

# Evolution of Employment Equity Programs in Canada

Presentation to Sikkuy

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March 23, 2010

# Structure of Presentation

1 Evolution of legislative and policy framework for equality - 1950 to the present

2 What we have and how it works

The Employment Equity Act (EEA), and Results 2007-8

The Federal Contractors Program (FCP)

The Racism Free Workplace Strategy (RFWS)

3 Measuring Progress

4 Implementation

Annexes

# 1. Evolution of legislative and policy framework for equality

1948: United Nations Declaration of Human Rights

1960s Equal Opportunity Programs - right to work and advance on the basis of merit, ability and potential

1960: First *Canadian Bill of Rights*

1970s: Establishment of Human Rights Commissions

1975: International Women's Year

Federal Contractors Program for Women

1970s Human Rights Commissions established in all provinces: new concepts Systemic

Discrimination, special measures, duty to accommodate

1977 *Canadian Human Rights Act*

# Policy and program development

1978: Voluntary Affirmative Action Program

1979 : Federal Contractors Program: 3 Groups

1980: Affirmative Action Pilot Program

4 Groups and Public Service

Pilot Blacks in Nova Scotia as a regional 4<sup>th</sup> group

Pilot 4 groups in key departments in public service

Visible minorities becomes the fourth designated group

(Blacks in Nova Scotia removed as a regional designated group)

1982: *Canadian Charter of Rights and Freedoms*

1988 *Canadian Multiculturalism Act*

1990 *Canadian Race Relations Act*

# ABELLA COMMISSION

## 1983-1984

- 1983-1985: Royal Commission on Equality in Employment - Justice Rosalie Silberman Abella \*
  - “Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences.” *Justice Rosalie Silberman Abella*
- Cemented important concepts and terms: Systemic Discrimination; no fault; “Employment Equity”
- \*Supreme Court Justice Rosalie Silberman Abella
  - Recipient of Walter Tarnopolsky Human Rights Award
  - Equality and discrimination theories contributed to development in other Commonwealth countries

## 2. What we have and how it works

2.1 The *Employment Equity Act*

2.2 The Federal Contractors Program

2.3 The Racism Free Workplace Strategy

## 2. What we have and how it works

### 2.1 *The Employment Equity Act*

🇨🇦 **1985 Bill C-62: *An Act respecting Employment Equity*: received Royal Assent in 1986**

🇨🇦 **Purpose – to achieve equality in the workplace**

🇨🇦 **Increase representation of four designated groups: ie; achieve appropriate representation of designated groups at all levels of all occupational groups**



## 2. What we have and how it works

### 2.1 *The Employment Equity Act*

“The **purpose of this Act** is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that **employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.**”

- LEEP became operational 1988 with first reports
- FCP continued as contract obligation



## 2.1 The *Employment Equity Act* PARLIAMMENTARY REVIEW – 1992-1993

- HoC Parliamentary Committee, EEA Review
  - Chaired by Alan Redway, MP
- Redway Report
  - Progress for Women and VMs
  - Modest improvements for AP and Pw/Ds

## 2.1 The *Employment Equity Act* New EEA & Regs – 1994-1996

- 1994; Bill C-64, new *Employment Equity Act*
  - Received Royal Assent in **1995 to present day**
- New EEA; 4 major changes
  - CHRC receives authority to audit LEEP
  - Inclusion of Federal Public Service
  - Responsibilities of FCP codified
  - Mandatory review of EEA, every 5 years

## 2.1 The *Employment Equity Act* To Whom Does the Act Apply?

Employers covered by the <i>Employment Equity Act</i> *	Employees
Federally Regulated Private Sector & Crown Corporations	733,789
Federal Public Service	179,540
Separate Employers	71,057
Other Public Sector Employers	130,442
Federal Contractors	1,128,637
<b>Total</b>	<b>2,243,465</b>

Canadian Statistics**	Aged 15 Years & Over
Population	25,664,220
<b>Labour Force</b>	<b>18,418,100</b>

Employees covered by the Act constitute **12%** of the Canadian Labour Force  
Federal jurisdiction: banks, communication, transportation, other specialized areas

\* Labour Program 2008 Annual Report

\*\* 2006 Census of Canada conducted by Statistics Canada

# 2.1 The *Employment Equity Act*

## **Employer Obligations under the Act**

- Consult with employee representatives (union or other)
- Maintain employment equity records – self identification
- Survey the workforce, identify any under-representation
- Identify and correct any SD in employment systems
- Design and implement a plan to achieve appropriate representation
- Report on measures and progress
- Monitor and adjust when and where necessary

## 2.1 The *Employment Equity Act*

Report each calendar year (by June 1) on:

- The representation of the four designated groups
  - Women, Aboriginal peoples, Persons with disabilities and Visible minorities

The proportion of:

- Hiring, Promotion and Terminations

Measures undertaken to implement the plan

Minister makes labour market information available

Minister of Labour tables in Parliament and public

- Also sends reports to CHRC for use in systemic discrimination monitoring

# 2.1 The *Employment Equity Act* Results 2007-8

## Representation and Availability of the Designated Groups for All Employers Covered by the EEA in 2007

Employers	Women		Aboriginal Peoples		Persons with Disabilities		Members of Visible Minorities	
	R*	A**	R*	A**	R*	A**	R*	A**
Federally Regulated Private Sector & Crown Corporations	42.7%	47.9%	1.9%	3.1%	2.7%	4.9%	15.9%	15.3%
Federal Public Service	53.9%	52.3%	4.2%	3.0%	5.7%	4.0%	8.8%	12.4%
Separate Employers	56.7%	47.9%	2.8%	3.1%	4.9%	4.9%	12.0%	15.3%
Other Public Sector Employers	18.4%	47.9%	3.1%	3.3%	1.4%	4.9%	3.5%	12.5%
<b>Total***</b>	42.6%	48.6%	2.5%	3.1%	3.2%	4.8%	13.0%	14.5%

\* "R" refers to the percentage representation of the designated group.

\*\* "A" refers to the percentage workforce availability from the 2006 Census of Canada and the 2006 Participation and Activity Limitation Survey (PALS).

\*\*\* The total excludes the Federal Contractors.

## 2. What we have and how it works

### 2.2 The Federal Contractors Program

Applies to Contractors with federal government for goods and services: >100 employees; \$200,000+

Equivalent employer requirements to EE Act, but ...

Different enforcement ( e/ers not in federal jurisdiction)

Initial and follow-up compliance Reviews

Disbarment Sanction

Compliance Reviews

-NHQ; Disbarment and reinstatement

-Regions (Delivery)

## 2.2 The Federal Contractors Program Compliance Requirements

### **Step One: Initiate EE plan: Data Collection**

- Identify senior responsible person; establish consultation process with union and employee representatives, develop self id process, conduct data collection on employees and code for ee

### **Step Two Analysis: Workforce Analysis**

- Analyze data to determine representation of all groups in each occupational group; identify
- under-representation; prepare workforce profile
- Review employment systems for evidence of impact on groups



## 2.2 The Federal Contractors Program Compliance Requirements

### **Step Three: Creating an Employment Equity Plan**

- .Develop short term goals for hiring and promotion of under represented groups
- .Create action plan to remove barriers identified in employment systems
- .Determine special measures required
- .Design accommodations
- .Establish long term goals
- .Write up employer ee plan and communicate to employees

## 2.2 The Federal Contractors Program Compliance Requirements

### **Step Four: Implementing/Sustaining the EE plan**

- Ensure mechanism to sustain data collection, analysis, monitoring of results, adjustment of plan
- Ongoing communication of results, collaboration with union where present
- Monitor on a regular basis that guidelines and procedures are in place and being respected
- Review officer verifies on-site if employer has:
  - Conducted all necessary data collection and designed and implemented EE plan

## 2. What we have and how it works

### 2.3 The Racism Free Workplace Strategy

Federal Government launched Canada's Action Plan Against Racism (CAPAR)

A joint effort with participation from 4 departments (Citizenship and Immigration, Justice, Canadian Heritage, and HRSDC-Labour) to strengthen social cohesion, further Canada's human rights framework, and demonstrate leadership against racism and hate-motivated crime

**The Racism-Free Workplace Strategy (RFWS) is HRSDC-Labour Program's component of CAPAR, dealing with employment**

## 2. What we have and how it works

### 2.3 The Racism Free Workplace Strategy\*

- The RFWS promotes a fair and inclusive workplace, free of discriminatory barriers to the employment and advancement of members of visible minorities (VM) and Aboriginal peoples (AP)
- It focuses primarily on workplaces under the jurisdiction of the *Employment Equity Act* and the *Federal Contractors Program*, thereby complementing and increasing the Act's effectiveness
- \* Note – this is a program only, not mandatory

# 2. What we have and how it works

## 2.3 The Racism Free Workplace Strategy

Racism Prevention Officers (RPOs):

- Provide front-line assistance
- Raise awareness on workplace racial discrimination
- Help employers in their recruitment, retention and advancement of visible minorities and Aboriginal peoples
- Build networks between community NGOs and employers
- Provide tools and direct support to employers and other clients on racism-free workplace issues
- Deliver racism-free workplace awareness sessions
- Help employers address workplace racism-related conflict

# 3. Measuring Progress

## Statistics Canada and the census

- Needed to measure results:
  - For employers to measure level of under-representation
  - For govt to measure and report on results
  - For CHRC to assess sufficiency or obtain evidence of SD
  - For public groups to advocate or collaborate
- Battle to ask 'Race' Question
- Pilot Questionnaire
- Inclusion of 'Race' Question in 2001 Census
- Census every 5 years – results in updated Labour Market information used for determination of availability

## Solutions: Working together (In no order of preference)

- CAPAR: PCH-Multiculturalism, CIC, Justice (& Stats Can)
  - NFB: Creation of DVDs to engage people on the issues and *Citizenshift* Web site
  - Metropolis Project: Focused racism related research, participate in conferences/workshops
- Informal Partnerships*
- AHRC: Outreach to Aboriginal community, and specific focus on Aboriginal challenges/issues
  - CRRF: Cross-promotion; best practices, training and tools
  - CHRC: Collaborate on training and education
  - Lancaster: National educational awareness with legal/community experts

# 3. Progress

.Special issues associated with survey of aboriginal peoples and with persons with disabilities

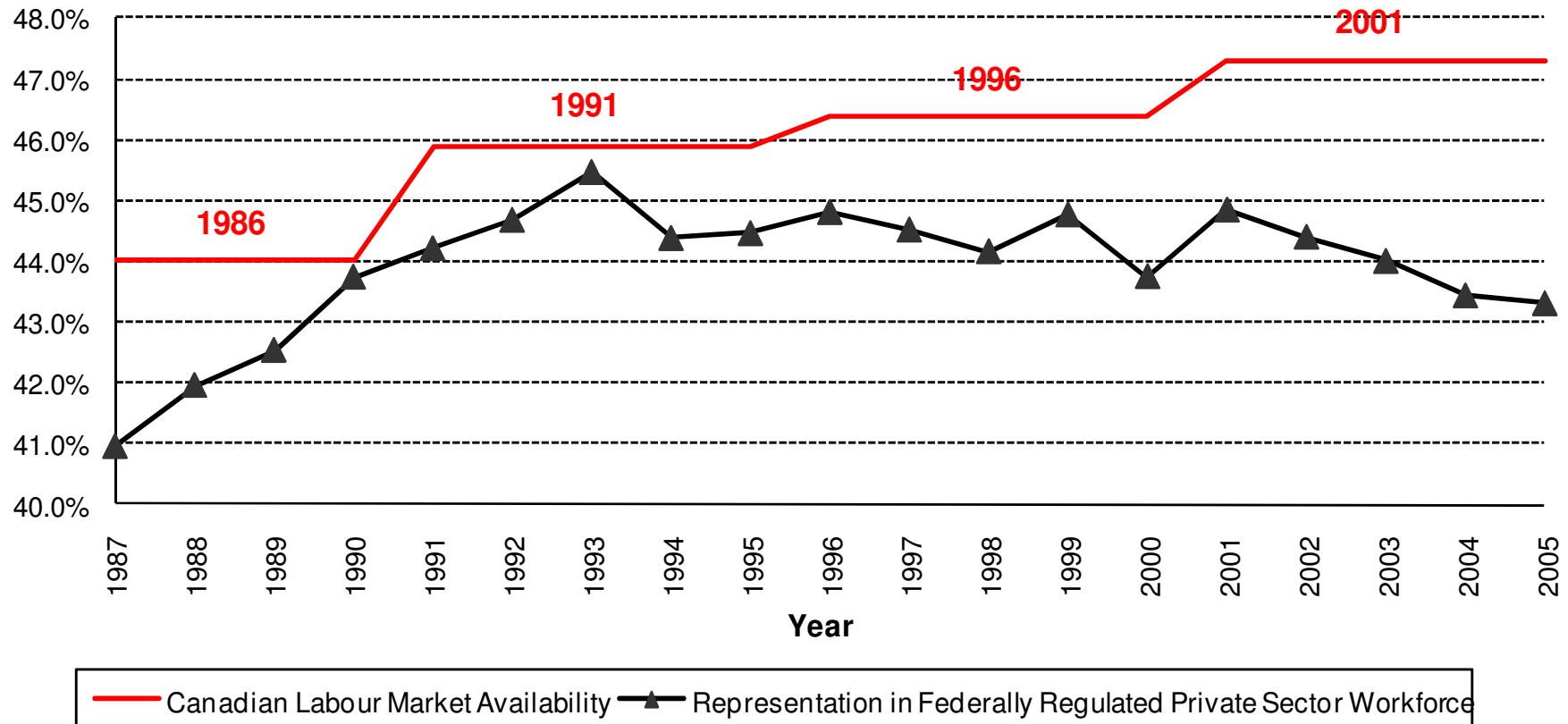
.EEA requires Minister of Labour to disseminate information on availability of designated groups by occupational group and geographic region (National, provincial and metropolitan areas)



# 3. Progress

## Women in the Federally Regulated Private Sector & Crown Corporations

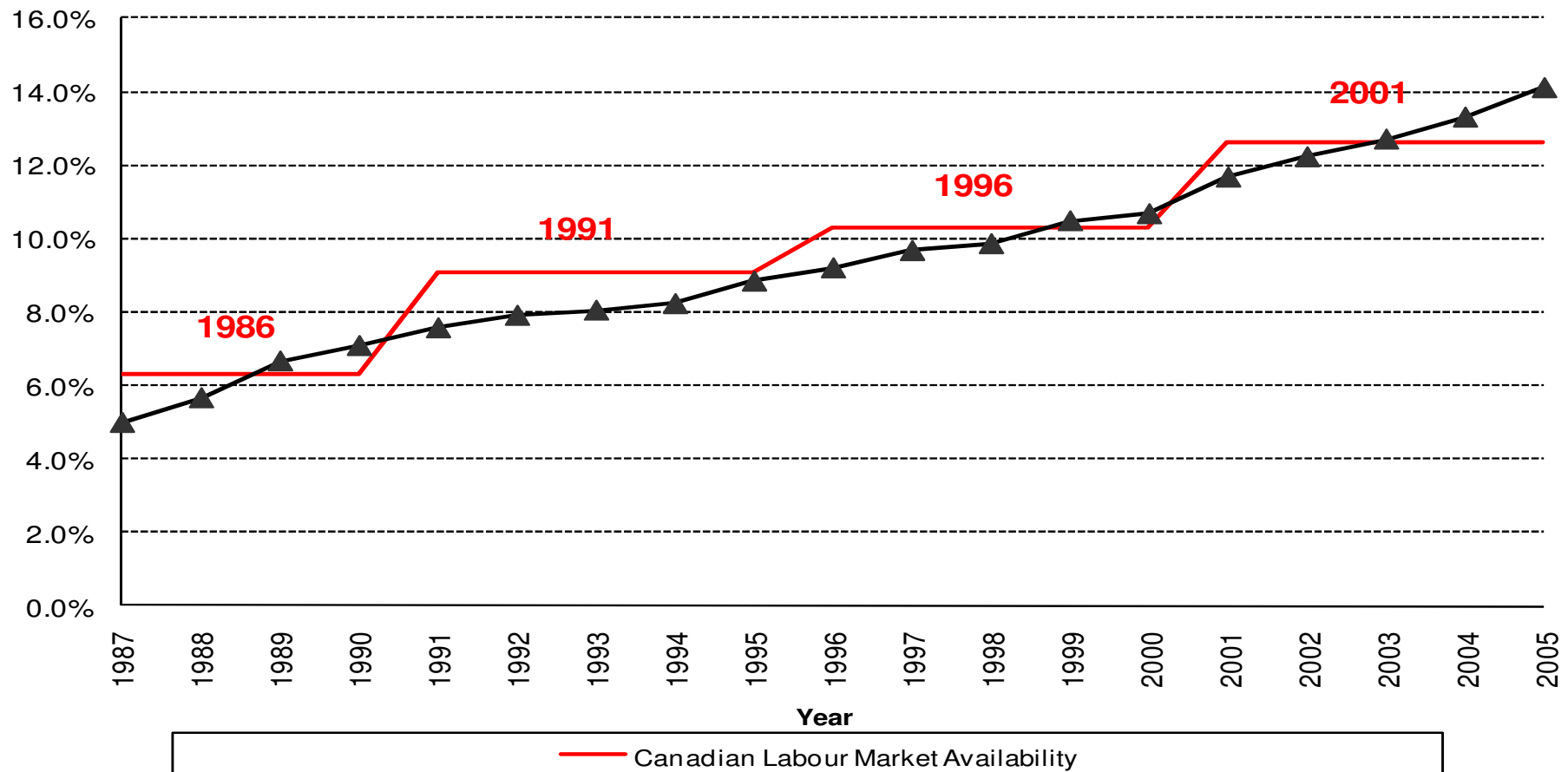
Representation & Availability (1987-2005)



# 3. Progress

## Members of Visible Minorities in the Federally Regulated Private Sector & Crown Corporations

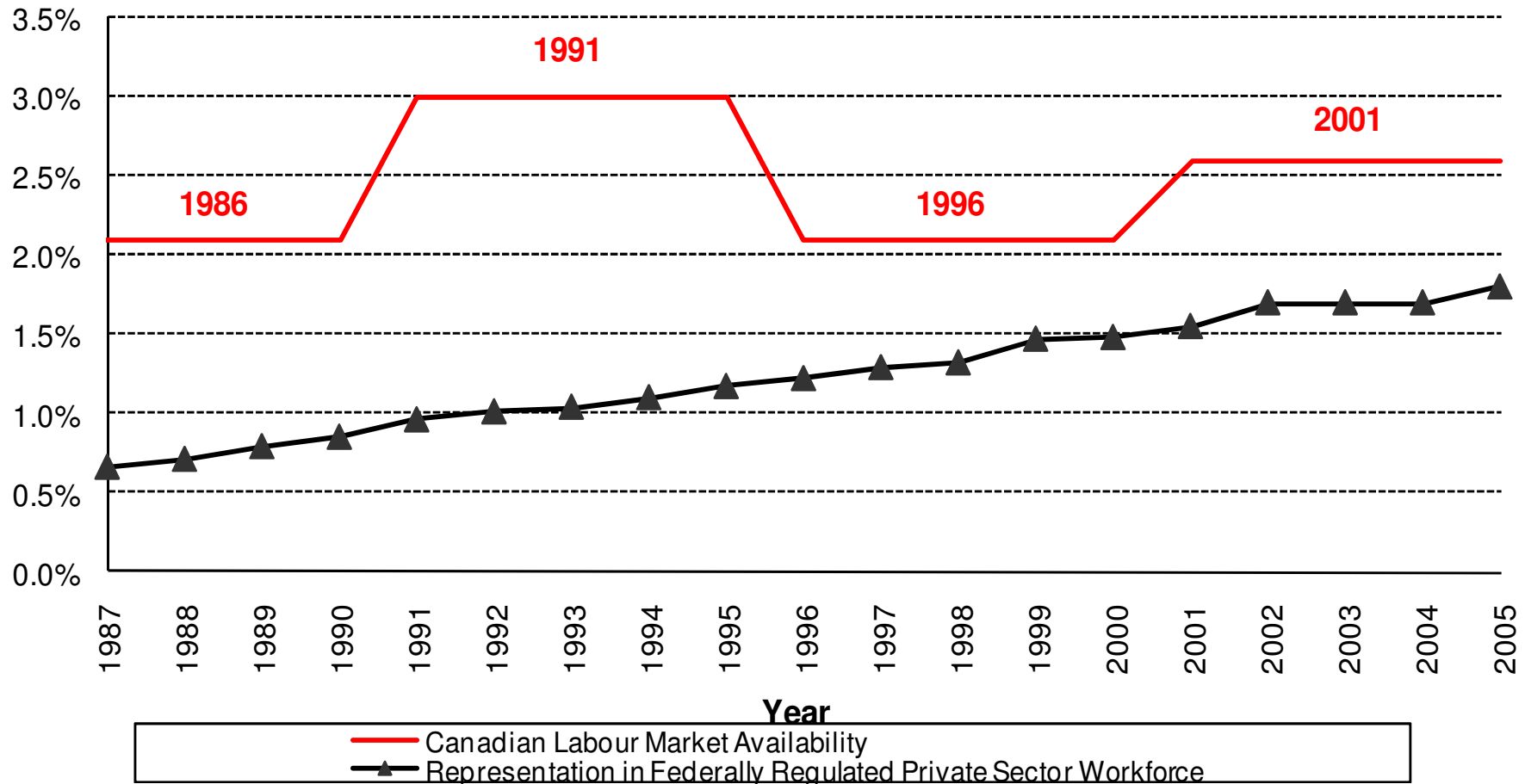
### Representation & Availability



# 3. Progress

## Aboriginal Peoples in the Federally Regulated Private Sector & Crown Corporations

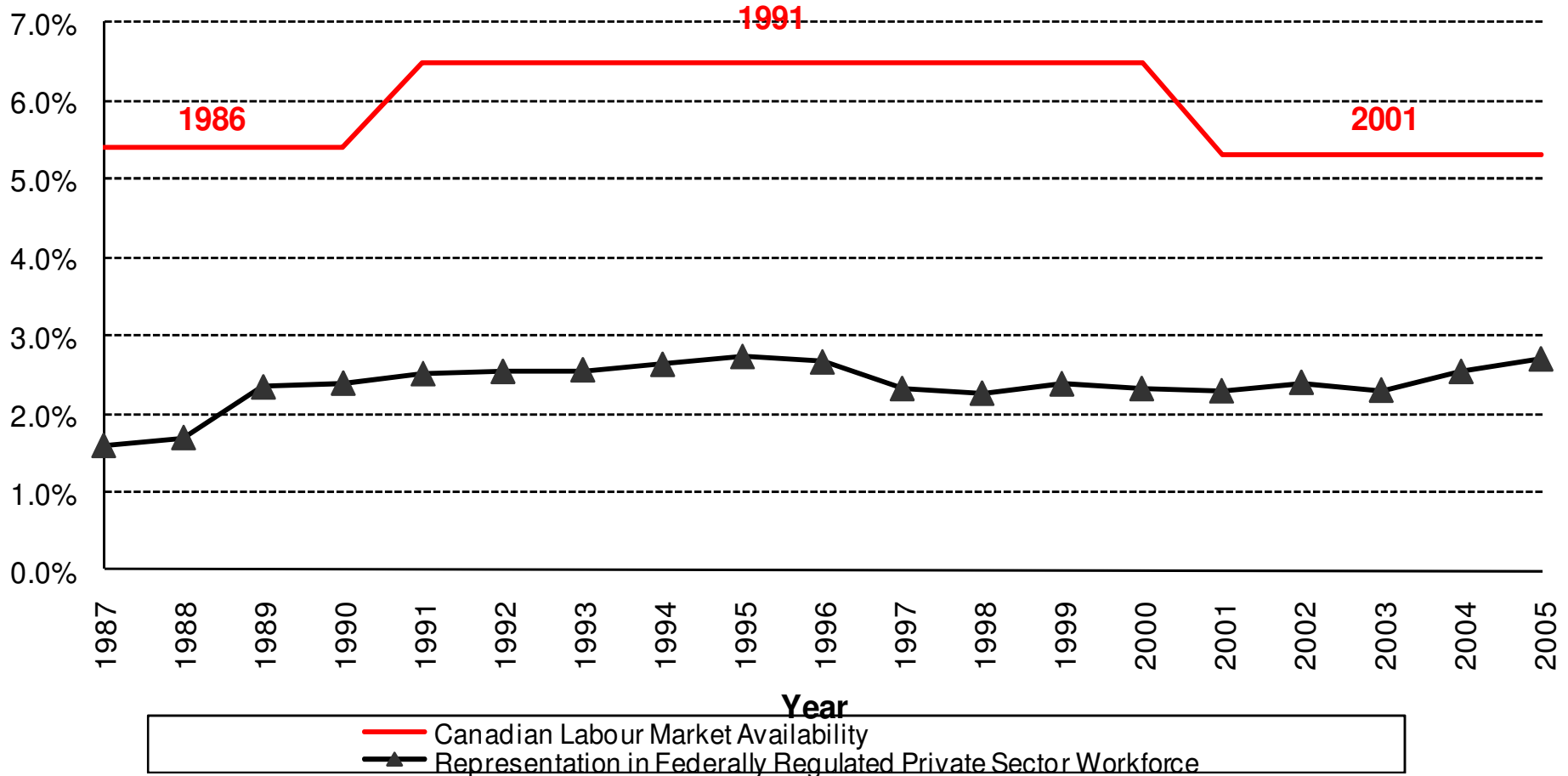
Representation & Availability 1987-



# 3. Progress

## Persons with Disabilities in the Federally Regulated Private Sector & Crown Corporations

Representation & Availability 1987-



# 4. Implementation

- What govt can do to encourage implementation
  - Provide information, educate
  - Provide tools, user friendly web tools
  - Provide services to employers
  - Utilize employer associations
  - Build alliances – partner with advocacy/service groups
  - Integrate with other govt programming, especially related to employment
  - Monitor and report publicly, publicize sanctions
  - Recognize excellence

# 4. Implementation

- What employers can do to implement
  - Utilize information routes available
  - Join employer association
  - Partner with other equity groups, advocacy or service groups
  - Partner with employment groups (those facilitating employment of its members, including immigration settlement organizations)
  - Network: build on successes tried by other employers
  - Communicate publicly

# ANNEXES

# Surveys of discrimination/ racism

- 2007** Léger Marketing found 47% of Canadians admit to be at least slightly racist, and 92% have witnessed racist behaviour
- 2005** Ipsos-Reid survey said 17% of Canadians believe they have been victims of racism
- 2003** Statistics Canada's *Ethnic Diversity Survey* indicated 35% perception of racism in the workplace by visible minorities
- 2003** Ekos survey, indicates 46% of Aboriginal Peoples living off-reserve are victims of racism or discrimination
- 2002** Ipsos-Reid found 61% of Canadians think racism against Aboriginal Peoples separates them from society



## Distribution of Women in Permanent Full-time Positions in the Federally Regulated Private Sector & Crown Corporations (1987 and 2004)

Salary Range	1987 Actual			2004 Actual			2004 Indexed to 1987*
	All	Men	Women	All	Men	Women	Women
Under \$15,000	3.3%	3.2%	3.5%	0.6%	0.7%	0.3%	2.9%
\$15,000-\$29,999	54.6%	39.7%	79.3%	10.3%	7.5%	14.5%	60.9%
\$30,000-\$49,999	35.2%	46.8%	16.0%	46.3%	40.4%	55.2%	27.6%
\$50,000-\$69,999	5.3%	7.9%	1.1%	23.5%	26.8%	18.5%	5.7%
\$70,000 and over	1.6%	2.4%	0.1%	19.3%	24.5%	11.5%	3.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

\* Indexing is based on the Bank of Canada's Inflation Calculator and Statistics Canada's Consumer Price Indexes.

# Distribution of Women in Permanent Full-time Positions in the Federally Regulated Private Sector & Crown Corporations (1987 and 2004)

Salary Range	1987 Actual					2004 Actual					2004 Indexed to 1987*			
	All		Men		Women	All		Men		Women		Women		
Under \$15,000	17,265	3.3%	10,330	3.2%	6,935	3.6%	3,048	0.8%	2,343	0.7%	705	0.3%	6,195	2.9%
\$15,000-\$29,999	267,235	54.6%	129,679	39.7%	157,556	79.3%	56,153	10.3%	24,776	7.5%	31,377	14.5%	131,797	60.9%
\$30,000-\$49,999	184,894	35.2%	162,996	46.8%	31,891	16.0%	252,353	46.3%	132,886	40.4%	119,467	55.2%	59,859	27.6%
\$50,000-\$69,999	28,049	5.5%	25,936	7.9%	2,113	1.1%	128,221	23.5%	88,193	26.8%	40,028	18.5%	12,263	5.7%
\$70,000 and over	8,299	1.6%	7,992	2.4%	257	0.1%	105,192	19.3%	90,190	24.5%	25,002	11.5%	6,485	3.0%
Total	526,692	100.0%	326,923	100.0%	199,762	100.0%	545,207	100.0%	328,628	100.0%	216,579	100.0%	216,579	100.0%

\* Indexing is based on the Bank of Canada's Inflation Calculator and Statistics Canada's Consumer Price Indexes.

Average Salary of Women who worked in Permanent Full-time Positions in the  
Federally Regulated Private Sector & Crown Corporations  
by Sector in 2004 compared to the Labour Market

Sector	Men	Women	Women as a % of Men
Banking	\$75,906	\$49,218	64.8%
Communications	\$60,244	\$52,055	86.4%
Transportation	\$56,903	\$40,563	71.3%
Other	\$68,638	\$54,636	79.6%
Total	\$62,404	\$49,072	78.6%
Canadian Labour Market (2001 Census)*	\$49,224	\$34,892	70.9%
Canadian Labour Market (2004)**	\$54,090	\$38,326	70.9%

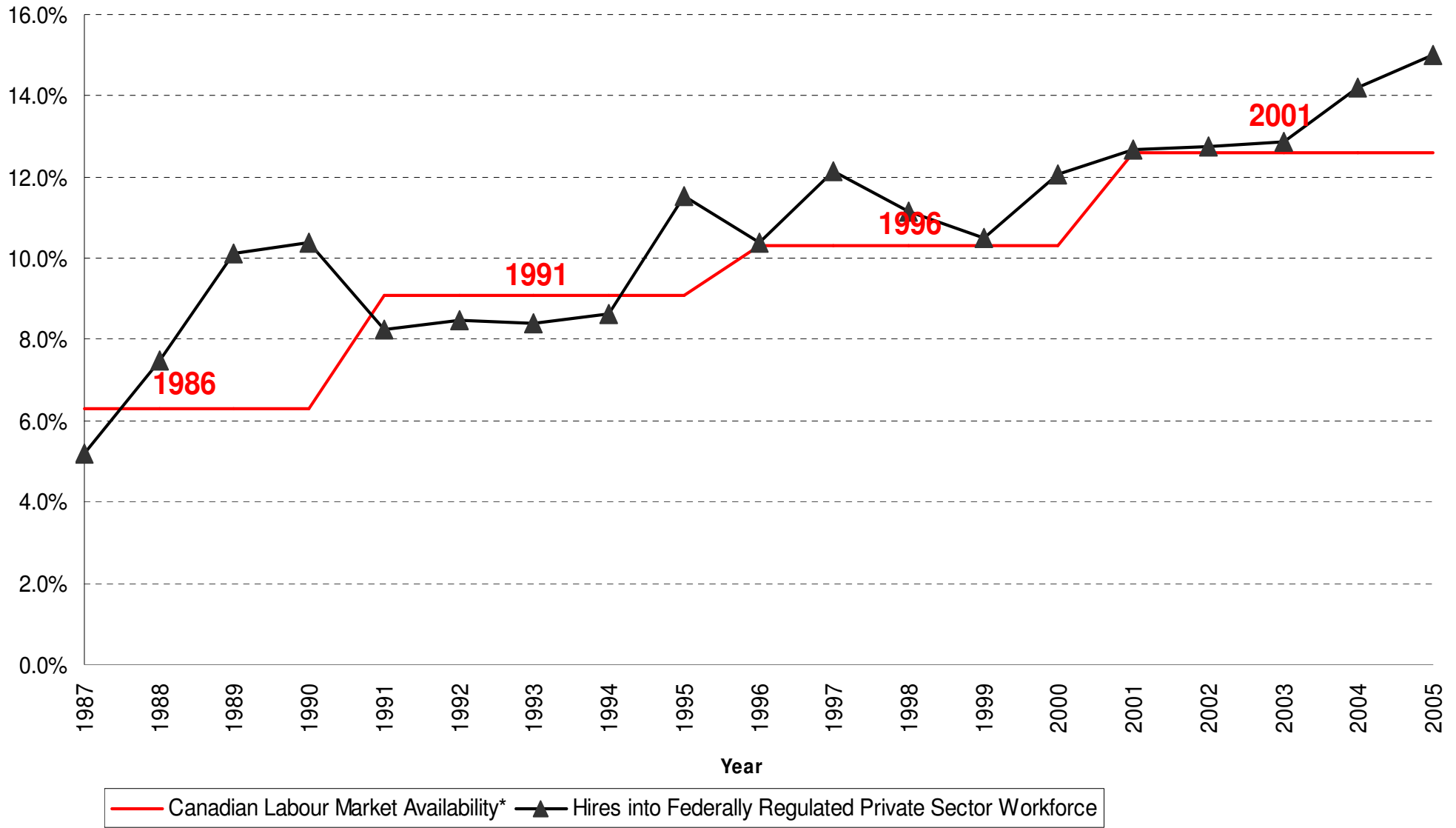
\* Source: Statistics Canada, 2001 Census of Canada (full-time, full-year income without inflation).

\*\* Source: Statistics Canada, 2004 Consumers Price Index (with inflation).

In 2004, for workers employed in permanent full-time positions in the federally regulated private sector and Crown corporations workforce:

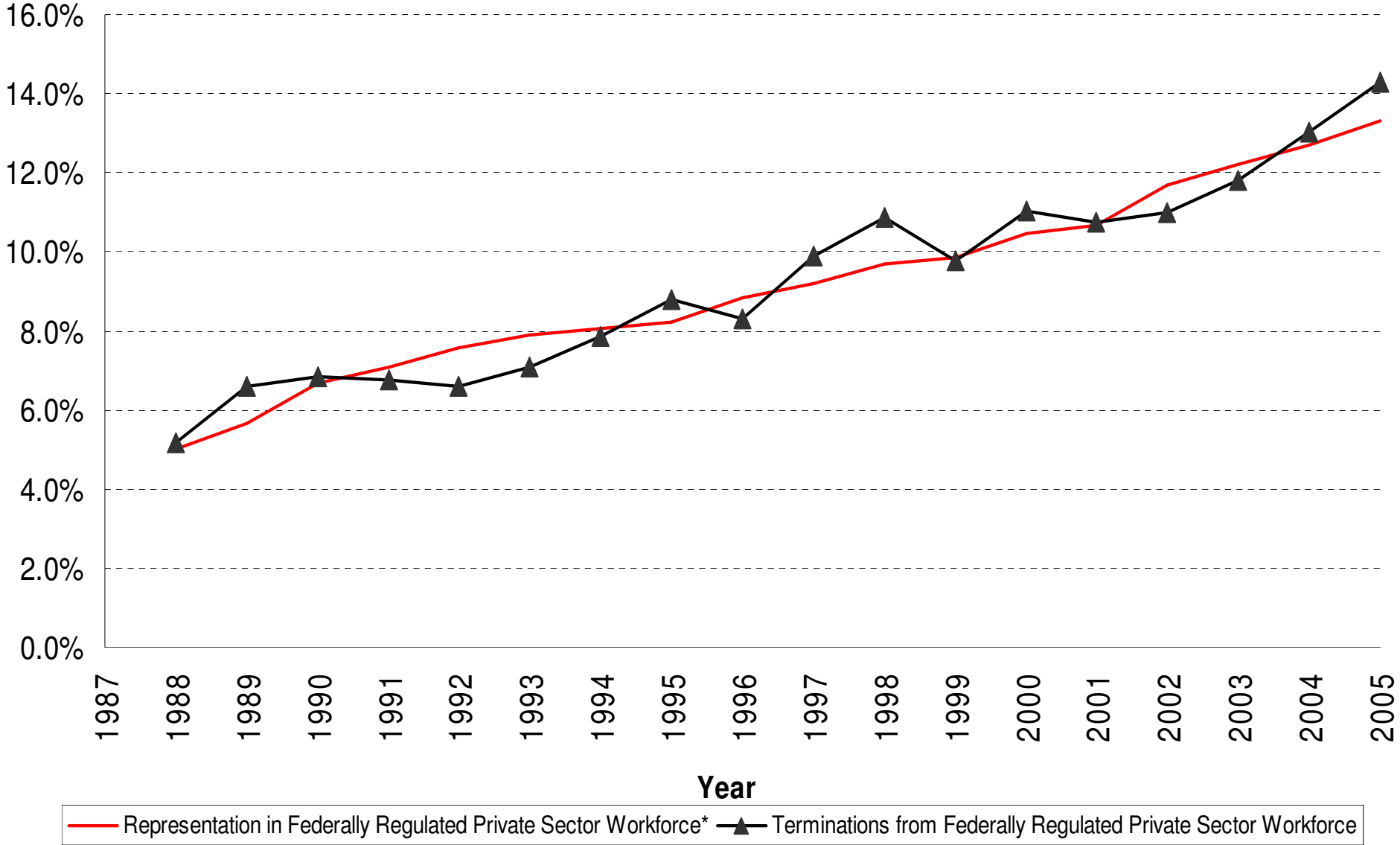
- the average salaries of women were below those received by men at each of the four sectors and the overall levels;
- the greatest gap in average salaries between women and men was in the banking sector;
- the average salaries of both men and women were above those in the 2001 and 2004 Canadian labour market (with or without inflation); and
- the estimated average salary earned by women as a percentage of the average salary earned by men was 78.6% compared to 70.7% in 1987.

# Hires of Members of Visible Minorities in the Federally Regulated Private Sector & Crown Corporations compared to the Labour Market



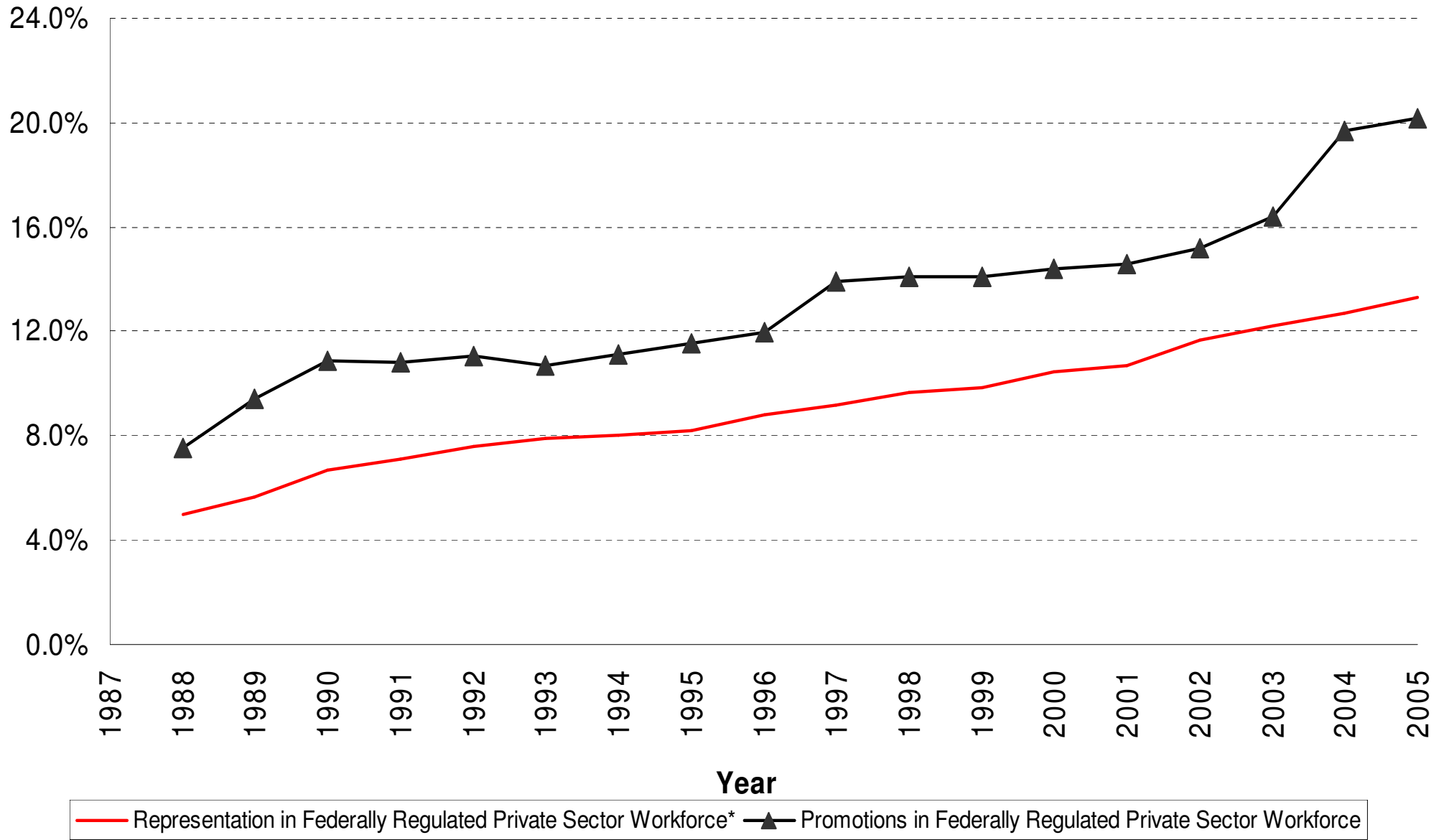
\* Source: Statistics Canada, Censuses of Canada conducted every 5 years.

# Terminations & Representation of Members of Visible Minorities in the Federally Regulated Private Sector & Crown Corporations



\* Members of visible minorities' share of terminations is compared to the previous year's representation.

# Promotions & Representation of Members of Visible Minorities in the Federally Regulated Private Sector & Crown Corporations



\* Members of visible minorities' share of promotions is compared to the previous year's representation.

# Legislative Framework

<u>Minister Responsible:</u>	<u>Legislation:</u>	<u>Enforcement:</u>
<b>Justice</b>	<b>Charter of Rights</b> <b>Canadian Human Rights Act</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> HR Complaints               <ul style="list-style-type: none"> <li>◦ Individual</li> <li>◦ Systemic</li> </ul> </li> </ul>	<b>Justice</b>
<b>Labour</b>	<b>Discrimination</b> <input type="checkbox"/> <b>Equal Pay</b>	<b>Investigation</b> <b>HR Tribunals</b>  <b>Orders to employers</b>
<b>Labour</b> <b>Treasury Board (PSHRMAC</b> <b>PSC)</b>	<b>Employment Equity Act</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Federal Jurisdiction</b> (public report)</li> <li><input type="checkbox"/> <b>Contractors</b></li> <li><input type="checkbox"/> <b>Federal Public Service</b> (report)</li> </ul>	<b>CHRC</b> <input type="checkbox"/> <b>compliance audit &amp; orders</b> <b>Labour</b> <input type="checkbox"/> <b>Workplace Equity Officers</b> <b>CHRC</b> <input type="checkbox"/> <b>Audit</b>
<b>Labour</b>	<b>Equal Pay</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>CHRC – section 11</b></li> <li><input type="checkbox"/> <b>Canada Labour Code</b> <ul style="list-style-type: none"> <li>◦ <b>Educate</b></li> <li>◦ <b>Monitor</b></li> <li>◦ <b>Mediate</b></li> </ul> </li> </ul>	<b>Labour Affairs Officers may refer to CHRC for investigation</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Pay Equity Tribunal</b></li> </ul>