

SASKATCHEWAN HUMAN RIGHTS COMMISSION



EMPLOYABILITY IN CANADA

**Submission to the
Standing Committee on Human Resources, Social Development and
the Status of Persons with Disabilities**

NOVEMBER 2006

Executive Summary

The Saskatchewan Human Rights Commission (SHRC) welcomes this opportunity to participate in the consultation of the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities.

The Saskatchewan Human Rights Commission is the provincial government agency responsible for receiving discrimination complaints under *The Saskatchewan Human Rights Code*, as well as undertaking public education and special program initiatives. To assist the Committee in its deliberations, we would like to provide information on ways in which **equity programs, human rights education and advocacy initiatives** can promote a representative workforce that reflects the make-up of the working age population in all occupational classifications and supports the valuable participation of vulnerable workers. Such workers include:

- women in non-traditional areas and management positions
- Aboriginal people
- visible minorities
- people with disabilities
- older workers.

Many employers recognize the business advantages of diversity in the workplace, yet many workers still face inequities that are built right into our social, economic and political systems. More concerted efforts are needed to overcome the barriers which foster inequity in employment. Proactive strategies must include:

- anti-racism education
- anti-ageism education
- recognition of foreign credentials
- outreach recruitment
- efforts to balance of work and family needs
- respectful workplace policies.

Creating fair and comfortable working environments for all employees will protect employers from the human and economic costs of discrimination.

Employability in Canada

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Introduction: Towards a Culture of Inclusion

The vision of *The Saskatchewan Human Rights Code* is one of a harmonious society, which protects the equal rights and dignity of all its members while strengthening the fabric of the community as a whole. In keeping with this vision, one of the Saskatchewan Human Rights Commission's most important goals is to promote a culture of inclusion where everyone has a sense of belonging, where all groups can succeed, and to which all persons can contribute. However, this ideal can never be reached if some groups encounter obstacles to participation.

Intentional discrimination and systemic barriers create “built-in headwinds” that impede the progress of some groups. Such obstacles can inadvertently exclude certain group members from the full benefits of employment, and limit their ability to make a positive contribution.

A Spectrum of Equity Initiatives

Proactive programs to overcome these barriers are needed to create genuine equality within a reasonable period of time. For this reason, section 47 of *The Saskatchewan Human Rights Code* gives the Saskatchewan Human Rights Commission the authority to approve and monitor special equity programs designed to counter disadvantage and to pursue equality goals. It states:

“... the Commission may approve or order any program to be undertaken by any person if the program is designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry or place of origin of members of that group, or the receipt of public assistance by members of that group by improving opportunities respecting services, facilities, accommodation, employment or education in relation to that group or the receipt of public assistance by members of that group.”

In many ways, the goals of equity programs are consistent with the goals of the Standing Committee on Human Resources, Social Development and the Status of Persons with

Disabilities and their interests in Employability in Canada. Equity programs have also been a very useful strategy for achieving the Commission's objectives.

No single program or initiative can provide all the answers to the dilemmas faced by vulnerable workers. This submission will discuss employment equity, public education and advocacy initiatives that should ideally operate as part of an integrated spectrum of services available to Canadian citizens.

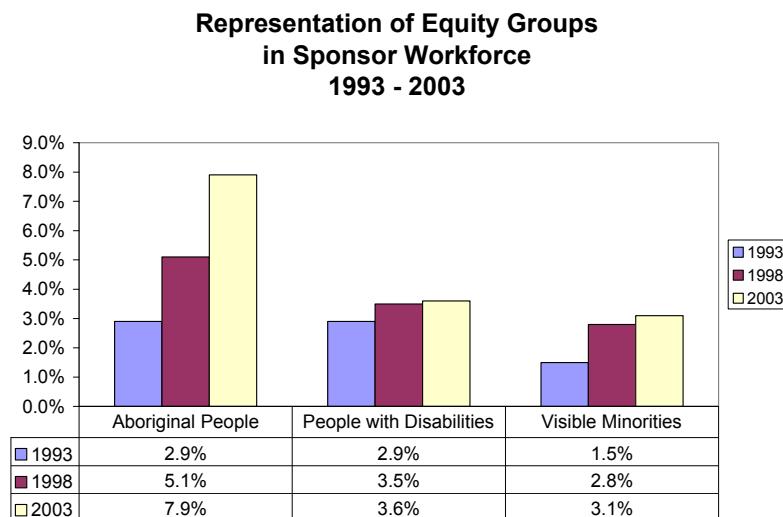
Employment Equity

For more than 25 years, the SHRC has actively promoted the creation of a representative workforce that reflects the make-up of the working age population, in all occupational classifications. In this voluntary, proactive program, employers, known as equity sponsors, are given approval to use special measures to achieve equity, diversity and inclusion. Without this approval, measures such as outreach recruitment might be considered violations of *The Saskatchewan Human Rights Code*.

Many employers recognize the business advantages of diversity in the workplace: better customer service, a broader range of job applicants, enrichment of workplace culture and the creative energy generated by a variety of perspectives. Yet vulnerable workers still face inequities that are built right into our social, economic and political systems. Practices and procedures that look neutral may actually end up barring certain groups from participating equally. An approved employment equity plan allows the sponsor to accelerate its progress towards a representative workforce through preferential measures such as choosing to hire qualified members of equity groups when vacancies occur. Equity sponsors are protected from liability by section 47(3), which states actions taken to implement equity plans do not violate the *Code*.

The SHRC's Employment Equity Program has made steady progress since the first equity plan was approved in 1980. It is a mature program, with an established track record. Currently, 40

employers, including the Government of Saskatchewan, have approved equity plans. In 2005-2006, these plans covered more than 43,000 Saskatchewan employees.



Progress towards a representative workforce has been significant for some groups. For example, the proportion of Aboriginal employees in the sponsor workforce grew from 2.9 percent to 7.9 percent between 1993 and 2003 (the most recent year in which the Commission monitored equity employers). Nevertheless, more concerted efforts are needed. In Saskatchewan, Aboriginal people account for 13.5 percent of the province's population, and this proportion is increasing yearly.

Visible minorities are another growing group. In 2001, they represented 5.5 percent and 5.8 percent of the populations of Regina and Saskatoon, the cities where the sponsor workforce is most concentrated. Saskatchewan will compete for immigrants in the years ahead because of labour shortages across Canada. It may also be noted that over 75 percent of recent immigrants to Canada are members of racialized groups.¹ Attracting and retaining employees from other countries will require our employers to develop positive strategies that could include features of equity plans: anti-racism education, recognition of foreign credentials, outreach recruitment and respect at work policies, to name a few.

¹ "Working Precariously: The impact of race and immigrant status on employment opportunities and outcomes in Canada," The Canadian Race Relations Foundation, May 2005, p. 3

Women are under-represented in non-traditional areas such as inspections, science, trades, technology, policing, firefighting and the professions, and significantly over-represented among clerical workers. In 2003, women represented 33.2 percent of management employees in Saskatchewan's sponsor workforce (the combined workforces of employers with approved equity plans), short of their 46.5 percent representation in the labour force. This figure was higher than the 27.6 percent representation of women management in 1993 but, disturbingly, lower than their 35.1 percent in 1998.

Workplaces contain a number of systemic barriers to balancing work and family needs. Because most parents of young children are also members of the workforce, this is an issue that affects both fathers and mothers. But as a recent discussion paper from the Ontario Human Rights Commission points out, the "struggle to juggle" has a disproportionate impact on women.²

People with disabilities have benefited the least from employment equity. Although they represent 11.1 percent of Saskatchewan's working age population, their proportion of the sponsor workforce increased to only 3.6 percent from 2.9 percent between 1993 and 2003.

Statistics, by themselves, however, are only one indicator of success. Equity plans do much more than draw under-represented groups into the workplace – they create welcoming work environments and fair, accommodating employment practices that make retention and promotion possible. Here are just a few of the strategies used by equity employers and educational institutions:

- advertising job opportunities for equity groups;
- analyzing personnel practices for potential bias;
- developing outreach recruitment strategies;
- developing anti-discrimination policies;
- assessing the accessibility of the workplace/school;
- creating a culture of respect; and
- raising cross-cultural awareness among employees/students.

² "Human Rights and the Family in Ontario," Discussion Paper of the Ontario Human Rights Commission, March 2005. The paper states, at page 7, "Fifty percent of working mothers, and 36 percent of working fathers report having difficulty managing their work and family responsibilities."

A Role for Education Equity

Building a representative workforce also requires equity in education to ensure that equity groups have the knowledge and skills they need to be successful in the workplace. Education equity acts to counteract systemic discrimination and provide equality of educational benefit to students.

Education equity plans in Saskatchewan focus on curriculum, school policies and practices, cross-cultural training, parental involvement, anti-discrimination measures, and efforts to increase the representation of Aboriginal teaching and non-teaching staff. It helps to create learning environments which ensure that all students receive maximum benefit and opportunity from the K-12 and post-secondary learning systems.

Public Education

Activities that increase human rights awareness can reduce discrimination, with its serious social and economic costs. Improving human rights awareness is essential to removing the barriers to employment often faced by vulnerable workers. For this reason, the *Code* makes preventing discrimination through public education a central part of the SHRC's mandate.

Human rights education is a service the public wants to receive. Each year, the Saskatchewan Human Rights Commission receives more requests for public education than it can accommodate. These requests come from a variety of audiences with differing needs and perspectives, including employers, trade unions, educational institutions, health care providers, community organizations and others. They are keenly interested in acquiring accurate information on human rights and the development of policies which address issues such as harassment and the duty of reasonable accommodation.

Advocating for the Older Worker

Older persons are vulnerable to age discrimination. Ageism is often caused by negative myths and stereotypes about the abilities of older people. Discriminatory attitudes are not only unfair but also blind us to the benefits of age -- experience, skill, tolerance and a sense of history, to name just a few -- and to the real economic value of the contributions older employees can make.

In employment, older workers may be discriminated against in recruitment, promotions and layoffs, as well as through the imposition of mandatory retirement. This will likely increase an anticipated future labour shortage across the country, which will partially result from a large number of key workers retiring over the next 10 years.

The Saskatchewan Human Rights Code defines “age” as any age between 18 and 64 years. This restrictive definition of age has allowed employers to implement mandatory retirement policies which the Saskatchewan Human Rights Commission considers to be discriminatory based on age. It has recommended a repeal of the restrictive definition of age under the *Code* in order to protect older workers from discrimination. To date, Commission has accepted 16 complaints of age discrimination based on mandatory retirement. Saskatchewan remains in the minority of provinces which still allows employers to implement mandatory retirement policies.

Recommendations

Canada's future success will turn on the ability of all groups to participate fully in the social and economic life of the community. The SHRC asks the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities to include the following recommendations in its final report:

1. That the Government of Canada confirm and strengthen its support for employment and education equity initiatives;
2. That the Government of Canada confirm and strengthen its support for human rights education and advocacy initiatives;
3. That the Government of Canada develop concrete, practical ways of supporting the equity initiatives of businesses, educational institutions and service providers through grants, loans and tax incentives to improve accessibility, provide human rights education, or improve the hiring and retention of equity group members and older workers;
4. That the Government of Canada support the development of education-work partnerships that ensure equality of educational and employment opportunities to all Canadian citizens.