



Fair, safe and productive workplaces

Labour

Employment Equity

Myths and Realities

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Myths and Realities

“It is not that individuals in the designated groups are inherently unable to achieve equality on their own, it is that the obstacles in their way are so formidable and self-perpetuating that they can not be overcome without intervention. It is both intolerable and insensitive if we simply wait and hope that the barriers will disappear with time. Equality in employment will not happen unless we make it happen.”*

Judge Rosalie Silberman Abella
Royal Commission on Equality in Employment, 1985

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.”

Section 15 (1), *Canadian Charter of Rights and Freedoms*, 1982

“Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

Section 15 (2), *Canadian Charter of Rights and Freedoms*, 1982

*Designated Groups under the *Employment Equity Act*

- Women
- Aboriginal peoples
- Persons with disabilities
- Members of visible minorities

Myth

Employment Equity means treating everyone equally.

Reality

Employment Equity means treating everyone with fairness, taking into account people's differences.

Sometimes Employment Equity means treating people equally despite their differences. Sometimes it means treating them as equals by accommodating their differences.

Examples:**What happens when a co-worker has to go for a medical treatment during a shift?**

Work shifts can be exchanged.

How can various religious observances be accommodated?

Flex-time could be one possible option. An employee could work slightly longer days if an extra day per month is needed for religious purposes.

There are many innovative ways to accommodate employees. Organizations are encouraged to check relevant labour legislation governing hours of work (flex-time), etc. Flexible work arrangements help employees to better balance work and family responsibilities such as child or elder care. They produce benefits for both the employee and the organization. Stress and absenteeism may be reduced. Job satisfaction may be increased. As a result, productivity gains may be realized.

Organizations are also using long-term solutions, such as the provision of technical equipment to assist people with physical disabilities on the job. Braille computers and visual or hearing communication aids are only a few of the technological options appearing in more and more workplaces.

Wheelchair access through ramps, automated doors and other structural changes are standard features in many new office buildings. In many cases, only minor adjustments are needed; wheelchair users, for example, can use a desk if it is raised a few inches. In some cases, accommodation simply means keeping the hallway clear of obstacles.

Myth

Employment Equity results in “reverse discrimination”.

Reality

Employment Equity means everyone has equal employment opportunities – not just a select group.

Employment Equity is about eliminating barriers faced by certain groups in society.

Employment Equity programs ensure that the skills of all Canadians are fully utilized by opening up job opportunities to everyone. Implementing Employment Equity does not mean people will lose their jobs because organizations have made or will make room for designated group members. It does not mean that all people hired or promoted will be members of designated groups either. There are, and there will always be, people hired and promoted who are not members of the designated groups.

However, if anyone feels he or she is facing discrimination in the workforce, he or she can seek protection and redress under human rights legislation in Canada. The *Canadian Human Rights Act*, for example, includes the following as prohibited grounds of discrimination: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability, and conviction for which a pardon has been granted.

Myth

Employment Equity is all about quotas.

Reality

Quotas are explicitly prohibited by the Employment Equity Act.

Employment Equity is not about quotas ... it is about goals – flexible, rational targets that organizations can use, like all business goals, as planning and evaluation tools.

Quotas are rigid, arbitrary thresholds that must be reached if one wishes to avoid penalty.

Under the federal employment equity legislation, organizations set their own goals and realistic timetables for achieving them, based on sound analysis and planning. Instead of quotas, organizations set targets for measuring progress in hiring workers from the four designated groups.

Businesses set targets all the time. In a manufacturing plant, for example, production targets are set. Plans are then developed to achieve the target goal and progress is monitored on a regular basis.

An employment equity plan uses the same process. It describes where you are today, where you want to be at a certain time and how you intend to get there. Like an industrial production target, an employment equity plan reflects the organization's circumstances.

The process of setting goals does not mean people will lose their jobs to make room for designated group members. Goals are based on predicted new workplace opportunities.

Myth

Employment Equity means hiring unqualified people.

Reality

Employment Equity means providing all qualified and qualifiable individuals with equal employment opportunities, not just a select few.

The purpose of Employment Equity is to hire qualified candidates; it is not to hire unqualified workers just to reach some numerical goals.

Employment Equity is not about putting someone in a job solely because he or she is a member of a designated group. Employment Equity encourages the selection, hiring, training, promotion, and retention of qualified and qualifiable individuals. Employment Equity simply ensures that barriers against persons in designated groups resulting from the organization's systems, policies and practices are identified and eliminated.

The *Employment Equity Act* specifically states that the obligation to implement employment equity does not require an organization to hire or promote unqualified individuals. The Act also ensures and emphasizes that hiring and promotion standards are not lowered in order to recruit employees from designated groups. Such practices would create a counterproductive work environment.

Myth

Employment Equity threatens the seniority principle.

Reality

Employment Equity and seniority share a common goal: to make sure that employment opportunities are fair, without favouritism or discrimination.

Seniority rights acquired as a result of provisions in a collective agreement, or acquired as a result of established practices of an organization, are protected under the *Employment Equity Act (1995)*. The Act specifically states that seniority provisions are deemed not to be employment barriers.

However, if it appears that a seniority provision in a collective agreement has an adverse impact on designated group members, the Act states that the organization and bargaining agent are required to consult on measures that may be taken to minimize the adverse impact.

How can seniority rights be broadened or amended to promote employment equity and benefit all members of the union?

What about Organization-wide seniority? This method can help to equalize opportunities for all workers. Employees can apply for many more opportunities in the same organization. For example, Aboriginal workers may have many years of seniority in a particular plant but are working in low-paying jobs. Often, the lowest-paying jobs are grouped under a different local or different union than high-paying jobs. By transferring accumulated seniority from a different local or union in the same workplace, employees could be eligible to train for better, higher-level positions, such as technician jobs.

In many workplaces, women do not have the same access to seniority accumulation because seniority is not accrued during maternity leave. One solution is to allow accumulation of seniority during maternity leave.

Myth

Employment Equity means lowering job standards.

Reality

Employment Equity examines job standards to ensure that job criteria are realistic and job related.

A sound employment equity program guarantees that people are not denied jobs for reasons unrelated to their skills or abilities.

Employment Equity planning frees the workplace from outdated and limiting rules and traditions that screen out valuable, qualified talent.

Examples:

- Does the applicant really need a high school diploma or university degree to do the job?
- Is it necessary for the employee to be 5'10"?
- Does that job really require Canadian experience?
- Will word-of-mouth recruitment alone attract enough qualified applicants?
- Is it necessary for the applicant to have a driver's licence?

Myth

It is too difficult and expensive to accommodate persons with disabilities.

Reality

There is generally little direct cost of accommodating workers with disabilities.

The qualified and qualifiable individuals include persons with disabilities.

There is often a lack of understanding about hiring, training, promoting, or accommodating persons with disabilities and these people are often overlooked with regard to employment. Organizations frequently express such concerns as: “I would like to integrate people with disabilities into this office, but the cost involved is too high”, “I don’t have sufficient resources to train people with disabilities; my existing staff are already too busy” or “I’m not opposed to the idea of hiring people with disabilities, but I don’t know what kind of work they can and cannot do.”

Organizations often do not know how little it can take to accommodate a person with a disability. The most frequent accommodations for people with disabilities include modified work schedules, special chairs or back support, job redesign (new duties) and ergonomic workstations. These accommodations generally do not involve large expenditures.

Website of the Canadian Human Rights Commission:

chrc-ccdp.ca

Myth

Employment Equity can only be implemented in a healthy economy.

Reality

Employment Equity is a policy for both good and bad economic times.

Employment Equity can be implemented in healthy economic times or during a downturn.

There certainly are fewer hirings and promotions during tough economic times, but organizations still hire. Some turnover rates still occur through retirement, death, maternity leave, voluntary and involuntary separations, and transfers. By using attrition, organizations can open up employment opportunities for members of the designated groups. It is even more important for employment equity to be developed and implemented during times of job scarcity, to ensure that available jobs are fairly and equitably distributed.

Besides hiring, promoting and keeping designated group members in the workforce, organizations have the challenge of accommodating the various needs of our population in a flexible manner. This, too, can be done during economic downturns while benefiting all employees within the organization.

Myth

Workplace equality should be left up to market forces; there is no need to intervene.

Reality

Employment Equity is required to complement market forces.

Market forces do not work in favour of equality for all groups in society.

The Canadian economy is market driven, and we know from experience that the market is not always an effective remedy for workplace inequality. On the contrary: Canadian demographics have changed dramatically in the last twenty years, yet the change is not reflected in the composition of the workforce.

Numerous studies and surveys confirm that certain people are denied access to jobs, promotions or training by policies and practices in the workplace. Such exclusions are not necessarily intentional, but the negative impact is the same.

A good, well-designed employment equity program can work effectively by creating an even playing field. By putting in place temporary special measures, many organizations are helping to bring about a workplace that reflects the demographics of their own sector. These measures are, in fact, catch-up mechanisms to assist those who have been excluded from employment opportunities.

For example, some organizations have introduced a “bridging program” to increase the representation of women in middle and senior management. Female graduates are thus given the opportunity to work in challenging management positions. Language or literacy training offered in the workplace may help some workers to qualify for a better paying job.

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labour.gc.ca