Racial Harassment in the Workplace: A Discursive Exploration

by

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A thesis submitted in conformity with the requirements for the degree of Master of Arts
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Abstract

Racial harassment, a significant obstacle facing racial/ethnic minorities in the Canadian workplace, continues to be ignored as a social problem worthy of serious attention. Within the Ontario Human Rights Commission, Officers and Boards of Inquiry regularly dismiss complaints. In workplace training programs, the problem remains largely buried under race, colour and power evasive discourses. In this thesis, I explore the discourses and discursive practices within these sites that normalize and justify racial harassment, and allow people to secure innocent status for themselves. I argue that because the judiciary and workplace training programs play a significant role in shaping popular understandings of racial harassment, they must employ new discourses that name racial harassment as serious violation. They must also establish victim's perspectives as the basis for assessing harm. I propose that as a powerful tool for social change, anti-racism education offers the most potential as a practical strategy to effect this change.
Writing this thesis has proved to be the most difficult, stressful and time consuming challenge I have faced to date. The journey, governed by procrastination and characterized by painstakingly slow progress, was made both possible and bearable by the support of family and friends.

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Chapter 1: Introduction

1.1 The Project

The practice of racial harassment flourishes in Canadian workplaces and represents a significant barrier to the full and equal participation of visible minorities in the workforce. Evidence lies in the statistics generated by human rights commissions -- the government agencies responsible for handling racial harassment complaints. As of 1993, the proportion of new complaints at the Ontario Human Rights Commission (OHRC) taken on the basis of race and colour outnumbered all other types of complaints except those based on disability¹ (Nipp, 1995, p. 2). Tracking formal complaints, however, cannot gauge the scope of the problem, as many people do not report incidents of racial harassment. Recent immigrants, for example, are less likely to fight back. As MacKenzie (1995) notes:

Whether visible minorities see themselves as somehow deserving less because they are new to Canada, or whether they accept discrimination as just an element of immigrant life, victims are viewing discrimination and abuse as a normal social experience. [italics mine] (p. 292)

Even when race-based complaints are lodged, their success rate remains low. At the federal level, a study of the handling of racial discrimination cases by the Canadian Human Rights Commission (CHRC) found these cases were dismissed more often

¹ Race/colour based case openings increased from just over 200 in 1988/89 to approximately 450 in 1992/93, while sexual harassment claims in that year numbered approximately 250 (Nipp 1995 p. 3).
than those based on gender, age, marital status and physical disability$^2$ (Reeves and Frideres, 1985, p. 147).

If those in the public agencies established as a watchdog over race based complaints tend to dismiss the problem, how then do employers view racial harassment? A 1985 survey$^3$ designed to elicit management perspectives on racial discrimination provides some indication. Analysis of responses to questions regarding inter-racial conflict revealed the tendency of Canadian managers to deny or mask the existence of race-related problems. While fifty-four percent of those surveyed acknowledged racial conflict, most indicated that they did not necessarily view the situations as racial problems. Billingsley and Muszynski note:

Frequently, respondents made comments that although racial slurs had been exchanged, or although complaints of discriminatory treatment were heard, "It wasn't a real problem", or that race was only a small insignificant component in a "personality clash." (p. 38)

Twenty percent of these managers identified tensions between majority and minority racial groups expressed in racial slurs and/or jokes throughout the workplace, and discomfort or alienation between groups in the lunchroom and other social areas. Billingsley and Muszynski reported that, in most cases, the employers made no effort to address inter-racial tensions or curb racial joking: instead, they viewed such behaviour as a normal part of social interaction.

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$^2$ Data from the CHRC indicates that in 1983, 80% of the cases involving race/colour were dismissed as were 91% of those dealing with factors of national/ethnic origins (Reeves and Frideres, 1985 p. 144).

$^3$ No Discrimination Here? Toronto Employers and the Multiracial Workforce? (Billingsley and Muszynski, 1985) is the second phase of a project on racial discrimination in employment conducted jointly by the Social Planning Council and the Urban Alliance on Race Relations. The first phase, Who Gets the Work? A Test of Racial Discrimination in Employment (Frances and Ginsberg, 1985) examines discrimination against visible minorities in hiring practices.
These studies point to the need for new discourses, which name racial harassment as violation and perpetrators as wrong, to be inserted in both the workplace and the legal system. In this thesis I investigate the discourses and discursive practices within these sites which justify and normalize racial harassment. Specifically, I consider how the deployment of such discourses enables workplace training programs and the OHRC -- despite the presence of legislation and organizational policies condemning racist conduct -- to dismiss racial harassment as a normal part of social interaction.

At first I considered the possibility that racial harassment complaints fail to be taken seriously due to poor public relations: that there has yet to occur any major scandal involving public officials accused of racist comments or conduct to catapult the problem into our collective consciousness. Consider the history of sexual harassment. In the early 1970's, feminists first named and conceptualized the experiences of working women as sexual harassment. While such conduct had always occurred, prior to this naming no term captured "the debasement, violation and wrongness of sexual harassment" (Wood, 1994, p.18). Without a socially legitimated label, women's attempts to talk about sexual harassment were limited to either the simplistic language of "and then he," or the discourse of romantic involvement. As Wood (1994) notes,

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4 I understand discursive practices to be modes of behaviour, turns of speech and and/or representational conventions which sustain or undermine the legitimacy of a particular discourse. A discourse is a set of such practices which plays a constitutive role in how we make sense of the world, and which makes available to us the subject positions that shape our identity.

5 In Canada, Backhouse and Cohen's 1978 groundbreaking work on the subject coincided with Mackinnon's 1979 book that tied harassment to sex discrimination.
terms such as "pushy," "pass," "advance," and "went too far" egregious misinterpret unwelcome violations that humiliate and invoke implied or explicit threats to professional standing. (p. 18)

Through years of activism and scholarship, feminists named sexual harassment into public consciousness (Wood, 1994, p.18). Their efforts forced the issue into the legal system, where sexual harassment is now recognized as a legal claim, and onto university campuses, which were among the first institutions to develop sexual harassment policies and procedures.

Despite institutional recognition, however, mainstream interest in sexual harassment did not pique until 1990. Almost twenty years later, the North American public watched attentively as Anita Hill, a law professor of colour, charged U.S. supreme court nominee Justice Clarence Thomas, a man of colour, with sexual harassment. The actions of the all white all male Senate Committee, displayed during the widely televised hearings, infuriated female spectators: first the Committee ignored Hill's charges, then they assaulted her character and questioned her motives and mental stability, and finally they confirmed Thomas' nomination (Langelan, 1993, p. 27).

The Hill/Thomas hearings, along with other high profile cases in the United States, reaffirmed the social problem status of sexual harassment, further establishing it in social vocabularies:

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6It is important to note that it took two black bodies to bring the issue of sexual harassment to public consciousness, suggesting that race and racism played a significant role in raising awareness.

7For example, the sexual harassment cover-up within the United States Navy popularly known as "Tailhook". More than eighty women were sexually harassed during the Navy Pilots 1991 convention in Las Vegas. Lieutenant Paula Coughlin met with resistance from fellow officers and the administration when she reported the matter. In June 1992 Coughlin took the story public, and her actions led to the demotion of the Secretary of the Navy (Langelan, 1993, pp. 29-30).
At that historic moment, something in the underlying structure of society shifted and cracked open. A cultural taboo crumbled. Instead of shame and silence, millions of women who had been harassed responded with honesty and anger. In the aftermath of the Hill-Thomas hearings, stories of women's experiences with sexual harassment came pouring out as women began to talk openly about the incidents that humiliated and enraged them.... From that moment on, there was no going back. (Langelan, 1993, p. 28)

Hill's bravery empowered Canadian women to take action. In the early 1990's, the OHRC experienced a dramatic increase in sexual harassment complaints (Se'ver, 1996, p. 190). Many professional organizations and businesses responded to the events by developing comprehensive sexual harassment policies. Some even invested in employee training, addressing the troublesome issues of gender and power for the first time.

Despite the tremendous amount of activism and scholarship surrounding issues of race and racism, the problem of racial harassment continues to be overlooked by the social sciences, mishandled within the legal system, and remains buried under race, colour, and power evasive discourses in the workplace.\(^8\) Considering the benefits accrued by the Hill/Thomas hearings, I wondered whether or not racial harassment simply required better publicity. Would a well-publicized case prevent employers, human rights officials, and even victims themselves from

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8 Se'ver (1996) argues that despite the social problem status that sexual harassment has achieved in the mass media, government and business, it remains persistently neglected by mainstream social science. Instead, the study of the problem is relegated to exclusively gender based journals.

9 These discourses are best exemplified by the discourse of diversity to be elaborated upon in chapter three.
dismissing such harassment as normal? How might the problem become established in our social vocabularies and associated with serious wrongdoing?

Two alleged incidents of racial harassment, which took place in the early 1990's in southern Ontario, offer vital insight into these questions. Though not nearly to the scale of the Hill/Thomas hearings, the charges of racial harassment levied against a university professor and then later a 'beloved' public figure generated considerable attention from the Canadian media.

In December of 1991, a student at the University of Western Ontario (UWO) in London lodged an informal complaint with the Race Relations Office alleging racial harassment against a tenured female professor. The student sought a letter of apology for a racist statement made during a class. After attempts at informal mediation failed, an external adjudicator was engaged to review the case.

The charge of racial harassment enraged members of the faculty, administration and local news media who flooded London newspapers with articles and letters in defense of the professor. They painted race relations and sexual harassment officers as 'politically correct' police, destroying freedom of speech and using policy as a weapon. A London journalist even suggested that using racist language, conduct prohibited by both a UWO policy statement and the Ontario Human Rights Code, should not be considered an offence:

It should go without saying that if any racist engages in physical [my emphasis] intimidation or violence on campus, if any sexist so much as touches a female student inappropriately, the long arm of the law
should reach out and prosecute the offender. Abusive words are
entirely different. (Leishman cited in MadhavaRau, 1995, p. 327)

Through the coverage, the professor emerged as the innocent victim of a
totalitarian regime, while the Race Relations Officer who handled the complaint
became the harasser. In the end, the external reviewer determined that the
complaint did not constitute racial harassment. Following the dismissal of the case,
the accused professor demanded and won a full apology from the University,
payment of legal costs and related expenses, and compensation in the amount of
one year's salary.

In the spring of 1992, public attention turned towards June Callwood, an
Order of Canada recipient widely admired for her liberal views and good works,
when she quit her position on the board of directors of Nellie's, the Toronto
women's hostel she founded. Her departure followed the demand for her
resignation on the basis of emotional and verbal abuse, or racial harassment,
towards staff members of colour during a December 1991 board meeting.

Callwood's resignation sparked a heated debate in the pages of Canadian
newspapers and magazines. The idea that a respected feminist icon and civil
libertarian could be guilty of racism left many Canadians incensed. Callwood, also a
well respected journalist, found sympathy from her well placed colleagues. If
Callwood is a racist, argued Burton in The Toronto Star, then the word has lost all
meaning (p. 6). In Toronto Life Dewar questioned whether or not anyone seriously
thought Callwood to be a racist, as "racists are people who believe in the supremacy
of one race over another and are willing to enforce their ideas by any means,
including violence" (p. 34). Freedman pointed out in *Saturday Night*, that
Callwood's outspoken and hands-on approach, as well as her impatience and
impertinence, made her easy to single out and blame (p. 43).

Since the publicity surrounding the UWO professor and Callwood incidents
did not lead to the naming and confirmation of racial harassment as violation, the
question remained as to why the public's reactions to these cases differed so greatly
from their responses to high profile cases of sexual harassment. I would not
hesitate to speculate that the answer lies in the media's outrage over allegations of
racism. For most white Canadians, race remains an unsettling issue and a taboo
topic (Dei, 1999). We see ourselves as a democratic people motivated by and
committed to the egalitarian values of fairness, justice, and racial equality (Henry
and Tator, 1994). The possibility and implications of being labeled racist conflict
with this understanding, as it suggests intolerance and moral bankruptcy. If the
UWO professor and Callwood were found to have committed racial harassment,
they would by de facto be racists. What then would that make us?

In order to establish our own innocence along with that of both Callwood and
the UWO professor, journalists invoked the socially legitimated discourse for
describing racist activities: that of racism as the hostile or violent acts of a lunatic
fringe. Most white Canadians define racism only as nasty name-calling, overt
discrimination or vicious acts perpetuated by sick or bad people acting out of
malicious intent. Experiences of racial harassment, however, do not always include
"hard, convincing-beyond-a-doubt evidence such as bodily harm or explicit
derogatory statements" (Moghissi, 1993, p. 223). The perpetrators are not usually white supremacists or other extremists. Racial harassment consists of unwelcome comment or conduct which refers to, alludes to, or emphasizes the race or race-related characteristics of an individual or group of people. Often it takes on a subtle and everyday nature, slipping in and out of the casual conversations and seemingly innocuous interactions of average people.

Constructing racism as violent/malicious acts erases the personal injury caused by racially abusive language or images used by large numbers of people in their everyday lives. It can be understood as a discursive move which normalizes and justifies racial harassment, and allows people to secure innocent status for themselves. In this thesis I explore how various discourses and discursive practices operate as 'moves to innocence' or strategies to remove involvement in and culpability for racist practices (Mawhinney, 1998, p.17).

At this point I should note that my work examines harassment through the lens of race. My intent, however, is not to negate other markers of social difference such as class, gender and disability upon which experiences of discrimination and harassment are also based. I choose to focus on racial harassment because of the

10 In fact, MadhavaRau (1995) notes that it now appears "more hurtful to call someone a "racist" than a "Paki," "Nigger," or "Chink"" (p. 334).
11 One can now engage in racist discourses without making any explicit reference to race (Omi and Winant, 1997). As Dei notes, "words and phrases such as 'welfare mothers', 'criminals', foreigners', and 'immigrants' have become synonymous with 'Black' and minoritized groups in the New Rights racial politics" (Dei, 1999, p. 18).
12 My definition derives from the one offered by the Ontario Human Rights Commission's policy statement interpreting the Ontario Human Rights Code provisions on harassment. A detailed examination of legal approaches to harassment follows in chapter 3.
13 Mawhinney’s (1998) use of this concept draws upon Fellows and Razack’s (1998) idea of the 'race to innocence' defined as efforts to align oneself "with one's position(s) of oppression while de-emphasizing the ways in which one exercises power and privilege" (Mawhinney, 1998 p. 109). For my own understanding of the need to challenge positions and claims of innocence I am indebted to Razack's 1998 work Looking White people in the Eye.
14 I am also aware that for racial minority women, conceptualizing racial and sexual harassment as distinct categories does not necessarily address their experiences, as it may be impossible to attribute the harassment
silences surrounding this problem in both academia and workplaces, despite the explosion of interest in sexual harassment. This choice stems from a political commitment to acknowledging the saliency of race as a factor that governs social relations in general, and specifically the experiences of people of colour in the workplace (see also Dei, 1996; Dei, 1999). My decision also represents a strategic prioritizing given the necessarily limited scope of my project.

Race and racism therefore form the basis of chapter two, beginning with an exploration of the possibilities and limitations that my own racial identity poses for anti-racism work. A brief consideration of the concept of race, reaffirming its importance as a fundamental principle of identity formation and social organization follows. I also examine various theoretical perspectives on racism to establish the most appropriate framework from which to conceptualize racial harassment as a discursive practice.

Chapter three evaluates the effectiveness of human rights law in providing redress for racial harassment in the workplace. I begin by identifying the statutory protections against harassment in the Ontario Human Rights Code (OHR Code), and interpretations of the provisions in the OHRC policy statement on racial harassment. Then I expose the discursive moves employed by the OHRC members to dismiss claims of racial harassment and establish the innocence of respondents.

Chapter four evaluates three training frameworks used by organizations to respond to race-related issues — legislative compliance training, diversity training and anti-racism education. I demonstrate how the first two of these models,

and/or discrimination they face to either their colour or gender when both seem inextricably intertwined (Duclos, 1993, p. 32).
currently popular within the private sector, allow participants to deny complicity in racist practices and to secure innocent status for themselves. Finally, I consider anti-racism education's potential in challenging racial harassment.

Two points of departure direct the remainder of this chapter. First, I consider some of the words, definitions and language that I use throughout this thesis. Secondly, I explain how and why I became interested in questions surrounding racial harassment.

1.2 Terminology

I begin with a brief consideration of the language that I have chosen to use in my thesis, a move that I consider vital for two reasons. First, terminology is never innocent: "any definition is incomplete and necessarily excludes as it defines" (Mawhinney, 1998, p.24). Secondly, considering white people's history of creating pejorative "racial" distinctions and labels for those perceived as different, limiting my discussion of terminology to a glossary or simple process of identification would be irresponsible. The act of naming oneself differs from that of naming groups differently positioned by racial categorizations and inequalities. While naming oneself can be an empowering experience, naming others can have the opposite effect, as it illuminates "the power of the namer over the named" (Duclos, 1993, p. 28).

In this thesis, I use the term "white" to identify myself, a woman of French and Irish descent, and people of Northern European origin. When highlighting my skin colour, I intend to signal my understanding of whiteness as a set of locations and a system constructed for social privilege and economic gain. I see white as a
colour, conditional upon the categorization of people by socially selected physical characteristics. The declaration "I am white" renders my whiteness visible to those who deny or forget its existence. Such naming remains a vital step in working for anti-racist change.

When I need to refer specifically to those who are not white skinned, I use the term "women/men/people of colour". However I use these terms, as I do "white," for their descriptive value. I understand that "people of colour" can mistakenly convey subordinate groups as the essential subjects of a single experience or system of racism. I employ the term "racial/ethnic minority" to identify those people most likely to be racially harassed. The "racial" component in my definition confirms that skin colour continues to determine which individuals and groups will receive different and/or preferential treatment. As a phenotypical characteristic, it "is a biological marker conventionally viewed as absolute, fixed and determinate of race" (Dei, 1999, p. 27).

Yet skin colour is not the only marker of difference. "Ethnic" minorities can also be the victims of racial harassment. New forms of cultural racism racialize groups for unequal treatment based on supposed biological, phenotypical and cultural characteristics (Dei, 1999, p. 27). Here, assumptions of racial inferiority are ascribed to a variety of ethnic minorities whose cultural, language, religious or behavioural characteristics are assumed to deviate from the norm (Kallen, 1995, p. 19).

I also find the term "racial/ethnic minority" relevant for my work because it incorporates my position and perspective as a dominant group member. Duclos
points out that the term emphasizes the external or outsider perceptions of people as racially other, and recognizes experiences of discrimination by alerting the reader to the subordination of a group (Duclos, 1993, p. 28). However, it is equally important to note that identifying racial and ethnic groups as minorities can mislead since the people identified as minorities in Canada are not a minority globally (Thomas and Novogrodsky, 1983, p. 3).

I avoid the state created and imposed term "visible minority". Brand and Carty (1988) find the term ahistorical, as it denies "any race or class recognition, and more importantly, of class struggle or struggle against racism" (p. 39). It also tends to exclude Latin Americans, Southern Europeans, and people from the Middle East -- ethnic groups often perceived as non-white (Thomas and Novogrodsky, 1983, p. 3).

1.3 Motivations

While my personal commitment to challenging racism emerged through my studies at OISE/UT, my desire to write about racial harassment in the workplace was actually sparked by a job proposal. In the spring of 1995 I began working part-time as a contractual employee at a small, and newly formed organization of professional third party fact-finders, mediators, and arbitrators. This firm assists organizations in resolving disputes that arise over sexual and/or racial harassment in the workplace through investigations and various methods of dispute resolution. Although I had a limited background in the field of alternative dispute resolution, the firm determined that my study of equity as a graduate student, and the skills that I developed in ethnographic research, interviewing and writing, qualified me to
work for an organization staffed entirely by lawyers. For several months I assisted in conducting fact-finding investigations into complaints of sexual and racial harassment in the workplace.

With each new investigation, my roles and responsibilities grew. Starting with general administrative duties -- transcribing interviews and editing final reports -- I eventually conducted a small scale investigation on my own. In July of 1995, I was asked whether I would be interested in developing a one day "diversity" training program for the workplace. The firm was conducting an increasing number of investigations into complaints of racial harassment, but had not yet developed any race-related training. At the time, the organization offered only a training program designed to raise awareness about sexual harassment.

I accepted the offer with some reluctance. While I felt confident in my theoretical understanding of racism, I questioned whether or not I had any right, as a white woman, to be solely responsible for the development and leadership of a seminar on race. The fact that I would be financially compensated for my efforts compelled me to consider whether or not a white person should accept one of the scarce paid positions in anti-racism. As the editorial collective of the Doris Marshall Institute for Education and Action (1994) points out, the space, resources and recognition for anti-racist work that white people acquire/take is often at the expense of Aboriginal people and persons of colour who fight racism everyday (p. 20). The collective insists that all genuine anti-racist work must ask the question, "Who benefits from current efforts in anti-racism?"(p. 21)
Such challenges forced me to consider the professional and financial advantages that I/other white people might gain from the seminar. What role can/should whites play in such enterprises? Involvement in anti-racist work affects the careers of people of colour differently than whites. When people of colour do anti-racist work, they may be branded "too political" or considered to "have a chip on their shoulder," while whites doing similar work may be viewed as "progressive." However, sometimes such work would not get done at all without the presence of a white participant. Whiteness can make access into extremely conservative organizations a possibility. As anti-racist educator Dei (1996) notes "whiteness has a history of unquestioned access that most other races do not have" (p. 50). Dei insists that in joining the struggle for anti-racist change, whites need to recognize "both their privileged positions and how they can use these positions to advance the cause for social justice and transformative change in society" (p. 50).

White people can also use their skin colour as a springboard to explore with other whites a vital piece of critical anti-racism education: the challenging of white privilege. Given the likelihood of racially mixed seminar audiences, I decided that by naming my whiteness and its attendant advantages I could play a vital role in the seminar. I did, however, decide that the perspective of a person of colour who could recount experiences of oppression/resistance would also be necessary. It seemed to me that a mixed race/gender team could respond most effectively to the concerns and experiences of potentially diverse audiences. Our voices would serve as a starting point to talk about racism as a form of social oppression. As a solution, I proposed to the firm that I select a partner to assist in the seminar's development
and facilitation. The firm agreed, and I approached a male colleague of colour who I knew to be involved in anti-racist work.

Despite conducting preliminary research into a training program, we eventually shelved the project. Unfortunately, a series of events put an end to our training plans: the firm moved outside of Toronto, and I decided to focus full time on the completion of this thesis, the final requirement for my Master of Arts degree. However, the loss of this particular opportunity at paid employment in the field of race relations had no significant impact on my commitment to anti-racism education as my interest in challenging racial harassment still remains.
Chapter 2: Race and Racism

2.1 Introduction

I return again to my whiteness, this time as a point from which to reflect upon my family and academic history, and to launch an examination of race and racism. According to hooks (1990), many of the scholars, critics and writers, who jumped on the recent trend to theorize about race, begin their work with an assertion of their whiteness. She notes, however, that such acknowledgment by itself fails to reveal their standpoint, direction or the process that enabled their perspectives to shift. For hooks, this knowledge is critical in developing solidarity since "it can enhance awareness of the epistemological shifts that enable all of us to move in new and oppositional directions" (p. 54). But there is more to hooks' insistence that white scholars explore the shift in their work to race and difference. She suggests that such transitions may have more to do with current academic fashion than a commitment to real transformation. Thus, hooks encourages white thinkers to question the frequently held assumption that writing about race necessarily certifies anti-racist behavior.

In response to hooks' challenges, I would like to point out that I do not see this work as my own "move to innocence". I understand that writing about racial harassment does not erase the ways in which I have been complicit in racist practices, nor does it negate the probability that I will continue to be, on occasion, compliant to my privilege. I also know that as a white skinned woman I will never experience the harassment about which I write. Furthermore, I understand the contradictions inherent in my commitment to anti-racism. As Chater (1994) asks, why would I choose to "bite the hand that feeds" privilege? She notes that "it is a particular challenge when speaking from a position of privilege to advocate a complete transformation of the ideologies, structures and everyday practices which
re/produce that very privilege” (p. 100). Like hooks, she suggests that we name our motivations in order to build alliances with women and men of colour. Bishop (1994) concurs, arguing that the reasons why people decide to become allies provide vital insights into the possibilities for social change.

I begin this chapter by reflecting on the journey that has lead me to anti-racist work. During this navigation, I consider how my family, education and lived experiences shaped my early conceptions of race and racism. I follow with a brief examination of the concept of race, as it is both the site from which I gain privilege and my entry point into harassment. I attempt to establish the salience of the concept, and to demonstrate how popular narratives which deny its existence prevent anti-racist change. Finally, as my project concerns the social practice of racism, I consider various theoretical perspectives in order to determine which is best suited to a discursive conceptualization of harassment.

2.2 White Privilege: Family, Education and Lived Experience

My story, though not particularly unique, remains relevant given the strength of Canadian narratives of innocence which deny the saliency of race and “moves to innocence” which deny responsibility for racist practices (Razack 1998). I was raised to be a racist -- Canadian style. I grew up in what Cannon (1995) refers to as the suburbs of Canadian racism's invisible empire (p. 7). That is, racism very quietly, yet pervasively, wove its way into the fabric of my life. Its agents were not Klansmen, nor was it buttressed by the type of overt racial conflicts deemed worthy of media coverage like those, for example, in South Africa or the United States. Instead, it wound its way into my consciousness through encounters with everyday Canadians. These were nice people who differentiated themselves from their racist

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1 The autobiographical work of white feminist antiracism educator Barb Thomas and white feminist academic Minnie Bruce Pratt significantly influenced this exploration.
neighbors to the south by publicly rejecting obvious acts of racial hatred, and patting themselves on the back for their fair-mindedness and lack of prejudice. They were people like my adoptive parents -- my father, the son of working-class Italian immigrants, and my mother, reared by her wealthy British grandmother. They were people like the white teachers at the public school that I attended, a school which became increasingly racially diverse during the mid-1970s. I was taught by these role models not to see myself as racist, since racism was understood to rise out of individual acts of hatred.

I spent my first eleven years growing up in a middle-class suburb in North York. I learned, like other good Christian Canadian children, that while one should love thy neighbors, too many of the wrong type decreased property values and contributed to rising crime rates. I understood the unacceptability of overtly racist language, but knew that its use would not elicit the punishment of a mouth washing with soap like the use of a common swear word could. I cannot remember my parents ever using racial slurs, but I do recall discussion about the increasing number of non-white, non Canadian-born tenants of the apartment buildings located near the school that I attended with my brother and sister. Apparently, the buildings were falling into a state of disrepair because "those people" were trying to grow rice paddies in their apartments, or were bringing cockroaches over from their home countries in suitcases. At the time, I was totally unaware of the racist implications of these myths and stereotypes. Nor did I understand how these codified comments taught me to attach negative images to people of colour. I was, like so many white Canadian children of northern European descent, slowly constructing an interpretation of race that simultaneously denied it (Sleeter, 1993 p. 161). We eventually moved out of the area, a decision motivated by the "changes" happening in the neighborhood and my father's increasing financial success. We relocated to Oakville, and settled in amongst other upper middle-class whites.
It was not until I was in my early twenties as an undergraduate at Queen's University that my professors encouraged me to consider how racism had informed my life. During my third year I took an introductory women's studies course, a move that precipitated a change from majoring in politics to women's studies. In the courses that I selected, gender was rarely considered in isolation: the intersections of race, class and gender informed the curricula and our discussions. I became familiar with the writings of feminists.radical women of colour who challenged the racism permeating feminist theory and practice. In addition, for the first time I considered the construction of racism in Canada as normative, and my own complicity in the process. I had primarily one response to this new form of anti-racist knowledge -- guilt. While the discovery of feminism had been an exciting and confidence building experience, learning to think of myself as racist was deeply troubling. Bishop explains that the process can be difficult and painful because it means “coming to see yourself as an inheritor of a shameful and evil past” (p. 96). The acknowledgement of my role in racist practices meant that I could no longer construct myself as innocent, thereby unsettling a part of my identity upon which I had always relied. I spent a considerable amount of time mired in introspection over the unearned advantages that my white skin confers. Despite my earnest reflection, I was left in a conundrum: while I pledged a firm allegiance to resisting racial inequality, I found myself paralyzed from taking any real action.

Equipped with a rising racial consciousness, I finally began to crack the racist code that encrypted comments and discussion among whites about people of colour. Perhaps most disturbing was the frequency with which I heard such talk from the mouths of family and friends. Challenging Uncle Jim's running commentary at holiday dinners on the connections between immigration and crime carried the risk of upsetting my mother who was insistent upon maintaining peace. The charge of racism tends to wreak havoc on already strained relationships. In the presence of
friends I became occasionally emboldened. I would calmly and rationally highlight the dangers of making generalizations or using stereotypes. My challenges usually met with defensiveness and frequently led to long convoluted arguments. I had yet to learn that racism has a logic of its own, based in a kind of common sense. I eventually opted for an angry silence, letting the resentment build.

In the presence of people of colour, I felt uncomfortable speaking out. I remained uncertain as to when and how to take action or speak out against racism. Should, for example, support sometimes be offered silently? Chater (1994) finds herself held back at such moments by a sense of powerlessness and a fear of conflict. She suggests that such silences not only prevent racism from being named, but also obscures the "always relative power" that we have as white women (p. 102). She notes that "since part of white-skin privilege is the "freedom" not to be aware of it, conceding to feeling powerless in the face of actual confrontations with racism only serve to reproduce racism" (p. 102).

Through the writings of white anti-racist feminists such as Chater, with whose work I became acquainted while pursuing my master's degree in Sociology and Equity Studies at OISE, I began to move beyond this immobilizing position. Frankenberg's White Woman, Race Matters (1993), for example, proved particularly helpful by demonstrating that white people can recognize racism without being overcome by white guilt. She interviews a cross section of white women to explore how racial structures and discourses shape their experiences of everyday life. The women who identified themselves as activists developed a white culture grounded in anti-racism by recognizing that they had a race, claiming their race as white, and acknowledging their privilege. This allowed movement beyond the dualistic understanding of white people as either totally complicit or not at all complicit in racism. Frankenberg helped me to see that anti-racist work for whites is possible, but must include a continual naming, acknowledgment and challenge to white
privilege and power. I finally began to consider that while my life had been a site for the reproduction of racism, it could also be a location from which to challenge it.

2.3 The Concept of Race

Unfortunately, acknowledging white privilege and the role played by race in our society remains far from the minds of most Canadians. In fact, judging by the reaction of some Toronto media to the collection of race based statistics for the 1996 census and the now defunct employment equity legislation, it becomes clear that denying the validity of the concept of race is far more commonplace. In the fall of 1994, Wente's weekly column as business editor of The Globe & Mail took the form of a letter to Westmoreland-Traoré, the Employment Equity Commissioner. The subject of Wente's wrath was a form requiring all Globe employees to identify their membership in one of the four target groups identified by the legislation: aboriginal people, people with disabilities, racial minorities and women. Wente argued that the collection of statistics which label people by racial origin is racist. She insists that prior to filling out the forms, she was completely unaware of the racial identities of her colleagues: "[i]nstead of the brilliant foreign correspondent and the energetic beat reporter, I now see members of racial minority groups, one of whom is doubly disadvantaged because she is a woman" (p. A2)

According to Wente, racial harmony can be found in Canada because our citizens are colour-blind. As evidence she points to "the mixing and matching of young couples" that she observes on the boardwalk near her home and she concludes that "it's obvious that the entire population of Canada is well on its way to being melted together" (p. A2). Wente also finds proof at the hospital where she volunteers: "[i]t's a wonderful place that has doctors, nurses and patients from 60 countries" (p. A2). She attributes the success of this happy integrated workplace to
the discrimination free staff: "they all seem to be remarkably colour-, gender- and disability-blind" (p. A2).

Wente offers us a version of the highly problematic Canadian narrative of colour-blindness: "I don't care if a person is black, white or purple, I treat them exactly the same; a person's just a person to me" (Omi and Winant, 1993, p. 5). Sleeter (1993) points out the impossibility of such claims: "[p]eople do not deny seeing what they actually do not see. Rather, they profess to be color-blind when trying to suppress negative images they attach to people of colour" (p. 161). The colour-blind myth fails to recognize "that at the level of experience, of everyday life, race is an almost indissoluble part of our identities" and that "our society is so thoroughly racialized that to be without racial identity is to be in danger of having no identity" (Omi and Winant, 1993, p. 5).

Colour-blind narratives also operate as powerful 'moves to innocence.' Wente argues that she cannot see race precisely at the time when her organization makes a commitment to employment equity. Through her claims she attempts to erase the power differences between the racial/ethnic minorities in her workplace, re-establishing these differences as benign variation. Wente denies seeing race as a protest to the equity initiatives, and to maintain the privilege and position of the dominant group within her workplace. As Dei (1999) confirms, "individuals will deny racial differences in justifying their failure to challenge race injustice" (p. 18). I would not hesitate to speculate that Wente's colleagues of colour at either the The Globe or the hospital do not share her account of the insignificance and invisibility of race in their workplaces. Despite her protests, it is not the racial identities of her colleagues that lies hidden. Instead, it is the systemic nature of discrimination and the subtly racist encounters that characterize so many workplace interactions -- the very problems which employment equity attempts to remedy. Whether whites like Wente realize it or not, race matters. As Dei (1996) attests, race "has become an
effective tool for determining the distribution of rewards, penalties and punishments" (p. 41). At work it determines who gets hired, fired, promoted, transferred, and harassed.

As a concept under continual change, we must consider how race has been historically, biologically and socially constructed. At first, it was conceptualized as a purely biological category -- a means of cataloguing people on the basis of perceived differences in intelligence levels. This early race analysis grew out of the "neutral" and "rational" science of biology and allowed for the scientific justification of human oppression, exploitation and slavery. As Dei (1996) notes,

one justification by European scientists for the enslavement of African people was that they were, it was believed, a "sub-human" species like cattle. They supposedly did not have the same capacities for language, communication and culture as their European oppressors (p. 42).

Social scientists began to write about the social definition of race and racial groups in the 1940's. Cox (1959) rejected previous biological conceptualizations by defining a racial group as "any group of people that is generally believed to be, and generally accepted as, a race in any given area of ethnic competition" (p. 319). Cox raised new questions around the social meanings and definitions that society gives to physical characteristics, including how only certain biological traits such as skin colour or shape of eyes are given inferior or superior valuations.

Today, the concept's socially constructed status receives such widespread recognition that even conservatives confirm it's illusory nature (Omi and Winant, 1993, p. 3). In another Globe article, Gardner took this position to challenge Statistics Canada's decision to include a new direct question about race in the 1996 census. For years the government collected race data from census questions about ethnic origins. In 1996 Statistics Canada implemented employment-equity
legislation's definition of a visible minority: "non-Caucasian in race or non-white in colour" (p. 4). Gardner questioned the relevance of such terms to the modern biologist, calling them "laughably archaic and completely meaningless" (p. 4). The new direct question on race, he pointed out, fails to recognize that race is not an objective fact. As evidence, he turned to a 1989 Statistics Canada test of the race question. The study found that "85 percent of West Asians (Afghans, Arabs, Armenians etc.) declared their race to be white; 70 percent of Latin Americans said the same" (p. 4). To Gardner, Statistics Canada faced an impossible task in trying to "count the uncountable" because "[r]acial identities are like smoke, ambiguous and continually shifting" (p. 4).

Gardner's focus on race as illusion obscures the ways in which the concept has emerged over 500 years of enforcement as a "fundamental principle of social organization and identity formation" (Omi and Winant, 1993, p. 5) and as a key factor responsible for the "political and social production of racialized difference" (Dei, 1996, p. 41). While race may be an imprecise and subjective unit of categorization without scientific meaning, Omi and Winant insist that we cannot ignore its historical and social significance:

The longevity of the race concept, and the enormous number of effects of race thinking (and race-acting) have produced, guarantee that race will remain a feature of social reality across the globe, and a fortiori in our own country, despite its lack of intrinsic or scientific merit (in the biological sense). (p. 5)

In light of the conservative form which the public discourse on race has taken, Omi and Winant maintain that our focus no longer needs to be a proble-

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2 Frightening theories about the nature and abilities of different races continue to flourish, despite evidence which proves that people cannot be categorized by race. Rushton, professor of psychology at the University of Western Ontario, proposed ideas about Black genetic and intellectual inferiority in his recent work Bell Curve: The Shaping of American Life by Differences of Intelligence (1994) eds. Richard J. Herrnstein and Charles Murray. Free Press.
matization of the natural or biological concept of race. Instead, they encourage an emphasis on the "continuing significance and changing meaning of race" and insist that we "argue against the recent discovery of the illusory nature of race" (p. 3). And as Dei (1999) suggests, "[r]ather than deny race it is worthwhile to work to dismantle the fixed and stratified constructions of race, and to dissociate conventional meanings from race" (p. 25).

2.4 Conceptualizing Racial Harassment

As Wente's column demonstrates, debates over the meaning of race and the significance of the concept can deflect attention from the more pressing business of interrogating racist practices (Dei, 1996; Dei, 1999). I return, then, to my own inquiry into racial harassment, with the intent of highlighting both the conceptual framework and theoretical perspective which allow for an exploration of the discourses and discursive moves that normalize, legitimize and sustain practices of racial harassment in the workplace.

In this thesis I conceive of racial harassment as discursive activity. This suggests that "what it is understood to be and how it is practiced arise in discourses in circulation at any particular moment in a culture's life" (Wood, 1994, p. 17). I reject the functionalist framework upon which most of the literature and research on sexual harassment also depends, work that typically posits harassment as a behaviour or set of behaviours in which harassers engage (Bingham, 1994, p. 5 ). A behavioural emphasis transforms harassment into a "a linear chain like process involving a series of causes and effects" and reflects "a mechanistic view of human communication" (p. 5). Racial harassment, however, cannot be reduced to "a series
of linearly arranged causally related segments” (p. 7) as victims report complex, nonlinear experiences involving a range of emotions. Framing racial harassment in a way that serves victims’ interests may therefore require different conceptualizations.

Discursive conceptualizations, on the other hand, envision everyday communication activities as creating and shaping social reality rather than just being influenced by it. Here, social phenomena emerge as fluid rather than fixed entities, and may be examined in the context of the processes that create and transform them. A discursive approach to racial harassment illuminates the “paradoxical and illogical elements” that characterize the lived experience of harassment (p. 7). For the purposes of this work, it allows a consideration of how racial harassment is interpreted, normalized and ultimately challenged through discursive practices.

But to conceive of racial harassment solely as discursive activity obscures the material conditions that make such practices possible. A variety of factors combine to create social and institutional environments in which racial/ethnic minorities become more readily subjected to racial harassment. Canadian immigration policy and economic history have created a labour market stratified by race, where certain jobs are reserved for minority communities (Bannerji, 1995, p. 133). Racial/ethnic minorities typically do manual and industrial labour or low-level white-collar jobs, with low wages, precarious job security and little opportunity for advancement. Since the labour market is also an environment organized through “known and predictable social relations, practices, cultural norms and expectations” (p. 130), the
presence of bodies of colour in such areas is expected. Racial/ethnic minorities are neither expected nor represented in high paying jobs, or those within the intellectual or cultural elite3 (p. 133). Those who hold such positions frequently find themselves isolated from colleagues of colour in an all-white work environment.

The presence of racial/ethnic minorities in jobs and fields which challenge conventional expectations and practices can signal a major transgression to members of dominant groups, who may respond in ways which will enforce prohibition and segregation (p. 133). The racial harassment documented by law professor Russell (1995) illustrates the point. Russell arrived at her office one morning to find a copy of National Geographic, with a cover photo of a gorilla, left anonymously in her mailbox. She had no doubts as to the dehumanizing, degrading message she was meant to receive: “Claim no membership in the human race. You are not even a subspecies. You are of a different species altogether. A brute. Animal, not human” (p. 111). Bannerji argues that incidents of racial and sexual harassment must be understood as “attempts to re-establish the so called ‘norm’—whereby norms of gender and ‘race’ and ‘raced’ gender are, perhaps unconsciously even, sought to be reasserted” (p. 133). Russell’s presence as the only black member of the law faculty at a major educational institution challenged the conventional expectations of appropriate employment status for black women. The National Geographic incident can be seen as move to remind Russell of her proper place in society despite her accomplishments within the university.

3 The presence of blacks in both entertainment and sports, however, remains both acceptable and expected.
Too often, incidents of racial harassment like these are dismissed as the acts of deranged individuals. Racist practices are assumed to stem from "ideas and assumptions in people's heads: prejudiced attitudes, stereotypes, and a lack of information about people of colour" (Sleeter, 1993, p. 158). Such explanations rely upon a psychological view, which sees racism as the expression of negative attitudes (Allport, 1954; Wellman, 1977). Examining Russell's experience of racial harassment from this perspective isolates the incident and obscures how other responses to racial/ethnic minorities within the university are socially organized to sustain existing power arrangements. (Razack, 1998, p.8). It also overlooks the structural distribution of power which makes such incidents possible.

To evaluate racist practices solely from a structural/institutional perspective, however, also proves limiting. According to Rizvi (1993), the institutional approach views racism as a "structural relationship that defines patterns of distribution of social goods and power through the operations of key social institutions" (p. 128). Concerned largely with the structural distribution of power, these theories ignore the role and significance of individual discursive practices in racism. In addition to preventing an analysis which links individual instances of harassment with institutional power, these theories do not allow people to emerge as potentially powerful agents of change. Rizvi also rejects perspectives which convey individual and institutional racism as operating on two different levels. He finds the split misguided, since it is impossible to "describe institutions that are not historically constructed through the actual practices of individuals nor is it possible to imagine
discourses and practices in which individuals engage as having any significance outside of their institutional locations” (p. 129).

Traditional theoretical distinctions between institutional and individual racism provide deficient explanations of racial harassment. Essed (1991), argues that both the structural/cultural or macro properties of racism, and the micro inequities which perpetuate the system, must be acknowledged in a working definition of racism. She views the micro and macro dimensions as mutually interdependent components:

From a macro point of view, racism is a system of structural inequalities and a historical process, both created and recreated through routine practices.... From a micro point of view, specific practices whether their consequences are intentional or unintentional, can be evaluated in terms of racism only when they are consistent with (our knowledge of ) existing macro structures of racial inequality in the system. In other words, structures of racism do not exist external to agents – they are made by agents – but specific practices are by definition racist only when they activate existing structural racial inequality in the system (p. 36).

Essed introduced the concept of “everyday racism” as a means of connecting the details of specific individual experiences of racism to the structural and ideological context in which they were created. Developed from studying the knowledge and experiences of black women in the Netherlands, everyday racism starts from an understanding of the multidimensional way in which racism is lived.

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Everyday racism is experienced in personal encounters, it is felt vicariously through the racism experienced by other minorities, and is mediated by discourses and practices affecting larger groups of minorities. In this way, "everyday racism does not exist in single events but as a complex of cumulative practices. Specific instances acquire meaning only in relation to the sum total of other experiences of everyday racism" (p. 284). Personal experiences of harassment on the job merge with the experiences of racism of friends and family and even strangers. These confrontations overlap and reinforce other experiences with racism, such as the negative portrayals of minorities in the media, the large scale discrimination of minorities in the labor market, or the rejection of employment equity legislation. "Racism experienced today reminds one of similar past experiences and influences one's expectations about tomorrow" (p. 52).

Essed's theory proves particularly useful for making the discursive practice of racial harassment intelligible beyond the limited scope of individual and institutional explanations. Her theory takes the institutional structures and norms that form the unexamined background of incidents of racial harassment into account, and demonstrates how routine racist practices create and recreate structural inequality. Her focus on routine encounters experienced by people of colour as racist takes both the very subtle and more obvious forms of racial harassment into account. In addition, by considering the cumulative effect of racist practices, her theory moves beyond the focus on individual incidents and allows us to consider how responses to racial/ethnic minorities are socially organized.
Perhaps most importantly, this discursive conceptualization of harassment made possible by Essed’s theory serves the interests of victims by capturing “holistic, contextual, dynamic, circular and temporal” nature of racial harassment, revealing both “the paradoxical and illogical elements and the contextual constraints” (Bingham, 1994, p. 7) which surround experiences of harassment. Whether or not legal and organizational responses to racial harassment take this lived reality into account shall be further explored in the following two chapters.
Chapter 3: Racial Harassment and Human Rights Law

3.1 Introduction

Despite protection from harassment enshrined in the Ontario Human Rights (OHR) Code, Canadians subjected to racial abuse in their workplace have dismal prospects for justice. If they launch a complaint at their place of employment, they face a greater chance of being disciplined or discharged than of having the complaint resolved in their favour (Mackenzie, 1995, p. 292). In fact, the majority of reported racial harassment complaints follow discharges or constructive dismissals, with very few launched during continuing employment (p. 292). If a complaint of racial harassment is filed with a human rights commission, the chances are high that it will be dismissed, as the success rate for complaints of racial discrimination in Ontario and other Canadian jurisdictions is low (Young, 1992, p. 1).

My concern here lies not with the failure of employers to adequately respond to racial harassment complaints, but rather with the human rights legislation offering protection and redress for harassment, and the ways in which the law is interpreted and enforced. I begin this chapter by identifying the statutory protections against harassment in the OHR Code. I also review the Ontario Human Rights Commission (OHRC) policy statement, a significant document that specifies the behaviour that constitutes racial harassment and names it as serious violation. I then examine the interpretive limitations involved in processing complaints to illuminate the discursive moves employed by Human Rights Commission Officers and Boards of Inquiry to dismiss complaints of racial harassment and secure the
innocence of respondents. Finally, I question whether or not recourse to the law constitutes the most effective method to deal with racial harassment.

3.2 Legal Prohibitions against Harassment

Since the 1960's, statutes have offered protection from discrimination on the basis of race, but protection from the often subtle and frequently pervasive forms of racial harassment was non-existent. While racial harassment constitutes a form of discrimination based on race, it requires specific protection because of its unique nature. When a person is discriminated against at work, the specific terms of employment are observably affected: they may be denied promotions, salary increases, or training opportunities; unfair changes might be made in their position assignment; and they may be fired or laid off without just cause. Although this type of discrimination frequently accompanies harassment, a person can be harassed without suffering any of the above mentioned penalties. While the ability to affect the terms of employment generally rests with those occupying management/supervisory roles, the power to harass is diffuse: colleagues, clients/customers, supervisors/managers, new trainees and consultants are all potential sources of harassment.

In 1981, amendments made to the OHR Code established the first anti-discrimination legislation in Canada providing explicit statutory protections related

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1 Although specific protection against harassment did not exist prior to 1981, the first Canadian case to deal with verbal abuse determined that harassment constituted discrimination on a prohibited ground. As Mackenzie (1995) notes, “The Simms decision in 1970 held that a course of insulting language directed at an employee because of his colour constituted differential treatment” (p. 294).
to harassment.² Prior to this, human rights statutes shielded employees from discrimination in their bid for workplace entry, but offered no protection from the intolerable racist abuse they might find there. Included in the new provisions was the right of employees to be free from harassment by their employer, an agent of the employer or another employee in the workplace.³ Section 9(1) of the Code defines harassment as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome" (1981, c.53, s.9). Section 4(2) of the Code provides all employees with the right to "freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offenses, marital status, family status, or handicap" (1981, c.53, s.4).

While amendments to the Code defined harassment and established the grounds upon which it is prohibited, a definition of racial harassment remains absent. Nonetheless, a policy statement issued by the OHRC that interprets the 1981 provisions offers the following broad definition:

if a person engages in a course of activity or comment which refers to or emphasizes the race or other race-related characteristics of an individual, and it could reasonably be anticipated that such a comment or conduct would be unwelcome, then that person may be considered

² The human rights codes of the other provinces and territories do not make express reference to harassment. The prohibition of racial harassment in these jurisdictions lies within the general anti-discrimination sections of human rights legislation, since boards of inquiry have determined that the prohibition against discrimination includes a prohibition against harassment. Employees of organizations outside of the provincial domain, including federal departments, crown corporations and chartered banks, fall under the jurisdiction of the CHRC, which also prohibits harassment in its own right.
to have engaged in harassment, contrary to provisions of the Code.


The policy statement also provides examples of the type of activity or comments which may constitute harassment: racial epithets; comments ridiculing individuals because of race-related physical characteristics, religious dress etc.; singling an individual out for humiliating or demeaning "teasing;" jokes related to race or to any of the race related grounds (p. 13). Comments or conduct motivated by consideration of a person's membership in one of the race-related groups, but which may not on its face be offensive, can still be considered "unwelcome." In these cases, the responsibility lies with the offended individual to make their feelings known. Repetition of similar behaviour may constitute a violation of the OHR Code. The Commission points out that the conduct or language in question need not expressly refer to a person's race, place of origin etc., but only to be motivated by those considerations. In addition, as jurisprudence in the area of racial harassment is in the early stages of development, the Commission acknowledges that circumstances may present themselves which do not clearly fall within the harassment provisions, but which may nevertheless be covered under the OHR Code.

Offensive or threatening comments found to "poison" the environment could also constitute a violation of the OHR Code. The policy statement provides the following example:

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3Every person who occupies accommodation also has the right to freedom from harassment by a landlord, agent of the landlord, or by an occupant of the same building.

4Sexual harassment, however, is a more highly developed legal concept due in part to the wider variety of questions Inquiry Boards have been forced to answer on this issue (Cohen, 1988, p. 59).
a supervisor or a landlord says to a person who is a member of a racial minority, "I don't know why you people don't go back to where you came from, because you sure don't belong here" (p. 13).

The policy statement notes that even if only stated once, the person or group to whom the statement is directed will have valid concerns regarding their job security in the workplace, concerns that employees who are not part of that racial group will not experience. A poisoned work environment may also be created through the display of signs, cartoons, caricatures or graffiti that portray members of visible/ethnic minorities in a demeaning manner. Individuals who are not the specific targets of a discriminatory comment or action also have a right to file a complaint.

The policy also addresses the question of employer liability. Section 38(2) of the OHR Code allows that a Board of Inquiry hearing a complaint of harassment can "add as a party to the hearing any person who knew or should have known of the harassment from the information or facts in his or her possession and who failed to prevent the harassment or penalize the harasser although it was within his or her authority to do so" (p. 14). In addition, employers have a responsibility to remove any offensive signs; cartoons, caricatures or graffiti that they are aware of that may be creating a poisoned environment (p. 13).

3.3 Handling Race Discrimination Complaints

Despite the OHRC policy statement's reliance upon a functionalist conception of harassment, it remains important as one of the few sites where the behaviour
that constitutes racial harassment is clearly defined and named as serious violation. Unfortunately, it is merely descriptive and offers no guarantee that cases of racial harassment will be officially dealt with (Young, 1992, p.18). In fact, as Duclos (1993) points out, a major difference exists between the subjectively felt experience of harassment and that which is objectively considered harassment, or what is a "winnable" harassment case under current human rights doctrine (p. 29). Here I take the opportunity to highlight the serious interpretive limitations involved in the enforcement of human rights law.

When a human rights complaint is lodged, a Commission Officer first must determine whether or not it falls within the jurisdiction of that office: complaints made from organizations under federal jurisdiction are directed to the Canadian Human Rights Commission, while those within provincial jurisdiction are directed to the Ontario Human Rights Commission. The Commission Officer must also establish whether the complaint constitutes discrimination as defined by the legislation. Once these two conditions are met, the Officer interviews and collects data from the complainant, the respondent, witnesses and other sources. Upon completing the investigation the Officer presents their report and recommendations to the Commissioners, who determine whether the complaint is substantiated and whether a settlement will be proposed. If the parties cannot settle, the Commissioners can appoint a conciliator to assist in negotiations. If a reconciliation proves impossible, a Board of Inquiry can be appointed to conduct a public inquiry. As a final recourse, all parties have a right to take their case to a court of law (Reeves and Frideres, 1995, p. 141).
To determine whether or not the racist abuse complained of by a racial/ethnic minority constitutes harassment, it must first be determined that a “course of vexatious comment or conduct occurred” (1981, c.53, s.9). The OHR Code’s use of “course” implies that a finding of harassment requires more than one incident. From a victim’s perspective, however, one racist comment can inflict considerable psychological harm. While the OHRC officially recognizes that a single racist comment may pollute the environment of a workplace in its policy statement, current case law demonstrates that racially abusive remarks usually only constitute harassment when they have become sufficiently pervasive as to be a condition of employment (Cohen, 1988, p. 56).

The Commission Officer must then ascertain whether the comment or conduct in question was “vexatious,” which is determined by asking whether or not a reasonable person would have known that such behaviour was unwelcome. This question evaluates the perceived hostility of the work environment, and the reasonableness of the victim’s perceptions (Bingham, 1994, p. 6). How it is answered, however, depends on which perspective the Officer takes, that of the complainant or respondent. Comments and conduct which racial/ethnic minorities find completely offensive can appear as normal acceptable social interaction to members of dominant groups. Unfortunately, neither the OHR Code, nor the Canadian Human Rights Act provides any indication of which perspective should be applied (Mackenzie, 1995 p. 295).

Judging by the results of a 1992 report commissioned by the OHRC to identify shortcomings in the handling of race discrimination cases, the perspectives of
victims do not carry considerable weight. In the study, Young examined the reasoning used by Commission Officers and Boards of Inquiry as the basis for disposing of race based complaints. Her investigation exposed a variety of racist practices permeating all stages of the complaint process -- from intake to Boards of Inquiry -- which impede the proper treatment of race complaints.

The first practice identified by Young's study is the application of the legal presumption of innocence at the investigation of race based complaints: Commission Officers consider all complaints illegitimate until their legitimacy is proven. While this may be appropriate during criminal prosecutions to ensure due process for the accused, Young questions its necessity and appropriateness in a human rights context. She notes that, "the legal tendency to assume a respondent is not racist, is an inappropriate investigatory device in a society where racism is in fact the norm rather than the exception" (p. 9). Commission Officers, however, do not acknowledge the everyday nature of racism: instead they position race discrimination as "aberrant, deviant and abnormal" (p. 8).

Young also found that Commission Officers do not place sufficient weight on the experience of harassment/discrimination during an investigation. They frequently give more consideration to the impact which discrimination findings can have on a respondent's reputation and business, than on the effects of racial harassment. Complaints are often dismissed on the belief that respondents are rarely guilty, and complainants are usually oversensitive. Such assumptions draw upon and perpetuate narratives of innocence which position Canadians as tolerant people. In addition, privileging commercial and professional standing over the
damage done to the dignity and self-worth of a person trivializes the serious impact which racism has on the lives racial/ethnic minorities.

Commission Officers also routinely insist upon gathering corroborating evidence to verify complaints of racial harassment and discrimination. They often seek out "impartial" white witnesses based on their belief that racial minority complainants and their colleagues are easily excitable and over sensitive (Young, 1992, p. 11). Ironically, Commission Officers see whites as better equipped to recognize discrimination than those who experience it. Such assumptions reduce the credibility of complainants and "adds to the perception that people of colour inherently lack "objectivity''' (p. 11). In addition, questioning the experience and knowledge of victims and privileging white claims to truth normalizes white perspectives on racism. As Bingham notes, focusing on "normative perceptions and interpretations has a homogenizing effect, allowing majority consensus within groups and the standpoint of only some victims to define what counts" as harassment (p. 8).

Though Commission Officers also gather evidence from racial minority witnesses, they often dismiss a complaint if similarly situated racial minority witnesses fail to recognize or interpret the same incident as discrimination. This practice positions racial/ethnic minorities as essential subjects of a single experience of racism. It also reveals a frightening ignorance of the racist climate permeating most workplaces. Racial/ethnic minority witnesses may choose not to support a complaint of racism out of fear of retaliation. Mackenzie (1995) confirms that victims of racial harassment have legitimate fears of reprisals from employers.
There is a low probability of race-based complaints being resolved in the complainant's favour within the workplace and in fact there is a higher likelihood of such complaints leading to the discipline, discharge or quitting of the complainant (p 292).

In light of this factor, Young suggests that corroboration should not be necessary to a finding of racial discrimination/harassment.

Young further identified the practice of examining alleged acts of discrimination and harassment without considering their social and historical context as one of the most damaging to an investigation. For example, Commission Officers frequently examine incidents of racial name-calling outside of the social environments in which they occurred, and without a consideration of the historical contexts that invariably shroud such comments. As a result, the Commission often fails to hold white people who engage in racist name-calling differently accountable than racial minorities who act similarly to whites.

When Commission Officers de-contextualize racist expressions, they ignore the unequal power relations between whites and racial minorities. Young argues that "the potential harm to minorities is far greater by virtue of the fact that racist speech is used as just one more weapon in an arsenal of subordinating mechanisms" (p. 22). While anti-white name-calling may be bothersome, Young points out that "it is not used as an instrument of subordination, but as an instrument of resistance to subordination" (p. 22). Racial slurs, on the other hand, can devastate. They are often used by dominant group members to remind racial/ethnic minorities of their perceived position in workplace and society.
Continuous levels of abuse can even act as a barrier to employment opportunities for racial/ethnic minorities by preventing a long enough tenure to achieve promotion.

Perhaps the most glaring example of this proclivity to isolate discriminatory behaviour may be found in the reluctance of Boards of Inquiry to draw conclusions about a respondent’s beliefs despite the evidence of racist speech. Young discovered that in several reported decisions, the Boards did not see the relationship between racial slurs or harassment and other forms of discrimination. In Gaba, Commission Officers found evidence of a supervisor engaging in racist name-calling, some of which was directed at the complainant. While the Board agreed in this case that the racist slurs were inappropriate and hurtful, they were not seen as connected to the respondent’s decision to deny the complainant a position in management. In Persaud, despite evidence of the respondents use of racist language, his behaviour in relation to the complainant was found to be “exemplary.” Again, the Board pointed to the complainant’s subjective belief that he had been discriminated against.

An examination of the Commission packages revealed that Officers often dismiss complaints of racial harassment by redirecting blame. In one example, despite the fact that the respondent admitted to engaging in racist name calling in his workplace, the Officer determined that the complaint was most likely motivated by revenge since it was lodged after the complainant was fired, and because he was the only one to object to the comments. Young notes that this decision “shifts the
focus from the respondent’s failure to address the racial harassment, and blames the complainant for choosing to tolerate the harassment rather than complaining at the time” (p. 18).

Since the majority of reported racial harassment complaints follow disciplinary action or dismissal, Commission Officers should question a respondent’s excuses for terminating the employment of a complainant, rather than penalizing those who do not complain at the time of the discrimination or harassment. Racial minorities often adapt their own mechanisms of resistance to racial harassment, including being rude to others, performing slowly, and passivity. A deteriorating work performance may actually signal a response to racial harassment/discrimination. Young notes that these behaviours may then be marshalled against the employee in an attempt to justify discipline or dismissal.

Both Young and Mackenzie found that the focus of Boards of Inquiry on the intent and motivations of harassers frequently led to the dismissal of racial harassment complaints. In several decisions, Boards rendered racial slurs and comments completely devoid of meaning and impact by privileging the respondents intentions. Consider the decision by the Board in Nimako 7:

The words [fucking black bastard] were provoked not by Mr. Nimako’s colour, but by his conduct. They expressed anger towards a man who just happened to be black, referring to his colour in order, perhaps, to underscore the speaker’s outrage. The implication was not that he was

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a "bastard" who happened to be black. It would run counter to common sense, surely, to suggest that anyone who utters such an expression in such circumstances is therefore racially prejudiced, that he does not like blacks and would treat them unfairly in comparison with others if given the chance. (cited in Young, 1992 p. 20)

The Board ruled that the racial slur did not constitute racial harassment by arguing that the respondent did not intend to insult Mr. Nimako's race. To secure the innocence of the respondent, the Board draws upon popular discourses of racism which suggest that just because someone makes the occasional inappropriate racial reference or remarks does not necessarily mean they are racist. By presenting this thinking as common sense, it allows the Board to undercut the legitimacy of the complainant without providing a real justification (Young, 1992 p. 20). Lawrence (1982) and Bannerji (1995) call this type of thinking common-sense racism because it makes up a part of the way that average people view the world, and contains a wealth of knowledge that guides thinking. Typically, these meanings favour the interests of particular groups and their power lies in their claims to be obvious and true.

In Ahluwalia, a probationary police officer dismissed after a year on the job filed a complaint alleging regular and pervasive racial harassment by fellow police Officers in the guard room. The Board decided not to award the complainant damages since it was found that the racial name-calling was done in a 'friendly' context and without malicious intent. Even while acknowledging the adverse effect
of the language, the adjudicator determined that the pervasive name-calling was not intended to be derogatory or humiliating. Instead, it was interpreted as part of the accepted norm of conduct within the group of divisional constables, as part of the "rough and tough" language of the guardroom. Young also cites the *Egbert Watson* decision as an example of such a tendency. Here she notes, "one respondent called an employee "a lazy nigger", "joked" that "blacks should go to the back [of a line-up], and told an East Indian employee to "take the spook with you" (Young, 1992, p. 19). The Board found that these comments were made infrequently, characterizing the racial slurs as "misguided attempts at humour" and that one incident was "in the context of an angry exchange" (p. 19).

Young notes that despite OHRC guidelines on "poisoned environment", the *Nimako, Ahluwalia, and Egbert Watson* decisions suggest that the "the intent of the harasser, and the way in which the abuse was expressed, is somehow relevant to a finding of liability" (Mackenzie, 1995, p. 297). However, unless a tacit agreement exists between the harasser and the victim, the intent of the harasser is irrelevant (p. 297). These cases create a dangerous precedent: intent becomes a legitimate reason to ignore the very real harm of racial abuse and to excuse racially harassing behaviour.

Given the cultural power of the judiciary to shape our understanding of social problems, the practices of the Commission are particularly significant. In investigating and adjudicating harassment complaints, they have the rare

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opportunity to name racial harassment as a serious violation, perpetrators as wrong and victims perspectives as the basis for assessing harm. Unfortunately, they demonstrate a reliance upon popular discourses that define racism as aberrant/malicious moments and Canadians as innocent or not complicit in racist practices. As a result, they have failed to sketch out an alternative discourse that names racial harassment as a serious social problem and define it in a way that reflects the lived experiences of victims.

3.5 Questioning the System

Perhaps, however, the Commission Officers and Boards of Inquiry are not solely to blame. In questioning whether human rights law can assist racial/ethnic minorities in seeking protection from and redress for racial harassment, the viability of the human rights system must also be considered. Is human rights law the best instrument for addressing racist practices? How can the collective right of racial/ethnic minorities to enjoy a workplace free of racism be protected in a system designed to safeguard individual rights?

Day (1990) finds the model passive, as it comes into play only when a complaint of harassment or discrimination is launched. Yet when responsibility for identifying and eliminating discrimination rests with the victim, it suggests that discrimination exists only in isolated circumstances, and only the discrimination complained about deserves remedy. Day points out that the system assumes that "equality exists and it is merely lapses from it which must be complained of and then remedied" (p. 21). Through the complaint system, the
popular understanding of racism as an aberration rather than an integral part of the daily lives of racial/ethnic minorities is perpetuated. In addition, by responding only to individual complaints, the human rights system proves incapable of responding to the lived experience of racial harassment, which often does not exist in single events, but as a "complex of cumulative practices" (Essed, 1991, p. 284). It also fails to address the systemic nature of racism, by not challenging the social and institutional environments that make such practices possible. If the legal system cannot adequately respond to the problem of racial harassment, how then do employers fair? In the following chapter I consider how employers currently address race-related problems through workplace training programs.
Chapter 4: Workplace Training

4.1 Introduction

As noted in the introduction to this thesis, my inquiry into training as an organizational response to the problem of racial harassment began as part of a job assignment. My employer approached me to design a "diversity" training program for clients seeking employee education following investigations and/or complaints of racial harassment and discrimination. Influenced by the work of anti-racism educators in my graduate department, I naively envisioned a program guided by the principles of anti-racism education. With a focus on systemic and institutional change, anti-racism education seemed to offer the best framework from which to design training for workplaces recently traumatized by experiences and complaints of racial harassment. My mind danced with visions of wildly successful consciousness raising sessions where unsuspecting corporate types emerge empowered by a new racial awareness.

Despite my fantasies, I was intuitively aware that my training program was not meant to shift existing balances of power. After all, the firm had decided to respond to their clients' need to address problems of racial harassment with "diversity" training, not "anti-racism" training. While we never actually discussed in detail what this training would comprise, I presumed that the firm expected me to take my cues from the increasingly popular discourse of diversity informing current management consulting and training strategies in the private sector. In addition, I was instructed to use the firm's sexual harassment sensitivity training
program, based on the legislative compliance model, as a guide. After an examination of the firm's program on sexual harassment, and a perusal of current diversity management literature, I quickly discerned that training informed by the legislative compliance model or the discourse of diversity would do little to combat racial harassment. I left the firm shortly thereafter, relieved to avoid the inevitable debate with my employer as to the efficacy of these strategies.

In this chapter, I take the opportunity to consider why these popular private sector responses to race-related problems fail to challenge racial harassment. First, I consider how the functionalist conception of harassment offered in legislative compliance training perpetuates popular discourses on racism, and allows both employees and organizations to avoid complicity in racist practices. Secondly, I explore how the race/colour power evasive discourse of diversity allows members of organizations to maintain subject positions of innocence. Finally, I propose that anti-racism education presents the best framework from which to design strategies that can disrupt the discourses and claims of innocence that normalize and sustain racist practices in the workplace.

4.2 Legislative Compliance Training

To address human rights issues in the workplace, private and public sector organizations frequently rely on legislative compliance training. Comprised of an informational session on legal requirements and liability issues of human rights violations, this training examines workplace conduct and informs employers and/or employees of their rights and obligations under the relevant legislation. It
may be implemented as a punitive measure for employee(s) found guilty of harassment, or as a general session to raise awareness of the issue\(^1\). Regardless, legislative compliance training makes no attempt to change individual attitudes, as it aims only to ensure that behaviour complies with current legislative requirements.

A legislative compliance program targeting racial harassment would raise awareness of the behaviour that legally constitutes race-based harassment. By implementing such training, an organization names racial harassment as both a human rights violation and a social problem -- an important first step since racial slurs and jokes continue to be dismissed and ignored as normal social interaction. However, the training's restriction to legal definitions raises a number of problems. First, racial harassment emerges as a matter of bad behaviour. This ensures the perpetuation of dominant discourses that locate racism in biased individual actions that stem from irrationality or a lack of knowledge. Second, by isolating racial harassment as discreet empirical events, participants of legislative compliance training can assume personally naïve or innocent positions.

Finally, the training model's reliance on legislation keeps the conceptualization of harassment offered in legislative compliance programs within a functionalist frame. This is pivotal to the lawyers who design, implement and sell

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\(^1\) The firm for which I worked marketed and conducted a sensitivity training program based on the legislative model designed to "rehabilitate" employees found guilty of sexual harassment pursuant to an investigation. Three central objectives determined the program's content; first, to ensure that the participant(s) gained an understanding of the behaviour that constitutes harassment, and the effects of such conduct on both the harassed and the workplace environment; second, to provide examples of alternative ways to promote a harmonious workplace; finally, to confirm the legal and organizational ramifications of continued harassment. To meet these goals, the trainers review relevant sections of the OHRCODE and generate lists of acceptable/unacceptable workplace conduct. Using case studies based on actual complaints, the participant(s) attempts to identify harassing behaviour and determine whether violations of the code have occurred. At the end of the session, the trainers administer a quiz requiring true or false answers.
these programs to the organizational elite. In order to market harassment as a problem that can be thwarted, it must first be presented as a controllable problem. Functionalism's behavioural emphasis portrays harassment as a neatly compartmentalized phenomenon with an easily identifiable series of causes and effects. It allows the problem to be presented as orderly, manageable and potentially solvable through a simple training program (Bingham, 1994, p. 7). However, such conceptualizations fail to serve the interests of victims, whose experiences cannot be so easily summarized.

Legislative compliance training programs also offer the position of innocence to organizations. In the event that an employee launches a formal complaint with a human rights commission, implementing this type of training can help to avoid liability. While every individual is personally liable for the acts s/he commits, the principle of vicarious liability finds employers liable for harm caused by the acts of an employee when these acts arise during the course of employment2. For example if a supervisor harasses an employee, both the supervisor and the organization could be jointly and severally liable for her damages3 (Aggarwal, 1992, p. 183). Under the federal act, however, a corporate employer can defend itself against vicarious liability for harassment if it can prove that all due diligence was exercised to prevent the harassment and to mitigate or avoid its effects. As MacKillop (1996) notes, due diligence may be demonstrated by the implementation of non-discriminatory procedures for hiring and promotion procedures, and the adoption

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2 In Richeaud V. Brennan, the Supreme Court of Canada determined that the Canadian Human Rights Act imposes a statutory obligation on employers to provide safe and healthy working environments, noting that human rights statutes exist to eradicate any socially undesirable working atmospheres (Aggarwal, 1992, p. 196).
of "a corporate policy and an education program designed to uphold human rights in a harassment free workplace" (p. 32). As a result, lawyers can market a legislative compliance program as a preventative measure: in the event of a harassment complaint, such training can demonstrate due diligence, and the organization avoids liability and remains innocent of the racist acts of its employees.

### 4.3 Diversity Training

Despite the frequency with which the firm that I worked for was retained to investigate complaints of racial harassment/discrimination, it did not initially offer a legislative compliance program addressing the problem specifically. Instead the firm chose to respond to the increasing demand for training following investigations into racial harassment with "diversity" training. The discourse of diversity gained currency in the 1990s. It differs greatly from that of anti-racist education. While the term "diversity" has become a catch-all for a variety of different race-relations initiatives, the discourse to which I refer here stems from the business of diversity management and training.

The business case for diversity rejects legal and regulatory solutions for handling a demographically diverse workforce, instead presenting its challenges as a management issue and business opportunity. Diversity proponents argue that when organizations acknowledge the individual differences of their employees and accommodate their varied needs, they will increase productivity and innovation, create organizational cohesiveness, encourage creative problem solving, capture

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3 Employers are liable for discriminatory conduct of employees unless the legislature statutorily restricts this liability.
emerging ethno-specific markets, and attract and retain the best and brightest of the workforce (Henderson, 1994; Fine, 1995; Arredondo, 1996; Wilson, 1996). Whether through a one-day workshop or a complete organizational overhaul, diversity consultants promise to create/design equitable employment environments where all employees can be valued and acknowledged for their differences.

While legislated equity programs focus on the differences of race, gender and disability, the business case for diversity stresses the importance of addressing all social differences. Diversity consultant O'Mara (1994) offers the following definition:

Diversity is defined as race, gender, age, language, physical characteristics, disability, sexual orientation, economic status, parental status, education, geographic origin, profession, lifestyle, religion, position in the company, and any other difference (p. 115).

Wilson (1997) includes sole parenting and responsibility for elderly family members as markers of difference. He argues that since every group in the workplace can make a case for the removal of a particular inequity, diversity strategies -- whether new inclusive policies or employee training -- must be inclusive of all employees. As such, no group deserves preferential treatment over another, nor does any marker of difference become more salient than another's.

For example, under the Ontario Code, corporate employers are exempt from liability for acts of sexual harassment committed by employers or agents (Aggarwal, 1992, p. 196)

4 The Employment Equity Act, for example, implemented by the federal government in 1986, attempted to obliterate the present and residual effects of discrimination facing four groups: women, racial minorities, persons with disabilities and aboriginal people. Selected based on the results of the Royal Commission on Equality in Employment chaired by Judge Rosalie Abella, these groups were determined to have experienced restricted employment opportunities, limited access to decision making and little recognition as contributing Canadians.
Informing Wilson's and O'Mara's definitions is the political ideology of pluralism, which defines all the different groups that make up a diverse workforce as equal. As Mawhinney (1998) notes, pluralism:

functions to suppress race based power differentials through an emphasis on multiplicity per se, without an analysis of the power differentials which make those differences politically salient (p. 71).

By configuring difference as benign variation, and ignoring the power differences between groups, diversity discourse often encourages nothing more than a bland celebration of individual difference and an empty promise of inter-group harmony. (Razack, 1998; Dei, 2000) It also offers positions of innocence: the discourse suggests that since every person's "difference" might presently or sometime in the future present a barrier to their employment or advancement, they are not responsible for the obstacles faced by others.

Organizations cannot, however, simply acknowledge difference, "rather, the more fundamental question concerns the kind of difference that is acknowledged and engaged" (Mohanty 1990 p. 181). At work, skin colour differences frequently determine who will be hired, fired, promoted and harassed. The discourse of diversity, however, denies the saliency of skin colour. Within this paradigm differences between racial and ethnic groups are frequently identified and labelled as cultural. Henderson (1994), for example, refers to racist language as "verbal misunderstandings between culturally different people"(p. 181). Culture rather than racism becomes responsible for racial harassment. For many diversity consultants the solution to such "misunderstandings" lies in the device of cross-cultural
training. Here, employees/managers are taught how to navigate the ethnically/racially diverse workplace by learning about different cultural values, practices and customs. Equipped with a shared knowledge base and culturally appropriate rules, employees are expected to interact more effectively as they now "proceed from a position of equality" (Razack, 1998, p. 8).

Cross-cultural training raises several troubling issues. First, what exactly are the "truths" about racial/ethnic minorities and how exactly might these be transmitted (Rees, 1992, p. 16)? Even if such a definable body of information existed, Razack (1991) explains that "racism acts against much of the positive understanding one would hope for from intercultural contact or a familiarity with culture, norms and values" (p. 148). Secondly, while the training may be intended to promote sensitivity, she notes that dominant groups may adopt the cultural differences approach, "relieved not to have to confront the realities of racism and sexism" (Razack, 1998, p. 85). In fact, by denying the difference that race makes in the workplace, and by avoiding any discussion of racism or white privilege, cross-cultural communication training ensures the innocence of its participants. As Razack points out, it guarantees "that with a little practice and the right information, we can all be innocent subjects, standing outside hierarchichal social relations, who are not accountable for the past, or implicated in the present (1998 p. 10).

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5 This is not to suggest that the cross-cultural approach lacks any potential value as an educational tool. Razack suggests that such training could be useful if "it is pursued in the context of the greater empowerment of the subordinate group" with cultural considerations effectively deployed only "if they remain grounded in the realities of domination" (Razack, 1998, p. 86).
4.4 Anti-Racism Education

The discourse of anti-racism education emerged in Britain in the early 1980's (Mullard, 1980) and slightly later in Canada (Thomas, 1984) as a critique of multicultural education's failure to address the problems faced by visible minority students. Multicultural education attempted to create a learning environment which celebrated the different histories, traditions, and cultural practices of a diverse student population, yet did little to challenge the racist practices of exclusion, discrimination, and harassment endemic in the school system. Anti-racism education evolved as a theoretical and practical response to multiculturalism’s failure to improve the academic progress and experiences of minority children. Unlike the uncritical pluralism of multiculturalism, it sought to formally recognize and challenge power relations (Srivastava, 1996, p. 297). As an "action-oriented strategy for institutional, systemic change to address racism" (Dei, 1996, p. 25), anti-racism education offers important practical and theoretical applications beyond the school system.

For example, anti-racism education offers the most potential as a framework from which to design a workplace training program challenging racial harassment. Unlike legislative compliance and diversity initiatives, anti-racism does not ignore or undermine the role of race. Instead it places the concept at the center of its analysis, by acknowledging race as “an important conceptual category on the basis of which power, prestige and privilege are organized, regulated, distributed and rendered meaningful in contemporary society” (Dei, 1996, p. 122). It also recognizes the saliency of skin colour, by confirming that “skin colour differences have
historically been used to justify unequal human treatment” (Dei, 1996, p. 53). Anti-racism education acknowledges that unlike other differences, such as sexual orientation, skin colour is not as easily transcended (Dei, 1996, p. 125). In addition, anti-racism education allows space for the shifting meanings and interpretations of race, yet is not limited to an analysis of the theoretical conceptions of race. The social practice of racism -- how contemporary social relations discursively and materially produce racism -- remains the focus. Thus, unlike legislative compliance and diversity training, anti-racism education creates the possibility of conceptualizing harassment as a discursive practice and considering its discursive production.

Like the discourse of diversity, anti-racism education “acknowledges the pedagogic need to respond to diversity and difference in Canadian Society”(Dei, 1996, p. 33). It does not, however, simply pay lip service to these concepts. Instead, anti-racism education recognizes that an analysis of difference must be grounded in a theory of power. The issues of race and social difference are named “as issues of power and equity rather than as matters of cultural and ethnic variety”(Dei, 1996, p. 25). While questions surrounding cultural differences remain relevant, anti-racism discourse “stresses that a romanticized notion of culture, which fails to critically interrogate power, is severely limited in the understanding of social reality” (Dei, 1996, p. 26).

Finally, anti-racism education decolonizes white power and privilege. It seeks to unveil the “ideology that maintains and supports both whiteness as a social identity and the dominant institutions of society” (Dei, 1996, p. 28), and it renders
whiteness visible as a racialized identity. Too often, discussions of discrimination place racial/ethnic minorities at the center of inquiry, obscuring the ways in which white people benefit from racism. Anti-racism education demands an exploration of white privilege, insisting that whites recognize the advantages that their skin colour confers. Perhaps most importantly for this project, it demonstrates how white perspectives become normalized and then used as a basis to determine what counts as racial harassment. As such, anti-racism education offers the most potential in challenging racial harassment.
Conclusion

The continued denial of racial harassment as a social problem affecting the lives of racial and ethnic minorities calls for anti-racism education initiatives in both the legal system and workplaces. Unfortunately, launching programs committed to race and equity striving for genuine social transformation present a variety of challenges. This is particularly prevalent during the current climate of fiscal conservatism and backlash against people of colour and immigrants (Dei, 1996, p. 122). As Dei notes "[t]here is open resistance to anti-racism and there are powerful interests to ensure the invisibility of this discourse in most institutional settings" (p. 130).

Today, the organizations most likely to invest in anti-racist workshop, are social movement organizations, public agencies, and universities and schools. The majority find diversity strategies and legislative compliance training attractive because they respond to economic, legal and material interests and imperatives. In addition, they allow organizations to promote a rhetoric of equity while ignoring any discussion of race, colour or power. Anti-racism education, on the other hand, requires organizations to learn how to "critically engage each of their membership in a collective endeavor of power sharing" (p. 26). The question of how willing people will be to share this power however, remains to be seen. Both Srivastava (1996) and Mawhinney (1998) discovered the challenges of practical applications while observing anti-racist workshops in the social service sector.

Srivastava found participants of anti-racist workshops reluctant to view harassment and discrimination as anything more than isolated incidents to be solved by removing the 'bad apple.' For example, during a popular theatre activity that she
observed, participants were asked to replace one of the victim characters in a role play: the whites volunteered to replace the participants of colour, and the men replaced the women. When the new victims replayed the scenes, Srivastava noted that “they effortlessly and powerfully confronted the abuser with phrases such as “Don’t do that again,” or with rational explanations of the behaviours unacceptability” (p. 301). Rather than exposing power relations, the participants managed to create an imagined workplace environment where such relations did not exist. In the end, the role play exercise reinforced popular discourses of “racism and sexism as easily eliminated by the individual” (p. 301).

Similarly, Mawhinney discovered the difficulties in dismantling white privilege while observing an anti-racist organizational change workshop at a progressive service organization. In an activity entitled 'Shared Stories', facilitators encouraged both white and non-white participants to recount their experiences of marginalization. They intended the narratives to illustrate how the social relations of race, class, sexuality, sex, and disability interrelate, and to demonstrate how these diverse oppressions are negotiated.

Despite specific instructions from the facilitators to reflect upon the relationship between different forms of oppression, the white participants focused “on their own experiences of class, language, culture and even looks based discrimination,” while the participants of colour became increasingly silent (p. 50). None of the whites expressed how their skin colour had afforded them privileges. Instead, they chose to emphasize their victim status:

White experiences of non-racial forms of oppression become the focus of a drawn out and emotional discussion. One white participant even
concludes that she ‘was a victim of racism’ because of the cultural and language based discrimination. (p. 50)

Through their claims of marginalization, the white participants managed to shift the focus of the activity away from identifying power and privilege, thereby blurring the lines between inconvenience and structural systems of domination (p. 50). Mawhinney names this tactic a *rush to the margins*, which she defines as “efforts to align oneself with one’s position of oppression while de-emphasizing privilege” (p. 100). She notes that behind these defensive claims lies the assumption, “if I am a victim/oppressed, I am innocent” (p. 109). By focusing on their individual experiences of discrimination, the white storytellers ensconced themselves in “positions of innocence - as dominated, not dominators” (p. 65).

Mawhinney’s analysis of storytelling activities demonstrates that even within liberatory practices, whites can and will secure innocent status for themselves. Unfortunately, such ‘moves to innocence’ may be inevitable. Schick (1998) points out that when participating in oppositional courses like anti-racism educational workshops, learners confront the prospect of disidentification and may “engage in various stages of resistance whose end result it is to return and secure dominant subject positions” (p. 349). When forced to take responsibility for their role in racist practices and history, learners risk “the greater loss of their innocent selves in regard to the privilege and respectability they desire” (p. 352). Schick explains that:

The incongruence and dissonance following these personal discoveries are surely cause for trauma on the part of white subjects who have gone out of their way to construct themselves as innocent; neither have they been allowed to ignore the historical and present day realities of public racism in Canada. (p. 352)
In order to disrupt the discourses and claims to innocence which normalize and sustain racial harassment in the workplace, anti-racism education faces a formidable task. As Srivastava, Mawhinney and Schick demonstrate, we cannot underestimate the virulence of dominant discourses on racism and the difficulties of dismantling white privilege. However, as Canadians face the prospect of an increasingly diverse workforce, it presents a challenge to which we must remain committed.
References


Berton, P. (1992, May). If Callwood is a racist then so are we all. The Toronto Star. p. 6.


