

Case Studies

Note: These are actual cases. The names below have been modified.

Case 1 – Matt (staffing)

Matt is a Black man who describes himself as being overweight. He worked for a large federal department in term positions for four years. His performance evaluations were positive with respect to his work performance, skills, knowledge and behaviour.

Looking for a stable job and career advancement, he applied for other positions within the department during his fourth term. He was screened in for an interview but did not score high enough to get to the next stage. The selection board felt he was lacking a certain kind of experience needed for the position. He was upset by this assessment but eventually did seek and obtain assignments that would give him the experience required.

He continued to get term positions. He continued to have positive performance evaluations. His manager met with him to provide him with his written appraisal but advised him verbally that there was a negative perception about his work ethic during the past couple of summers and that Matt shied away from taking harder tasks in favour of taking the easier route. Matt was shocked and angry to hear about this perception since it had not been raised with him by anyone.

Matt continued to apply for indeterminate positions. However, he was screened out of two separate competitions for indeterminate positions. This troubled him immensely, as he knew he had as much, or greater, experience than others who were screened into the competitions. For one of the positions, he was screened out for a reason that was not applied to another job candidate.

One morning at work, he came across an email that was written by his manager to members of the hiring committee that seemed to suggest that he shied away from harder tasks and that he knows the right procedure (a difficult task) to take but asks his manager for “advice” hoping that the manager will use their discretion and go the easier way. He also read that other inspectors had complained that he left work for others to do instead of doing it on his shift.



In another email to hiring committee members, his manager noted that Matt had been taking more and more sick leave and family leave over the years. When questioned, Matt's response was that he was taking his partner to medical related appointments and that it would not be an issue in the future since his partner would not need to go to as many appointments.

Finding these emails was shocking to Matt. Matt believes that the only thing setting him apart from the other candidates is that he is a large, Black man. He comes to see you in your role as union representative and tells you that he believes he was excluded from the job competitions because of anti-Black racism.

Case 2 – Aleema (workplace culture / toxic environment)

Aleema worked as a dispatcher for a trucking company in Toronto for six months. Aleema is of Pakistani origin. Her position is responsible for assigning drivers to pick up and deliver loads. It was a very stressful and challenging environment for Aleema.

The owner/manager of the company is Tom. Tom regularly yelled at and belittled her by calling her “stupid” or “uneducated”. He also made general negative comments about persons of South Asian origin to the other staff and referred to Aleema using derogatory terms for South Asians daily. Tom regularly made fun of her hijab. It appeared to Aleema that Tom gave preferential treatment to non-South Asian drivers over South Asian drivers.

At first, Aleema tried to ignore the derogatory comments, but they became too much. She confronted Tom about this. His response was: “This is my company.” Tom believes he is a tough manager and often yells at his employees. He contends that Aleema repeatedly challenged his decisions, argued with him and was not effective in her job. She could occasionally be late.

Shortly after this confrontation, she missed two days of work after her son was diagnosed with liver cancer. She left phone messages about her absences. When she returned to work, Tom met with her briefly to tell her she had been fired due to poor work performance. Aleema comes to see you in your role as a union representative for advice.



Case 3 - Pilip (discipline and termination)

Pilip, an Indigenous man, was employed as a Quality Assurance Analyst for five years. Jessica is the owner of the company and maintains that her company is diverse. She worked directly with Pilip during that time and often would praise him for his work. The company was growing so she hired a new manager, Anjali. Anjali explains to you that on numerous occasions she has instructed Pilip on how to improve his work performance. Anjali admits that she found him to be lazy, made many errors, and that he also had tendencies for violent outbursts when he would be corrected on his performance. For example, when his desk location was assigned to a new employee he was training and Pilip's desk reassigned to a less desirable location without any input from him, he got angry and upset. Anjali admits that she was frightened by Pilip's "outburst".

Soon afterward this incident, Anjali issued him a warning letter about his poor work performance which required him to improve his performance in 30 days. That the usual time frame for improvement is 60-days. Despite these verbal statements, there were no documented performance issues or disciplinary issues on file. Anjali says she terminated Pilip's employment solely because of his poor work performance. Pilip comes to see you in your role as a union representative for advice because he feels his warning letter and termination were based on stereotypes they had about him.

Case 4 - Nurses (denial of a collective agreement right)

Article 18.05(a) of the collective agreement states that an employee's placement on the salary scale will be based on nursing experience:

Claim for related nursing experience, if any shall be made in writing by the nurse at the time of hiring on the application for employment form or otherwise. The nurse shall co-operate with the Hospital by providing verification of previous experience so that her recent related nursing experience may be determined and evaluated during her probationary period. Having established the related nursing experience, the Hospital will credit a new nurse with one annual service increment for each year of experience up to a maximum level of six (i.e. 5th level of increment).

The employer's practice has been to only consider Canadian, and out-of-country



experience from the United States and the United Kingdom for the purposes of salary scale crediting. However, exceptions to this policy had been made in favour of nurses who were primarily from “white and Anglo-Saxon” countries.

The two members who come to see you are Black. They have 5 years previous nursing experience in Ghana, West Africa. They have all been placed at the first level of increment. They had their previous nursing experience excluded by the employer for the purposes of salary scale placement. They have tried to raise this issue with the employer but have been unsuccessful.

They come to you in your role as union representative for advice. They tell you that there are other Black nurses have been treated differently than white nurses with out-of country experience and the nursing experiences of white nurses were granted, often without verification or difficulties. For example, another Black nurse with 20 years of experience in the U.K. did not have any of her out-of country experience recognized. They believe that the employer has violated the collective agreement but are not sure if it constitutes discrimination.

Case 5 - George (worker-on-worker racial harassment - systemic racism)

George, an Indigenous Corrections Officer was employed at a detention centre for 11 years. During that time, he has been repeatedly subjected to racist slurs, racist jokes and racial harassment, by both his co-workers and his supervisors and has also heard slurs against other racialized workers there.

He has also been removed from a desirable posting to a less desirable one for making a mistake that was quite common. George said that no one else had been reassigned after making the same mistake.

After 11 years George decided to file a complaint with his employer after a particular racist incident with a co-worker. This co-worker had been repeatedly calling him offensive names that stereotype Indigenous people for years. The co-worker denied knowing that George was Indigenous or any wrongdoing. The co-worker alleges that George made racial slurs against other employees.

Soon afterwards, he was called into a meeting and told by his supervisor that the complaint was unfounded and that he was expected to carry on his duties. He then



proceeded to file a human rights complaint.

He feels that he has experienced direct and indirect reprisals after filing his complaint such as being denied promotions during a job competition. He felt that they had not given him adequate feedback about the job competition when requested and were deliberately doing so as retaliation.

In another incident, when inmates became angry about a decision that George was responsible for implementing, a passing supervisor encouraged the inmates to issue complaints against George alleging that George was the problem for the inmates.

When George complained, the employer did not follow up on this incident, nor investigate and respond to the other incidents raised by George.

He has had to take sick leave due to the stress caused by the racism. He comes to you as a union representative on what actions he can take.

