

TITLE: Strengthening Employment Equity
CLUB: CFUW Nelson & District (2022)

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to:

1. Update and expand the designated equity-seeking groups in the *Employment Equity Act* to reflect current Canadian demographics and experiences of discrimination;
2. Provide designated equity-deserving groups with meaningful representation and participation in all governing and decision-making bodies related to the *Employment Equity Act* and *Pay Equity Act*;
3. Update and apply Designated Group policy and implementation guidelines for the *Employment Equity Act*. (Riddle & Service Growth Consultants, 1994)

RESOLVED, That CFUW urge the federal, provincial and territorial governments of Canada to ensure that all *Labour Market Transfer Agreements* on training and work require adherence to the *Pay Equity Act* and *Employment Equity Act* implementation for designated equity-deserving groups, regardless of an individual's Employment Insurance status.

RESOLVED, That CFUW urge the federal, provincial, territorial, and municipal governments of Canada to strengthen the implementation of the Pay Equity Act and the Employment Equity Act by:

1. Eliminating exemptions for major employers;
4. Ensuring employment eligibility includes "qualifiable with training";
5. Working with all labour market partners to decrease discrimination and increase training and workforce participation of designated equity-deserving groups.

BACKGROUND: Since 1920, the Canadian Federation of University Women (CFUW) has adopted many policies to support equal pay for work of equal value and employment equity as essential components of a fair and equitable social fabric (CFUW, 2021, pp. 34-40). This new policy proposal will extend but not duplicate current policy.

Opportunity to strengthen equity. In summer 2021, Canada's new *Pay Equity Act* came into force and a federal Task Force was launched to review the *Employment Equity Act (EEA)* by 2022 (ESDC, 2021b). The review, changes and implementation of these two acts by governments will have far reaching effects on women's socioeconomic recovery from the COVID pandemic.

1.Update and expand the designated equity-deserving groups. In 1986, the Employment Equity Act (EEA), was first passed after women's organizations demanded a Royal Commission on Equality in Employment headed by Judge Rosalie Abella. This Commission found that Canada needed new legislation to create working conditions *free from barriers* and to correct conditions of disadvantage in employment (Abella, 1984). The resulting Employment Equity Act (EEA) responded to historic discrimination

by legislating that effective *special measures* are needed to accommodate differences and decrease systemic barriers for four designated groups in Canada: women, visible minorities, Aboriginal people and persons with disabilities. These groups had lower salaries, higher unemployment rates, and were disproportionately in lower-paying occupational groups (Abella, 1984, p.17).

Since the 1990s, research has been documenting experiences of employment discrimination against members of the four designated groups, and showing that intersectional equity barriers can differ significantly, even within subgroups groups (Canada, 2001). For example, visible minorities is a broad group that experiences systemic racism, and also encompasses multiple ethnicities that experience different types of intersectional discrimination and barriers (Statistics Canada, 2022; PIPSC; 2021). The 2021-22 EEA Task Force is considering redefining and adding designated *equity-deserving groups*. In addition to Indigenous people, women and persons with disabilities, *LGBTQ2+ people, Black and other racialized minorities*, are amongst the groups petitioning to be more fully considered (ESDC, 2021b; PIPSC, 2021). *While Canadian demographics have shifted, some subgroups only get counted in the census after discrimination decreases and multilingual access increases. Thus, in addition to reflecting Census demographics, all groups must be defined within and by the groups themselves. We believe that updating and expanding the designated equity-deserving groups to reflect current Canadian demographics and experiences of discrimination is necessary for future effective implementation of the EEA. These designated equity-deserving groups also need to have meaningful representation and substantive input in all governing and decision-making boards and policies related to employment and pay equity implementation.*

2. Update and ensure use of Designated Group Policy, Strategy and Implementation Guidelines. The EEA mandated that federal crown and government-owned corporations and federally regulated employers with 100 or more employees create equity plans and report publicly and annually on the makeup of their workforce, with specific reference to hiring, terminations, promotions, salary levels and occupational categories of the four designated groups. EEA-mandated employers must, in consultation with employees' representatives and unions, identify and eliminate employment barriers against members of the designated groups and institute positive policies, practices and reasonable accommodations to ensure representation of these groups at least in proportion to their representation in the area workforce or the "qualified" workforce depending on the job. Currently, Employment and Social Development Canada (ESDC) is responsible for assisting companies that are mandated or voluntarily implementing Employment Equity.

The EEA implementation has *no requirement for entry level or advanced training despite that training is often required to enter or be promoted in the workforce (Braundy & Grzetic, 1995)*. Back in 1998, the government department responsible for implementing the EEA developed some important implementation tools: the Designated Group Strategy (WDB, 1988) Policy and Guidelines (EIC, 1989, 1991, 1993). These were never properly implemented due to political leadership changes, government department restructuring, and funding cuts; however, they contain core elements valuable for implementing equity today (Riddle & Service Growth Consultants, 1994).

These tools need to be updated for current government departments and then implemented to include: training on the rationale and practical application of the EEA, and performance measures for all ESDC employees and EEA implementers.

3. Ensure Labour Market Transfer Agreements adhere to employment and pay equity. Currently, the federal government provides funding to provinces and territories to help people prepare for and return to work under two labour market transfer agreements: Labour Market Development Agreements (LMDA) and Workforce Development Agreements (WDA). LMDAs provide employment insurance (EI) funded skills training and supports to EI-eligible individuals; WDAs support provinces and territories in their delivery of employment and skills training programming (ESDC, 2021). These agreements devolve the federal government's employment counselling and training functions to the provincial and local levels (EIC, 1989).

While there are some benefits to this approach, there is a significant concern that employment and pay equity requirements may not apply because local-funded non-governmental-organizations are not considered federally funded employers. That needs to be addressed under the new Employment Equity Act. Employment equity obligations should follow the money. We recommend that all Labour Market Transfer Agreements – wherein funding is transferred between governments to help people prepare for, train and return to work — are negotiated to require adherence to the *Pay Equity Act* and *Employment Equity Act* implementation for designated equity-deserving groups. Additionally, many members of designated equity-deserving groups experience gaps in employment due to systemic discrimination affecting Employment Insurance (EI) eligibility. These agreements should ensure that funding to helping people prepare for, train, and return to work is accessible to designated equity-deserving groups, regardless of an individual's EI status.

4. Eliminate equity employment exemptions. Shortly after the Employment Equity Act (EEA) was initially enacted, the Federal Contractors Program (FCP) was also established and initially required Federal Contractors with 100 or more employees and Federal Contracts in excess of \$200,000 to sign an agreement to develop a plan and implement Employment Equity (ESDC, 2021a). Although these contractors did not have to report to Parliament, they could be audited at any time and if found in non-compliance with the agreement, they could lose the right to bid on federal contracts.

A 1990 EEA review recommended expanding the FCP's reach by reducing the dollar value threshold and required employee numbers, and ending initial exemptions for major employers (construction, legal services) & grants and contributions. These steps would have made the FCP more effective in promoting employment equity. Instead, after a 1995 EEA review, the equity compliance threshold was raised to Federal Contracts in excess of \$1 million dollars and 100 employees. (ESDC, 2021a) Notably, the construction industry has successfully lobbied to remain exempt from FCP equity requirements. Exemptions like these have denied women and other designated equity-deserving group members opportunities on federal infrastructure projects for decades (Braundy & Grzetic, 1995, p.5-7). Employment and pay equity exemptions for major employers in federal, provincial, territorial and municipal law and regulations need

to be eliminated because these exemptions are barriers to equitable workforce participation of designated equity-deserving groups.

5. Make employment eligibility "qualifiable with training". As labour markets change, very few working-age adults can acquire and retain jobs without some type of ongoing training and job development (CLMPC, 1990). Research shows that discrimination impacts the work history of members of designated equity-deserving groups. Employment eligibility should be defined to include the concept of "qualifiable with training" and this should be in the *Pay Equity Act* and *Employment Equity Act* implementation for designated equity-deserving groups (Braundy & Grzetic, 1995). This is an easy concept. An individual is qualified to be hired to do the job, provided they receive initial training. Government needs to work with employers to ensure that members of designated equity-deserving groups get the training they need to succeed. Unless we provide training to address the effects of past discrimination in education and opportunity, Canadian labour markets will continue at current levels of discrimination and employment equity systems will have failure built into them (Braundy, 2020; Highway Constructors Ltd. & BC Highway and Related Construction Council, 1994).

6. Expand mandatory and voluntary implementation of employment and pay equity. ESDC is already mandated to help labour market partners implement employment equity and pay equity measures including but not limited to equity plans, performance measures, hiring individuals who are "qualifiable with training", and providing on-the-job training. We call on all levels of government to create employment equity action plans, expand requirements, and to set measurable goals to decrease experiences of discrimination and increase workforce participation by designated equity-deserving groups.

Voluntary measures alone will not address the "pervasiveness of systemic discrimination in Canadian workplaces" (Abella, 1984, viii). Systemic discrimination requires system-level responses including mandated employment and pay equity mechanisms and access to training. We urge all Canadian governments and labour market partners to implement the above employment and pay equity measures.

IMPLEMENTATION:

- **CFUW National can:** advocate with key national and federal entities to strengthen equity mechanisms and provisions; educate members about employment equity/pay equity (EE/PE) rights, discrimination, and options for redress; create ways to survey and track membership's employment and pay equity experiences; and create checklists to help clubs assess, audit, or document how equity is being implemented across their communities.
- **Clubs and Provincial Councils can:** review provincial and territorial equity tools and implementation mechanisms; educate members on their rights, programs, and redress; learn how EE/PE works and impacts their region(s), using surveys, focus groups, and meetings; organize speakers on employment and pay equity issues; advocate on policies to their local representatives at all levels of government; ally and communicate with women's groups and agencies doing equity work in their region(s).

- **CFUW members can** write to their local MP and MLA to request funding and policies that strengthen equity mechanisms and provisions.

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