

**Submission to the
BC Office of the Human Rights Commissioner**

Hate in the Pandemic Inquiry 2022

**Submitted by
Canadian Union of Public Employees (CUPE) BC
March 31, 2022**



Canadian Union of Public Employees

Introduction & Background

This written submission comes on behalf of Canadian Union of Public Employees in British Columbia (CUPE BC). CUPE BC represents more than 100,000 workers in over 170 local unions across BC and is the largest trade union in the province. CUPE members work in hundreds of occupations and sectors, including education, childcare, community social services, community health, municipalities and local government, transit, emergency health services, public utilities, libraries, and more.

CUPE is a strong, democratic union, committed to improving workers' quality of life. Our work includes fighting for the fairness of working British Columbians through challenging racism and all forms of oppression, discrimination, and hate.

The issues presented in this report are an overview based on issues being discussed at locals and with servicing staff, that have been brought forward in CUPE BC committees, and that have come out of surveys done with locals. Our submission flags experiences of hate and discrimination our members face, addresses broader Government policy and process recommendations concerning hate and discrimination, and concludes with thoughts on the Inquiry process. Many parts of this report are based on personal interactions our staff have had with members where their experiences of racism were brought forward. Having committed to our members that their experiences will not be shared in a way that would reveal their identities, we do not share identifying information of members in this report.

CUPE BC was also a partner agency in the recent Ministry of Multiculturalism Anti-Racism Data Engagement Initiative. As part of this engagement, the CUPE BC Racialized Workers Committee engaged with 234 Black, Indigenous, and racialized members and their families through 14 online focus groups and an online survey. We found that in every session across the board, a significant amount of time had to be spent in debriefing the trauma of racism faced by participants – racism experienced over a lifetime, but also specifically racist incidents experienced during the pandemic. Some of the discussion that follows is based on conversations that took place during those sessions.

Finally, we discuss the experiences of both Indigenous, Black, and racialized individuals with racism, as well as the experiences of non-racialized and non-Indigenous allies witnessing racism.

This report was jointly written by Human Rights, Research and Legislative staff of CUPE BC.

Evidence of hate experienced by CUPE members of historically marginalized identities, prior to and since the start of the pandemic

Indigenous Workers

We have heard from every sector that Indigenous workers experience profound systemic racism as well as regular interpersonal incidents of workplace racism and discrimination. A key theme we have noticed throughout the pandemic from multiple sectors, is an increase of racial microaggressions targeting Indigenous workers. We are hearing this both from workers who interact with the public and those who do not, but especially from workers whose jobs are public facing. As an example, Indigenous workers in one Lower Mainland workplace that serves youth at multiple sites have been, over the past year, recounting to us how they face daily cultural insensitivity and racial microaggressions from non-Indigenous colleagues as well as from the public. Indigenous members speak of overhearing settler colleagues openly say that they do not like having Indigenous youth in their vehicles because they “smelled like piss”, hearing settler clients assuming that Indigenous women were “prostitutes” because they happened to be talking to a man or being asked by settler managers to educate on triggering subjects and talk about their own trauma because they are “authentically” Indigenous. Indigenous members at this and other workplaces share their feelings of frustration and despair when, in bringing these racist incidents forward to management, the first line of problem solving was consistently EDI training either for the perpetrators or for the entire workplace – while the same “mistakes” persist from non-Indigenous staff.

Importantly, Indigenous workers have also raised the issue of increased mental health needs, stemming from the horrific discoveries of the children at various residential “school” sites throughout BC and Canada, and heightened media attention to this. Many Indigenous workers recount the difficulty they experience when expected to go about their day when the morning news mentions that there was yet another discovery of Indigenous children, and that increased mental health benefits and supports are necessary at this time. Several Indigenous workers who participated in the Anti-Racism Data Engagement project were generous enough to discuss the ways that seeing this news re-traumatizes them daily. These members are faced with reoccurring evidence of the genocide of Indigenous peoples, meanwhile dealing with the systemic racism they have always known. This in addition to discrimination and microaggressions, work and the other demands of life can become intolerable.

Finally, in a recent survey, non-Indigenous workers who work with the public specifically mentioned that they have noticed an increase in racism by members of the public against Indigenous people, primarily in the form of openly displaying racial prejudice.

Black and Racialized Workers

We have heard from workers who identify as Asian that they live in constant fear of experiencing anti-Asian hate, seeing the number anti-Asian hate crimes in the Lower Mainland. For instance, members in a discussion held for the Anti-Racism Data Engagement project discussed their experiences, as Asian-Canadians born in Canada, having been told by white members of the public to “go back where they came from”, sometimes when their children were present. This was an experience shared by more than one Asian-Canadian worker we spoke to in the project. In some of the focus groups, 100% of the Asian identified participants present had experienced street harassment during the pandemic. Several individuals who had experienced street harassment commuting to and from their workplaces noted that feeling safe and present at work becomes next to impossible when surrounded by the threat of hate incidents in their own communities that they serve as public sector workers.

Racialized members of many different races also discussed an increase of hearing racial slurs both directed towards them, towards colleagues, and towards members of the public. Some workers who identified as Black have mentioned that, with the move to in-person work, they feel an increase in attention to them and to their race, which caused them to feel unsafe, that was not as present before the pandemic. Black and racialized members also noted having increased mental health needs, due to not only experiencing racist incidents themselves, but also due to the coverage of hate crimes in the media.

Finally, non-racialized workers have discussed witnessing an increase of specifically anti-Asian hate incidents during the pandemic, amongst members of the public and directed towards their Asian colleagues. In a local survey in the emergency services sector, some members who identified as non-racialized point out that they have noticed an increase in hearing racial slurs directed at their co-workers and used in conversations where only non-racialized people were present, with the expectation that they would not have a problem hearing or using racial slurs themselves. Notably, non-racialized members in several sectors expressed shock at the preponderance of anti-Asian racism during the pandemic, whereas non-racialized members who mentioned seeing increased anti-Indigenous or anti-Black racism did not express surprise in the same way but rather framed it as an exacerbation of racist views that existed pre-pandemic.

Prevention and action by CUPE BC to respond to discrimination and hate incidents

Activists and labour leaders within CUPE BC’s membership have focused their efforts on policy changes, education to prevent, address, and respond to hate, and resolutions on anti-racism (resolutions are formal directions of action democratically shared or adopted at union Conventions). There are a growing number of strong Indigenous, Black and racialized union leaders in CUPE BC, as well as several non-Indigenous and non-racialized allies on anti-racism.

Four Equity Committees represent historically marginalized workers for CUPE BC: the Indigenous, Racialized Workers, Pink Triangle and Persons with Disabilities Committees. Many of the initiatives we are aware of are taking place through CUPE BC's Indigenous Committee and Racialized Workers Committee. Some of the work of the Racialized Workers Committee has been discussed already (the Anti-Racism Data Engagement Initiative). CUPE BC's Indigenous Committee has also been working tirelessly on promoting the inclusion of Indigenous education, education on decolonization, and Cultural Safety training. For example, there have been so many requests for workplace cultural safety training that the Indigenous Committee, together with Indigenous and racialized CUPE staff, are in the final stages of creating a substantive guide on cultural safety practices for locals. The CUPE BC Indigenous Committee and CUPE staff have also been responding to requests for culturally appropriate language, culturally inclusive protocols in bargaining, bylaws, dispute resolution and grievance process, and how to include trauma informed practice in the work of the union. The frequency of these requests has dramatically increased during the pandemic.

A CUPE National Anti-Racism Strategy was developed and adopted in 2021. The Strategy was developed based on the experiences of, and in consultation with, Indigenous, Black, and racialized CUPE members. This strategy addresses the effect of racism and hate, amplified as workers recover and re-enter physical workplaces post lockdown. It also offers suggestions for ways the collective bargaining process can work to eliminate precarious work, racist hiring practices, and allow for more culturally appropriate leaves. To quote directly: *when reporting workplace racism, Black, Indigenous, and racialized members are often told that they are overreacting or misinterpreting racist behaviors.* Attached in the Appendix are some of the materials produced by CUPE National during the pandemic around Indigenous cultural safety.

CUPE BC will be hosting a forum at our upcoming Convention in April 2022 entitled *Building a Better Union: Inclusive Governance & Member Engagement*, which will be an opportunity for members to discuss and give feedback on CUPE BC's 3-year Anti-Racism and Human Rights Strategic Plan (attached in the Appendix), which features organizational plans for: anti-oppression policy development, equity and diversity of our CUPE BC Executive and leadership, building up equity committees, increased hiring of those with historically marginalized identities and lived experiences, and decolonizing the union processes and conventions.

While we are not asking members to come forward publicly with their experiences of hate and discrimination at the forum, members will have the opportunity to reflect on their workplace and union experiences through the pandemic and prior, as well as since they have transitioned back into their workplaces. Examples of planned discussion questions include, "How can union meetings be safer and more inclusive for historically marginalized voices?" "What does a 'decolonized' meeting, space, or convention look like to you?"

Evidence on the effectiveness of actions & challenges faced

In the past two years, CUPE BC has been striving to create safer environments within our union for Indigenous, Black, and racialized workers, including developing systems for historically marginalized workers to come forward to the union with their experiences of racism and discrimination, and for those complaints to be handled with a trauma-informed approach. We have had significantly more disclosures of discrimination and systemic racism than pre-pandemic. We believe that this is in part due to improved staff training at CUPE, particularly for non-Indigenous and non-racialized staff, that is part of the process of creating a culture where people who are historically marginalized are listened to by the union.

At the same time, there is significant work still to be done. We know that some of our most economically marginalized, racialized, and immigrant workers still feel very unsafe to talk to anybody in a position of authority about their experiences of racism.

Beyond this evidence we are still working on a plan to show whether our actions have been effective. This is for several reasons. Firstly, the specialized program evaluation expertise that this will take, is not something we have in-house. Second, actions such as education and training are ultimately voluntary for our members to complete or take up in their day-to-day work. There are sometimes barriers to participation, including family responsibility and economic barriers such as lack of time off or lack of access to technology. Our facilitators and staff also notice that often the members who do step up to participate in voluntary actions are non-racialized allies who are already actively practicing anti-racism, or that oftentimes participants *are* Indigenous, Black, racialized or from other historically marginalized groups.

One strategy we are currently utilizing to track experiences of racism is that we have begun to include questions on experiences of racism in the pandemic on routine surveys, although we have not collected enough responses on these experiences to report on at this time. We also ask thorough demographic questions on routine surveys and disaggregate the demographic data we gather.

Additional thoughts to inform recommendations addressing and aiming to eliminate or prevent hate incidents during times of crisis and beyond

With the support of strong provincial legislation on anti-racism, our own strategies to address hate experienced by Indigenous, Black, and racialized workers could accomplish much more. For example, strengthened Worksafe language and the institution of leaves for the trauma caused by hate and racism (similar to recent legislation for gender-based violence survivors needing support); race-based data collection in the public sector and strong reporting frameworks that will support public sector workplace equity initiatives. Below we have highlighted concerns raised by members with the current mechanisms our union has to address, eliminate, and prevent hate, and offer suggestions as to how the Government could better support our members through more accessible and safe structures and procedures.

Trust and Involvement

We hear from CUPE BC's membership that they want data to be collected more often on race/cultural identity to be able to track hate incidents, particularly in times of crisis – but only after trust has been established with the Government. Members want the Government to require the safe and confidential collection of this information so that individuals and organizations who are impacted by hate incidents at work do not have to create and promote these frameworks and systems themselves. Further, members have identified wanting to be told exactly how and where their data and stories are used, and how they can provide feedback if they do not feel safe with the questions being asked or confusion as to how it will be used.

Accessibility

Existing structures and processes including WorkSafe BC, BC Human Rights Code, and workplace policies on bullying and harassment are insufficient to ameliorate microaggressions. As workers return to workplaces, processes and policies need to address this. Government and public bodies (such as OHRC, HRT, WorkSafe) could provide supportive materials, mandatory guidelines, and requirements for employer policies to address this. These policies need to be explicit in naming racism and hate crimes as areas of concern.

An example of this gap is the 2021 WorkSafe Psychosocial Health and Safety plan. While this plan includes psychosocial hazards as protected grounds under Occupational Health and Safety, it does not name racism and other forms of discrimination and hate as a cause of psychosocial hazard, and thus makes it challenging for victims to understand their rights and access these protections. Accessibility and trauma informed approaches in these Government apparatuses is crucial for claimants to build trust and thus utilize them. By example, we feel the current process for Occupational Health and Safety claims has many barriers for our members, and often can cause as much or even more trauma as the initial incident itself.

Approach & Transparency

Finally, we would like to close by reflecting on some of the thoughts shared by a racialized worker during the Anti-Racism Data Engagement project that we feel also applies to this Inquiry. This person spoke both about their experiences of racism in the workplace and their ideas for ways forward. However, they could not help saying several times as they spoke that they were stunned that the government was asking for their opinion. They stated that this was the first time in their memory that the government was specifically asking racialized people what they thought, and that this was the source of mixed emotions for them. They shared excitement and optimism about being asked, about the community gathered in the space, and about seeing a leader like Rachna Singh at the helm of the project. At the same time, participants acknowledged a feeling of apprehension, and at this the other participants nodded agreement and chimed in. Participants voiced concerns such as, will my opinions be valued? Could this process harm my community? Why am I being asked, and how will this help me, my family, my friends, and the working class?

We share this story because while many Indigenous and racialized CUPE members and elected CUPE leaders were invited to join this Inquiry on Hate in the Pandemic, all but one individual declined to participate; some of the themes in this story show why. Even racialized CUPE staff were concerned about being video or audio recorded. Some CUPE members felt that the process was intimidating and triggered thoughts of judicial processes, which felt unsafe. Others were afraid there could be repercussions for them at work. Further, many members had been involved only a few weeks prior as facilitators with the Anti-Racism Data Engagement project and did not have capacity for more engagement so soon.

The language used around racism and human rights advocacy can pose as a barrier for our members and working-class people. Additionally, Indigenous and racialized people may feel unsafe when processes sound colonial or are reminiscent of the judicial system (i.e., the word “inquiry”). As mentioned above, as Indigenous and racialized workers are typically not accustomed to being consulted, members have shared that they feel apprehensive about opening up without significant protections and transparency about the process, its purpose, and its intended outcomes and timelines.

We acknowledge that it is extremely important to undertake this work and we thank the BCOHRC for engaging in community input with an intersectional lens that includes the working class. Public sector workers have been supporting communities throughout the pandemic, oftentimes at a significant cost to their own safety and mental health, especially for Indigenous and racialized workers. We also respectfully suggest that in future undertakings, a more trauma-informed approach be considered, to increase the chance of having Indigenous, Black, and racialized working people feeling encouraged and safe to share their stories.

Appendix

[CUPE National Truth and Reconciliation Bargaining Guide](#)

[National Indigenous Council Report 2021](#)

[CUPE Anti Racism Strategy](#)