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Reflections on Equity in Higher Education: Are We Transforming Relationships?*

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ABSTRACT

This essay—originally delivered to the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education—reflects on the ambivalent relationship between equity, diversity, and inclusion, and employment equity, canvassing both the existing literature on effectiveness and the normative imperative of achieving substantive

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equality. It also critically considers the vision embodied in one recent sector-specific initiative, the *Scarborough Charter on Anti-Black Racism and Black Inclusion in Canadian Higher Education*. It asks what frameworks enable us to prioritize the work of transforming relationships in higher education in Canada, and beyond.

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RÉSUMÉ

Cet essai, initialement présenté à l'Association canadienne pour la prévention de la discrimination et du harcèlement en milieu d'enseignement supérieur, explore la relation ambivalente qui existe entre l'équité, la diversité et l'inclusion, et l'équité en matière d'emploi. Le texte passe en revue la littérature existante sur l'efficacité de ces approches et sur l'impératif normatif d'atteindre l'égalité réelle. Également, il examine d'un œil critique la perspective incarnée par une initiative récente : celle de la *Charte de Scarborough s'engageant à faire échec au racisme anti-Noir et à favoriser l'inclusion des Noirs dans les établissements d'enseignement supérieur canadiens*. L'essai s'interroge finalement sur les cadres qui nous permettent de prioriser la transformation des relations au sein des établissements d'enseignement supérieur du Canada et d'ailleurs.

INTRODUCTION

I am honoured to have been entrusted with the responsibility for chairing the federal *Employment Equity Act* Review Task Force, which I have also taken to be an invitation—to invoke Nobel laureate Toni Morisson—to dream a little before we think about the kinds of workplaces, and ultimately society and world, we want to live in.[1] I have sensed the urgency of this work, even more so in these moments of deep societal division. It has played out, perhaps more than might have been imagined, in our institutions of higher education. This essay, therefore, delivered to the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education, seeks to address the ambivalent relationship between equity, diversity, and inclusion (EDI) and employment equity, and to refocus attention on the imperative of substantive equality. It reflects on the importance of a transformative framework—centred on barrier removal, meaningful consultations, and regulatory oversight—for reshaping relationships in higher education in Canada, and beyond.

I. THE SYMBOLIC POWER OF EMPLOYMENT EQUITY FOR CANADIAN HIGHER EDUCATION

In Canada, the *Employment Equity Act*[2] framework has been a symbolic cornerstone of how we have addressed equity—that is, substantive rather than formal equality[3]—in our societies and, very specifically, in the world of work. I say symbolic only in part because the federal legislation

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1 See Toni Morrison, "Sarah Lawrence Commencement Address" in *The Source of Self-Regard: Selected Essays, Speeches, and Meditations* (New York: Knopf Doubleday Publishing Group, 2019) 129 at 141.

2 SC 1995, c 44.

3 While chairing the task force, I was struck by how often I was told that our goal should be to seek equity, not equality. I was reminded of how readily the language of equality was used to mean formal equality, despite the considerable developments of this understanding in Canadian constitutional and human rights law, discussed *below* and epitomized in Rosalie Silberman Abella, *Report of the Royal Commission on Equality in Employment* (Ottawa: Canadian Government Publishing Centre, 1984) [Abella, *Report*]. It is also a cornerstone of international human rights law. Recalling also the mandatory nature of the obligation to take special measures when warranted, see e.g. *General Recommendation No. 32: The Meaning and Scope of Special Measures in the Convention on the Elimination of All Forms of Racial Discrimination,* UNCERD, 75th sess, UN Doc CERD/C/GC/32 (2009) at paras 11, 30.

covers only slightly less than 8% of the entire Canadian labour force;[4] yet labour and human rights initiatives in federal law and policy tend to have an outsized influence across Canada, well beyond the actual coverage of the federal *Employment Equity Act* framework. This has been particularly true in higher education. Measures have proliferated to promote EDI and have also been the subject of significant backlash. I argue that it is imperative to root the work of equity in our constitutional and quasi-constitutional substantive equality protections, and to keep the focus on transforming relationships.

I will address the legislative framework that has emerged, including the history out of which it emerges. In doing so, I want to situate very explicitly—you might say, reframe—much of what is being done by EDI experts in relation to the broader legislative and regulatory frameworks. How, in other words, do we understand the work that is being done under the banner of EDI, in relation to our constitutional commitment to substantive equality, a commitment that also surrounds international human rights and labour law?

A. History Matters

First, through our time together, I have sensed a recognition that the commitment to redressing societal inequality requires us to accentuate how much history matters—those histories that have been all around us in our discussions over the past few days, but perhaps less explicitly centred because we have been focused on what we are doing. But let me be explicit and mention several, but still only some, relevant examples here:[5]

- The history of settler colonialism and of residential schools (and their legacies) in missing and murdered Indigenous peoples, in dispossession, in cultural genocide, and in inter-generational trauma, which calls us to processes of truth as crucial to any engagement with reconciliation
- The history of slavery, as a global institution, and an institution that involved Canada both in the enslavement of Indigenous peoples and people of African descent

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4 Blackett Report, *supra* note * at 4.

5 Each of these examples is discussed in Blackett, *Report*, *supra* note * at ch 3. Throughout the chapter, the task force emphasizes that history matters.

- The history of racial segregation in Canada and in Canadian workplaces
- The history of the Chinese head tax
- The history of the internment of Japanese Canadians during the Second World War
- The history of the Purge of 2SLGBTQI+ people in the federal public service, for which Canada has only recently apologized
- The history of a purely medical model of disability—which has ultimately reinforced a deficit model of disability—rather than a focus on the barriers in context that prevent people with disabilities (and all historically marginalized groups) who seek equity from achieving it

These histories, in other words, lead us to recognize that equity is deserved[6] as an incarnation of the principles of human dignity, substantive equality, and restorative justice.

B. EDI and Ambivalence

I also feel compelled to posit that our histories should tell us something else about our contemporary moment in which EDI positions and initiatives of so many stripes have proliferated. In this space, with the many thoughtful, truth-filled and at times soul-searching reflections, we have already seen both the potential and the pitfalls. I hear hope, and I hear ambivalence. So many of us, as change-makers from equity groups, have been called upon to serve in a wide range of EDI-related roles—to keep showing up. Leaders on equity in institutions of higher education have poured intellect, heart, and soul into moving mountains, often with very little funding, without job security and academic freedom, and with little substantive change to the structures into which the work of EDI has been inserted. Too often, I hear perpetual struggle[7] against significant odds—the kinds of odds that the guardians of other spaces in higher education rarely have to endure. Is the EDI condition meant to be one that

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6 Wisdom Tettey, "Inspiring Inclusive Excellence — Professor Wisdom Tettey's Installation Address" (delivered at University of Toronto Scarborough, 25 February 2019) [unpublished] online: <utsc.utoronto.ca> [perma.cc/7RS8-5RWR].

7 Kathryn J Norlock, "Perpetual Struggle" (2019) 34:1 Hypatia 6.

incarnates the view that equity is never really meant to be achieved, not to mention sustained?

What I feel compelled to posit, I do not posit lightly. In the contemporary context, some of what we frame as EDI and struggle to gain acceptance for might well be a distraction. That's right, a distraction away from a framework that has strong foundations in social justice—substantive equality, a foundation that should focus on actually achieving and sustaining equity in employment. What I have heard a lot about over my time chairing the task force and in many of the reports, audits, and other documents received is a much looser, more ephemeral set of ideas—a litany of non-performative actions.

C. *Equity is the Law*

It is often said that diversity is a fact, and inclusion is a choice. But I want to add something that is crucial, at least in the Canadian constitutional context: "[E]quity is the law."[8] As communities committed to achieving and sustaining equity, and in the face of incessant demand for action, how do we insist on keeping our eyes on the prize?

Employment equity is a proactive approach to achieving and sustaining substantive equality in the workplace. It has been almost four decades since the sole commissioner of the Royal Commission on Equality in Employment, then judge, now former Supreme Court of Canada justice, the Honourable Rosalie Silberman Abella, explained the urgency of a proactive, distinctively Canadian approach.[9]

However, before discussing the substance of the Abella Commission, a bit of background is required to situate it within its historical context.

The *Employment Equity Act* came into force in 1986. It was significantly revised in 1995. The federal *Employment Equity Act* framework is a combination of the *Act* and covered programs, including the Legislated Employment Equity Program, the Federal Contractors Program, and the Workplace Opportunities: Removing Barriers to Equity program. It was also revised most recently to include provisions on pay transparency.[10]

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8 Blackett, *Report*, *supra* note * at 19.

9 Abella, *Report*, *supra* note 3 at ch 1.

10 Blackett, *Report*, *supra* note * at 1–2.

By adopting legislation on employment equity federally, Canada set out to transform our workplaces. As a country, we may have forgotten our history of legal or de facto discrimination and segregation. Let me pause here, for we might have thought of that segregation as merely de facto occupational segregation which, for example, left Black men working gruelling hours, struggling to stay awake, always at the service of train passengers in search of "porters as good housekeepers" yet barely paid a living wage in our iconic Canadian railway system. However, the segregation was formalized by law. For example, the segregation was part of the 1944-1945 Agreement between Canadian National Railway (CN) and the Canadian Brotherhood of Railway Employees and Other Transport Workers.[11]

The segregation was also reflected in our case law. Perhaps the most prominent example was the case of Mr. Fred Christie, a Black Montrealer, who was refused service in a tavern on the basis of his race. With the support of the Black community, he fought the case all the way to the Supreme Court. Through that decision, rendered fatefully in December 1939 after the Second World War had already started, our Supreme Court entrenched racial segregation in Canadian law.[12] Segregation in Canadian workplaces continued even after the *Fair Employment Practices Act* was introduced in 1953.[13]

So, Canada has long understood historical exclusion—even though we have tended, like so many societies, simply to want to walk past it—and the need for workplace transformation. Consider that the first employment equity program in Canada emerged from recommendations of the Royal Commission on Bilingualism and Biculturalism established by

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11 Agreement Between Canadian National Railways (Sleeping, Dining & Parlor Car Department) and Canadian Brotherhood of Railway Employees and Other Transport Workers (governing Working Conditions and Wage Rates of Employees in Sleeping, Dining & Parlor Car Service, effective as of 15 August 1945), Ottawa, National Archives of Canada, Stanley G Grizzle Fonds (MSS2466, R12294-0-2-E). See also Cecil Foster, *They Call Me George: The Untold Story of Black Train Porters and the Birth of Modern Canada* (Windsor: Biblioasis, 2019) at 90; Adelle Blackett, "Beyond a Boundary of Systemic Anti-Black Racism in the Workplace in Canada" (2025) 48:1 Dal LJ 1 at 7.

12 *Christie v The York Corporation*, 1939 CanLII 39 (SCC).

13 Foster, *supra* note 11 at 247.

the federal government in 1963.[14] Its purpose was to remedy exclusion and transform the federal public service—specifically, to ensure that francophones would have equitable access to federal positions. Celebrating group-based identities and making sure they are equitably represented is a source of strength, and a solid basis on which to build social justice in the workplace alongside cohesive, open, democratic societies.

Well before the work of the 1963 Royal Commission and into the 1970s and 1980s, equity-seeking and equity-deserving groups realized that antidiscrimination laws were an insufficient response to deep patterns of workplace inequality and exclusion. These patterns notably emerged from the colonialism faced by Indigenous nations on their own lands, the enslavement and segregation faced by Black people, and histories of exclusion, discrimination, and under-representation experienced notably by women, persons with disabilities, 2SLGBTQI+ communities, and racialized people in Canada. Policies and laws on employment came from listening to their voices.

The 1984 Royal Commission on Equality in Employment was instructed "to inquire into the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis."[15] Commissioner Abella consulted widely, and reported that many people from groups that have faced historical forms of marginalization were being left out, despite their abilities and vast potential contributions. Meaningful workplace inclusion for all was too important to be left to ineffectual, voluntary initiatives. Human rights legislation focused on challenging discrimination through reactive, complaints-based approaches that put responsibility for action in the hands of those who experienced the discrimination. But antidiscrimination approaches—the hospitals after the crash—were insufficient to address the

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14 The Royal Commission's preliminary report was submitted on 1 February 1965. Part IV of the final report focused on the cultural contributions of ethnic groups beyond the official language groups, which led to subsequent developments on multiculturalism (see Royal Commission on Bilingualism and Biculturalism, *Report of the Royal Commission on Bilingualism and Biculturalism* (Ottawa: Queen's Printer, 1967)). See also *Official Languages Act*, RSC 1985, c 31 (4th Supp) and the Official Languages Program of 1969.

15 Abella, *Report*, *supra* note 3 at ii.

complex character of systemic discrimination and put responsibility on employers to ensure that workplaces were equitably inclusive.[16]

Although there was key US precedent for proactively addressing systemic discrimination, there were also powerful reasons to take distance from the US concept of "affirmative action" that had become tied up in a polemic, both around the notion of "reverse discrimination" and a rigid approach to quotas.[17] Let us be clear: the *Employment Equity Act* framework does not impose quotas, and the notion of "reverse discrimination" is *not* part of Canadian equality law and is likewise *not* part of the *Act*'s framework. I am constantly surprised by the weight of US precedent that is not our own on our public discourse. We must be clear about the vision we have foregrounded in the Canadian context, rooted as it is in substantive equality.

I am also constantly surprised by how much we need to relearn about what employment equity comprises, and what it is for. Consider that in 1981, an organization representing women workers, *Action travail des femmes*, brought a human rights case against one federal employer, CN, under the *Canadian Human Rights Act*. Six years later, a landmark Supreme Court decision found that there had been systemic discrimination, and upheld a Human Rights Tribunal's order requiring CN to adopt an employment equity plan to remedy it and to transform the workplace; it applied the understanding of substantive equality that emerges from the 1984 *Royal Commission on Equality in Employment*.[18]

The case established that there was deep-rooted discrimination against women at CN. But employment equity, consistent with the focus on systemic discrimination and achieving substantive equality, moves us past a focus on intent, and past a presumption that everyone has the same employment opportunities. Employment equity seeks to achieve and sustain fair, equitable workplace inclusion.

Chief Justice Brian Dickson for a unanimous Supreme Court therefore focused on transforming the workplace context for the future, affirming that "it is essential to look to the past patterns of discrimination

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16 Blackett, *Report*, *supra* note * at 5–7.

17 *Ibid.*

18 *Canadian National Railway Co v Canada (Canadian Human Rights Commission)*, 1987 CanLII 109 at 1147 (SCC).

and to destroy those patterns in order to prevent the same type of discrimination in the future."[19] The Human Rights Tribunal and the Supreme Court put in place an employment equity plan to get the proportion of women in blue collar jobs to mirror the proportion of women in similar jobs across the country "as soon as possible."[20]

The implementation plan upheld by the Court had two key components. The first was to discontinue certain kinds of practices that created barriers—including the use of mechanical aptitude tests that the tribunal found had a negative impact on women and were not warranted for the job requirements. The second was the numerical goal of 13% of non-traditional positions filled by women based on the national average of women in non-traditional occupations across Canada. Their approach built in flexibility for employers, but CN was required to hire at least one woman for every four non-traditional positions filled in the future, with due regard to seniority rights.[21]

Crucially, the Supreme Court also stressed that the goals and timetables of the Human Rights Tribunal corresponded to the national average of women involved in non-traditional occupations. The plan also included regulatory oversight, upholding a quarterly reporting requirement to the Canadian Human Rights Commission.[22]

The Supreme Court spelled out the foundation for the substantive equality-based approach: Employment equity would help to challenge stereotyping, by the very fact of having people thought not able to do the work occupying the jobs. For the stereotypical attitudes to change, it would not be enough to just have the occasional one or two women hired into the jobs. Too often, the lonely one or two get treated as exceptions or are stereotyped themselves as tokens. Either way, could there be a clearer way to say that a group does not belong in a given workplace?

Instead, it was necessary to create a "critical mass" of equity group participation in the under-representative workplace.[23] This required

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19 *Ibid* at 1145.

20 *Ibid* at 1127.

21 *Ibid* at 1125–27, 1142–47.

22 *Ibid*; Blackett, *Report*, *supra* note * at 8–9.

23 *Ibid*.

action, both to discontinue the practices that create barriers and to introduce numerical goals.

D. Remembering the Raison d'Être

Over the decades, as employment equity was implemented, workplaces tended to forget how important barrier removal in particular is to employment equity's success. To create critical mass and challenge stereotypes, it is necessary for employment equity programs to include but look well beyond hiring, to the conditions of employment over the entire workplace lifecycle. The Supreme Court was very practical about what employment equity should look like; Chief Justice Dickson asked who would evaluate the equity groups coming in with low levels of seniority, who would be more likely to get laid off, who might be scapegoated as if they were stealing other peoples' jobs?[24]

These questions are fundamental. The "who" has, in many cases, gotten lost. Yet we have known all along: Employment equity simply will not happen without meaningful consultations of those most concerned. And oversight—meaningful regulatory oversight—is crucial.

I will stress these three components, because they are often lost when we think about equity systemically, yet they are employment equity's transformative framework—that is, how it transforms relationships. The first is barrier removal, which includes attaining the representation numbers required in workplaces, but entails so much more.[25] The second is meaningful consultations throughout the processes with equity groups and workers generally.[26] The third is external regulatory oversight to ensure that the legal framework is actually being implemented and to provide guidance on how to achieve and sustain employment equity.[27] The framework, ultimately, is about how we create the space to be meaningfully represented, to bring our authentic selves to our workplaces in the spirit of nothing about us, without us.

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24 *Ibid* at 1146.

25 Blackett, *Report*, *supra* note *, at ch 4.

26 Blackett, *Report*, *supra* note *, at ch 5.

27 Blackett, *Report*, *supra* note *, at ch 6.

E. EDI in Canada: The Influence of the United States

So how does the work on EDI, particularly in the context of higher education, fit in relation to this framework?

Let us get out of the way that much of the EDI literature originates from the United States. The turn to equity, diversity, and inclusion in the United States context has followed a jurisprudential turn away from enabling positive measures to be used to redress general, historical, societal discrimination, and toward supporting "diversity" as a justification for some preferences.[28] It is perceived to have rather subtly but decisively supplanted some of the compliance with civil rights law, weakening law's potential to achieve equity.[29]

The research on the actual effectiveness of some EDI initiatives is surprisingly limited, and much of the literature that is available leaves some room for concern. Consider that in the United States, the Equal Employment Opportunity Commission's Select Task Force on the Study of Harassment in the Workplace found that despite 30 years of corporate training, there is little evidence to show whether it is effective in preventing harassment.[30] Should what works or does not work simply be left to the marketplace of ideas, especially in a context when individual workplaces may surmise that there are few incentives to disclose their techniques for success, much less their failures? What if some of the proliferating symbolic policies or procedures framed as promoting EDI increase arbitrariness and actually run the risk of causing real harm?

F. Beyond Non-Performativity

Some large employers, including some of our universities, have staffed EDI offices but have limited experience conducting environmental scans of policies and processes to identify systemic barriers, and limited experience engaging in meaningful consultations with affected groups.

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28 See generally Stacy Hawkins, "What the Supreme Court's Diversity Doctrine Means for Workplace Diversity Efforts" (2018) 33:2 ABA J Lab & Employment L 139.

29 Lauren Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (Chicago: University of Chicago Press, 2016) at 145–49.

30 Chai R Feldblum & Victoria A Lipnic, *Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace* (Washington, DC: US Equal Employment Opportunity Commission, 2016) at 44–45.

Some experts worry that EDI initiatives, detached from a focus on employment equity, run the risk of yielding a "learned helplessness."[31] In other words, rather than actually taking measures that are carefully designed to achieve employment equity, superficial initiatives—a splash of unconscious bias training, and stir?—become the stand-in, suggesting something will be done even when not much is expected to change. The troubling related, implicit assumption seems once again to be that employment equity will not actually be achieved. The focus is simply on doing something, or worse, *appearing* to do something.

In this regard, the work of the stellar team that coauthored *The Equity Myth: Racialization and Indigeneity at Canadian Universities* is particularly helpful, as it tackled the question of equity initiatives while focusing on racialization and Indigeneity in English-speaking Canadian universities.[32] Not only do they provide data establishing the persistence of inequality in Canadian higher education; relying on Sara Ahmed's work, they also demonstrate the ways in which some equity policies may mask discrimination through a non-performative process of naming without producing the effects that are named.[33] That is to say, despite the policies—despite the proliferation of equity offices and equity training—there has been strikingly limited structural change. They have not brought us equitable inclusion.

Other research suggests that some EDI initiatives may also lack the procedural rigour that equality rights deserve.[34] It was deeply concerning to read through the many public reports on workplace harassment and barriers to employment in some aspects of the federal public service and hear auditor after auditor, reviewer after reviewer, call attention to procedural problems, conflicts of interest challenges, and breaches of privacy. Unless we are careful about treating equality rights as human rights and

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31 Blackett, *Report*, *supra* note * at 19; Frances Henry et al, *The Equity Myth: Racialization and Indigeneity in Canadian Universities* (Vancouver: UBC Press, 2017).

32 See generally Henry, *supra* note 31. See in particular chapter 3, where the authors examine the representation of racialized professors in Canadian universities and their employment earnings to see whether there is evidence of racial inequality in Canadian institutions of higher learning.

33 *Ibid* at 303. See also Sara Ahmed, "The Nonperformativity of Antiracism" (2006) 19:1 Meridians: Feminism, Race, Transnationalism 104.

34 Blackett, *Report*, *supra* note * at 19; Edelman, *supra* note 29 at 44–45.

according to them the seriousness of process that they deserve, we run the risk of doing harm even when we mean to do good.

Some US researchers have even expressed the concern that the proliferation of internal measures, policies, and procedures may be used to suggest, in court proceedings, that due diligence measures are being taken. The possible result could be to limit liability for discrimination or harassment.[35]

Perhaps one of the most pressing concerns, and one that I wish to engage you with in relation to this essay, is the risk that EDI initiatives have been meted out in a largely top-down, managerial approach that leaves little room for meaningful consultation of those equity groups concerned by the measures.[36] In the context of higher education, we should be particularly attentive to how this work is undertaken.

And finally, we know that, even when undertaken by well-intentioned workplaces, voluntary measures alone will not sustain equity. There may be a lot of goodwill, but we need to create the conditions that allow reflexive mechanisms to work together to promote and sustain substantive equality in the workplace.

Now, for the sake of clarity, let me make plain that there is nothing inherently wrong with having a positive symbolic impact; the turn to EDI could symbolize that willingness to achieve employment equity and measures to help us get there. But EDI language may be taking on a life of its own, operating a move that in the process, leaves it—and us—all alone. Employment equity needs to be more than EDI as characterized by employers largely acting in a voluntary manner and on their own, without the state.

Is this an overstated or overdetermined critique? After all, when folks work hard and get into spaces and pull up a seat at the table, even if in former US congresswoman Shirley Chisolm's words, they have to bring their folding chairs, are they not inevitably meaning to make a crucial

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35 On the US experience, see Edelman, *supra* note 29 at 44–45; Susan Bisom-Rapp, "The Role of Law and Myth in Creating a Workplace that 'Looks Like America'" (2022) 43 BJELL 251; Jesse Singal, "What if Diversity Training is Doing More Harm Than Good?" *The New York Times* (17 January 2023), online: <nytimes.com> [perma.cc/Z7VW-RVLX].

36 Blackett, *Report*, *supra* note * at 21, ch 5.

difference?[37] Perhaps it may be that excellence is all around us and we just need to change the way we are looking at our world? I used to wonder, and had a mild tolerance for the language of diversity—is more truly merrier in the commitment to achieving our goals?

However, the recent, rather chilling, US Supreme Court decision on affirmative action from July, *Students for Fair Admissions v. Harvard*,[38] largely slams the door shut on the diversity rationale for affirmative action in higher education—a rationale that the US Supreme Court itself built up as part of a process designed to narrow and reshape positive action measures themselves.[39] Diversity was the goal, rather than redressing historical harm. We are increasingly seeing, through this case law, that framing equity and inclusion claims through the lens of "diversity" is not harmless or neutral but potentially filled with pitfalls.

In contrast—and you might have heard her oral questioning of counsel on this matter—the discussion of legacies evoked by Justice Ketanji Brown Jackson recalls that the descendants of those who had been educated over several generations at Harvard would be entitled to preferential admissions, while the descendants of enslaved African Americans who were denied access on the basis of race and the legacies of slavery would not be entitled to preferences. Justice Brown Jackson centres the history, and its legacies.[40] So as the door closes on how we understand affirmative action, we are reminded about the power of telling deeper, more complex histories—the kind of history-telling that situates in this context the work of antiracism in the context of slavery.

With the state of the jurisprudence in the United States, one understands why there has been such a resolute focus on diversity initiatives

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37 For background on the elusiveness of the origin of Chisolm's "folding chair" quote, see Anastasia C Curwood, *Shirley Chisolm: Champion of Black Feminist Power Politics* (Chapel Hill, NC: University of North Carolina Press, 2023) at 352.

38 *Students for Fair Admission Inc v President and Fellows of Harvard College*, 600 US 181 (2023).

39 See e.g. Stacy Hawkins, "What the Supreme Court's Diversity Doctrine Means for Workplace Diversity Efforts" (2018) 33 ABA J Lab & Employment L 2. See also Jeannie Suk Gersen, "After Affirmative Action Ends", *The New Yorker* (26 June 2023), online: <newyorker.com> [perma.cc/JYK9-3XGD].

40 *Ibid*, Jackson J, dissenting. See also Jeannie Suk Gersen, "After Affirmative Action Ends", *The New Yorker* (26 June 2023), online: <newyorker.com> [perma.cc/AR75-XST7].

instead of on affirmative action. But our jurisprudential landscape is markedly different. Why then has there been such a similar turn to EDI in Canada? Could it be that our focus on EDI plus intentionality leads us to elide the realization that structurally, we live in a context in which systems of oppression intersect in an economic system—to evoke Stuart Hall,[41] a system that thrives on historical forms of group division along lines that include and extend beyond race and gender to maintain the normalized power-structures in which we live?

Diversity is a fact, inclusion is a choice, and equity is the law.

G. What of Voluntary Initiatives in Higher Education in Canada?

This critique might seem surprising, in light of my role as principal drafter of one of the most widely adopted, higher education sector voluntary equity initiatives, the 2021 *Scarborough Charter on Anti-Black Racism and Black Inclusion in Canadian Higher Education*.[42] It is an initiative that emerges from the higher education sector, for the higher education sector. Its principles are honourable and have yielded significant buy-in—Black flourishing, inclusive excellence, mutuality, and accountability. Its actions are detailed to cover governance, research, teaching and learning, and community engagement. It calls on signatories to develop action plans, which:

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41 See Stuart Hall, *The Fateful Triangle: Race, Ethnicity, Nation* (Cambridge, MA: Harvard University Press, 2017) at ch 2.

42 Drafting Sub-Committee of the Inter-Institutional Advisory Committee for the National Dialogues and Action for Inclusive Higher Education and Communities, *Scarborough Charter on Anti-Black Racism and Black Inclusion in Canadian Higher Education: Principles, Actions, and Accountabilities* (Toronto: University of Toronto Scarborough, 2021) [*Scarborough Charter*]. The *Scarborough Charter* has been signed by close to 60 universities and colleges across Canada and has sustained scholarly attention internationally. A recent special issue reflects on its significance. See Christiana Abraham & Rohini Bannerjee, "Plumes of Progress: An Introduction to the Special Issue on the Scarborough Charter on Anti-Black Racism and Black Inclusion" (2024) 45:1 Atlantis 1. See also Christiana Abraham & Rohini Bannerjee, "Anti-Black Racism and the Signing of the Scarborough Charter: Insights, Processes, Challenges, and Inclusive Futures in Canadian Higher Education: An Interview with Dr. Adelle Blackett and Dr. Wisdom Tettey" (2024) 45:1 Atlantis 8; Adelle Blackett, "Signing the Scarborough Charter: Notes on Looking Back to Move Forward" (2024) 45:1 Atlantis 67 [Blackett, "Signing the Scarborough Charter"].

> [S]hould convey institutions' spirit of good faith in embracing and enabling meaningful, measurable and continuous improvement in the implementation of the following commitments to action. These principles-based commitments to action apply to *governance* in decision-making processes and structures at all levels of the institution, to *research*, to *teaching and learning*, and to *community engagement*.[43]

The *Scarborough Charter* has received remarkable support in the context of the 2020 reckoning with the depths of the persisting legacies of slavery in the form of anti-Black racism.[44] It was in response to a call for action. Much will depend on the ability of each university and college to engage meaningfully in sharing the fruit of their labour.

And I would suggest that it was always understood in this way: the *Scarborough Charter*'s ability to meet its crucial objectives will depend on the strength of the broader regulatory framework, which, by the way, is invoked in the *Scarborough Charter*'s preamble. That broader regulatory framework is the commitment to achieving—and sustaining—substantive equality. Employment equity is a crucial part of that framework of substantive equality, moving us beyond the reactive, to the proactive; beyond mere inclusion, to transformation. These measures flourish in the shadow of our constitutional law on substantive equality and meaningful consultations.

H. Recentering Substantive Equality

There is much that I could offer about the framework of substantive equality to which I have now repeatedly alluded. Our constitutional cases on substantive equality have over time established a firm foundation on which to build proactive approaches into our understanding of equity. I will not offer a comprehensive review in this lecture, but I do want to underscore the importance of one decision, *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government Service Employees' Union*,[45] widely referred to as *Meiorin*. Through this decision, we can see how substantive equality, in the context of employment equity, is an invitation to rethink the place of individual

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43 *Scarborough Charter*, *supra* note 42, art 1.

44 Blackett, "Signing the Scarborough Charter", *supra* note 42 at 68.

45 1999 CanLII 652 (SCC) [*Meiorin*].

accommodations in the context of proactive legislation designed for equitable inclusion. The Supreme Court also explained the importance of moving beyond individual accommodations in general human rights law. The case involved an experienced firefighter who had been successful in her job until a new aerobic test was introduced. The standard in the test was developed based on men's results. Ms. Tawney Meiorin did not pass one aspect of the test and lost her job. The Supreme Court unanimously found that she had faced discrimination, but the key for our purposes is how the Court approached the notion of reasonable accommodations.[46]

Rather than look to see whether Ms. Meiorin could have been individually accommodated, while leaving the new employment standard in place, the Supreme Court required the employer to scrutinize its standard before applying it. In other words, the Court refused simply to treat the standard as "neutral" and ask the worker to change.[47] The Court asked whether that standard was reasonably necessary in the first place. It stated that employers "must build conceptions of equality into workplace standards."[48]

The approach in *Meiorin* is transformative. *Meiorin* is also a jurisprudential high-water mark for understanding the duty to accommodate and its corresponding limit of undue hardship in the workplace context—this is difficult terrain. In the context of proactive legislation that centres the removal of barriers, *Meiorin* offers the conceptual clarity needed to guide how we understand the duty to accommodate, barrier removal, and undue hardship for the purposes of achieving and sustaining employment equity. Its consistency with employment equity—and with the importance of taking positive measures to remedy inequality—has long been recognized. From the Supreme Court's 1990 *R v. Andrews* decision[49] through to its 2020 *Fraser v. Canada*[50] decision, substantive equality law—despite ups and downs, including the recent preoccupying *R v. Sharma*[51] decision—has anchored our understanding of equity. It is

46 *Ibid* at paras 4–12, 40–53.

47 *Ibid* at paras 27–36.

48 *Ibid* at para 68.

49 *Andrews v Law Society of British Columbia*, 1989 CanLII 2 (SCC).

50 *Fraser v Canada (Attorney General)*, 2020 SCC 28.

51 *R v Sharma*, 2022 SCC 39. See also Colleen Sheppard, "Grounds-Based Distinctions: Contested Starting Points in Equality Law" (2024) 35:1 CJWL 1.

about making workplaces the kind of places where we can bring our authentic selves.

And it is with this hard work of barrier removal—the first of the three-part framework of employment equity—that much of the powerful equity work discussed throughout this conference can be situated. Employment equity is not simply or even primarily meant to be a decontextualized numbers crunching exercise. Data are meant to communicate meaning.[52] Barrier removal requires significant experimentation, but so far, there has been limited coordination. However, there is a crucial role for regulatory oversight to ensure that this work is actually helping us to achieve and sustain substantive equality. In other words, this work of workplace barrier removal—including in higher education—needs to be anchored to a constitutional and legal framework of substantive equality.

I. Meaningful Consultations

The second dimension I want to frame through a brief reference to the relevant constitutional and international law is meaningful consultations, which stand poised to help us rethink much of the how we engage with EDI in our workplaces, including in higher education.

Decisions of the Supreme Court recognize that the Canadian government has a context-specific duty to consult and accommodate (that is, adapt, harmonize, and reconcile) the interests of First Nations, Métis, and Inuit peoples when Aboriginal rights are at issue; the duty will vary based on the circumstances.[53] While the Court has developed principles ranging from meaningful, good faith consultation with the intention of substantially addressing the concerns of Indigenous peoples whose lands are at issue, to informed consent in the case of established rights, these principles emerge from the specific context of proving the existence of Aboriginal rights through lengthy litigation—and thus may not be well suited to supporting "the negotiated construction of a constitutional

52 See Blackett report, *supra* note * at ch 2, focusing on the importance of "data justice" and the human rights purpose of data collection.

53 See *Delgamuukw v British Columbia*, 1997 CanLII 302 (SCC); *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73; *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44; *R v Powley*, 2003 SCC 43.

order"[54] for Indigenous self-determination. They do hold potential, however, for rethinking relationships beyond the existing *Employment Equity Act* framework.

Our constitutional understanding is consonant with our commitment to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (*UNDRIP*), as enacted into law in Canada under the *United Nations Declaration on the Rights of Indigenous Peoples Act*.[55] In particular, Indigenous peoples have the right to participate in decision-making in matters that would affect their rights. This right is to be exercised "through representatives chosen by themselves in accordance with their own procedures." They also have the right to "maintain and develop their own indigenous decision-making institutions."[56]

Free, prior, and informed consent "before adopting and implementing legislative or administrative measures that may affect them" is the hallmark right of Indigenous peoples, defined in Article 19 of the *UNDRIP*.[57] It requires Canada to undertake good faith consultation and cooperation with Indigenous peoples through their own representative institutions to obtain that free, prior, and informed consent.

The United Nations Human Rights Committee recommended that Canada "should consult indigenous people to ... seek their free, prior and informed consent whenever legislation and actions impact on their lands and rights."[58]

The notion of meaningful consultations is also a crucial feature of Canadian labour law, anchored in the freedom of association and right to bargain collectively, both of which are recognized internationally

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54 Robert Hamilton & Joshua Nichols, "The Tin Ear of the Court: *Ktunaxa Nation* and the Foundation of the Duty to Consult" (2019) 56:3 Alta L Rev 729 at 760.

55 *An Act Respecting the United Nations Declaration on the Rights of Indigenous Peoples*, SC 2021, c 14.

56 *United Nations Declaration on the Rights of Indigenous Peoples*, UNGA, 61st Sess, UN Doc A/Res/61/295 (2007) GA Res 61/295 art 18.

57 *Ibid*, art 19.

58 *Concluding Observations on the Sixth Periodic Report of Canada*, UNHRC, 114th Sess, UN Doc CCPR/C/CAN/CO/6 (2015) at para 16 [*Concluding Observations*, UNHRC]. See also *Concluding Observations On the Sixth Periodic Report of Canada*, UNESC, 57th sess, UN Doc E/C.12/CAN/CO/6 (2016) at para 16 [*Concluding Observations*, UNESC].

through conventions of the International Labour Organization ratified by Canada. Indeed, meaningful consultations have been at the heart of collective labour relations law in Canada. There is a constitutional duty under subsection 2(d) of the *Canadian Charter of Rights and Freedoms*[59] to consult with trade unions, in good faith. This "meaningful dialogue" is to be understood in context, and entails "engag[ing] in meaningful dialogue where positions are explained and each party reads, listens to, and considers representations made by the other. Parties' positions must not be inflexible and intransigent, and parties must honestly strive to find a middle ground."[60]

For equity group members, the constitutional and international law approaches to engaging with equity should resonate. The slogan that originates out of the South African disability rights movement has gained broad resonance: Nothing about us without us.[61] Employment equity should not be thought of as a top-down form of workplace control. Not only are top-down workplace governance models increasingly considered to be outdated,[62] but employment equity is premised on fostering workplace inclusion for equity groups. It recognizes and seeks to respect a key feature of trauma-informed approaches—that collaboration with historically excluded groups constitutes a crucial way to avoid retraumatization. Meaningful consultation also strengthens the attempt to correct a reliance on purely quantitative data. Workers' participation is necessary to be able to identify and remove barriers. Studies also underscore the importance of unions to promoting and fostering compliance with employment law.[63] Although this may seem easier said than done from some of the reflections over the course of this conference, mechanisms that enable meaningful consultation should therefore be at the heart of employment

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59 *Canadian Charter of Rights and Freedoms*, ss 2(d), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

60 *British Columbia Teachers' Federation v British Columbia*, 2015 BCCA 184 at para 334, Donald J, dissenting. At the Supreme Court, the majority allowed the appeal substantially for Justice Ian Donald's dissenting reasons (see *British Columbia Teachers' Federation v British Columbia*, 2016 SCC 49).

61 *Concluding Observations*, UNHRC, *supra* note 58. See also *Concluding Observations*, UNESC, *supra* note 36 at para 14.

62 Blackett, *Report*, *supra* note * at 271.

63 Dionne Pohler & Chris Riddell, "Multinationals' Compliance with Employment Law: An Empirical Assessment Using Administrative Data from Ontario, 2004-2015" (2019) 72:3 Indus & Lab Rel Rev 606 at 628.

equity, and at the heart of how we undertake the work of equity in our institutions of higher education.

So, where should this lead us? I would suggest *integration* of the deep learning through the voluminous work on equity for *transformation*. We should be actively studying what measures *actually* enable us to understand the barriers to equity—and to remove them—across the work-life cycle. If we recognize that equitable inclusion means the workplace will change, we should be thinking about how to foster meaningful consultations or representative voice mechanisms to guide that transformation.

J. Higher Education, Equity, and Regulatory Oversight

What, then, are we saying about education itself in this quest to achieve and sustain employment equity? How should we understand our roles?

There has been significant movement on equity in higher education. Our sector is largely under provincial jurisdiction and holds a crucial responsibility for redressing core barriers to equitable workplace inclusion. However, existing research reveals that barriers persist for those who work in higher education. They include wage disparities, unconscious or implicit biases in the evaluation of curriculum vitae, accent biases, biases in the manner in which reference letters are written and the terms used to describe equity group members (such as women or racialized minorities), gender biases in citation practices and peer review, biases in teaching evaluations, and the "equity tax" leading to disproportionately high and unacknowledged workloads for members of underrepresented equity groups.[64]

Federal funding agencies have played a pivotal role in catalyzing change through the incentive-based structure provided, precisely because they are able to reward excellence. The Advisory Panel on the Federal

64 See generally Henry, *supra* note 31; *Ryerson University v Ryerson Faculty Association*, 2018 CanLII 58446 (ON LA) (Arbitrator: William Kaplan); Canadian Association of University Teachers, *Underrepresented & Underpaid: Diversity & Equity Among Canada's Postsecondary Education Teachers* (Ottawa: Canadian Association of University Teachers, 2018); Holly O Witteman et al, "Are Gender Gaps Due to Evaluations of the Applicant or the Science? A Natural Experiment at a National Funding Agency" (2019) 393:10171 Lancet 531.

Research Support System chaired by Dr. Frédéric Bouchard recommended an increase of 10% annually for five years to the granting councils' base budget, in addition to other investments.[65] What should the responsibility be to enable equity to be achieved and sustained? The proposed creation of the Canadian Knowledge and Science Foundation by the Advisory Panel emphasizes the importance of equitable inclusion for transformation.[66] The role of federal funding agencies is therefore crucial, but they should not have to stand alone.

Although unequal access to educational opportunities is almost reflexively raised as a barrier, it would be a mistake to assume that simply obtaining an education will pave the path we seek. Rather, disturbing data, both in Canada and the United States, illustrate that higher educational levels do not necessarily lead to commensurate jobs for Black and racialized workers. Recently, the National Bureau of Economic Research in the United States released a working paper whose title, "The Limits of Educational Attainment in Mitigating Occupational Segregation Between Black and White Workers," speaks volumes. The researchers find first that considerable racial occupation segregation in the labour market persists today regardless of educational attainment. This observed segregation is substantially higher than would be expected at random, and is conditional on educational attainment, gender, and geography. Second, they find that segregation has significant consequences for wage inequality between Black and white workers.[67]

K. Educational Degree Recognition, Overqualification, and Underemployment

Immigrant workers have long expressed particular frustration at being encouraged to migrate to Canada in part because of their high educational qualifications—yet they are unable to have their qualifications recognized in a reasonable time and are forced to resort to low wage

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65 Innovation, Science and Economic Development Canada, *Report of the Advisory Panel on the Federal Research Support System* (Ottawa: Innovation, Science and Economic Development Canada, 2023) at 10.

66 *Ibid* at 45.

67 Ashley Jardina et al, "The Limits of Educational Attainment in Mitigating Occupational Segregation Between Black and White Workers" (2023) National Bureau of Economic Research, Working Paper No 31641 at 3, 29, online: <nber.org> [perma.cc/2MXT-8TY3].

work to survive. There is a recognition that potential gaps exist between the legislative obligation to correct underrepresentation and the way that availability is calculated. For example, a visible minority worker with a computer degree who works as a security agent because of employment barriers may not be taken into account in the benchmarks used to calculate labour market availability when the focus is on sectoral and professional categories, rather than on education level or type. This problem, recognized internationally, including by the UN Committee on the Elimination of Racial Discrimination,[68] requires significant work at various governmental levels, including the provinces and territories.

There are further aspects of the underemployment of equity groups that have traditionally required care to understand. The immigrant who was a doctor back home and who is driving a cab in Calgary may not only be trying to keep a roof over the head of family members here, but also given global income inequality, may be sending remittances to support parents and other family members abroad. The methods we use to collect the data on these phenomena may well be a big part of the problem and require attention.

Our institutions of higher education play a pivotal role in contributing solutions—through our research, through our admissions processes, through our hiring processes, through our construction of programs before governmental authorities, and through evidence-based contributions to public discussion. This should be done consultatively: Nothing about us, without us.

L. Equity and Excellence: Recommendations to Move Forward in Institutions of Higher Education

Where does this leave those of us who are committed to ongoing equity work? How many of our institutions of higher education are even covered under the *Employment Equity Act* framework? At its heyday, before Harper-era reforms raised the threshold for government contracts from $200,000 to $1,000,000, most of our universities and colleges were covered under the Federal Contractors Program (FCP). Now, that

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68 *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Canada*, UNCERD, 93rd sess, UN Doc CERD/CAN/CO/21-23 (2017) at para 32(f).

program is a mere chimera of what it once was.[69] How should the higher education sector respond, now, at a moment of change? I am pleased to report that some of our universities have stepped forward and called for greater sectoral inclusion. What if, for example, applying for federal research funding were the basis on which all of our institutions of higher education were to be included in the *Employment Equity Act* framework through the FCP?[70]

Has our voluminous work on EDI readied our universities and colleges to be able to provide the kind of leadership—as those who help to shape our ever-evolving understanding of the codetermining, coconstructed relationship—between equity and excellence? Can we imagine our universities as embodying inclusive excellence by embracing a framework that understands our equity work to remove barriers as part of a framework that is meaningfully consultative, and that is assessed and learns from regulatory oversight?

Our institutions of higher education, taken from their pedestal, are our society, and worse, in Polanyian terms,[71] are part of—indeed, a sustaining or socially reproductive part of—post-industrial market society. And even as we design more equity policies, make overtures, and trumpet the desire to bring more people in, our institutions perpetuate exclusions.

Can our work on equity in our universities and colleges help them to become spaces that refuse to settle or to be settled, and to remain, instead, perpetually in motion, transforming themselves as part of a broader project of transforming our societies?

To build a vision of inclusive excellence that fosters flourishing, in other words, is to take seriously the magnitude of the historical exclusions that have made the institutions of higher education that we inhabit considerably less diverse, considerably less inclusive, considerably less equitable, and yes, considerably less excellent than they should be. The truth of inclusive excellence flies in the face of histories of active and more subtle,

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69 Blackett, *Report*, *supra* note * at 363.

70 *Ibid.*

71 See generally Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 2nd ed (Boston: Beacon Press, 2001). In his discussions of commodification processes, Polanyi drew a distinction between market economies that were mediated by societal institutions that preserved social relations, and the development of market societies where economies were ultimately disembedded from social relations.

but no less real exclusion—far from anything that might resemble an education for freedom.

The framing I am offering seeks at once to offer a historical reference, and a decidedly future-focused framing of possibilities, recognizing and holding the existence of the past and the transformative future that we seek, side-by-side. In this work, I have called for us to pay close attention to the power—and the inevitable indeterminacy—of law.

So where *do* we go from here? Much of what I have been doing in these urgent, turbulent, and dangerous times for all those who care about racial, social, and economic justice, is turning back to learn from voices of discernment from other times of great reckoning. I was reminded of Rev. Dr. Martin Luther King Jr.'s 1967 book (his last) entitled *Where Do We Go From Here: Chaos or Community?*[72] A core aspiration of the US civil rights movement, the Voting Rights Act of 1965,[73] had been achieved. But there was rioting in the street of Watts, Los Angeles—rioting is what Dr. King referred to in his "The Other America" speech at Stanford University as "the language of the unheard"[74]—and communities demanded justice.

Former allies began to get nervous, but Dr. King understood backlash, and knew it had been a perennial undercurrent of justice movements. He knew it would inhabit those who questioned the move from a mere acknowledgment of basic civil rights not to be brutalized, to the deep claims of racial, economic, and social justice. In our post-George Floyd-Colton Boushie moment, the transition seems all too disturbingly familiar.

In 1967 and 1968, the Rev. Dr. Martin Luther King Jr. was concerned that so many comfortable liberals talked about equality as if it were a distant objective, while Black people, historically marginalized people, "proceeded from a premise that equality means what it says."[75]

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72 See generally Martin Luther King, Jr, *Where Do We Go From Here: Chaos or Community?* (Boston: Beacon Press, 1967) [King, *Where Do We Go*].

73 *Voting Rights Act of 1965*, 52 USC § 10101.

74 Martin Luther King, Jr, "The Other America" (Speech delivered at Stanford University, Stanford, Cal, 14 April 1967) [unpublished] online: <crmvet.org> [https://perma.cc/NW2X-L3WL].

75 King, *Where Do We Go*, *supra* note 72 at 8.

Dr. King was troubled most by those who, out of fear, or out of indifference, clung to a discriminatory status quo—and in doing so, stood in the way of justice. He called on society to move beyond the aesthetics of equity. Rather, the Rev. Dr. Martin Luther King Jr., who understood the power of law for social justice, spent his short, courage-filled life working to change laws alongside hearts by building an inclusive, beloved community that strove for social justice. He left us with these words: "Power at its best is love implementing the demands of justice. Justice at its best is love correcting everything that stands against love."[76] And as the late, esteemed Mohawk legal scholar Trish Monture reminded us, "[o]nly when we all understand caring will we have reached equality."[77]

So, I have offered you an essay that has at once been critical, but which I also want to serve as a balm in what we know will continue to be trying times. In this moment of backlash, in this space of possibility that we insist on holding open, in this deep and capacious community, I have wanted to trust you with a different kind of conversation—about your power to seek and work through law as social justice, grounded in and through a commitment to transformation. Law can be indeterminate, of course, and critical race scholar Patricia J. Williams reminds us of how "[t]he making of something out of nothing took immense alchemical fire"[78]—kindled over generations to breathe life into collective claims of rights.

This work is about intentionally and constructively engaging our past to bend the arc of history toward justice. In the work on equity, be *very* careful not to jettison substantive equality rights, which should remain at the heart of our justice claims.

I conclude with myriad invocations of justice, power, alchemical fire, care, and love, and a reminder that they manifest themselves tangibly and unassumingly, like the moment when you walk into a room, a room like the one in which this keynote was given, and sense what it should feel like every time we too walk into rooms in our universities and colleges and recognize that they are inhabited not just by the one but by the

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76 *Ibid* at 38.

77 Patricia Monture, "Ka-Nin-Geh-Heh-Gah-E-Sa-Nonh-Yah-Gah" (1986) 2 CJWL 159 at 159.

78 Patricia J Williams, "Alchemical Notes: Reconstructing Ideals from Deconstructed Rights" (1987) 22 Harv CR-CLL Rev 401 at 430.

multiple, intersecting communities and identities who know that we belong here.

Thank you.