



The Professional Institute  
of the Public Service  
of Canada

# Black Class-Action Lawsuit

Town Hall Consultation Report

Paige Galette Consulting  
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# Introduction

In December 2020, Black Public Service Workers filed a class-action lawsuit in the Federal Court of Canada<sup>1</sup>. The lawsuit claims that the Treasury Board wronged a series of past and present Black workers due to their Blackness. Many plaintiffs claim seeing a barrage of anti-Black actions, such as denial of entry and promotion in the public service. The Black Class-Action Lawsuit, which involves Black members of the Professional Institute of the Public Service of Canada (PIPSC), seeks long-term solutions<sup>2</sup> and reparations for the numerous damages caused at the detriment of Black workers' physical, emotional and mental health and wealth, with the goal of seeing true representation of employment equity in the Public Service.

“ The Black Class-Action Lawsuit... seeks long-term solutions and reparations for the numerous damages caused at the detriment of Black workers' physical, emotional and mental health and wealth.

In Fall 2023, PIPSC's National Human Rights and Diversity Committee (HRDC) retained the services of Paige Galette (Paige Galette Consulting), giving her the mandate to facilitate virtual consultations (town halls) with Black-identified PIPSC members on the ongoing Public Service's Black Class-Action Lawsuit.

1 <https://pipsc.ca/news-issues/human-rights-and-diversity/solidarity-black-federal-public-servants>  
2 <https://www.blackclassaction.ca/>

# Main Objectives

The main objectives of these consultations were as follows:

- Demonstrate that PIPSC supports equitable career development for Black public servants.
- Demonstrate PIPSC's allyship and unwavering support to the class-action lawsuit.
- Demonstrate PIPSC's full support for Black public servants not covered by the class-action lawsuit.
- Deepen the engagement of Black members in the union and understand how the union can better support them.

This report encapsulates the town hall methodology, targets for participation and engagement, participants' responses in summary, recommendations by participants and the facilitator, and PIPSC's next moves.

## PIPSC Black Caucus and Human Rights and Diversity Committee Representatives

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# Town Hall Consultations

PIPSC held two (2) virtual consultations, one in French (November 14, 2023) and one in English (November 15, 2023). Each session was originally planned to last 1.5 hours. However, participation was so high that the facilitator was permitted to add an additional 15 minutes to both sessions. The virtual consultations were held over Zoom, where participants were invited to share their answers to questions by video or chat if they requested to remain anonymous. Both consultations featured open-forum style discussions, with a set of questions listed as guidelines. Given the content of the consultations, the facilitator, PIPSC's Black-Caucus co-chairs, and HRDC committee members agreed that participants would not be given a set time to engage unless the consultation needed to wrap up. The consultations featured themed questions, with an open-forum style discussion. The five (5) themes were:

- Recruitment
- Retention
- Advancement
- Within the union
- Black Class-Action Lawsuit

# Participation and Engagement

The French consultation did not see much participation in the chat. 100% of the participants who spoke were male-identified and participated with audio-visual functionality. Many attempts were made to encourage women and gender-diverse people to participate, however none answered the call. The English consultation saw high levels of participation in the chat, audio-visual functionalities, and the Q&A function. This consultation saw participation from women and men-identified people; however, none self-identified as gender diverse (non-binary, trans\* and identities other than cisgender). The participation targets were as follows.



## PIPSC's ladder of engagement (or measurements of success):

- **Supporter** – Attends a town hall meeting
- **Volunteer prospect** – Makes a recommendation or asks a question at a town hall meeting
- **Volunteer** – Mobilizes for or helps plan a town hall meeting
- **Leader prospect** – Organizes volunteers to join a PIPSC equity caucus following a town hall meeting
- **Leader** – Animates a town hall meeting; connects with other union leaders; connects with class-action lawsuit leaders

### Targets

Supporter – [250]  
Volunteer prospect – [30]  
Volunteer – [6]  
Leader prospect – [4]  
Leader – [3]

### The participation results were as follows:

Supporter – 214  
Volunteer prospect – 26  
Volunteer – 4  
Leader prospect – 0  
Leader – 3

# Participant Response

The participants' responses echoed the claims made in the Black Class-Action Lawsuit: Black Public Service workers continue to feel disproportionately penalized in the workplace due to their Blackness.

## Recruitment

Many of the participants believed that Black workers are faced with discrimination and anti-Black racism before they have an entryway to the workplace by way of the recruitment process. Some shared experiences of facing an interview panel that lacked representation by not having racialized and Black members. Invisible bias from interview panels contributed to a feeling of othering and exclusion. They believe this resulted in the hiring committee lacking understanding and culture, thus not seeing the value in hiring the member.

When asked **“What are experiences outside the workplace that were missed due to discrimination? Did those have an impact on being unable to get a job?”** participants shared having their nationality and immigration status in Canada questioned in staffing processes. One participant shared that their employer asked for proof of Canadian citizenship during a hiring process, whereas for a white counterpart, this was not required. In fact, that white counterpart was an immigrant from a French-speaking country who was offered a permanent position, along with a promotion.

Participants noted that although they have the qualifications for a specific position, they do not get called for interviews. They also remarked seeing many of their Black peers put into acting positions. Although an acting position can provide the ability to further skills, experience and knowledge, it causes job precarity for Black employees. Once their acting position's mandate has expired, many claim to be forced to return to their substantive position without any advancement possible. Therefore, they remain stagnant. **This echoes the claim in the Black Class-Action Lawsuit of Black employees being passed for promotion.**

## Quotes

“ Fundamentally, what I have seen is that hiring managers are free to choose whomever they want to hire and promote. Often the first choice is someone who they like, someone they want to succeed and someone who looks like them or shares their culture or background” (on why Black members are barred from obtaining employment in the Public Service).

“ Black people don't enjoy the same access to the non-advertised appointment process as our White counterparts and some depts use this too liberally. I'm struck by how often White hires turn out to have known the hiring managers, socially, before being hired.

## Retention

When asked, **“Do your coworkers struggle to understand the challenges for you as a Black worker, to have gotten to the place you are?”** participants shared that many people in current management positions do not believe in systemic discrimination. Some participants shared the experience of being questioned when they brought up the issues related to anti-Black racism. This form of racial gaslighting has turned the employees away from wanting to advance in their public service career, let alone stay in the workplace.

When asked, **“What are the impacts of stress and discrimination on family life and wellness?”** many participants expressed the lack of support that they have received from their employer, which forced them to seek support from external resources, negatively impacting their personal life and surrounding network. Anti-Black racism in the workplace has a mental toll on Black workers. Participants shared that when they are not successful in the workplace, either through an assignment or by missing a promotion, they are left with sentiments of failure. Even when they know they are capable of the work required, the stress is so great that they need to take sick leave. Members shared that their sick leave was denied by their managers on the premise that they thought the employee in question was trying to “skip work” rather than the true intention of taking a day to rest and recuperate. Members shared that the mental toll of the anti-Black racism they experienced in the workplace has left them in vulnerable situations of inflicting self-harm and having suicidal thoughts.

In terms of tactics to achieve wellness within the workplace, participants shared experiences of taking on substantive and acting positions to evade the anti-Black racism felt and experienced in the current workplace.



## Quotes

“ I’ve been asked by others “is this truly racism?” .

“ Retention goes hand-in-hand with intimidation tactics.

“ They (management) just want you to come back and act like nothing happened. And your colleagues know intimidation and discrimination is happening, but no one speaks up.

“ You feel guilty for taking a personal day.

« À l’égard d’un employé noir, la superviseure a écrit dans un courriel « Même un singe aurait compris mon message. »

“ Over my 30+ years of government experience, I have seen too many underemployed, highly educated Black employees deliberately held back.

## Advancement

When asked, **“How is it that Black candidates stay in the lower levels, whereas non-racialized (white) candidates, with the same education level, can move up to higher positions?”** participants shared personal experiences of being in the workplace for many years, while remaining in the same level. This echoes claims made by the Black Class-Action Lawsuit. Although Black Public Service workers may give 30+ years of service, they find themselves unable to obtain advancement in the workplace. Participants shared experiences of seeing their White counterparts and peers that they trained into the position suddenly being offered higher level positions, whether they be permanent or acting.

When asked, **“Have you been passed on for an acting position?”** The answer was an overwhelming “Yes.” Participants shared that they are currently in levels 02 and 03 of the public service, despite having over 10 years of experience. Some shared that the reason given was that they lacked experience, while others shared that they only saw changes once the Black Class-Action Lawsuit was served to the Treasury Board.

Members shared that they have had Managers and Directors ask them not to apply for other competitions outside of their departments, with the promise of an upcoming promotion. Only to see peers receive this promotion and the members themselves being passed for a promotion.

## Quotes

“ I was kept in the candidate pool for 8 years until the Black Class-Action suit. I saw immediate action in my career advancement.

“ When you're in an acting position, you're encouraged to apply in a pool in order to become permanent. There are times when managers and even directors will say, 'Don't apply anywhere else; we will give you a promotion internally.' And they fell short on that promise many times. They ended up hiring somebody else.

“ Discrimination is a reality. 19-20 years in the same position, lack of opportunity and training. Meanwhile, the people who have been there for one or two months suddenly become supervisors.

“ Most of us have served in entry-level positions for 20-plus years and trained our managers.

“ I was given an acting job and told just to keep the seat warm and approve timesheets. Nothing else. I ignored them and did my job. My manager was so surprised at my competence when he gave me an outstanding performance review. He had also told me to say nothing at meetings. Imagine!

“ When Black members are placed in leadership positions they are placed under a lot more scrutiny; many times they are let go way more easily than other colleagues for a small ‘mistake’ or ‘miscommunication.’ Also, as a manager, they have to be even more careful with how they speak to people as Black people are always interpreted as being angry or confrontational.

## Academic Sector

When asked, “**Have you received mentorship opportunities to advance you in your career?**” members gave statements that indicated the opposite. They gave examples of them failing largely due to their supervisors, the university, and the lack of support needed for their success. The members shared that in academic contexts, they have been made to feel that when they faced struggles or needed extra support they were victimized and made to feel that they were somehow a problem. They felt that they instead would have deserved to be uplifted and supported in their academic careers.

Many participants shared instances where there was foretelling from their eldest peers, their parents and community members when it came to the type of anti-Black racism they would face in the workplace. This statement demonstrates a longstanding and intergenerational existence of anti-Black racism, not only in the Public Service but throughout Canadian history.

Members from the academic sector also shared experiences where they were heavily penalized as Black academics for either speaking out against anti-Black racism or for asking for a review of unethical actions. One member in particular shared the experience of feeling placed in compromising positions by their supervisor. When they brought it up to the upper levels of the university in question, they were met with threats to revoke their PhD if they followed through on their grievances. Nevertheless, they decided to proceed with their complaint, to which the university responded by cutting their funding, cutting their access to perform their work duties related to academia, and installing their supervisor (against whom the complaint was made) on the hearing panel of judges. The member lost their case, and thus their PhD. The member shared that the panel hearing the case was made up of all White members. They shared that they received no support from either the university, the students’ union or their peers.

## Quotes

“ My father is a professor at a different university, and he told me, ‘There are things that will happen that you should be prepared for.’ Everything he said would happen, happened. First thing he said was that they wouldn’t believe me. They (the university) went to the extent of asking my supervisors to be judge and jury on my review panel and how should things move forward. Even though they were the ones that committed the act.

“ As soon as I brought it up, they cut my funding, they cut my access to (the) work environment, they cut everything off.

## Within the Union

Members, including leaders in the Black Caucus and the HRDC, shared that there are a large number of Black Public Service workers who are currently excluded from the consultation, as they are no longer members of PIPSC due to retirement or leaving the workplace. During the town hall, members were asked, **“What should PIPSC do to create more inclusive spaces (to the BCAS) for Black retirees and Black workers who have left the workplace?”** Members requested a more proactive campaign to reach out to the Black Public Service Workers. Such a campaign could include a dedicated space (eg. 1-800 number) for retirees and past members to call and share their experiences. The goal of such a campaign would be to ensure these specific members know that their union is hearing their concerns, similarly to the town halls.

Members indicated that it is currently a struggle within the union to find Black representation, including Black stewards, as there are so few. Those who indicated that they volunteer as stewards at PIPSC shared that they feel overwhelmed with the double challenge of representing Black workers on top of facing their own challenges. The weight they carry is important, as Black workers who face similar challenges to those presented to them by their peers in the workplace.

Many members expressed their concerns surrounding non-Black PIPSC staff, leadership and representatives understanding the issues surrounding anti-Black racism and their ability to represent the Black members adequately. A member attending the town hall shared that only once were they able to rely on PIPSC to adequately represent their issues in front of the employer, and that is because they are Black. They shared that this employee has now left and that the representative they currently have has demonstrated an inability to support their grievances. Members have shared instances where a PIPSC representative has gaslit them about the racial issues they faced. Another member expressed that a PIPSC representative admitted to having little to no knowledge or experience in addressing anti-Black racism in the workplace. They proceeded to ask the member to guide them in how to fully represent their grievance.

When asked, **“Are Black workers aware, represented and welcomed in PIPSC spaces?”** members expressed not feeling included or welcomed into the union’s dedicated spaces. Many shared instances where they were the only

Black member at events, such as conferences and education courses, while others shared being part of a slim minority. A few members shared anecdotes of receiving letters from leadership asking them not to participate in union activities and felt they were made to feel like they were contributing to problematic behaviours, infringing the wellbeing of the union. They included that sentiments regarding anti-Black racism and its awareness within the union and at leadership levels seem to have shifted since 2020 and the aftermath of the killing of George Floyd by Police in the United States. However, the damage has already been done. Some Black members who have witnessed anti-Black racist behaviours within the union are no longer interested in participating and engaging in union activities. They mentioned feeling penalized by the union when they were courageous enough to speak out on issues of discrimination and racism; they were met with backlash. They were asked to remove themselves from union activities, and some have seen their participation barred. Some members expressed that the trust between Black members and the union has been broken beyond repair.



## Quotes

“ (Regarding PIPSC Reps), if it is not someone who understands your pain, they'll try to swim around (the issues).

“ PIPSC is not doing anything. I was told by my own representative that I have more experience than them and to guide them in how to address such issues of anti-Black racism.

“ There is a legacy of exclusion by Unions. When I was a shop steward, Black PIPSC members said they didn't feel comfortable at PIPSC events. We need to do more and better. We need outreach to let Black members know they are welcome.

## Black Class-Action Lawsuit

When asked, **“Do you find yourself well-versed on the content of the lawsuit?”** participants shared that they do not know enough about the Black Class-Action Lawsuit. Members indicated that, for the class-action to be treated with the seriousness that it deserves, there needs to be a stronger visibility campaign accessible for the members of the public.

Other members expressed that the town halls were a great avenue for Black members to get together, learn about the issues surrounding the Black Class-Action Lawsuit and learn new tools and resources about how to confront anti-Black racism in the workplace.

Finally, members who were not aware of the Black Class-Action Lawsuit until they received an invitation by PIPSC to participate in the town hall consultations, indicated that they would like to receive more information and be kept updated on the decisions and proceedings of the lawsuit, as well as some offering to volunteer in getting the word out or actively participating in PIPSC Black Caucus and other equity groups.

## Quotes

“ There are things happening, but there’s not enough information out there. We are struggling. I need a lot of help! I am one of the few Black Stewards and I am dealing with everything on all levels of the union.

# Recommendations

Participants were asked to share their recommendations to PIPSC's HRDC committee as to how they would like the union and its committee to proceed in a campaign for the Black Class-Action Lawsuit.

## Education and Visibility Campaign

- Educate members of PIPSC who are seeking leadership and representation roles on the matters of the Black Class-Action Lawsuit. All members should be well-versed in its content and the upcoming final decision.
- Education of PIPSC leadership and representation should also include examples of how anti-Black racism manifests itself and the impacts of (in) action by management.

## Data

- PIPSC must explore the possibility of collecting race-based data in future member polling. Such data could demonstrate the unique needs of Black public service workers. Race-based data could better help demonstrate the anti-Black racism that members described. The need for race-based data has been highly recommended. More explicitly, data that reflects anti-Black racism within the public sector.
- PIPSC Consultation teams and group executives should request data illustrating the number of Black workers applying to public sector work and the number that are successful versus the number of candidates that are kept in the hiring pool.
- The issue of Black Public Service workers in acting positions who have been offered their acting position on a permanent basis, as opposed to those who had to go back to their substantive position, needs to be addressed with the employer.
- There is a need for data reflecting pay (in)equity and disparity between Black Public Service workers and their White and non-Black counterparts.

## Policy & Advocacy

- A review of PIPSC's internal policies that may perpetuate anti-Black racism onto its Black members and Black staff members.
- For PIPSC to advocate for the inclusion of representative interview panels within the Public Service. Black workers should be judged by a panel of their peers, who will value their work and understand the culture and circumstances that Black members have faced in and out of the workplace, which has ultimately brought them before the panel of peers.

## Membership Engagement

- Encourage and mobilize Black workers to become shop stewards in their union local.
- PIPSC must hold additional consultations for Black workers. Such sessions should be in-person and by region to create deeper connections among Black PIPSC workers and space for solidarity and connection.

## Facilitator's Recommendations

- The member who attended the town hall were very open to sharing their experiences. However, time became a limiting factor. There is power in finding one's voice and having one's story told. It would be interesting to hear the experiences of Black Public Service workers in an audio format. It may be of interest to PIPSC Black Caucus to host a series of podcast episodes.
- PIPSC to release data that supports the shared lived experiences of the members who participated in the town hall as well as the ongoing Black Class-Action Lawsuit. Such data should incorporate gender disparities (cisgender and trans/non-binary inclusion), and provincial and regional data.

- The French town hall featured all self-identified cis-men, with no representation of women, trans and non-binary members. PIPSC should create the space for Black women, trans and non-binary members (in French and English) to share their own lived experiences of anti-Black racism within the Public Service.
- PIPSC to consult Black Public Service workers, including retirees as well as those who have left the public service due to facing anti-Black racism.
- PIPSC to build momentum for awareness and support leading up to May 2024 (decision timeline for the Black Class-Action Lawsuit). The Black Class-Action Lawsuit is a historic moment for Black activism in Canada. PIPSC and other public service labour unions are well positioned to engage members, as well as Canadian society, in the decision that will be made toward this lawsuit.
- Support the creation of an internal audit. These consultations have highlighted the harm that anti-Black racism has created within the union and toward Black members. An internal audit can offer the opportunity for Black members to highlight ways that PIPSC can be inclusive and lead systematic change in the union's culture. Such an audit should be conducted by an external consultant to allow Black members the liberty and freedom to express themselves without fear of retribution or backlash.



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