systemic racism in combination with sexism in the culture of the workplace. Two databases were created: one consisting of the transcripts of focus groups, and the other consisting of human rights cases spanning the past decade. Both databases were created using the *NUDIST* program for analysis of qualitative data.

There is considerable published evidence in research studies (eg. Alderfer, 1991; Alderfer and Thomas, 1988; Burke, 1991; Fernandez, 1981; Ibarra, 1993), and decisions of human rights tribunals and courts (eg. Abbate and Peirol, 1997; Mackenzie, 1995/96) documenting ways in which systemic racial discrimination within the culture of organizations may interfere with career advancement, fair compensation, and quality of work life. With regard to Canadian context however, there is very little research. Moreover, researchers and human rights tribunals have neglected the specific ways in which racial and gender discrimination combine to affect women of colour in the workplace (Bell, 1990; Bell, Denton and Nkomo, 1992; Duclos, 1993). While the study of organizational culture has become a significant area of research in recent years, there has been little attention to the assessment of systemic racial and gender discrimination in organizational culture (Cox, 1990; Cox and Nkomo, 1990; Nkomo, 1992).

Our project has the potential to strengthen the effectiveness of organizational change strategies for employment equity in Canada by addressing a significant deficiency in current practice – the neglect of organizational culture. A strategy for change in organizational culture must build on a sound diagnosis of systemic barriers to equality for racial minority women and men (Agocs, Burr and Somerset, 1992). The assessment instrument developed in this project provides a tool to facilitate that diagnosis.

A second way in which our proposal is linked to current policy contexts relates to the work of human rights commissions. It has been argued that there is a need for human rights commissions to more vigorously address systemic discrimination in employment (Sheppard, 1995/96). Current efforts, however, remain dominated by responses to individual complaints, with the result that the human rights complaint

process generally does not lead to organizational change that addresses systemic discrimination. For example, in a January 21, 1998 address at the Law School of the University of Western Ontario, Keith Norton, Chief Commissioner of the Ontario Human Rights Commission, indicated that the OHRC was dealing with only two systemic discrimination cases, neither of which related to race, however, the OHRC was attempting to focus more resources on systemic cases. We believe that the availability of appropriate diagnostic tools would facilitate the work of human rights commissions in their investigation and resolution of complex systemic cases.

THEORETICAL AND CONCEPTUAL PERSPECTIVES

Organizational culture includes shared patterns of informal social behaviour, such as communication, decision making and interpersonal relationships, which are the observable evidence of deeply held and largely unconscious values, assumptions and behavioural norms (Shafritz and Ott, 1996: 420-426; Martin, 1992). Dominant organizational values and norms are socially constructed by dominant groups and typically constitute a "monoculture" which reflects the standpoint of organizational members who are white, male, heterosexual and able-bodied (Cockburn, 19991: ch. 6). Hence in workplaces in which whiteness is constructed as normative, informal social behaviour may harass, exclude or marginalize members of racialized minorities and/or Aboriginal people, creating a "chilly climate" which damages their quality of life and work performance. In some instances the culture of an organization or department may render minority groups invisible, while in others it may create a "poisoned environment" that is intimidating, abusive, hostile, humiliating or offensive to minority men and/or women. Women may face "paradoxes of belonging" in a workplace culture that is discriminatory on the basis of gender as well as race (Karambayya, 1997).

The importance of identifying and removing discriminatory barriers that are embedded in the culture of an organization has been acknowledged by researchers, theorists and policy makers. For example, employers covered by the Employment Equity Act and the Federal Contractors Program are required to include the culture of the workplace in their review of employment systems to identify discriminatory barriers. The systematic assessment of organizational culture for employment equity purposes, however, is rare.

After twelve years of Canadian experience with employment equity, there has been some progress in developing methods of reviewing formal policies and practices to identify systemic barriers. There has, as well, been considerable focus on monitoring the numerical representation, distribution and compensation of racial minorities. Numbers continue to be the primary criterion for assessment of employment equity progress, or lack of progress, for racial minorities and Aboriginal people (Jain, 1993). For example, between 1987 and 1996 in the federal jurisdiction, the salary gap between visible minority workers and all workers widened (HRDC, 1997: 36), and while the job category of upper level managers grew, the proportion of visible minorities in this category did not increase (HRDC, 1997: 35). As for Aboriginal workers, the salary gap between them and the general Canadian workforce widened despite a steady increase in their representation (HRDC, 1997: 25).

Scholars, employment equity practitioners and advocates for disadvantaged groups have argued that these discouraging results reflect the fact that systemic racial discrimination is deeply embedded within the culture of organizations, and remains invisible and untouched by equity change efforts. Until discriminatory barriers in the informal social behaviour of the workplace are revealed and brought into the focus of employment equity change interventions, little progress toward equality will be made.

Employers have yet to come to terms with the present racial and cultural diversity of the Canadian labour market. This diversity will increase over the coming decade with the entry into the workforce of the growing population of young Aboriginal people, as well as immigrants and their children who are members of racialized minorities in Canada. Current management responses in the form of "diversity management" programs often claim to deal with issues of organizational culture, but they typically do not do so in ways that systematically and effectively diagnose and remove discriminatory barriers experienced by women and men who are members of racial minorities (Agoos and Burr, 1996).

Systemic racial discrimination in organizational culture is an issue across the country, but it may take different forms depending upon the groups that are represented in the local population. Issues of discrimination in informal social behaviours in the workplace may differ for Aboriginal people, Blacks, and people of Asian and South Asian ancestry, as well as for immigrants as compared with Canadian-born persons, and women as compared with men. We do not at present have enough research evidence to assess the nature of the differences. With research-based tools to assist in the systematic diagnosis of organizational culture, these differences can be examined, and specific strategies to address systemic discrimination in organizational culture can be developed.

PROJECT METHODOLOGY

Identifying discriminatory practices within organizational culture is a complex and contentious matter, since white and racial minority employees frequently perceive the same work environment differently (Alderfer et al, 1983; Kossek and Zonia, 1993). There is also a gender gap in perceptions of the work environment (eg. Thacker and Gohmann, 1993). Women and men, and white and racial minority employees, may live in different perceptual worlds within organizations, and often have conflicting views about whether a workplace environment is discriminatory on the basis of race or gender, and about what should be done to create an equitable environment. Furthermore, those who experience a discriminatory workplace culture and seek to bring about change must do so within a structure and culture of inequality that may respond with denial and resistance, thus compounding the experience of institutionalized discrimination (Agocs, 1997).

The methodology for our project follows the feminist standpoint theory (Harding, 1991), and therefore grows out of the experiences and perceptions of men and women who are members of racialized minorities. We have used published human rights cases and focus group interviews as sources of information that permitted us to identify an inventory of behaviours. These behaviours are perceived by members of racialized minorities as constituting barriers to equality by creating a chilly or hostile climate, by limiting access to information or participation in work-related social interaction, or by introducing bias into decision-making regarding performance appraisal, promotion, developmental activities, job assignment, compensation or other areas.

It has been fundamental to our research methodology to focus on the identification of discriminatory behaviours rather than attitudes or states of mind as a basis for designing our tools for assessing organizational culture. The benefit of focussing on behaviour is that the assessment of organizational culture will then be grounded in observable phenomena. Specific behaviours can be clearly identified, scrutinized and understood across the differences of perception and interpretation that separate the experienced reality of racialized minorities from that of white people, and women from men. Behaviour, not attitudes or thought, is susceptible to influence by organizations, and indeed management is legally responsible to ensure that workplace behaviour does not create a discriminatory environment. Behaviour – acts of speech, gesture, decision, interaction – constitutes the evidence that human rights tribunals and courts use as the basis for their decisions. Finally, current theory in social psychology strongly suggests that identifying, understanding, and changing behaviour is a powerful method for changing attitudes. In contrast, changing attitudes may be a difficult and uncertain process, and will not necessarily lead to changes in behaviour. And it is behaviour – action within a social context – that creates the sting of discrimination and the burden of disadvantage.

The research proceeded in the following stages:

1. Published human rights board of inquiry and tribunal cases dealing with racial harassment since 1985, drawn from the *Canadian Human Rights Reporter* (Jain and Andiappan, 1988), were compiled and

reviewed. This review provided information useful in identifying behaviours that constitute illegal racial discrimination and/or harassment in the workplace. The research project also included an analysis of the nature and types of employment-related complaints on grounds of race, and the environments in which they have occurred, over two decades.

2. Focus group interviews (Krueger, 1988) were conducted with at least six groups from each of the following populations: Aboriginal, Black, Asian, and South Asian. At least three of the groups from each population were comprised of women, and three groups were comprised of men. Men and women, and each of the minority groups, were interviewed separately. Thus we aimed for a total of 24 focus groups: six from each of four minority populations. (The actual number of focus group interviews was 25, as detailed on pages 11-13.) Each identity group was interviewed by a trained interviewer of similar background to the group members. The interviews addressed a series of questions about various forms of systemic racial and gender discrimination in the culture of a workplace, as well as about supportive or inclusive workplace practices. The focus group interviews were tape recorded with the permission of all group members, and the tapes were transcribed. The results were analyzed to identify an inventory of behaviours that served as the basis for construction of a draft assessment instrument. Separate items were developed around indicators identified by each of the groups: Aboriginal people, Asians, Blacks and South Asians. The draft instrument addresses both race and gender.
3. A field test of the draft instrument was arranged for January 2000, in a large workplace with a diverse work force in two departments. Human rights experts in this organization have reviewed the draft instrument and made suggestions for revision. After the test survey, focus groups of employees participating in the test will review the results and suggest revisions in the draft instrument to ensure that issues of race, gender, and the intersection of race and gender are addressed. The instrument will then be revised, and a final draft developed.
4. A publisher is sought for the publication of the assessment tools and a guide for their use. In addition, it is anticipated that several articles for scholarly and practitioner-oriented journals will come out of this work.

ANALYSIS OF HUMAN RIGHTS CASES 1980-1998

The *Canadian Human Rights Act* and similar legislation at the provincial level prohibit discrimination on basis of race, religion, ethnicity, sex, and various other grounds. Discrimination in the workplace is defined as making an unlawful distinction between certain individuals and others based on a characteristic that has nothing to do with the job or the service involved.

Despite human rights legislation in various jurisdictions across Canada, and a variety of employment equity and equal opportunity policies that have been enacted over the last several decades, racial discrimination and harassment in the workplace continue to exist in Canada today. There has been an increase in legal cases in both Canada and the United States. This can be attributed to either an increase in the incidence of discriminatory behaviors or to an increased number of discrimination victims who decide to resort to the law. Robert Hellewell (1998) indicates that recent amendments in the federal law and heightened public awareness and employee dissatisfaction are among the main reasons why jury awards and settlements against employers have reached previously unimaginable figures in the United States. While the complainants can resort to tribunals and courts to seek justice and be awarded compensation for the material and psychological suffering due to discrimination, the incidence of discrimination is still rampant and the way to combat this complex social problem has to go beyond the human rights laws to analyse the deep causes of the problem and to understand the motives and circumstances that encourage it to take place. This study aims at examining the nature and development of racially discriminatory behavior in employment in Canada over the last two decades. We have analyzed 119 legal cases related to employment racial discrimination, in order to assess the main trend in the incidence of racial discriminatory behavior in Canada. Although the legal cases touch a tip of the iceberg, nonetheless they provide an important source of data in order to help to understand the causes of racial discrimination in employment. The analysis covers the cases published in the *Canadian Human Rights Reporter* (CHRR) over the period 1980-1998. The analysis concentrates on the organizational and individual characteristics that could lead to the discriminating behavior. In addition, the cases provide examples of behaviours that have been found to be discriminatory by boards of inquiry or courts. These behaviours provide the foundation for a section of the assessment instrument we have developed to identify racism in organizational culture. These are behaviours that are perceived as constituting barriers to equality by creating a chilly or hostile climate, by limiting access to information or participation in work-related social interactions, or by introducing bias into decision-making in performance appraisal, promotion, development activities, job assignment, compensation, and other areas.

Our analysis of the human rights cases presents statistics for each of the periods 1980 to 1989 and 1990 to 1998, in order to assess change in the patterns of discrimination over the past two decades as can be inferred from the cases. The variables included in the analysis include:

1. Decisions and remedies ordered in the cases
2. Industrial sector distribution of racial discrimination cases (manufacturing, construction, etc.)
3. Occupational distribution of complainants (white collar, blue collar, etc.)
4. Distribution of cases by jurisdiction
5. Distribution of cases by stage of employment relationship (pre-employment, post-employment)
6. Distribution of cases by formal relationship of complainant with respondent(s) (co-worker, supervisor)
7. Distribution of cases by nature of discrimination (promotion, pay, harassment, etc.)

The results of the analysis of human rights cases are reported in Appendix A, in a report entitled “Racial Discrimination in Employment in Canada: An Analysis of Human Rights Cases”.

FOCUS GROUP INTERVIEWS

The diagnostic instrument incorporates both the results of the analysis of the human rights cases, and the results of the focus group interviews, since these two sources provided different types of information. The human rights cases provide examples of severe forms of racist behaviour in the workplace, since only such instances are likely to be reflected in formal complaints that result in tribunal decisions. The focus groups deal with a broader range of racist behaviours, including the more subtle and insidious forms that are embedded in the culture and informal social patterns of the workplace. As mentioned above, the design of the focus groups segment of the project was to conduct 24 focus group interviews, three with each of four racialized minority groups, and to conduct separate interviews for women and men within each of the groups. The four groups are First Nations, Asians, South Asians, and Blacks. It was decided that the most valid data would be obtained if, focus group participants were interviewed by well-trained interviewers of similar background. In other words, interviewers were of similar racial identity to focus group participants, and interviewers included both men and women.

1. *Recruitment and Training of Student Research Assistants*

To meet these objectives, a team of students was recruited by publicizing the CRRF-funded study and its objectives, and by inviting qualified and interested students. We were fortunate to be able to recruit two men and two women who together represented the four groups whose experiences we were trying to understand. Three were undergraduates in their senior year and one was a Master's level student who was about to graduate; all have social science and research methods training. Even more important, all were enthusiastic and highly committed to the study. Each student provided a brief autobiography.

The students participated in two orientation and planning meetings and three training sessions, which were planned and delivered by Catherine Burr, an experienced trainer and organizational change and employment equity consultant who has conducted numerous focus groups with employees and managers as part of her practice. The students were trained to understand the research purposes of focus groups, and how to facilitate focus groups, as well as how to administer their work as independent contractors. Catherine Burr prepared an extensive training manual for each student, containing resource and learning materials dealing with focus groups and with the project in general (interested persons may contact Carol Agocs to request a copy of the manual). Catherine also coached the students as they began to facilitate focus groups, and worked with facilitators who encountered difficulties or required on-going support. It was an added benefit of the project that the students acquired valuable skills and knowledge, as well as the opportunity for employment.

2. Submission to the Review Board for Non-Medical Research Involving Human Subjects

In accordance with policy of the University of Western Ontario, the necessary documentation relating to our plans for the ethical conduct of the project was submitted to the Review Board, and approval was received prior to the initiation of the focus groups. This process is designed to ensure that all focus group participants are fully informed about the study and about their right to decide whether or not to participate, and to ensure that confidentiality of information provided by participants will be preserved.

3. Recruitment of Focus Group Participants

Through discussions with the student research team, it became clear that our initial plan to recruit focus group participants by approaching employers was not likely to succeed, because of employer reluctance, and because prospective focus group participants may consider it risky to participate with their employer's knowledge. The students pointed out that through their ties to their communities, and through approaches to community organizations, they would be able and willing to do the recruiting. We decided that this approach would also have the benefit of producing a more diverse group of participants, in terms of racial background and gender, as well as type of work experience. The students' role, thus, included recruitment of focus group participants through contacts with organizations and individuals. Some productive organizational referrals were provided by the Canadian Race Relations Foundation. The students made extensive use of their personal networks and those of their parents and other relatives in recruiting as well.

The recruitment of participants for the focus groups turned out to be a difficult challenge, to a degree that the students had not anticipated. It took many contacts and a great deal of time to contact people, explain the purpose of the study, and remind people who said they would participate. A small honorarium of ten dollars was provided to each participant as a contribution to their parking or other related expenses, and refreshments of juice and cookies were provided for each focus group. Despite these inducements, and the students' enthusiastic "selling" of the value of participants' potential contribution, it was difficult to get people to agree to participate, and there were many who agreed and then did not attend the scheduled session.

4. Completion of Focus Group Interviews

The focus groups were conducted in May, June, and July of 1999, at times and places convenient to participants. One student was appointed to provide coordination and scheduling assistance. Despite the challenges of recruiting, the students succeeded in conducting 22 focus groups consisting of three to seven participants; three "focus groups" consisting of two participants; and three individual interviews with professionals who did not wish to take part in group interviews, but who contributed in important ways to our data. A total of 106 persons participated in the interviews. The characteristics of the interview participants were as follows:

Table 1. Number of Interview Participants by Identity and Gender

Identity	Female	Male	Total
Asian	18	9	27
South Asian	10	12	22
Black	16	15	31
Native	17	9	26
Total	61	45	106

As evident in Table 1, women were somewhat more likely to participate than men, among persons of Asian and Native identity, for unknown reasons. All focus groups except for three groups consisting of South Asians were of one gender, it appeared to be difficult to recruit men and women separately for the South Asian focus groups.

The participants had work experience of varying types and lengths, ranging from students in summer jobs to experienced professionals in medicine, social work, teaching and other fields. The occupations represented among focus group participants included nurse's aide; teacher's aide; secretary and other clerical jobs; shipping and receiving; political organizer; social worker; administrator of student services; physician; nurse; laboratory technician; police officer; engineer; planner; graduate teaching assistant; professor; real estate agent; bank customer service representative; administrative assistant; teacher; medical researcher; proprietor of a business; plant worker; school principal; bank manager; manager in industry; parks and recreation staff; groundskeeper; retail clerk; dietician; financial consultant; and social service administrator. A variety of types of work and work settings were covered in the interviews, yet there were a number of common themes mentioned by interview participants.

All interviews were guided by a protocol and procedure that is detailed in Appendix B. Each focus group lasted about an hour and a half and was tape recorded.

5. Data Analysis

The focus group tapes were transcribed by an independent transcriber who has had many years of experience in transcribing for researchers, psychologists and lawyers, and is qualified to protect the confidentiality of our data. The data analyst is a Master's graduate in sociology who has extensive experience in the analysis of qualitative data using *NUDIST*, a computer program designed for this purpose. The transcripts were coded independently by two researchers, working with a coding protocol (see Appendix C). The codes were designed to identify behaviours that are part of the culture of the workplace, and that the interview participants considered to either create a discriminatory environment, or a supportive environment in the workplace (please refer to the interview protocol, Appendix B). The *NUDIST* program when created reports consisting of extracts from the transcripts by identity group, gender, and behaviour code.

**DEVELOPMENT AND FIELD TEST OF THE SURVEY
INSTRUMENT: ASSESSMENT OF ORGANIZATIONAL CULTURE**

1. Development of the Draft Questionnaire

The first draft of the assessment instrument was constructed by developing items drawn from the reports created by the *NUDIST* program, as mentioned above. The individual items that made up the survey instrument were representative of the behaviours reported by all four of the identity groups, and by both men and women in each group. The transcript data used in the construction of the draft questionnaire was limited to specific reported behaviour that was either experienced by or witnessed by interview participants. Hearsay, opinion, and general comment were not used as a source for the draft instrument.

The draft instrument contains three main sections. The first includes information about the individual respondent to the survey, including identity group, gender, and type of occupation. This section can be tailored for use in various workplaces by using terminology that is customary in that workplace. For example, the draft questionnaire uses the employment equity census questions that have been previously used by the test site, because this wording is familiar to employees.

The second section, by far the longest part of the questionnaire, contains questions about various aspects of the culture and informal social behaviour that the respondent has observed or experienced in the workplace. These are the items that were based on the interview material. The items are designed as Likert scales, with the respondent asked to identify the frequency with which each behaviour was experienced or observed. The items are grouped into a number of sections, including communication, informal social behaviours, job-related decision making, stereotypes and assumptions, representation of minorities in the workplace, and organizational response to concerns. The specific items cover both behaviours that interview participants identified as racist or likely to create barriers to their full participation in the workplace, and behaviours that are supportive and inclusive.

The third section of the draft questionnaire consists of items that tap observations of behaviours that have been found discriminatory by human rights tribunals and courts, depending of course upon the context surrounding the behaviour, and the strength of the evidence of its occurrence. These items are intended to detect the occurrence of behaviour that is potentially illegal.

2. Negotiating the Field Test

The project's Research Associate, Catherine Burr, took responsibility for arranging a site for the field test. We are indeed fortunate to have the participation of a major public sector organization in Toronto that has a large and diverse work force including representation of all four of the groups included in our research. This organization has a long standing commitment to employment equity and an employment equity program with an expert staff who understood the need for a field test of our instrument. They have been working with us from August 1999 to December 1999 to arrange for the field test, which took place during the week of January 10-14, 2000. Approximately 130 employees were invited to

volunteer to participate, and internal staff followed up to encourage a high response rate. After the test survey, the completed questionnaires were returned to the researchers for analysis. Focus groups were then held with volunteer employees who are members of racial minorities. The focus groups were presented with the results of the test survey and asked for their perspectives on the performance of the questionnaire, and their suggestions as to how it could be improved.

Much has been learned from the process of negotiating the field test. Despite the leading position of the test site as an organization that is committed to and experienced in implementing employment equity, decision makers responded to Version 1 of the survey instrument with considerable anxiety. It was felt that the wording of a number of the items might create an adverse reaction among some employees – ostensibly among white employees – and this might lead to difficulties for senior management. Approval to proceed with the test survey was made contingent on revisions to the draft questionnaire that would remove the troublesome wording, and the test was delayed from December to January.

Version 2 of the questionnaire is the form that was administered in the field test. The reader who compares Versions 1 and 2 will see that some of the behaviours mentioned in the focus groups were considered too “sensitive” to be included in the field test, and wording referring to the behaviours of white people in the workplace was considered too sensitive to include. It should be noted that the initial strategy of the researchers was to administer the field test survey only to racial minority employees, since the content of the instrument deals with their experiences. But this was not acceptable within the test site. The survey would need to be administered to all the employees within the selected work units. In the end, this arrangement will probably yield important data that will allow the researchers to compare the perceptions of racial minority employees with those of white employees.

3. Results of the Field Test

Following the test survey and the review by the focus groups within the test site, the survey instrument was revised to reflect on what was learned from the field test. Also, a system for scoring and analysis was refined to permit the reporting of separate scores for the various sub-scales of the instrument, thus creating a battery of instruments that deal with various aspects of organizational culture. The results of this work are reported in Appendix D of this report.

CONCLUSIONS: WHAT WAS ACCOMPLISHED AND WHAT WAS LEARNED

The research project fulfilled all the proposed objectives, and in several respects, the accomplishments went beyond what was expected. In summary, the following outcomes were achieved:

1. A database of 119 human rights cases covering the 1980s and 1990s was created. A paper analyzing these cases has been drafted (see Appendix A) and will be offered for publication.
2. Race-related human rights cases adjudicated in the 1990's, numbering approximately 80, were downloaded or scanned to create computer files which have been loaded into a *NUDIST* database. Future analyses of these data will be the basis of papers, examining various aspects of racism in the workplace that will be offered for publication.
3. Twenty-five focus groups and three individual interviews were completed, transcribed, and loaded into a *NUDIST* database. This data was used to develop the assessment tools, and will be used in the future as the basis of papers examining various aspects of systemic racism in organizational culture.
4. The data from the interviews and human rights cases was used as the basis for developing a set of assessment instruments designed to identify the presence of behaviours indicative of systemic racism in the culture of the workplace. The instrument includes but is not limited to behaviours that have been deemed illegal by human rights tribunals and courts.
5. Arrangements have been made for a field test of the draft assessment instruments, including a review by focus groups of employees in the test site.
6. An innovative methodology for using focus groups in research has been worked out in the course of the project, contributing to the development of an approach that promises to be fruitful in future race relations research.
7. Research skills and a valuable learning experience, as well as summer employment, were furnished to four minority students, who in turn made this research possible.

A broader perspective on what was learned from the research experience must make reference to the complexity and frustrations of surfacing, understanding, and facing racism in organizations at the turn of the twenty-first century. The focus group interviews and human rights cases contain a plethora of human encounters with the many-headed monster of racism and sexism, and tell of the courage and tenacity of those whose lives are touched by everyday racism and sexism. Their narratives tell of a racism as unpleasant surprise; as wounding; as devastating to self esteem; and as an all-too-predictable cutting-off of opportunity to make a living; to provide for a family; to make use of one's education and talents; and to be accorded the dignity, recognition and respect that every human being deserves.

After hearing these stories, it became impossible for the researchers – whatever their racial background – to ignore the presence of racism, no matter how much some of us may have wanted to believe that we now live in a colour-blind world. A world of normative whiteness is not a colour-blind

world, but it is a world in which the pressures to deny, to ignore, to refuse to know, and to be complicit in everyday racism are tremendously strong. And it is a world in which those marked as “having race” are continuously called upon, as in this research, to explain, to disclose, to educate, to carry the burdens and risks of change.

There are some common themes that are reflected in the experiences of men as well as women, of immigrants to Canada as well as the Canadian-born, and of people of Black, Native, Asian and South Asian ancestry. The data also revealed, however, the different forms that racism takes – different for each ancestry group, for women and men, and for immigrants as compared with Canadian-born persons. These complexities are reflected in the assessment tools produced by this research, and will be explored in future analysis of the databases we have created.

The exploration of these differences and complexities must continue. In the words of Patricia J. Williams (1997: 6),

Creating community...involves this most difficult work of negotiating real divisions, of considering boundaries before we go crashing through, and of pondering our differences before we can ever agree on the terms of our sameness.

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APPENDIX A: RACIAL DISCRIMINATION IN EMPLOYMENT IN CANADA: AN ANALYSIS OF HUMAN RIGHTS CASES

Abstract

This paper examines the trends in racial discrimination in the Canadian labor market during the last two decades (1980 onwards). The paper utilizes data obtained from 119 legal cases adjudicated by human rights boards of inquiry and courts in Canada.

I- Introduction

Human rights legislation in Canada at the federal and provincial levels prohibits discrimination on the basis of race, color, and ethnic origin and several other grounds. There is an absence, however, of any definition of discrimination in most statutes. Discrimination is therefore a fluid and changing concept as a result of numerous court and tribunal decisions that continuously create new case law. In addition, amendments to existing legislation in various jurisdictions from time to time create new working definitions of the concept of discrimination.

In addition, most human rights statutes have provisions for affirmative action programs for disadvantaged groups. As well, section 15(2) of the Canadian Charter of Rights and Freedoms provides for affirmative action programs for the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, religion, sex, age, or mental or physical disability” [The Constitution Act, 1982]. The Charter represents a strong commitment by the Canadian government to the principles of equality and employment equity.

In 1986 the federal Employment Equity Act was enacted. This Act requires that all federally regulated employers and crown corporations with 100 or more employees identify and eliminate employment barriers and implement employment equity programs. These employers are required to file annual reports with Human Resources Development Canada. The act, however, did not cover the federal public service, the RCMP, and the military. A new Employment Equity Act was adopted in 1995 which included almost all of the public service under its purview [Jain, 1996]. The government also adopted the Federal Contractors Program (FCP) that came into effect in October 1, 1986. This program requires that all organizations with 100 or more employees which bid on federal government contracts worth \$ 200,000 or more, sign a certificate of commitment to carry out employment equity programs that will identify and remove barriers to selection, hiring, promotion, and training of women, Aboriginal peoples, persons with disabilities, and visible minorities [Jain, 1994]. Failure to implement employment equity programs can result in exclusion of the contractor from future government business. The 1995 employment equity legislation requires that the FCP requirements must be commensurate with those of the employment equity legislation.



II- RACIAL MINORITIES IN THE CANADIAN LABOR MARKET

Canada's population and workforce is becoming increasingly pluralistic. Forty-two percent of Canadians report origins other than French or British, while sixteen percent of Canadians are foreign-born [Heritage Canada, 1996: 2]. As of 1996, 11.2% of the Canadian population consists of racial minorities. Approximately one-third of populations of Toronto and Vancouver are visible minorities. Between 11 and 16 per cent of the populations of Montreal (11%); Ottawa-Hull (12%); Winnipeg (11%); Edmonton (14%); and Calgary (16%) consist of visible minority persons. Racial minority representation has almost doubled in a decade, from 6.3% in 1986 to 9.4% in 1991 to 11.2% in 1996. The largest visible minority (VM) groups are: Chinese 26.9%; South Asians 21%; and Black 17.9%. Ontario has 52.6% of the entire visible minority population in Canada; B.C. has 20.7%; Quebec has 13.6%; Alberta 8.4%; and Manitoba 2.4% [Jain, 1999].

The proportion of racial minorities in the total labor force in Canada rose from 6.3 percent in 1986 to 10.3 percent in 1996. Eighty percent of new workforce entrants are projected to be women and racial minorities by the year 2000 [Mighty, 1991]. With a highly diversified workforce, it is essential that equal opportunity be available for disadvantaged groups and others within a non-discriminatory work environment. Canada's economic growth and prosperity in a highly competitive and global marketplace will depend on full utilization of the talents, skills, knowledge, and energy of all Canadians.

Racial discrimination in employment can take place at the pre-employment stage, by denying specific individuals from minority groups equal access to jobs, or it can occur at the post-employment-stage. Levitan et al [1971] call the first type of discrimination "access discrimination," and the latter, "treatment discrimination". Discrimination against racial minorities in access to and treatment in employment inflicts substantial financial and psychological suffering on its victims. Besides the fact that discrimination contradicts basic human rights in a democratic society, its negative effects on productivity and work performance imply a loss of profits and output at the organizational level. On the national level discrimination leads to under-utilization and underemployment of racial minorities and leads to significant economic costs in terms of lower national output, labor market inefficiency, lower labor productivity, higher inflation, and excessive welfare and penal costs [Jain, 1994, p. 390]. It also results in morally unacceptable hardship and suffering of minority members in the society. Also, the presence of discrimination in an environment of effective human rights legislation can cost firms substantial losses in settlement payments and loss of clients and reputation.

III- Theoretical Approaches to Racial Discrimination in Employment

Racial discrimination is a multidimensional and complex phenomenon that is manifested in various social and economic interactions within the society in which it is found. There are many theories that try to

explain the causes and effects of racial discrimination in employment, drawing upon economic analysis as well as other disciplines, including sociology and social psychology.

In this section we review the main economic theories of racial discrimination, including :

- 1) Becker's "taste for discrimination" model;
- 2) the statistical discrimination theory;
- 3) the dual labor market approach; and
- 4) the human capital approach.

We will also briefly discuss some alternative theories to explain racial discrimination, including the social capital approach and the theory of discrimination and learned helplessness.

ECONOMIC THEORIES OF RACIAL DISCRIMINATION

Economics is largely a study of how markets emerge, work, and fail and the factors that affect this process. The causes and consequences of labor market discrimination have received considerable attention from economists over the second half of this century. In the following discussion we review the main economic theories of racial discrimination. These theories are presented mainly within the framework of the neoclassical competitive model in which decisions are made by rational economic agents who act independently to maximize an objective within the constraints imposed by the specific situation. Within this framework the persistence of racial discrimination is explained mainly as a sort of market failure, or alternatively, as due to imperfect information.

In his pioneering work on racial discrimination in employment, Becker [1957] argues that discrimination occurs as a result of prejudice or "taste for discrimination" on the part of the employer or his agents. According to this model, some employers would be willing to pay a premium in order to practice their "taste for discrimination" and avoid association with the disfavored groups. It follows that in a competitive market the discriminatory employers would be forced out of the market since they would operate at higher costs than those of non-discriminatory employers. Based on this argument, long-term explanations of persistence of discrimination have focused on market failure. Firms can continue to discriminate only if they possess some market power that enables them to generate economic profits higher than those of a similar firm operating in a perfectly competitive market. In industries where firms possess market power, discriminatory firms can afford their "taste for discrimination" by merely accepting lower profits as a mark-up over marginal or average costs [Elmslie and Sedo, 1996]. However, empirical tests of Becker's theory have shown mixed results [Jain and Sloane, 1981]. While Becker [1971] and others, including Comanor [1973], Haessel and Palmer [1978], and Medoff [1980], found empirical support for the theory, others including Oster [1975], Johnson [1978], and Fujii and Trapani [1978] found no such support. Heckman [1998] argues that Becker's theory does not necessarily imply that discrimination will disappear in the long run.

While Becker's model has achieved significant importance in the literature on racial discrimination, other economists including Arrow [1972 and 1998], Phelps [1972], and Aigner and Cain [1977] have

developed a model of discrimination that does not assume that the employer is prejudiced or forgoes profits. The theory of statistical discrimination is an information-based theory, which assumes that employers can never generally obtain all the information they wish to know about the long-term productivity of job candidates, and so they have an incentive to rely on group membership (such as race or gender) as a signal that allows them to improve their predictions of a candidate's potential to perform. Suppose, for example, that Blacks and whites differ on average in productivity due to some causes that are not observable (for example, quality of education or cultural differences or any other reasons). Then the experience of employers over time will cause them to use the observable characteristic, race, as a surrogate for the unobservable characteristics which in fact cause the productivity differences [Arrow, 1998]. If an employer perceives whites as more productive than members of non-white minorities, then he/she will consistently hire whites over equally qualified members of the other groups. However, Darity and Mason [1998] argue that statistical discrimination theory still does not provide a strong explanation of why discrimination should be long lasting. "If average group differences are perceived but not real, then employers should learn that their beliefs are mistaken. If these differences are real, then in a world with anti-discrimination laws, employers are likely to find methods of predicting the future performance of potential employees with sufficient accuracy that there is no need to use additional "signals" of race or gender."

The Dual Labor Market theory suggests that the labor market is segregated into two major sectors; the primary labor market and the secondary labor market. The primary market is characterized by high level jobs with high wages, good working conditions, and many chances for training and promotion. The secondary labor markets, on the contrary, are characterized by low wages, poor working conditions, and low chances of advancement [Doeringer and Piore, 1973]. A high concentration of white males is found in the primary market while racial minorities and other disadvantaged groups are more concentrated in the secondary market.

The reasons for duality in the labor market and the barriers for mobility between the two markets cannot easily be identified. The theory of statistical discrimination can partly explain the process by which this duality may take place. If statistical discrimination exists, members of specific disadvantaged groups will be pushed to the secondary labor market because they are expected to have poor work habits. On the other hand, lower level jobs in the secondary market could foster a lower level of work performance among those workers due to their poor pay and working conditions and low expectations. The process can continue in cycles of statistical discrimination that are self-reinforcing, and hence maintain mobility barriers preventing the movement of workers from the secondary to the primary labor markets [Elmsile and Sedo, 1996]. Work [1984] indicates that the duality is not necessarily based on race; but rather on behavioral characteristics that are often exhibited by disadvantaged workers.

Empirical studies do not support the existence of totally separate labor markets despite the clear evidence that certain workers are discriminated against and restricted to jobs below their actual capabilities. Empirical studies seem to indicate a different type of labor market segmentation, with a lack of mobility

between a variety of different markets rather than simply from the secondary to primary markets [Jain, 1982].

All of the preceding theories have tried to explain racial discrimination by looking at the demand side of the labor market. The human capital approach, like other theories discussed in the next section, tries to explain the persistence of racial discrimination in terms of differences in the qualitative characteristics of the supply of labor between different groups of people. The basic proposition of the human capital theory is that the return on a unit of labor is determined by the investment embodied in this labor in terms of education and training [Becker, 1993]. According to the proponents of the human capital approach to racial discrimination in employment, some members of minority groups lack the necessary “ human capital “ such as education, training and experience. Thus members of minority groups may continue to be locked up in low-income and low-level jobs not only because of the structure of the labor market and the discriminatory treatment against them, but also because of the lower quality of their human capital [Jain, 1982].

The human capital approach to racial discrimination can be questioned on several grounds. First, in the selection process for various job opportunities, the assessment process has a large subjective component and the attributes of lower human capital levels are usually presumed rather than objectively measured or identified [Work, 1984]. Second, in assessing the human capital characteristics of individuals, we should not neglect the feedback effects of labor market discrimination. That is, minorities might have less incentive to invest in their human capital if they expect low returns on their investments due to discrimination against them in the labor market [Jain, 1982]. Finally, the process by which individuals acquire human capital and the opportunities available to them in this regard are largely affected by their position in a complex network of social connections and affiliations, within which access to opportunity is not equally available to all segments of society. This calls for extending the concept of human capital to the broader concept of social capital, which we will discuss in the next section.

ALTERNATIVE THEORIES OF RACIAL DISCRIMINATION

The theories discussed in the previous section view racial discrimination mainly as resultant from labor market interactions, and they present various approaches to understand the causes of discrimination within this context. Many researchers have recently developed alternative explanations for racial discrimination phenomena that are not market based. Their explanations rely on social and psychological interactions and their effects in shaping the work and life opportunities available for members of racial minorities [see Arrow, 1998, Loury 1998, and Elsmile and Sedo, 1996]. One of the prominent theories in this context is the social capital theory discussed below.

The concept of social capital is based on the notion that individuals are embedded in a complex network of social affiliations, which substantially affects their access to various resources. Loury [1997, 1981, 1987, and 1998] introduced this concept and further suggested the extension of the human capital theory in order to provide a richer context within which to analyze group inequality. In this theory one’s

investment in productive skills depends on one's position in the social structure. There is a strong theoretical support from social distance theory for the notion that social networks affect individuals' educational and professional achievements. For example, Akerlof [1997] argues that individuals' concerns for status and conformity determine their educational and career aspirations and achievements. Other researchers have shown that a large fraction of jobs is filled by referrals by current employees [Arrow, 1998]. Social segregation can give rise to labor market segregation through network referrals.

The social network theory is very important from a public policy point of view since it shows the inadequacy of approaching anti-discrimination efforts only within a market framework. There are significant market failures, having little to do with economic discrimination as conventionally understood, that play a powerful role in perpetuating racial inequality. Preferences and investment in skills by individuals are influenced by social and psychological externalities, notably by the social contexts of opportunity within which individuals and groups are embedded.

IV- Empirical Analysis

Researchers have traditionally used various ways to detect and measure racial discrimination in employment including regression analysis and audit studies as well as analysis of census data and other published information and statistics. One of the most direct and objective ways to obtain data on racial discrimination is in the published reports of legal cases regarding complaints of racially discriminatory treatment. In this paper, we report on an analysis of data from 119 legal cases, published in *the Canadian Human Rights Reporter*, regarding complaints of racial discrimination in employment. These cases were adjudicated by human rights boards of inquiry or tribunals, with some cases going to the courts on appeal, throughout Canada during the period 1980-1999⁽¹⁾.

We identified a set of variables that are of interest in our attempt to understand the nature of racial discrimination in the Canadian labour market and the characteristics of individuals and organisation involved. The analyses of data from the 119 human rights cases were conducted using simple statistics. In order to examine the major trends in the development of racial discrimination in employment in Canada over the last two decades, analysis will be conducted on two sub-periods; 1980-89 and 1990-98. The following section presents the main results obtained.

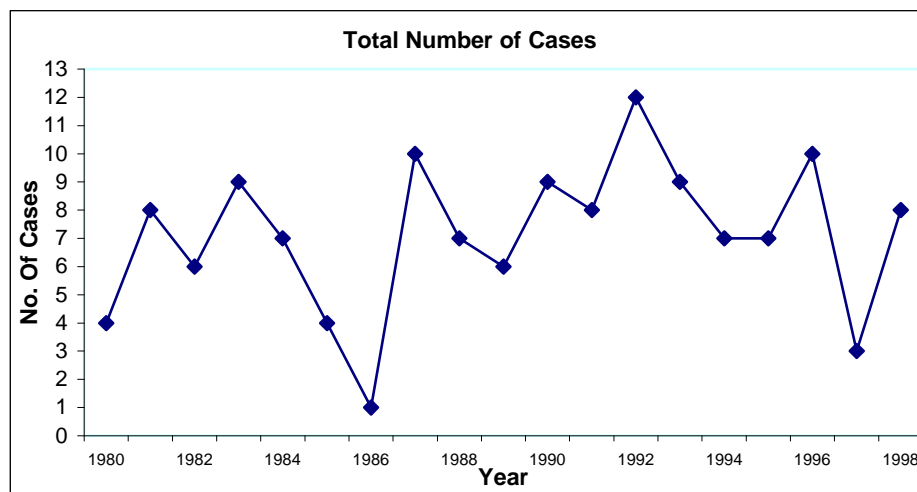
Results

Table 2 and Graph 1 below show the distribution of legal cases over the period 1980-1998. On average, there were more than six cases that went to tribunals in the ten years beginning 1980. In the 1990s (1990-98), an average of more than eight cases went to tribunals thereby indicating an increasing amount of litigation and perhaps an indication of the growing complexity of racial discrimination in Canada.

**Table 2. Total Number of Legal Cases Heard by
Boards of Inquiry/Tribunals Across Canada
(1980-98)**

<i>Year</i>	<i>Number of Cases</i>	<i>Year</i>	<i>Number of Cases</i>
1980	4	1990	9
1981	8	1991	8
1982	6	1992	12
1983	9	1993	9
1984	7	1994	7
1985	4	1995	7
1986	1	1996	10
1987	10	1997	3
1988	7	1998	8
1989	6	Total	135

In the following discussion we present the results of the study in three main areas including analysis of complaints, characteristics of respondents, and characteristics of complainants. The results are summarised in the tables presented in the appendices.



Graph 1

A. Analysis of Legal Cases

Table 3. Distribution of Cases by Jurisdiction

(N = 113)

Jurisdiction	1980-89		1990-99		Total Period (1980-1999)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
B.C. Human Rights Council	8	16.3	15	23.4	23	20.4
Federal Human Rights Tribunal	5	10.2	19	29.7	24	21.2
Manitoba Board of Adjudication	1	2.0	1	1.6	2	1.8
Nova Scotia Board of Inquiry	1	2.0	4	6.3	5	4.4
Ontario Board of Inquiry	33	67.3	18	28.1	51	45.1
Quebec Provincial or District Court	0	0.0	5	7.8	5	4.4
Saskatchewan Board of Inquiry	1	2.0	2	3.1	3	2.7
Total	49	100.0	64	100.0	113	100.0

Table 3 shows the breakdown of cases by jurisdiction. The largest number of cases were adjudicated by the Ontario Boards of Inquiry (N=51 or 45.1% of the total number of cases) followed by the Federal Human Right Tribunals (N=24, 21.2%), and the BC Human Rights Council (N=23, 20.4%). There were no boards of inquiry in Alberta, New Brunswick, Newfoundland or Prince Edward Island during the period 1980-1998. Looking at the two sub-periods (1980s and 1990s), we notice a significant increase of cases at the federal level (from 5 to 19) and in BC (from 8 to 15) and a noticeable decline in the number of cases in Ontario (from 33 to 18).

Our analysis shows that in 57 cases (47.9% of total), boards of inquiry found in favour of the complainants. The success rate for the complainants has remained almost the same over the two sub-periods (1980s and 1990s).

Table 4 shows the distribution of cases by nature of complaints. Dismissal, refusal to hire and harassment were the most prevalent causes of complaints of racially discriminatory treatment in the workplace. It is interesting to note that the percentage of complaints about racial harassment doubled between the 1980s and the 1990s from 14.5% to 31.5% of total cases; almost one quarter of all legal cases of racial discrimination alleged harassment.

More than 66% of all cases related to post-employment discrimination and only 24% to pre-

employment discrimination. This result is expected due to at least three reasons. First, human rights legislation and employment equity policies have been in place in Canada for a relatively long period of

Table 4. Distribution of Cases by the Nature of Alleged Discrimination (N = 128)

Nature of Alleged Discrimination	1980-89		1990-99		Total Period (1980-99)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Denial of Promotion	5	9.1	8	11.0	13	10.2
Dismissal	26	47.3	24	32.9	50	39.1
Harassment (racial slurs, etc)	8	14.5	23	31.5	31	24.2
Layoff	1	1.8	2	2.7	3	2.3
Refusal to Hire	13	23.6	14	19.2	27	21.1
Differential Treatment	2	3.6	2	2.7	4	3.1
Total	55	100.0	73	100.0	128	100.0

time now. These laws and policies are believed to be relatively more effective in eliminating “access discrimination” than the more subtle and harder to combat “treatment discrimination”. Second, people usually have more to lose by accepting discriminatory treatment without complaining about it when the discrimination takes place while they are employed than when they are applying for jobs. Third, it is more likely that a person will recognise that he/she is being treated unequally with others at the post-employment than at the pre-employment stage.

Table 5 presents the various remedies ordered in the cases where the complaints were successful. The most commonly ordered remedies are monetary compensation for pain and humiliation (N=32 or 25.0%), and compensation for lost wages/salary (N=27, 21.1%). A noticeable increase in the compensation for pain and humiliation is seen during the 1990s. The percentage of this type of remedy was 17.9% over the period 1980-89 and rose to 30.6% during 1990-98. The increase in the tendency of tribunals and courts to order punitive damages in compensation for discrimination is an important development in the 1990s that is making the cost of discrimination in the workplace somewhat more costly than was the case in the 1980s.

Table 5. Types of Remedies Ordered by Boards of Inquiry

Remedies Ordered	1980-89		1990-99		Total (1980- Period 99)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Compensation for lost wages/salary	16	23.5	12	13.6	28	17.9
Monetary compensation for pain and humiliation/ General damage payments/Compensation for loss of health and welfare	17	25.0	22	25.0	39	25.0
Compensation for differences in salary/wages	2	2.9	0	0.0	2	1.3
Reinstatement of the complainant	0	0.0	3	3.4	3	1.9
Offer of employment/promotion or consideration for employment at the next available job opening	2	2.9	5	5.7	7	4.5
Employer's assurance of continued cooperation with the Canadian Human Rights Commission and compliance with legislation	5	7.4	1	1.1	6	3.8
Human rights workshop for company executives	2	2.9	9	10.2	11	7.1
Letter of apology for complainant	2	2.9	6	6.8	8	5.1
Respondent to stop unlawful conduct	9	13.2	12	13.6	21	13.5
Amendment of hiring practices	1	1.5	0	0.0	1	0.6
Affirmative action program ordered	0	0.0	2	2.3	2	1.3
Pay interest on damages and lost wages/salary	5	7.4	4	4.5	9	5.8
Pay legal fees and costs incurred by complainant	2	2.9	2	2.3	4	2.6
Correct personnel files	0	0.0	2	2.3	2	1.3
Display human rights code	4	5.9	1	1.1	5	3.2
To be determined in a later date	1	1.5	7	8.0	8	5.1
Total *	68	100.0	88	100.0	156	100.0

- More than one remedy were ordered in most cases.

B. Characteristics of Respondents

In this section we review the main characteristics of respondents in the racial discrimination cases over the period 1980-98.

Table 6 presents the breakdown of cases by the industrial category of organisations. The highest percentage of complaints (N= 41, 34.7%) took place in the public administration sector, followed by the community, business, and personal services (N= 39, 33.1%) and manufacturing (N=16, 13.6%). Our results show an astonishingly high number of complaints brought against organisations in the public administration. There seems to be a surge in such complaints in the 1990s. The percentage of complaints against organisations in the public sector rose from 19.2% during the 1980s to 47% during the 1990s. Jain [1982] found only 11 % of complaints of race and sex discrimination in the public sector in his study.

**Table 6. Number of Cases by Industrial Category
(N = 118)**

Industrial Category	1980-89		1990-98		Total Period (1980-98)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Community, Business and Personal Services	25	48.1	14	21.2	39	33.1
Construction	--		2	3.0	2	1.7
Finance, Insurance and Real Estate	--		1	1.5	1	0.8
Manufacturing	8	15.4	8	12.1	16	13.6
Mines, Quarries, and Oil Wells	--		1	1.5	1	0.8
Public Administration	10	19.2	31	47.0	41	34.7
Transportation; Communication; Utilities	6	11.5	7	10.6	13	11.0
Trade	3	5.8	2	3.0	5	4.2
Total	52	100.0	66	100.0	118	100.0

Our analysis shows that governments, quasi-governments and crown corporations accounted for

48.3% of the total complaints. In 51.7 % of the cases the respondent organisation was a privately owned company. This table also shows the shift from a majority of cases in the private sector during the 1980s to a majority of these complaints in the public sector during the 1990s.

In a majority of cases (N= 69, 60.0%) the person accused of discrimination is the supervisor of the complainant. In other cases (N=17, 14.8%) both a supervisor and co-workers were involved. In 18 cases (15.7%) selection committees were named as respondents. Thus, an overwhelming majority of persons accused of racial discrimination were supervisors.

C. Characteristics of Complainants

In this section we look at some characteristics of individuals who were complainants of racial discrimination in employment. Table 7 shows that a vast majority of complaints came from white-collar employees (N= 88, 75.9%). The higher degree of complaints by white-collar employees can be explained by the fact that there may be more competition for job opportunities among white-collar employees. Also, white-collar jobs involve more interaction and interdependence between employees than is generally the case in blue-collar jobs. This could lead to more friction and conflicts of interests between employees, which could motivate racially discriminatory behaviour. Among white-collar complainants, a majority of complaints (6 out of 10 or 61.2%) came from employees in the professional, managerial, and technical groups. However, the data for the two sub-groups indicate that the number of cases involving blue collar complainants has increased substantially from 13.7% to 32.3% between the 1980s and the 1990s.

**Table 7. Distribution of Cases by Occupational Category of Complainants
(N = 116)**

Occupational Category of Complainant	1980-89		1990-99		Total Period (1980-99)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Blue Collar	7	13.7	21	32.3	28	24.1
Crafts and Foremen/Women	5	9.8	2	3.1	7	6.0
Labour/General Operatives	2	3.9	9	13.8	11	9.5
White Collar	44	86.3	44	67.7	88	75.9
Clerical	--		2	3.1	2	1.7

Professional/ Managerial/T echnical	39	76.5	32	49.2	71	61.2
Sales	--		1	1.5	1	0.9
Services	5	9.8	9	13.8	14	12.1
Total	51	100.0	65	100.0	116	100.0

Table 8 shows the breakdown of cases by complainants' racial minority identity. The largest share of complaints (N=38, 34.9%) came from Blacks followed by South Asians (N= 34, 31.2%). The data in this table indicate that individuals bringing complaints came from several racial groups in Canada. This shows that racial discrimination in the Canadian labor market is not restricted to a simple "White/non-White" classification.

**Table 8. Distribution of Cases by Complainant's Racial Minority Group
(N = 109)**

Racial Minority Group	1980-89		1990-98		Total Period (1980-98)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Aboriginal	2	4.1	8	13.3	10	9.2
Black	24	49.0	14	23.3	38	34.9
Caucasian	--	--	2	3.3	2	1.8
Latin American	--	--	3	5.0	3	2.8
Asian (Chinese, Philippino, Fijian)	5	10.2	4	6.7	9	8.3
South Asian (Indian, Sri Lankan, Pakistani)	16	32.7	18	30.0	34	31.2
Other Minority Groups	2	4.1	11	18.3	13	11.9
						0.0
Total	49	100.0	60	100.0	109	100.0

Table 9 shows the distribution of cases by sex of complainants. An overwhelming majority of cases (N= 79, 68.1%) involved male complainants. Many explanations can be given for this observation. It could be due to the lower labor force participation levels for women than men especially among racial minority groups. Furthermore, the fact that women are generally concentrated at lower level jobs where there is less

competition for job opportunities could also offer another explanation for the lower level of complaints by females.

Table 9. Distribution of Case by Sex of Complainant (N=116)

Sex of Complainant(s)	1980-99		1990-99		Total (1980-99)	
	No. of Cases	%	No. of Cases	%	No. of Cases	%
Female	14	28.6	19	28.8	33	28.7
Male	34	69.4	45	68.2	79	68.7
Male and Female	1	2.0	2	3.0	3	2.6
Total	49	100.0	66	100.0	115	100.0

CONCLUSION

Our analysis of legal cases indicates that racial discrimination in employment is a serious problem that prevents the efficient operation of the labor market and causes significant losses for the national economy in terms of underutilized human resources as well as the personal suffering and loss of fair opportunities to a large segment of the society. This phenomenon is complex and multidimensional. There are various theories reviewed in this study that examine the causes and consequences of racial discrimination in the labor markets. A recent trend among researchers and scholars in this field is to emphasize the social and psychological causes of this behavior in addition to its economic aspects.

The current study utilized data obtained from 119 legal cases to examine the scope, nature, and trends in racially discriminatory behavior in the Canadian labor market. Specific trends and characteristics of the problem which could be of significant interest to policy makers were identified in the empirical analysis. It seems that while racial discrimination is a persistent problem in the Canadian labor market, its manifestations in the 1990s are showing different trends in comparison with the previous decade.

Note:

(1) Two points have to be stated here regarding these cases. First, the cases published in the **Canadian Human Rights Reporter (CHRR)** do not necessarily include all the cases adjudicated by Boards of Inquiry across Canada since some of these cases are not published. Second, the cases adjudicated by Boards of Inquiry represent only the tip of the iceberg in terms of the total number of complaints brought to the various Human Rights Commissions across Canada. Most of these complaints are resolved at early stages by conciliation and mediation or dismissed for lack of sufficient evidence or a variety of other reasons.

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APPENDIX B: LETTER OF INFORMATION, CONSENT FORM, AND PROTOCOL FOR FOCUS GROUPS

LETTER OF INFORMATION (revised Mach 26, 1999)

[on letterhead]

Dear _____:

In association with Profesor Harish Jain at McMaster University, I am conducting a research study about racism in the culture of work places in Canada. The study is entitled “Systemic Racism in Employment in Canada: Diagnosing Systemic Racial Discrimination in Organizational Culture”. It is funded by the Canadian Race Relations Foundation. As part of the study, we are collecting information from women and men who have work experience, who identify themselves as having First Nations, Black, Asian, or South Asian ancestry, and who are willing to participate in a focus group discussion.

The focus groups will be conducted in locations convenient to participants, and will last about 90 minutes. The purpose of the focus groups is to allow participants to discuss their experiences and perceptions about what contributes to an equitable workplace environment, and what behaviors and social patterns contribute to racism in the workplace. The topics to be discussed are communication, decision making about peoples’ careers, and informal social interaction. These sessions will be tape recorded.

The focus group discussions are to be confidential. All participants will be asked to agree not to discuss what was said in the discussion with anyone outside the group. To ensure confidentiality, all names and other identifiers of individual participants will be removed from the transcripts of the tapes, and the tapes will be destroyed after they have been transcribed. Names of individual participants will not be identified in any reports or publications about the study. The emphasis will be on identifying general themes and patterns that emerge from the discussions.

Participation in the focus groups is voluntary. You may refuse to participate, decline to answer any questions, or withdraw from the focus group at any time. We believe that participants will incur no risks, and that the opportunity to exchange ideas in the focus group setting may be an informative learning experience for individuals. To help to defray any costs, such as parking, associated with participation, each participant will be offered ten dollars.

Your participation will make a valuable contribution to understanding the nature of racism in the culture of work places, and to developing assessment tools useful in identifying and dealing with racism. We hope that you will agree to participate, and that you will signify your agreement by signing the enclosed consent form.

If you have any questions about the project or your participation at any time please contact me at 519-679-2111, ext. 4937.

Sincerely,

Carol Agocs
Associate Professor

FOCUS GROUP PARTICIPANTS: **CONSENT FORM** (revised March 26, 1999)

Consent Form: “Systemic Racism in Employment in Canada: Diagnosing Systemic Racism in Organizational Culture”

I have read the Letter of Information and have had the nature of the study explained to me, and I agree to participate. All questions have been answered to my satisfaction.

Signature _____

Date _____

Name _____

Phone number _____

Protocol for Focus Group Interviews

1. Welcome and introductions:

FACILITATORS ARRIVE 1/2 HOUR BEFORE THE SESSION STARTS. SET UP THE TABLE WITH SEATING ALL AROUND, PENCILS AND PAPER, AND REFRESHMENTS. SET UP AND TEST THE TAPE RECORDER.

GREET EACH PARTICIPANT AS THEY ARRIVE. HELP THEM FIND A PLACE FOR COATS AND TO HELP THEMSELVES TO REFRESHMENTS.

BEGIN AT THE APPOINTED TIME. WHOEVER IS ASSISTING CAN HELP ANY LATECOMERS TO BE SEATED.

Welcome to our focus group, and thank you for taking the time to assist us in our research on racism in the workplace. We are conducting a series of 24 focus groups such as this one in an effort to learn as much as we can about what kinds of behaviours in the workplace hinder and help the equal participation and career development of people of various racial backgrounds. The study deals specifically with the culture of the workplace – that is, the ways in which people interact, communicate, and make decisions.

Based on what we learn from the focus groups, and from published human rights decisions, we will try to develop assessment tools that will help in identifying and dealing with racist behaviours that are part of workplace culture. We expect that these assessment tools will be helpful to human resources managers, unions, human rights commissions, and others who are working to improve the race relations climate in Canadian work places.

Our research team includes Prof. Harish Jain of the School of Business at McMaster. Here at Western, the project is being coordinated by Prof. Carol Agocs in Political Science, with the assistance of [research assistants].

I will be facilitating the discussion today, and [] is assisting.

The purpose of our discussion today is to learn your perspectives on the culture of the work place, based on your experience and thinking. I will be asking you to discuss a few general questions about this topic. The discussion will take 90 minutes and last until [time]. Of course you are free to leave the room at any time you choose, and may choose whether or not to discuss any of the questions I ask the group.

If you agree, we will tape record the discussion so that we can use the results for our research.

We have a few ground rules for the session.

First, we would ask you to agree that what is said in this room, stays in the room -- we want everyone to feel comfortable with being candid. These sessions are confidential -- all obvious identifiers will be removed when the tape is transcribed, so that no names or other identification will be included in the data we will be working with. Therefore, no participants' names will be used in any reports or other writings that come out of the project.

Second, we all need to realize that while there may be some similarities in experience and perspective among participants, we will find that members of the group will differ as well. There are no right or wrong answers to any of the questions you are asked to talk about -- we are not looking for any particular answers or viewpoints. The purpose of the discussion is to provide a chance for everyone to speak and to listen -- the contribution of each person is needed and will help to make the focus group a good source of information for us, and an interesting learning experience for you. We hope you will find the discussion informative.

Will it be ok with you if we tape record the discussion?

[If anyone says NO, thank them for their interest and excuse them from the session].

[If there is no objection to taping, test the equipment.]

Let's turn on the tape recorder and get started. Please try to speak up, and one at a time, so the mic will pick you up.

2. Discussion questions

(1) Let's go around the table and get acquainted a bit. Would you please briefly introduce yourself and tell us about where you're from, what kind of work you do, and why you are interested in the topic of racism in the work place. You could just say your first name or a nickname if you prefer.

(2) Thinking back on your work experience, what are the things in the day-to-day life of a work place that make it a fair and equitable environment in which to work? (repeat question)
You may want to take a minute to jot down some ideas before we start the discussion.

(3) Let's talk about communication in the workplaces you have experienced – how information gets passed around, and to whom, verbally or in writing. Have you experienced or observed any barriers to the circulation of information, barriers that could have something to do with race or gender?

Have you experienced or observed communication that you would consider inappropriate or harmful to persons of your background?

What do you feel are the important features of workplace communication that is equitable, supportive and appropriate?

(4) Now let's talk about how decisions are made in the work place. Looking back on your work experiences, what contributes to fairness in decisions that affect peoples' careers?

Have you experienced or observed barriers or unfairness on the basis of race in regard to decisions about people's careers? On the basis of gender?

(5) Now let's consider informal social interaction in the workplace. In your experience, what contributes to an inclusive, supportive working environment in terms of your informal relationships with others?

What creates inequality, discrimination or racism in informal social interaction in the workplace?

(6) If there were two or three things employers could do to create an equitable working environment for people of all races, and for both men and women, what would you like to see employers do?

In your experience, what should employers *not* do?

Note: The language of these draft questions needs to be adapted so as to be appropriate to the literacy levels, educational levels and/or occupations of focus group participants.

3. Closing

Thank you very much for your participation. This has been a thoughtful discussion, and the perspectives and experiences you contributed will be very helpful to our study. We hope you have gained something from the experience of participating, as well.

Let me remind you that we agreed that what was said in the room stays here when we leave. This is important in order to protect the confidentiality of all of you, and also to avoid the possibility of influencing others who might participate in one of our focus groups in the future.

If in the future you would like information on the results of the study, please feel free to get in touch with Prof. Carol Agocs at Western. [Give a business card to any interested participant].

Thanks again!

APPENDIX C: CODING PROTOCOL: ANALYSIS OF FOCUS GROUP TRANSCRIPTS

CODES FOR NUDIST ANALYSIS: CRRF PROJECT: FOCUS GROUP TRANSCRIPTS AND HUMAN RIGHTS CASES

Codes 1 to 6 are to be assigned to entire records, ie to each focus group transcript or human rights case as a whole

1. Gender (of FG participants or complainants)
 - (1) female
 - (2) male
 - (3) mixed composition (of group)

2. Racial/ethnic identification
 - (1) Black
 - (2) First Nations
 - (3) Asian
 - (4) South Asian
 - (5) Mixed composition (of group)

3. Number of participants
 - (1) 1
 - (2) 2
 - (3) 3
 - (4) 4
 - (5) 5
 - (6) 6
 - (7) 7
 - (8) 8
 - (9) more than 8

4. Age group of participants
 - (1) 20s: young workers
 - (2) experienced workers: 30s+

5. Occupational categories represented in the group
 - (1) professional/ managerial
 - (2) self employed
 - (3) technical
 - (4) clerical
 - (5) sales, retail
 - (6) blue collar (unskilled or semi-skilled manual)
 - (7) service
 - (8) student
 - (9) unemployed

6. Immigrants represented in the group?
 - (1) yes: group includes persons who immigrated to Canada as adults
 - (2) no

<p><i>CODES 7.XX AND 8.X ARE TO BE APPLIED TO SPECIFIC SEGMENTS OF TEXT FROM TRANSCRIPTS OR CASES. EACH QUOTATION (SEGMENT OF TEXT) IS TO BE ASSIGNED BOTH A 7 CODE AND AN 8 CODE.</i></p>

7. Behaviours (refers to behaviours of dominant groups in the workplace, as described by FG participants or HR complainants)

- (1) Say: verbal behaviour, statements
 - (2) Do: informal social behaviours
 - (3) Decisions
 - (1) hiring
 - (2) promotion
 - (3) job/ task assignment
 - (4) performance assessment
 - (5) pay
 - (6) accommodation of diversity (in making decisions)
 - (7) management style, decision making practices
 - (4) Norms: dominant group norms are standards to which minorities are expected to conform
 - (5) Stereotypes or assumptions held by dominant group members about minorities
 - (6) Values of dominant groups in the workplace, including management
 - (7) Numbers, representation of minorities in the workforce or in management
 - (8) Denial, refusal to respond to concerns expressed by minorities
 - (9) Quid pro quo: minorities suffer career or economic disadvantage on basis of race
 - (10) Unequal treatment discrimination: refusal to hire, firing, or other instance of clear unequal treatment on racial grounds
8. Standpoint represented in the quotation or selected text
- (1) direct experience
 - (2) observed or witnessed
 - (3) hearsay or general comment; expression of opinion
 - (4) observation by a dominant group member about treatment of minority group member(s)

APPENDIX D: RESULTS OF FIELDTESTING

1. Negotiating the field test

As a site for a field test of the draft organizational culture assessment instrument, we were fortunate to arrange the participation of a major public sector organization in Toronto that has a large and diverse work force, including representation of all four of the racial identity groups included in our research. This organization has a long standing commitment to employment equity and an employment equity program with expert staff who understood the need for a field test of our instrument. We began to work with the organization's designated contact person in August 1999 to arrange for the field test. The test site appeared to be ideal in terms of the size and diversity of staff, and we received a letter of agreement to conduct the test from the employer in October, 1999.

The employer required that all employees, not just racial minority employees, be invited to participate in the test. We accepted this condition, as it appeared to enhance what could be learned from the test. We were also encouraged to receive helpful criticisms of the draft questionnaire from two members of staff, and revised it accordingly.

However, events that followed resulted in a test that was far different from our research design, and our expectations. Numerous delays occurred because of absence of key people and the need to secure the approval of managers who needed to be satisfied that the wording of the questionnaire, and the test itself, would not create difficulties for them. Approval to proceed with the test survey was made contingent on revisions to the draft questionnaire that would remove troublesome wording and make the questionnaire shorter. The test was delayed from mid-December, 1999 to mid-January, 2000. When the field test was finally given the green light, only two small departments, totaling about 35 employees, were to receive the questionnaire.

2. Administration of the test questionnaire

The test questionnaire was finally distributed in during the week of January 20-27, 2000. Each employee in the test groups received a package which included : a covering memo from management endorsing the project, a letter of information from the researcher, a tear-off sheet on which the respondent could indicate interest in participating in a follow-up focus group, the 10 page questionnaire, and a reply envelop addressed to the staff member who was coordinating the test. The memo from management and the letter of information stated that participation was voluntary, that responses were anonymous, and that the purpose of the survey was to test the design and usefulness of the questionnaire (see letter of information in Appendix D). The staff member followed up to encourage participation, and a total of 14 completed questionnaires were received (a response rate of about 40 percent). Only one employee volunteered to participate in a focus group, and the staff member's email and personal follow-up requests for more volunteers did not produce results. We were told that employees were not inclined to participate because of the demands on them due to restructuring and change in the workplace. Consequently we were unable to conduct the focus groups that our research design called for, in order to seek employee suggestions and assessments concerning the draft questionnaire.

3. Results of the field test

Analysis of the 14 questionnaires provided useful information about the performance and potential of the questionnaire. The responses, including written comments, provided suggestions as to how to revise the questionnaire in order to improve it -- which was the purpose of the field test. The draft questionnaire contained the following sections:

1. Communication in the workplace
2. Informal social situations
3. Decision-making
 - a. hiring
 - b. promotion
 - c. job or task assignment

- d. performance appraisal
 - e. pay
 - f. accommodation of diversity
 - g. management style
4. Norms
 5. Stereotypes and assumptions
 6. Minority representation
 7. Employer response to concerns
 8. Checklist of behaviours found to be discriminatory by human rights tribunals or courts
 9. Employer's policy on racial and sexual harassment

A separate score was obtained for each section, thus yielding a battery of subtests on various aspects of organizational culture. The subtest scores were divided by the number of items in the subtest to yield an average score on a scale of 1 to 5 for each subtest. If an individual respondent left two or more items blank in a subtest, that person's scores were not included in the analysis of that subtest and the average was calculated on the basis of the number of items answered. Positively worded items, eg. indicating positive behaviours by management or co-workers, were reverse-coded for the analysis. The higher the score, the more often the respondent reported "never" or "seldom" experiencing or witnessing behaviours that had been mentioned as negative in the research we conducted with our earlier focus groups (described in Final Report).

Eight of the 14 respondents identified themselves as white, and 6 as members of racial minorities (2 Black, 2 East Asian, and 2 South Asian). No one indicated Aboriginal ancestry. Of the 14 respondents, 12 were women. Most employees were professionals, with a few middle managers and others, and most were long-service employees over the age of 40. Because the numbers were so small, the analysis simply compares racial minority and white employees' responses.

Previous research has found that white and racial minority employees may perceive the same work environment differently. Our small test also found this result, as shown in Table 1. The table shows that on every one of the sub-scales, the average score of white employees was higher than the average score of racial minority employees. This suggests that white employees were less likely than racial minority employees to have experienced or witnessed behaviours considered to create a chilly climate for minorities, and this was the case across the entire range of behaviours that the questionnaire asked about. Because most of the respondents were women, we could not examine differences in response related to gender.

Racial minority employees were also more likely to identify behaviours on the checklist that they had witnessed or experienced -- behaviours that human rights tribunals or courts had identified as discriminatory. It should be emphasized that only four employees marked any of the checklist items. The test site, as a setting with a high level of understanding of and commitment to employment equity, would be unlikely to exhibit numerous problems of this kind.

It was noted that the responses of Black employees indicated that they had witnessed or experienced more negative behaviours than any other group of employees. Unfortunately the small numbers of respondents make this observation merely suggestive and indicative of the need for further study.

These findings suggest the importance of ensuring that a diagnosis of organizational culture involves employees who are members of racial minorities to the maximum extent possible. There might also be merit in involving white employees, both to include information about what they have witnessed, and also as an educational process. It is unclear what the impact in the workplace might be of feeding back to employees the results of a diagnosis of racism in organizational culture. This might create elevated levels of harmful conflict, or it might assist in raising the consciousness of white employees regarding how their perceptions differ from those of minority employees. Clearly such an exercise would need to be handled with great skill and sensitivity.

Table 1: Average Scores on a Five Point Scale: Test Survey Subscales

Scale	# of items	Racial Minority Employees N=6	White Employees N=8
Communication	27	3.77	4.12
Informal social sit.	17	3.61	4.35
Decision making:			
Hiring	6	3.20	3.88
Promotion	10	2.74	3.53
Job assign.	8	3.63	4.29
Perf.app.	8	2.58	3.59
Pay	3	3.60	4.57
Accomm.	7	2.90	3.34
Mgmt. Style	9	2.87	3.32
Norms	9	2.80	3.34
Stereotypes	8	3.28	3.63
Representation	7	2.71	3.27
Employer response	8	2.43	2.96
Checklist	21	3.00	1.13

4. Changes in the draft instrument as a result of field testing

The purpose of the field test was to produce suggestions for improving the diagnostic instruments. The following considerations for re-designing the instrument were identified:

- a) Items that were left blank by three respondents were identified for possible deletion from the questionnaire, after further assessment to ascertain whether these items are unclear. These are items numbered 71, 72, 75, 92, 111, and 123.
- b) An initial item analysis was done to check the variance in responses. Some items showed low variance while variance was larger for others. This issue needs to be further examined and interpreted. We would expect some variance, perhaps related to whether the respondent was a member of a racial minority, and therefore in a better position to experience or witness the kinds of behaviours the questions asked about..
- c) More thought needs to be given to the question of whether to allow for a "don't know" or "unable to respond" response category for each item. The test instrument did not have such a category, We instructed respondents to mark 5 (never) if they had not ever seen or experienced the behaviour referred to in the question. However, it may be that some questions presuppose knowledge or experience that the respondent may not have, and that a way to indicate this needs to be provided. One respondent wrote in the following helpful comment:
- d) "Some questions I didn't feel I could answer due to either lack of understanding of the question or lack of knowledge of issue".
- e) Perhaps there is an important difference between never having seen or experienced behaviour that it may have been possible for the person to witness, and never having been in a position to have seen it (eg. not involved in hiring, so not in a position to see what goes on).
- f) On the question about policy, respondents differed. The general view seemed to be that the policy on human rights and harassment exists but is not clearly understood, or effectively communicated. There needs to be another response alternative to the effect that the policy exists but is not clearly understood, nor is it effectively communicated.

- g) Our original research design called for two parallel sets of response alternatives for each item, one dealing with the organization as a whole, and one dealing with the respondent's specific work setting. As part of management's requirement that we shorten the questionnaire, we provided only one set of response alternatives, for "the workplace where you are now employed". This formulation may be too vague. Perhaps there should be two sets of response alternatives, or only one set that relates specifically to the employee's work unit. One employee wrote the following comment::
- h) "I work in one section and have little to do with the larger organization. Human rights professionals work in my unit and we all have backgrounds that include human rights and employment equity,. We are a somewhat diverse group and include visible minorities ad immigrants (non-visible). I don't know what attitudes and behaviours exist in the larger organization. ..."
- i) One respondent indicated that "usually" may have been a more appropriate response alternative than "often" and "always". This suggestion should be considered.
- j) Thought needs to be given to how to word items dealing with behaviours that may be customary in a workplace and that affect all employees, not just racial minorities and women. This issue came up in the focus groups from which the test items were drawn. The point is that a workplace that has inflexible policies, unsupportive management, etc. is a negative environment for everyone, not just racial minorities and women. Or if it is not seen as negative, then it is just the way it is for everyone.
- k) 8. The instructions need to be made more clear for the checklist "Please put an X in the box next to any statement that describes a behaviour you have experienced or observed in your workplace during the past 12 months."
- l) One respondent wrote in a comment that some items (# 39-44 and 92) assume stereotypes. This matter needs further scrutiny. The same respondent wrote that items 49-86 were not clear: was experience or perception being asked for?
- m) Consideration should be given to how to deal with items that are left blank. In this analysis of the field test data, subtest averages were calculated based on completed items. Perhaps reverse-coding the entire questionnaire should be considered,
- n) The questionnaire needs to be customized, to some extent, to deal with a specific work environment. Eg. question 80, dealing with work clothes, was not useful in a professional work setting.
- o) One respondent wrote in that there were problems in the workplace due to "the expectation that women work long hours (detrimental to family life), and that there was no support for alternate work arrangements to support family responsibilities/ personal needs." Perhaps specific items dealing with these issues need to be added.

Respondents to the test questionnaire were asked to record how long it took them to complete it. We had expected that it could be completed in 30 to 45 minutes. The test showed that employees took an average of 32 minutes to complete the instrument -- a satisfying result. There is no need to shorten the instrument.

The questionnaire provided three spaces where respondents were invited to write in any thoughts, criticisms of the questionnaire, or other comments. A few comments were received, including:

1. A comment that qualified one of the responses the individual had marked.
2. A criticism that people with disabilities were not included in the questionnaire.
3. see points 3, 5 and 12 above.

5. Further study

Several indications for further testing and development of the instrument remain after this small field test:

1. There is a need for further field testing in with larger groups of employees, and diverse groups of employees, in order to assess the responses of different groups of racial minority employees, and of both men and women. For example, how does gender and racial minority membership relate to responses to items that deal specifically with the experience of women, or Blacks, South Asians, Asians, or Aboriginal people?
2. There is need for testing in a variety of work environments, including less progressive settings, settings other than white collar and professional, and private as well as public sector.
3. Focus groups should be conducted with participating employees to assess their response to the instrument. However, based on our experience with this test, arranging such a test is probably next to impossible. Management will be very leery of negative consequences if employees produce a diagnosis that identifies problems linked to race, or wary of employee backlash to the questionnaire itself. There is no easy answer to this dilemma.
4. More work needs to be done to assess the possible uses of an instrument of this kind. For example, does it have potential as a tool in diagnosing systemic discrimination in organizations named in human rights complaints? Could it be used by organizations wising to take their own temperature in relation to chilly climate issues related to race and gender, as part of an employment equity or diversity program? These questions would require consultation with legal experts, human resource managers, and others.