

Sunday, May 20, 2023

Brief—Written Testimony

Part 1: Identification of witness

First name, last name: Kethlande Pierre

Employment:

Deputy Director at the Canadian Intellectual Property Office (CIPO), a special agency of Innovation, Science and Economic Development Canada (ISED). She has been working in the public service serving Canadians since 2007.

Intersectionality:

A young Black woman, member of Generation Y, first generation in Canada. I am a bilingual francophone and have completed graduate studies in STEM. I have held a senior management position in the federal government since I was 31 years old. My profile makes me vulnerable to discriminatory harassment.

Written testimony:

I am submitting this brief as an individual. However, please note that I am the associate director for the Outaouais region of the Black Class Action for the public service. I am also the former vice-president of the Conseil de la communauté noire de Gatineau. I am the only Black manager who publicly shared her experience of racism in the context of the Black Class Action.

Part 2: Summary of key points (Commission observations)

I have been a victim of racism, systemic racism and workplace violence because of the colour of my skin throughout my entire career with the federal government. Although my career could be viewed as a successful one, which may lead to the conclusion that equality of opportunity and inclusion is real and full-fledged for Black public service workers, this is not the case. Racism is so entrenched and rooted in the culture that, for many years, my survival strategy was to learn to live with it.

I currently have a complaint before the Tribunal. If the Commission's findings are in my favour, this may also suggest that the Commission is fulfilling its role as regards African-Canadian workers. Here again, this is not the case. In 2018, I filed my first complaint within my organization. Since I found no protection within CIPO, I turned to the Commission.

Below are some distressing observations arising from my experience:

- **The Commission is like a witness who sees a woman getting raped on the streets in broad daylight. It is a painful reminder of the police officers who watched their colleague, with his knees on George Floyd's neck, and failed to intervene or react. Better yet: Your house is on fire. The firefighters have arrived but they are waiting for**

you to do everything you can before they will help you extinguish the fire. It's not only your home that is at risk of going up in smoke; your life is also in danger.

The Commission **does not intervene in a timely manner to protect victims.** It only **analyzes a complaint once all internal mechanisms have been exhausted.** I have had to endure a complaints-processing system that was arduous, unfair and biased. **I had to be resilient enough to get through the process and earn the right to file a complaint before the Commission while facing the possibility that it might be too late to do so.** I have been told that some people have become seriously ill or died by suicide because of workplace harassment. If the Commission had intervened quickly, could this have been prevented?

- **The Commission does not intervene. It notifies the department in writing that an employee within its ranks has filed a complaint.** I do not know what the outcome is for white people, but, for Black people, this increases retaliation and the risk of being labelled a problem employee. Black people may also experience unfair disciplinary action as punishment for having dared to complain of discrimination.
- The Commission **does not have the tools, knowledge or experience to identify racism in its modern form, which is more insidious.** In my experience, the Commission stopped building on its knowledge in the 1980s. Unless there is an overtly racist insult relating to monkeys or slavery, it is hard to get the Commission's attention. However, a wealth of documentation and experts exist.
- **Victims cannot count on the Commission for support in writing a complaint.** No guide is available with specific examples of experiences of workplace racism. People have to do their own research.
- At least two people in charge of my file were not racialized and did not seem to have **experience processing discriminatory harassment cases** due to skin colour. We have to convince them and educate them. This creates a feeling of incredible despair. Who else can we turn to if the Commission is not familiar with the issues? Are employees not being assigned files based on merit?

Part 3: Recap of background and recommendations

Background:

I have been a victim of systemic racism and discrimination, including professional and organizational negligence, going as high as the Director General of Human Resources. I have experienced random disciplinary action, which was severe and unfounded, from my director that was approved by the branch. I have been a victim of repetitive and vexatious harassment from a junior employee. Both my union and the Office of the Ombudsman abandoned me. Lastly, I was a victim of a biased investigation carried out by the law firm that was hired by the employer to conduct an independent investigation into various situations. The impacts on my mental and physical health, the financial impacts, the impacts on my family and the professional impacts were devastating. To learn more about my story, I encourage you to view the video of my testimony.

What's important is that my entire career at the government was laced with micro-aggressions and racism. In 2018, the straw that broke the camel's back occurred, when an employee entered my office. In her hand, she had a stuffed animal, a monkey, and she started to draw on my pad, making sure that I knew that she was drawing me and suggesting that I should be in the custodial team. When I reported this incident to my director, she looked at me, listened to me, hunched her shoulders and then went back to her work.

That day, I left the office early, in tears, not knowing which of the two people had hurt me the most. One thing is certain: I felt small, humiliated, ashamed and as if I was an impostor who was out of place, not because of my skills or behaviour, but because of the colour of my skin. Shortly after that, the racist behaviours increased. I experienced my first panic attacks and emergency room visits. I am on forced sick leave. I filed my first complaint and clearly denounced the racism for the first time. I filed three complaints and two grievances. They were processed in a discriminatory fashion: not taking me seriously, downplaying the effects of the harassment I experienced, favouring the testimonies of the accused parties who are white people, and failing to use a "race" lens to put the events in context and conduct a thorough investigation of the complaints.

Recommendations

- **The Commission's knowledge base should be expanded and updated.** It is not acceptable for the Commission to be unable to **identify and be trained on the modern, insidious, yet violent forms of racism today.** The Commission and the unions can do this for workplace violence in general and for sexual harassment. The exercise of identifying and outlining anti-Black racism must be carried out as well. Moreover, the Commission often uses the terms racism, racial discrimination and systemic racism interchangeably, which leads to confusion and disinformation.
- If the Commission is not ready to process a complaint, the **department should not be notified, in order to reduce the risk of retaliation.**
- **New criteria should be introduced to trigger quick and immediate processing** of a complaint by the Commission. Serious impacts on a complainant's health, for example, could be a key criterion for deciding whether a file should be processed or whether senior management needs to be involved. A person who is a victim of senior management may feel that they are trapped and have no recourse. It should be noted that even diversity and inclusion champions may have unconscious bias and stereotypes about Black people, leaving the Black person without recourse.
- Black advisors or **advisors with confirmed knowledge or experience with anti-Black racism should be hired to assess complaints.** This team should include a significant number of Black professionals and should ideally be independent or report to a group independent from the Commission, at least until the Commission is found to be capable of doing this work.

If you have any questions about my testimony, please feel free to contact me. I would not say that I would be pleased to follow up on your request for information since it is never a pleasant

experience having to relive these traumatic and distressing events. However, I am willing and committed to helping advance the equity and inclusion of Black workers in Canada.

Thank you.

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