

AFFIRMATIVE ACTION:
A Model for Achieving Gender Equality
in Decision Making Positions in Community
Colleges in British Columbia

by

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POSITIONS IN COMMUNITY COLLEGES IN BRITISH COLUMBIA.

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ABSTRACT

This thesis presents affirmative action as the means to achieve gender equality in decision-making positions in community colleges in British Columbia. Focusing on the issue of gender equality in employment, with an emphasis on the need to promote this desired state in educational administration, a model for possible implementation is developed. Toward this end, a foundation for the model is presented using the following information:

- the development of employment laws as they relate to women;
- the growth of affirmative action in employment in Canada;
- a synopsis of several affirmative action programs that have been implemented in educational institutions; and
- a comparison of affirmative action models used in Canada;

The thesis assumes a number of points. 1) The achievement of gender equality in employment is a desirable social and economic ideal. 2) Gender equality in employment is possible. 3) Improvements in women's employment status are progressing too slowly. 4) Affirmative action is necessary to expedite the process involved in achieving gender equality in employment.

The primary methodology was a review of relevant literature, including an analysis of statistical information on women's participation in the Canadian labour market. The information gathered was weighed in the context of the author's own experience as a community college employee for over fifteen years.

The final analysis supports the need for ongoing research into the role and responsibility of educational institutions in promoting gender equality. This need for research, however, is secondary to the need for specific and immediate action on the part of the government, the Ministry of Advanced Education and Job Training, college boards, and senior college administrators. Furthermore, although the model was developed for community colleges in B.C., it is easily adapted to universities, businesses, and industries in this and other provinces.

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Chapter One

INTRODUCTION

Educational institutions play a key role in the processes that lead to sex role stereotyping and occupational segregation by gender and are thus in a key [position] to work for constructive change. They are a major source of education and training for future generations...[and are] in a position to provide leadership in a number of ways, including by example. (Patterson 1984:2)

If the statement above is accepted, then it follows logically that educational institutions should adopt affirmative action programs. Analysis of the available data clearly indicates that women are under-represented in decision-making positions in all fields, including education. -As we move up from K-12 and then to the level of post-secondary education, the ratio of women to men diminishes drastically, particularly at the management level.

The unequal representation of women employed in certain categories in higher education is well documented (Vickers and Adams 1977; Symons and Page 1984; Statistics Canada-all years). The report of the Task Force on the Community College in British Columbia, released in August 1974, made the following comment,

During its visits to the colleges, the Task Force became concerned about the fact that very few women are employed in administrative or instructional roles in the colleges and, therefore, recommends: *That a concerted effort be made to establish policies to increase the number of women hired by colleges so that the sex ratio of college personnel at all levels will better reflect the balance between men and women in the labour force (p. 33).*

No 'concerted' effort was made, and in 1984 studies and reports by Patterson and by Bueckert, Renaud, and Stewart made the same observation and recommendation. Thus time alone has not resulted in any major changes to women's positions in the colleges. Affirmative action programs in post-secondary educational institutions could act to improve the participation of women in management level positions. Such positive action would recognize the barriers that have systematically prevented women from accessing the administrative level of the education system on an equal basis with men.

Although affirmative action programs have been legally possible for some time, recent events have raised the issue of employment equity to a new level of awareness in Canada. The Royal Commission on Equality in Employment was established in 1983. Its report, released in 1984, concluded that only mandatory affirmative action programs would have any significant impact on employment equity. Later in 1984, a Tribunal of the Canadian Human Rights Commission ordered Canadian National Railway to implement an affirmative action program to increase the number of women in blue-collar positions. On April 17, 1985, section 15 of the Canadian Charter of Rights and Freedoms came into effect. This section allows affirmative action programs to be established within the guidelines of the Charter. That is, special programs to reduce the disadvantages suffered by groups

in the past will not be considered discriminatory under the Charter. On April 23, 1986 Bill C-62, the Employment Equity Act, was passed by the House of Commons and received Senate approval shortly thereafter. Bill C-62 directly affects only those regulated, employed or contracted by the federal government. Many other businesses, however, are seeing this Act as having potential consequences for their hiring and promotion policies. Educational institutions should take a similar view.

PURPOSE OF THE STUDY

The purpose of this study is to develop a model of an affirmative action program to increase the participation of women in decision making positions in community colleges in British Columbia. To achieve this goal it is necessary to explore a number of issues, and establish a framework within which affirmative action can be clearly defined.

Before this can be accomplished, a number of questions must be answered. What is meant by affirmative action in employment, and why is it an important social issue? How has affirmative action developed in Canada and British Columbia, and what effect has the U.S. experience had on this development? Have affirmative action programs been effective in promoting gender equality in the workplace? What are the criteria for measuring effectiveness? Why is it necessary to consider implementing

affirmative action in community colleges? What barriers to implementation might exist, and how might they be overcome?

METHOD

To construct an effective model, a review of the development of affirmative action programs and policies in Canada, with reference to related developments in other countries is undertaken. Influential judicial findings related to legal actions resulting from the application or non-application of gender based affirmative action programs in employment since the enactment of equal opportunity legislation are presented. Systemic discrimination as a major barrier to achieving employment equity is discussed. Various models of affirmative action plans are critiqued, and implications for education, with particular emphasis on community colleges, are explored. The model is developed from the data gathered. Finally, recommendations respecting employment equity in community colleges are made.

DEFINITIONS

...sexual equality is a question of basic human rights the promotion of which is a goal to which Canada is committed.

...in allowing inequality to continue one condones the ineffective utilization of human resources which leads to high social and economic costs for society. (Labour Canada 1982:i)

Gender equality as a socio-economic ideal has few disputants. Achieving gender equality, however, requires a number of changes at all levels of society. The controversy arises from what these changes are to be and how and when they are to occur.

One method of achieving sexual equality in the workplace is through affirmative action programs and policies. The federal government has had an affirmative action program since 1979. Furthermore, they have promoted voluntary affirmative action programs in the private sector. However, "only 27 companies of 750 approached by the government agreed to participate in affirmative action programmes" (Ibid., p.3). Obviously, the voluntary incentives used were not enough to effect many commitments. If affirmative action is to be effective in improving the position of women in the labour force, there must be recognition of its merits, and, more critically, recognition of the need for an active policy to help women achieve their full potential in the workforce. The first step is understanding what affirmative action is and what it is not.

Affirmative Action

The definition of affirmative action has been extensively debated. Many charge that it is a discriminatory practice that results in unqualified individuals taking jobs from the more qualified. Others see affirmative action as reverse

discrimination, where women and minorities are given preference over white males. What must be clearly understood is that affirmative action plans do not propose hiring the unqualified, but promote the hiring of qualified individuals who, due to prior discriminatory practices, have been denied equal access to certain jobs. Furthermore, affirmative action is proposed as a temporary measure to be implemented until the imbalances are righted (Jain and Sloane 1981:101-4). White males will then be faced with more competition for jobs, but that is the way it would always have been, had discrimination not existed.

Affirmative action is often referred to as 'special programs' in various Canadian statutes. Usually, a definition is included, and provisions for exemption from human rights' laws and regulations are outlined. One such definition is posed by the Canadian Human Rights Commission in its 1984 annual report, where affirmative action in employment is defined as

...a special program, plan or arrangement 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... (p. 14).

Where 'special programs' are implemented, what constitutes affirmative action is clearly laid down, and receives legal sanction (Tarnopolsky 1982).

In Discrimination and the Law in Canada, Tarnopolsky quotes the Affirmative Action Division of Canada Employment and Immigration Commission as defining affirmative action in employment as follows:

Affirmative Action is a comprehensive, result-oriented plan adopted by an employer as a remedy for employment discrimination with special emphasis on systemic discrimination. A comprehensive plan is an action strategy designed to ensure equality of opportunity at all employment levels and to provide for the implementation of those special measures necessary to ensure equality of results, given the specific conditions existing in the company. The measure of successful implementation of an Affirmative Action plan is the achievement of goals expressed as changes in the composition at all levels of the company's labour force. (1982:155)

Employment Equity

Employment equity is a phrase coined by Judge Rosalie Abella in her report for the Commission on Equality in Employment. The advantages of using the phrase are that the emotional content of the term affirmative action is defused, the automatic assumption that Canada is merely cloning a U.S. social issue is removed, and those that see affirmative action only from the perspective of the much publicized Bakke case, are presented with a Canadian viewpoint. (The Bakke case is discussed in Chapter Two.) Of particular importance is the distinction between affirmative action as it applies to access to education and affirmative action as it applies to employment. Certainly the term

employment equity is quite clearly referring to jobs, and other employment related issues, while affirmative action can be applied to jobs, as well as other issues such as education. Since the release of the Abella Report in 1984 and the passing of the Employment Equity Act in 1986, the government has dropped all references to affirmative action and now refers to employment equity programs.

Abella suggested this change in terminology since affirmative action is so often "misunderstood" and is reacted to as a "semantic red flag" (p. 7). In her conclusion, Judge Abella offers a succinct definition of employment equity:

Employment equity is a strategy to obliterate the present and the residual effects of discrimination and to open equitably the competition for employment opportunities to those arbitrarily excluded (p. 254).

Common to all of the definitions is the concept of affirmative action as a remedial measure to right both past discriminatory practices and to establish a system to prevent future discrimination. Whether referred to as affirmative action or employment equity, it is the implementation of a comprehensive plan of action designed to address barriers to employment, but most importantly, to overcome systemic discrimination.

Systemic Discrimination

No serious discussion of affirmative action can take place without recognition of the impact of systemic discrimination.

This is defined as those practices and policies which on the surface appear neutral, in that they are applied to (or affect) all, but that, in fact, act as a barrier to equal access for women. Systemic discrimination exists when there is no intention to discriminate, but certain practices and procedures have a discriminatory or exclusionary effect on certain groups. Identifying systemic discrimination within a particular organization is a critical component of an effective affirmative action plan. What constitutes systemic discrimination may vary from organization to organization, and will therefore, require distinct remedies.

Examples of systemic discrimination faced by women in the past and the present include height and weight requirements for certain jobs; policies which preclude the hiring of women with children if the job requires travel; employment tests to measure math and mechanical aptitude when there is no direct connection with the job to be done. An expanded definition of systemic discrimination faced by women recognizes the lack of adequate childcare; stereotypical treatment of female students from kindergarten through post secondary studies; limited access to education and training; inflexible working hours; and a restricted view of the role of women in society, as barriers to women's equality in the workforce. These are all important issues which have a negative effect on women's equality.

Are we aiming for employment equity or affirmative action? What is the difference? Both terms leave room for interpretation. Affirmative action was coined in the United States and carries with it a distinctive history. Rosalie Abella thought a change in terminology would make the concept acceptable in Canada, and used the term employment equity. If employment equity is illustrated by Bill C-62, then it falls far short of Abella's intention in recommending a name change. Affirmative action carries an implication that something will be or is being done, that action is taking place. Therefore, I shall continue to use that term, as it embodies the intent of achieving equality in employment. Employment equity is the goal, affirmative action is the method recommended to achieve that goal.

This thesis will consider affirmative action as it relates to gender equality in the workplace, and will make only passing references to other designated groups targeted to benefit from such programs. In this context, affirmative action is simply defined as a plan of action undertaken by an employer to increase the participation rates of women in job categories dominated by men. It is understood that such a plan will encompass a number of specific and measurable actions.

ORGANIZATION OF THE THESIS

Chapter One has presented and reviewed the concept of affirmative action and the need in education. Affirmative action, employment equity and systemic discrimination were defined.

Chapter Two presents an overview of Canada's commitment to gender equality in employment, introducing the background to the development of affirmative action in Canada and the provinces.

Chapter Three presents a review of several affirmative action programs implemented in Canada and explores their effectiveness in increasing the participation of women in male dominated employment categories.

Chapter Four presents a review of affirmative action/employment equity programs in educational institutions.

Using the data gathered from Chapters Three and Four, Chapter Five presents a model of an affirmative action program for community colleges in British Columbia, and discusses the importance of affirmative action in colleges.

Chapter Six contains the conclusions, recommendations, and considerations for future research.

Chapter One

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Chapter Two

BACKGROUND TO THE DEVELOPMENT OF AFFIRMATIVE ACTION IN CANADA

INTRODUCTION

The antecedents of affirmative action in Canada were the anti-discrimination laws passed by the Canadian government and the provinces, generally following the adoption of an international declaration. A discussion of the various international, federal, and provincial Acts that have contributed (or not) to laying the foundation for equality in employment in Canada is presented in this chapter. Reference is made to the relevant cases in the United States. The intention is not to present a detailed history of the development of rights associated with employment equity, but to provide the legislative background that establishes the framework for affirmative action or 'special' programs.

INTERNATIONAL COVENANTS

The Second World War focussed international attention on human rights inequalities that existed throughout the world. The United Nations responded with the Universal Declaration of Human Rights, a fairly lengthy 'statement of objectives', according to Tarnopolsky (1966). The Declaration strengthens the "equal rights provisions of the Charter of the United Nations," and

refers to the right to equality before the law and the right of every person to work regardless of "sex, race, colour, language..." (Women's Bureau 1984:61).

Canada has not been a leader in establishing laws to protect its citizens' basic rights, particularly the rights of women in employment. Laws in this country have progressed as a result of several international covenants to which Canada is a signatory. Although signing such international covenants does not legally bind a country, it does signify an agreement with and a moral obligation to follow and uphold the covenants. International Labour Organization (ILO) Conventions No. 100, 111, 122, the Universal Declaration of Human Rights, Declaration on the Elimination of Discrimination Against Women and the Convention on the Elimination of All Forms of Discrimination Against Women have all been ratified by Canada, most often several years after their adoption by the agencies responsible. Such delays were due to the fact that in the majority of cases concerning civil liberties and employment issues, the provinces have 'exclusive jurisdiction'. Therefore, the government of Canada cannot unilaterally make agreements, pass laws, or otherwise operate within the jurisdictional areas of the provinces; adoption can only follow federal-provincial consultation and agreement.

The International Labour Organization (ILO) adopted the Equal Remuneration Convention No. 100 in 1951. Canada ratified this Convention, specifically calling for equal pay between men and

women performing work of equal value, in November 1972.

Countries ratifying Convention No. 100

have the responsibility to promote and ensure equal pay for work of equal value through appropriate legislation, by establishing a legal mechanism for wage determination, and/or through collective agreements between employers and employees. (Women's Bureau 1984:66)

ILO Convention No. 111, Discrimination in Respect of Employment and Occupation, was adopted in June 1958 and ratified by Canada in November 1964. Reaffirming the principle of non-discrimination in employment, this Convention set out a definition of discrimination as:

Any distinction, exclusion, or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. (Chester 1985:494)

Convention No. 111 advocates equal access to employment, occupations, and vocational training, and equal treatment in the terms and conditions of employment. This was the first Convention to name sex as a proscribed ground for discrimination.

Adopted in July 1964, ILO Employment Policy Convention No. 122 was ratified by Canada in September 1966. This Convention acknowledged

the fundamental principles of every persons right to work, to free choice of employment, ...and to full employment regardless of sex.... (Women's Bureau 1984:67)

In addition, the Convention requires members to "implement coordinated economic and social policies designed to meet the demands of the general principles stated above" (Ibid.).

The United Nations, recognizing the need to specifically address the equality rights of women, adopted the Declaration on the Elimination of Discrimination Against Women on November 7, 1967. Among other issues, this Declaration

urges all member states to take the appropriate action in order to ensure women their political, economic, and cultural rights. (Women's Bureau 1984:62)

The Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the U.N. General Assembly on December 18, 1979. The Convention was adopted precisely to implement fundamental equality rights of women, since inequality continued to exist in spite of numerous resolutions, recommendations and declarations. Canada ratified this Convention on December 10, 1981 (Ibid.).

As indicated by its title, the Convention on the Elimination of All Forms of Discrimination Against Women addresses numerous areas of discrimination against women. It is

unique amongst international human rights instruments.... requir[ing] a state to take all appropriate measures to ensure that half its population is guaranteed the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with the other half of the population. (Secretary of State 1983)

Containing specific references to education and employment the Convention calls for each state,

To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory as defined in the Convention.¹

The international obligations outlined above are the foundation of Canadian gender equality legislation.

EQUAL PAY LEGISLATION

Equal pay legislation began in Canada with the Female Employees Fair Remuneration Act passed in Ontario in 1951. This legislation provided women with the same pay as men doing the same or substantially the same work. As can be seen in Table 1, over the next ten years seven more provinces and the federal government enacted similar legislation, with Quebec, Newfoundland and the Territories following suit over the nine year period between 1964 and 1973.

In 1956, the Government of Canada passed the Federal Female Employees Equal Pay Act. Since federal employees did not come under the jurisdiction of any provincial legislature, it was necessary for the federal government to pass legislation to give federal government workers parity with provincial and private sector employees. The federal Act

required equal wages for men and women performing the same or similar work under the same or similar working conditions on jobs requiring the same or similar levels of skill, effort, and responsibility. (Jain and Sloane 1981:132)

By 1982 all provinces and territories had similar equal pay legislation embodied in human rights' codes or in labour standards' legislation.

TABLE 1

INITIAL EQUAL PAY LEGISLATION IN CANADA

1951	Ontario	Female Employees Fair Remuneration Act, S.O.1951, c.26.
1952	Saskatchewan	The Equal Pay Act, S.S. 1952, c.104
1953	British Columbia	Equal Pay Act, S.B.C. 1953 (2nd Session), c.6.
1956	Manitoba	The Equal Pay Act, S.N.S. 1956, c.5.
1956	Canada	Female Employees Equal Pay Act, S.C. 1956, c.38.
1956	Nova Scotia	Equal Pay Act, S.N.S. 1956, c.5.
1957	Alberta	An Act to amend the Alberta Labour Act, S.A. 1957, c.38.
1959	P.E.I.	The Equal Pay Act, S.P.E.I., 1959, c.11.
1961	New Brunswick	Female Employees Fair Remuneration Act, S.N.B. 1960-61, c.7.
1964	Quebec	Employment Discrimination Act, S.Q. 1964, c.46.
1966	N.W.T.	Fair Practices Ordinance, 1966 (2nd.).
1969	Newfoundland	The Newfoundland Human Rights Code, R.S.N. 1970, c.262.
1973	Yukon Territory	An Ordinance to amend the Labour Standards Ordinance, 1973 (1st.), c.13.

(Reprinted from 1984 Canadian Women and Job Related Laws. Women's Bureau, Labour Canada.)

Prior to the implementation of equal pay legislation it was common practice to pay women lower wages for doing the same work as a man. Women were seen to be 'worth less', and it was thought that they did not 'need' to earn as much as men (Armstrong 1987; Day 1987). "The fundamental problem," according to Abella is "the undervaluation of work done by women" (1984:238). Not recognizing the concept of 'value', the government responded to the differences in wages between men and women with equal pay for equal work legislation.

Unfortunately, equal pay for equal work failed to improve the wages of working women significantly (Gunderson 1985). In 1911, women earned 53 percent of men's wages, in 1971, 59 percent and in 1982, 64 percent (Abella 1984:233). The wage gap between men and women has narrowed by only a few cents as a result of equal pay legislation. A major reason for this failure is the inability of 'equal pay for equal work' to benefit the majority of working women who are employed in occupational categories dominated by women.

It is generally recognized that the wage differential between men and women is no longer primarily due to a difference in the rates of pay women receive for doing identical jobs as men, but that women work in different (and lower paid) jobs than do men.

Clearly occupational segregation is a much more important contributing factor to the overall earnings differential than is wage discrimination in the same establishment and narrowly-defined occupation. (Gunderson 1985:41)

Ornstein (1983) concurs that, "by far the largest factor in explaining women's low wages is their concentration in low-wage occupations" (p. 46). Recognition of the failure of equal pay laws to improve women's wages has resulted in increased emphasis on the need to legislate equal pay for work of equal value.

Equal Value

Canada's equal pay legislation was prompted by ILO Convention No. 100, which called for equal pay for work of equal value, a concept of substantially different intent than equal pay for the same work. On the recommendation of the 1977 Task Force on Equal Pay, the Canadian Human Rights Act² was amended in 1978 to include the principle of 'work of equal value'. Guidelines listing seven factors to be used to justify differences in pay between men and women were included (Neimann 1984). All employees in Quebec and employees of the federal government are covered by equal-value legislation administered by the human rights' commissions in their respective jurisdictions. This legislation is enforced by complaints rather than being mandatory. The equal-value concept is receiving considerable attention in Canada, and the provinces are struggling with this important issue.

Pay Equity

"Pay equity" has replaced "equal value" as the term used to describe the equalization of women's wages. Manitoba has a

mandatory Pay Equity Act covering public sector employees, and is in the process of expanding it to cover the private sector (Cornish 1986). Ontario passed a mandatory Pay Equity Act³ on June 29, 1987, covering all employees except those of private-sector firms with less than ten employees. Through equal pay for equal work to equal value, and now pay equity, the governments of Canada are advancing the equality of women working outside the home.

FAIR EMPLOYMENT PRACTICES ACT

Initial anti-discrimination legislation did not prohibit the use of sex as a criterion in hiring and other employment practices. Other than the narrowly defined Fair Remuneration Acts mentioned previously, women had virtually no employment protection under law. Even minimum wage legislation, provincially and federally, set different wage scales for men and women. Prince Edward Island was the last province to discontinue this inequitable practice, in July 1974.

In 1951, Ontario took the lead in passing the Fair Employment Practices Act⁴, which prohibited discrimination in hiring on the grounds of race, colour, religion or national origin. In the next five years, Manitoba, the federal government, Nova Scotia, New Brunswick, British Columbia and Saskatchewan passed similar Acts. In 1964, Quebec became the seventh province to pass fair employment legislation, but it was not until 1971 that

all of Canada's provinces and territories had enacted legislation prohibiting discrimination in employment. The enumerated grounds were race, colour, religion or national origin; sex was not listed.

During the two decades it took for all of Canada to institute laws against discriminatory employment practices, the protections afforded to women changed little. British Columbia was the first province to include sex as a prohibited ground for discrimination in its Human Rights Act⁵. Other provinces followed, and by 1975 all provinces and the territories had similar legislation (Tarnopolsky 1982:255). With the exception of Newfoundland, where sex as a prohibited ground for discrimination was included in their first human rights legislation, there was a span of five to nineteen years before the other jurisdictions extended their equal opportunity legislation to include gender (Cook and Eberts 1976:187).

CANADIAN BILL OF RIGHTS

After more than twenty years of debate and commissioned studies, the federal government passed the Canadian Bill of Rights⁶ on August 10, 1960 as a statute with no more legal power or influence than any other federal statute. The Bill of Rights was not entrenched in the constitution; it was restricted to matters within the jurisdiction of Parliament, and, therefore, was not binding on the provinces. Furthermore, it did nothing

to promote equality in employment. Specifically, section 1. states:

It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before

the law and the protection of the law;

(c) freedom of religion;

(d) freedom of speech;

(e) freedom of assembly and association;

(f) freedom of the press.

It is unfortunate that the courts have construed the meaning of the terms 'have existed and shall continue to exist' as not granting any new rights, but as merely protecting those rights "in existence at the time it was enacted" (MacGuigan 1982:243).

Although section 5. (1) states:

Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

the Bill of Rights also allowed Parliament to pass laws 'notwithstanding' the Bill, and any actions taken under the War Measures Act were not deemed to violate the Bill of Rights. In other words, the Bill of Rights set down certain rights and freedoms as long as no other law was passed to deny those rights.

One reason Canada enacted a Bill of Rights with such limited application can be found in the British North American Act, sections 91 and 92, where the division of powers between the provinces and the federal government are set out. There is no reference to a Bill of Rights, to equality, or to civil liberties in the B.N.A. Act. The federal government does not have the power to pass any laws which infringe on the jurisdiction of the provinces, and most civil liberties, particularly with regard to employment, come under provincial jurisdiction. The Canadian Bill of Rights has not had any impact on employment discrimination nor did it lay any foundation for affirmative action.⁷

CANADIAN HUMAN RIGHTS ACT

The United Nations established a Commission on Human Rights in 1946, and proclaimed a Universal Declaration of Human Rights in 1948. Following the signing of this and a number of other international covenants and the enactment of human rights codes in all the provinces, the Canadian Human Rights Act⁸ was passed in 1977. The Canadian Human Rights Commission (CHRC) was established to oversee compliance with the Act by those bodies that come under its jurisdiction, e.g. chartered banks, crown corporations, the federal public service.

Section 15(1) of the Act makes it clear that special programs to improve the employment of specified groups would not be a contravention of the Act. Section 19 allows federal contract compliance regulations⁹ to be established, but no regulations have come in under Section 19. Recommendations by the Canadian Human Rights Commission, and the actions of the Canadian Advisory Council on the Status of Women, prompted the Federal government to introduce an affirmative action program within its own ranks. From that start grew the push for voluntary programs in the private sector. A synopsis of several affirmative action programs that have been implemented in Canada is presented in Chapter Three.

INFLUENCE OF THE UNITED STATES

No discussion of affirmative action in Canada can take place without recognizing the impact of the experience in the United States. The negative reaction of many Canadians to the term 'affirmative action' finds its roots in the media sensationalism of court actions in the United States. Canada likes to see itself as separate and different from the U.S., and does not want the kind of controversy that has surrounded certain affirmative action cases there.

One of the major struggles mentioned in the Abella report was the issue of defining affirmative action. The term affirmative action and the concept of special programs to overcome the effects of discrimination is interpreted differently by its

supporters and its opponents. In the United States, affirmative action is generally defined as a comprehensive program established to hire, train and promote women and minorities in job categories in which they are underrepresented. Such a program must have clearly defined goals and timetables that are 'significant, measurable, and planned for specific results.'

Contract Compliance

Affirmative action has a history of more than twenty-five years in the United States, beginning with Executive Order No. 10925 issued by President John F. Kennedy in 1961. This contract compliance order went beyond those previously issued; rather than merely ordering a government contractor not to discriminate, it mandated affirmative action by all government contractors. Following the 1964 enactment of Title VII¹⁰ of the Civil Rights Act, President Lyndon B. Johnson issued Executive Order No. 11246. The new order was amended in 1967 to include sex as a prohibited grounds for discrimination, and covered all operations of the contractor, not solely hiring practices. A full text of this "crucial equal opportunity clause" as amended is in Appendix A (Tarnopolsky 1979:84).

Civil Rights Act

In response to the racial riots that were becoming a serious issue and an embarrassment to the United States world wide, the Civil Rights Act of 1964 was proposed. Initially, the Act was to provide statutory authority to existing contract compliance

orders, but once the bill had passed through the House of Representatives and the Senate, it was significantly changed. Sex was added as a prohibited ground for discrimination¹¹, and enforcement was left to the courts. Of particular relevance to affirmative action is Title VI¹² respecting recipients of federal financial aid, and Title VII as amended by the Equal Employment Opportunity Act of 1972¹³.

Title VI states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Sex was not specifically listed as a proscribed factor in Title VI. Sex discrimination was prohibited in all education programs receiving Federal financial assistance, and educational institutions were prohibited from discrimination based on sex in all hiring by the Education Amendments of 1972¹⁴. Title VII prohibits discrimination in employment practices on the basis of race, colour, religion, sex, or national origin. The Equal Employment Opportunity Act of 1972 extended Title VII to cover employment agencies, unions, government agencies and educational institutions.

A number of landmark cases followed the Title VII decree. The most widely reported is the *Griggs v. Duke Power Co.*¹⁵, which established a new definition of discrimination. This was

the first court decision that recognized 'adverse impact' or 'systemic discrimination' in employment practices. Such practices resulted in discrimination even when there was no intent to discriminate.

Prior to the passing of Title VII, Duke Power Company openly discriminated against black workers (as did many employers) in hiring, job assignments, promotion, and training. After Title VII came into effect, Duke Power instituted a policy whereby employees were required to have a high-school diploma and pass two written tests in order to access certain job categories. The result of this practice was that a large number of blacks were excluded. In the U.S. in 1960 the high-school completion rate was 34 percent for whites and 12 percent for blacks. Although 58 percent of whites passed the widely-used Wonderlich and Bennett employment tests, only 6 percent of blacks passed.

The Supreme Court adopted a 'business necessity' validation standard to determine the legality of the two requirements. The Court suggested,

If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited.
(quoted by Tarnopolsky 1979:77)

Since the company could demonstrate neither the business necessity nor the validity of the requirements, the Court found in favour of the plaintiff. After lengthy and expensive

litigation the Supreme Court of the United States ordered major changes in the hiring and promotion policies and practices of the Duke Power Co. Other major employers followed suit without litigation.

The Civil Rights Act, while addressing systemic discrimination, has itself been charged with promoting reverse discrimination. The idea that affirmative action is reverse discrimination was the issue in *United Steelworkers v. Weber*¹⁶. Brian Weber filed suit under Title VII when he was denied a position in a training program jointly run by Kaiser Aluminum and the United Steelworkers union. Kaiser and the Steelworkers had implemented a voluntary affirmative action program at fifteen Kaiser plants. Under this plan, fifty of all craft training places were being reserved for black employees until the percentage of black craft workers was commensurate with the percentage of blacks in the labour force.

In this case, the Supreme Court upheld the affirmative action program, ruling that it was not discriminatory under Title VII. Such affirmative action programs were seen to be temporary until the imbalance was corrected, and not to restrict the employment opportunities of whites. In handing down its decision, the Supreme Court held, "that Title VII does not prohibit such race conscious affirmative action plans." Further, the Supreme Court said it would not "define in detail the demarcation between permissible and impermissible affirmative action plans." The

Kaiser/Steelworkers plan, however, was "permissible" because it met the following four standards:

- 1) The purpose of the plan was to open employment areas traditionally closed to the designated group.
- 2) The interests of whites were untrammelled and no white workers would lose their jobs and be replaced by blacks.
- 3) There was no absolute ban to the hiring of whites, in fact, 50 percent of the spaces were to be retained for whites.
- 4) The plan was temporary and would end as soon as the percentage of black craft workers approximated the percentage of blacks in the labour force.

These four standards became guidelines in determining whether a voluntary affirmative action program undertaken by an employer has been excessive in redressing past discrimination. (Bevan 1985:463; Tarnopolsky 1982:144; Robertson 1980:168)

The case of *Regents of the University of California v.*

*Bakke*¹⁷ is possibly the most celebrated challenge to the legality of an affirmative action program to date. The reservation of 16 out of 100 seats in the Davis Medical School for disadvantaged minorities was struck down as being in contravention of Title VI of the 1964 Civil Rights Act. Of the nine deciding justices, four believed the program to be unlawful while five believed colour-conscious programs to be lawful and justified to correct past societal discrimination. However, one of the five believed that the Davis program 'went too far' in excluding whites from access to the 16 reserved seats, and joined the four opposing that particular program.

In terms of the relevance of the Bakke case to Canada,
Tarnopolsky states:

...the Bakke case in no way deals with the broad spectrum of measures that can be taken in pursuance of an "affirmative action" program, but merely the use of race alone as a basis for admission to a certain "quota" in professional schools. (1979:90)

The majority of affirmative-action related claims have resulted from voluntary compliance or non-compliance with the Civil Rights Act. Executive Order 11246, requiring all federal contractors and federally assisted contractors to have an affirmative action program as previously defined, has not resulted in expensive or lengthy court cases. Some 300,000 contractors employing an estimated 41 million workers come under the Executive Order. The Executive Order has clear requirements and an enforcement mechanism-- the loss of the federal contract and a possible law suit for non-compliance with the contract signed. Further action under Titles VI and VII is also possible (Jain and Sloane 1981).

The possibility of extensive litigation has been a major factor in the reluctance of the Canadian government to enact legislation requiring affirmative action. With many cases in the U.S. resulting in court-ordered affirmative action programs, and back pay often in the millions of dollars, conservative Canadian employers are afraid that the same would occur here

(Jain and Sloane 1981:99). Furthermore, there appears to be a concern that mandatory legislation would not work for the good of the country (Block and Walker 1982).

Current studies show an increase in the employment categories occupied by women in the United States since the enactment of equal employment opportunity legislation (Blumrosen 1985:423). Women are represented in a wider range of jobs from the trades through the professions, nonetheless, full and equal participation has not been achieved. Thousands of women have benefited from wage settlements. Yet the increases are small, and in 1984, the majority of full-time working women earned, on the average, 64 cents for every dollar earned by men. Still far from being on a par with men, women must continue the struggle toward equality (Kirp, Yudof, and Franks 1986).

More than twenty years of voluntary programs, starting after the Second World War, taught the U.S. that a direct approach was necessary if results were to be seen. Subsequent mandatory programs through the Civil Rights Act, and Executive Orders implemented in the sixties, showed results in a relatively short time. Only legal requirements with enforcement mechanisms are going to result in any significant change to employment opportunities for minorities and women (Blumrosen 1975). Unfortunately, the Canadian government has not seen fit to enact mandatory equal employment legislation with an enforcement mechanism.

Canada has been influenced by the experience in the United States, and is in the fortunate position of being able to learn from experiences there. Yet taking a too conservative approach to equality in employment may negate this advantage. Neither the federal government nor the provinces (with the exception of Ontario and possibly Manitoba) have initiated a comprehensive program that addresses the inequities faced by women in the workforce. Just as widespread racial unrest in the United States resulted in the Civil Rights Act of 1964, there is always the possibility that Canadian women will tire of waiting for economic equality, and band together in a similar protest to force the government into action.

FEDERAL APPROACH IN CANADA

The federal approach to affirmative action has been to encourage employers to implement voluntary programs. As a result, little has changed. Even within its own departments and agencies, the Canadian government was unable to implement voluntary programs. Only after a specific policy was adopted, requiring the identification and elimination of barriers to equal employment for women, did changes occur. With this firsthand experience and the information from the United States, not to mention dozens of legitimate research studies, the government has more than sufficient data to draft and implement an affirmative action policy that will have an excellent chance for success. Yet this has not been done (Agocs 1986).

Employment and Immigration Canada

The former Affirmative Action Directorate of Employment and Immigration Canada (EIC) was renamed the Employment Equity Branch after the introduction of Bill C-62 in 1986. Initially, educating private-sector employers was its primary mandate. Since the enactment of the Employment Equity Act, however, the Employment Equity Branch has responsibility for providing technical consultation to companies implementing an employment equity program under the Act or the Federal Contractors Program. The Employment Equity Branch will hold training sessions for employers, undertake a personnel analysis to identify areas of inequality, and assist in designing an employment equity plan. They provide information brochures and the publication Employment Equity: A Guide for Employers, and are available to make presentations on equity issues. These activities are an important support service for employers who implement employment equity programs.

The EIC program does not initiate or actively promote affirmative action. Its restricted budget limits travel, and there is a question of how much this department can accomplish with a field staff of 21¹⁸ for all of Canada. The workload is likely to increase, now that the Employment Equity Act has been passed, and the Federal Contractors Program requires implementation of employment equity as a condition of bidding.

Royal Commission on Equality in Employment

A major milestone in the move toward employment equity was the establishment of the Royal Commission on Equality in Employment. A report and recommendation of the Minister of Employment and Immigration resulted in the establishment of a Royal Commission in 1983:

...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.... (Abella 1984:ii)

This was to be done by examining the employment practices of certain crown corporations, and:

b) inquiring into means to respond to deficiencies ...such as an enhanced voluntary program, possibly linked with mandatory reporting requirements and a mandatory affirmative action program. (supra)

Judge Rosalie S. Abella of the Ontario Provincial Court (Family Division) was appointed as the commissioner to undertake the inquiry and submit a report on the findings. With eight policy researchers, the task began. Letters were sent to individuals and organizations, inviting them to make written submissions. Meetings were held with various groups in seventeen cities across Canada, and the result was a report containing 117 specific recommendations.

The Abella report made a case for gathering statistical data and implementing mandatory affirmative action programs with an enforcement mechanism. To date, this has not happened. The

research undertaken and the data gathered in support of the Abella report present a clear and convincing case for mandatory affirmative action programs. Through its various recommendations, the report outlines a method of achieving employment equity. Given the history of Canada in responding to information and initiatives on human rights and equality issues, there could be a positive reaction within the next decade or two. Change usually takes time.

Contract Compliance

Federal contract compliance actions have had excellent results in improving the employment of targeted groups in the few instances where it has been used¹⁹. Established by a 1976 Cabinet decision, the voluntary Federal Contracts Program applied to crown corporations and federal contractors. Although women were the intended beneficiaries, the primary beneficiaries have been native Indians working in the north on oil and gas reserves on federal land (Agocs 1986). Although not specifically required prior to Bill C-62, non-discrimination in hiring and adherence to the Canadian Human Rights Code have been features of contracting with the government for years (Tarnopolsky 1982:77).

A direct result of the Abella Commission report was the enactment of Bill C-62, the Employment Equity Act. The Act applies to crown corporations and federally-regulated employers with 100 or more employees. These employers are required to

submit annual reports indicating the representation of women, aboriginal peoples, disabled persons, and visible minorities in the categories of salary ranges, occupational groups, hirings, promotions, and terminations. These reports are available to the public and submitted to the Canadian Human Rights Commission.

The Federal Contractors Program was drafted after the passing of the Employment Equity Act, and replaced the Federal Contracts Program. The new federal policy differs from its predecessor in that there is a requirement for employers who wish to bid on federal contracts to report statistical information on the position of the four designated groups in its work force. In addition the contractor must sign a declaration of intention to implement an employment equity program.

These new government programs have been criticized by women's groups²⁰ as useless measures that do nothing to promote employment equity. Critics of Bill C-62 point out the major shortcomings as being absence of an enforcement mechanism or of clear criteria for an effective affirmative action program, and failure to require all classes of employers to adhere to the legislation. Having certain categories of employers report annually on the employment status of designated groups is not likely to result in any major changes. Until employers are required to implement affirmative action programs, or face negative consequences, the status quo will continue.

Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms (CCRF) was enacted in 1982 as Part I, sections 1-34 of the new Canadian Constitution (Canada Act 1982). There was a three-year delay before section 15, the equality rights clause, came into effect. Ostensibly, this delay was to give the provinces time to bring their provincial legislation in line with the Charter. Unfortunately, most of the provinces did not use this time to audit their statutes (Manley-Casimir and Sussel 1986:2). Many, including, British Columbia, simply passed omnibus bills, without taking the time to review and revamp their legislation.

In general, critics charge the various levels of government with not having devoted the time, thought, or resources necessary to address inequities engendered in extant statutes let alone develop any new legislation aimed at combatting discrimination as defined in the Charter. (Ibid.)

The new Canadian Charter largely supersedes the Canadian Bill of Rights, and, unlike the Bill of Rights, the Charter is binding on the provinces. More significantly, whereas the Bill of Rights only guaranteed equality before the law, which was narrowly defined by the Supreme Court of Canada²¹, the Charter guarantees equality before the law, equality under the law, equal protection of the law, and equal benefit of the law.

"Equality before the law" refers to procedural equality. That is, administration and application of the law are equal. The Bill of Rights guaranteed equality before the law, but did not guarantee that the law was equal in its substance. "Equality under the law" requires equality in the content of the law.

"Equal protection of the law" refers to the coverage of the law, in that laws are to protect all citizens. "Equal benefit of the law" refers to the impact or results of laws (Kohuch 1986:13-16).

Sections 15 and 28 of the Charter are of particular relevance to women. Section 15 reads:

(1) 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 based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

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

Section 28 states:

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Section 28 is a necessary and possibly stronger guarantee of equality for women than section 15, since it is not subject to section 33, the override clause, and was not subject to the three-year delay as was section 15. It is arguably not subject to section 1, which limits the provisions of the Charter (Kohuch

1986:37-38). Each province has, for some time, had human rights' legislation that prohibits discrimination on the basis of sex, with minimal impact on the opportunities of women for employment and advancement. The Charter offers another tool for women to use in their fight for equality.

Sections 15 and 28 are necessary to promote equality of the sexes under the law. Subsection 15(2) allows special programs to ameliorate the conditions of disadvantaged groups, and women are disadvantaged in employment. Special programs, as referred to in the Charter, cannot legally or logically be interpreted as negatively discriminatory. This represents an explicit attempt to circumvent the problems that have occurred in the U.S. with 'reverse discrimination' claims.

PROVINCIAL LEGISLATION RESPECTING AFFIRMATIVE ACTION

All ten provinces, both territories and the federal government have legislation against discrimination in hiring on the basis of sex. As well, all but Newfoundland and the Yukon Territory have legislation expressly allowing for affirmative action programs. Saskatchewan and New Brunswick are the only provinces with human rights legislation which allows them to order an affirmative program. The other provinces and Northwest Territories may approve programs, but it is not customary for them to order affirmative action programs as a settlement where discrimination has been found.

What is most interesting is that the provincial legislation providing for such programs predates the Charter of Rights. In fact, subsection 15(2) of the Charter only serves to reinforce and give additional legal support to actions that were possible before the Charter and its equality sections came into effect. (Specific provisions for special programs are contained in Appendix B.)

CONCLUSION

Initially, there was little recognition of the existence of any significant and unjustified discrimination in employment in Canada, therefore, remedies were not seen to be necessary. In any society, there is generally a resistance to change, even when the change is for the benefit of the society. Certainly, achieving gender equality in areas where it does not currently exist will require a tremendous amount of change in the attitudes and actions of individuals, groups and institutions. This must begin with the recognition that an unequal state exists, followed by acceptance of the belief that positive change is possible and desirable. Then we have the involved job of designing and implementing a program to effect change.

The government of Canada, through legislative action, policy making, and ratification of international doctrines has demonstrated strong support for gender equality. Effective political lobbying by women's groups has prompted many of the changes to existing legislation and much of the initiative for

new legislation and policy making. Although much has occurred to improve the position of women in Canadian society, women are still far from equal in all aspects of Canadian life, particularly in the workplace.

Even before the Abella Report, subsection 15(2) of the Charter, and Bill C-62, the Canadian government and the provinces had the legal power to implement affirmative action programs. The next chapter presents a discussion of several voluntary and court-ordered 'special' or affirmative action programs that have been implemented in Canada.

NOTES

1. A full text is in Convention on the Elimination of All Forms of Discrimination Against Women, Report of Canada, May 1983.
2. S.C. 1976-77, c.33, as amended
3. R.S.O. 1987, c. 34
4. S.O. 1951, c.24
5. S.B.C. 1969, c.10
6. R.S.C. 1970, App. 111
7. For a detailed discussion of the history of the development of the Bill of Rights see Tarnopolsky's The Canadian Bill of Rights, 2nd. edition.
8. S.C. 1976-77, c.33
9. The Employment Equity Act-passed in 1986 now makes it mandatory for federally regulated employers to submit affirmative-action plans.
10. 42 U.S.C. s. 2000e et seq.
11. Sex was added as an amendment from the floor by a southern legislator who wanted to point out the absurdity of civil rights. See Kirp, Yudof and Franks 1986:126 and Jongeward and Scott 1977:51.
12. 42 U.S.C. s. 2000d et seq.
13. Public Law 92-318.
14. Public Law 92-261.
15. 401 U.S. 424(1971).
16. 99 S.C. 2721(1979).
17. 98 S.C. 2733(1978)
18. Figure obtained from the Employment Equity Branch, Vancouver office in December 1987.

19. Primarily resource developers; Amok and Eldorado Nuclear in Saskatchewan, and Syncrude in Alberta are examples. Provincial contract compliance regulations have been used more often than federal contract compliance. See Jain and Sloane 1981:106.
20. Joint news releases signed by National Action Committee (NAC), Canadian Congress on Learning Opportunities for Women (CCLOW), and the Canadian Advisory Council on the Status of Women (CACSW) went out criticizing Bill C-62.
21. Refer to the cases of Bliss, Lavell, Bedard, and Canard in Women and Legal Action by Atcheson, Eberts and Symes.

Chapter Two

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Chapter Three

AFFIRMATIVE ACTION PROGRAMS IN CANADA

INTRODUCTION

Prior to the Second World War little thought or attention was given to gender equality in employment. In Canada, less than 25 percent of workers outside the home were female until there was a need for their labour during the war. In June 1941, 40,000 women were employed in war industries. By September 1943, there were 235,000 women working in support of the war, most of them in what were previously considered 'men's' jobs (Niemann 1984:37).

Initially, only single women were required to register for work, but as the demand for war supplies and armaments increased, married women with or without children were needed in the factories. Employers provided incentives such as subsidized child care and flexible working hours. The government gave tax incentives to employers to establish on-site nurseries, and funded an extensive media campaign to 'woo' women into the workforce. Advertisements, films, literature, and society in general gave support to the women who left their homes to work during the war (Phillips and Phillips 1983).

Once the war was over, the employment needs of returning veterans lowered the demand for women's labour. As a result, childcare facilities were closed when the government repealed the tax incentives to employers. Tax changes were introduced, limiting a married woman's allowable earnings to \$250 before her husband's deductions were affected, when prior to the war a married woman was allowed to earn \$750. The Family Allowance Act was introduced to encourage an increase in family size, and offset the loss of the wife's income. The federal government amended the Civil Service Act to make it illegal for a married woman to have a government job if there was a man available to do the work (Phillips and Phillips 1983:29-31).

Thus, the government of Canada first undertook specific actions to bring women into the workforce during the war years, and then took 'negative' action to move them out to open jobs for returning soldiers (Armstrong 1987:368; Neimann 1984:50; Pierson 1977:144). There is little doubt that these events have had a significant impact on the work of women outside the home and on their perceived role in society.

According to the definition put forward in Chapter One, the preferential treatment given to veterans with regard to accessing employment, education and other services, was affirmative action. But it was given readily, without years of debate, sluggish execution of stated objectives, or charges of

'reverse discrimination'. In fact, the complete opposite was true: preferential treatment for veterans received general acceptance and rapid action on the part of the government. Clearly, the government can implement wide ranging 'special' programs when it chooses to do so. Successful programs to benefit targeted groups were implemented not only for veterans after the Second World War, but also for Francophones when increasing their group representation in the civil service was seen as a priority.¹

The previous chapter outlined Canada's international commitments to promote gender equality in employment and the development of the Canadian legal framework. Affirmative action has no equal in its potential to move this country to that goal. Without mandatory requirements, however, widespread affirmative action programs will not exist. For the past decade, affirmative action in Canada has been undertaken through the voluntary initiatives of companies, prompted by either union action or a desire to 'beat' the legislation. Even the Government of Canada began with voluntary initiatives, and only when the voluntary programs did not result in significant improvements in the employment categories occupied by women were policy changes requiring employment equity programs formally instituted. This chapter will review a representative sample of affirmative-action programs that have been implemented in Canada.

GOVERNMENT PROGRAMS

Federal

The federal government implemented affirmative action programs (AAP) in the Public Service in August 1980, beginning with three departments - Treasury Board Secretariat, Canada Employment and Immigration (CEIC), and the Secretary of State. The Public Service Commission and Environment Canada were quickly added. To date, all federal departments have Equal Employment Opportunity Offices with the mandate to promote the employment of women and other target groups.

The federal government, first through the Department of Labour and then through CEIC, promoted voluntary AAP in the private sector four-and-one-half years before instituting internal programs. Just as voluntary programs failed to significantly improve the position of working women in the private sector, so it was in the civil service. Nonetheless, the government did take a leadership role and implemented a comprehensive program that began with collecting and analyzing labour-force data on federal employees. The study provided the information necessary to design an appropriate program for each department. This included the removal of barriers to hiring and promotion, as well as an active recruitment program both internally and externally. In 1983, the Treasury Board established a mandatory affirmative action program throughout the federal public service

with the goal of increasing the number of women in management to 475 by March 31, 1988 from the 1983 level of 217 (Agocs 1986:152).

Provincial

After introducing affirmative action in the Ontario Public Service in 1974, in 1975 Ontario was the first province to establish an AAP to promote affirmative action in the private sector. The Women's Bureau of the Ontario Ministry of Labour was given the responsibility of providing a consulting service. The Bureau contacted 552 companies, met with 416 and assisted 204 of them to establish a formal or informal affirmative action plan. "Formal" is defined as a program with, as a minimum, an appointed coordinator and a career-development program designed specifically for women. "Informal" programs include a variety of activities that serve to improve the status of women working in that organization, but they may not be a part of an organized plan.

In 1979, the Ontario Women's Bureau conducted telephone interviews:

- (a) to obtain information on employer familiarity with and understanding of "Affirmative Action," and
- (b) to determine the extent to which private sector employers have activities related to Affirmative Action. (Ontario Ministry of Labour 1980:1)

Of the 3,379 firms with 100 or more employees that were contacted, there were 1,804 respondents. Of the respondents, 1,449 (80.3 percent) claimed some awareness of the term/concept "affirmative action," and 710 (39.3 percent) claimed to have affirmative action activities for women. The data collected indicated that 20.6 percent of the firms had formalized affirmative action activities and 18.7 percent had informal activities. Nearly half (48.8 percent) of the subsidiaries of United States companies had affirmative action activities compared to 36.7 percent of Canadian-owned companies.

In 1982, the Ontario Women's Bureau prepared a questionnaire to determine the impact of their efforts to promote affirmative action programs. Of the 342 questionnaires distributed, 198 were returned. The results showed that 65 had a formal affirmative action program, 35 had informal programs, and 98 had no AAP.

The first Ontario Minister Responsible for Women's Issues was appointed in May 1983. A month later the Ontario Women's Directorate was formed, with five main objectives:

1. to identify women's issues and priorities;
2. to analyze and evaluate existing and proposed legislation, policies, and programs for their impact on women;
3. to develop and coordinate policy and program initiatives benefiting women;
4. to encourage and act as a resource to public and private sector groups implementing programs benefiting women;
5. to inform the public about women's issues.

The Women's Directorate has responsibility for affirmative action in the Ontario Public Service, educational institutions, municipalities, and the private sector. Each year nominations are accepted for the Achievement in Employment Equity Awards. Any employer, employee, association, labour union, community group, or women's group can nominate employers from the public (except the Government of Ontario) or private sector. Certainly, with regard to promoting improvements in women's position in employment, Ontario is a leader.

The Quebec Public Service Commission formulated a definition of affirmative action in 1980. The stated objectives were "the elimination of systemic discrimination in the workforce by the use of special measures and the setting of definite goals" (Cohen 1983:12). In the definition, emphasis is on rectifying the results of discrimination and not simply on changing attitudes.

Initiatives in Quebec have included the establishment of a Management Committee on Equal Employment with representatives from the union movement and all areas of government. Consultative services to other ministries, organizations and the private sector are provided. In addition, each ministry develops its own AAP which is reviewed annually. However, according to Cohen, "...there is little assessment of women's progress," since,

...much of this affirmative action activity focuses on consciousness-raising and career planning sessions. All of these specific activities, the respondents report, have not produced any significant results to-date for either women or any of the other target groups. (Ibid.)

In Saskatchewan the law has allowed AAP since 1979. The government's Women's Division had the responsibility of administering internal programs for provincial employees. Much of their work was devoted to a program called "Outscope" which focussed on the promotion of women into managerial positions within the Public Service. The program included:

- setting goals in each department around vacancies;
- evaluating job classifications in order to eliminate artificial barriers in ads and job descriptions;
- preparing an inventory of potential female candidates; and,
- building in an evaluation of each of the special measures.

As illustrated in Table 2, a significant change occurred within 18 months.

Table 2

OUTSCOPE PROGRAM DATA

<u>management level</u>	<u>1981</u>	<u>1983</u>
first line	18%	28%
middle	9%	15%
senior	3%	6.5%

The relative success of the Outscope program is credited to "...having serious political commitment, a set of concrete goals and timetables, and a built-in accountability provision" (Cohen 1983:13).

Before the last change in government, provincial crown corporations were given a specific directive to develop affirmative action plans to eliminate systemic discrimination and open up employment opportunities to natives, women and the disabled. In Saskatchewan, the primary target group has been natives. "The crown corporations were to demonstrate leadership and provide an example to the private sector of effective affirmative action programs" (Cohen 1983:17).

The Saskatchewan Human Rights Commission requires the submission of any affirmative action plan for approval. A "unique feature" is the requirement that a joint committee be established with equal representation from all constituencies: management, unions, and/or, in the case of non-union companies, employee representatives.

According to the respondents, these joint committees are an opportunity for both union and management to undergo an extensive educational process about the nature and operation of systemic discrimination in their workplace.
(Ibid.)

Between 1979 and 1983, fifteen AAP's were approved by the Saskatchewan Human Rights Commission. The majority of these were from crown corporations, where the centralized Saskatchewan Investment Corporation required accountability for the development and implementation of AAP's. Under a new government, this original centralized approach is no longer in place; each crown corporation now decides on its own policy.

Since the programs were voluntary and not mandated in law, they were vulnerable to "political whims." Before being dropped by the government as a priority, the Saskatchewan programs were considered the best in Canada.

Nova Scotia undertook a ten-year program of affirmative action between 1972 and 1982, and has extended it indefinitely. The Civil Service established its internal program in 1975, with a focus on education and awareness. Each department was responsible for setting up its own program. Results indicated that where there was a personal commitment to affirmative action positive changes occurred, but if the Minister responsible did not have a commitment, there was no program. The Nova Scotia program lacked "concrete goals and timetables, an element of accountability, and serious political commitment" (Cohen 1983:13).

In British Columbia, the government has put the emphasis on 'non-monetary' measures, such as adding women to the shortlist for competitions, including women on selection boards, and posting jobs. "The goal is to commit energies to measures that require neither new funds, policies, or legislation" (Cohen 1983:14).

Municipal

Most major cities in Canada have affirmative action or employment opportunity programs with differing primary target groups. Only 20 percent of municipal employees are female, and they are mainly congregated in clerical positions. The other 80 percent are males in such traditionally male-dominated positions as public works, police, firefighting, and road crews. Toronto, Ottawa, and Vancouver have had forms of AAP since the mid-seventies. Other cities, such as Saskatoon and Winnipeg, have programs that began in the mid-eighties. The programs of Toronto and Winnipeg will be outlined in detail since both represent a comprehensive approach and a serious commitment to achieving employment equity.

The Equal Opportunity Division of the City of Toronto has a five component program, the first of which is executive and political support. Since 1978, there has been political support for the program, with responsibility for implementation assigned in the job description of a senior manager in each department. The second component is internal collection of statistical data on employees, and analysis of that data to determine the relative position of the target-group members. The next step is the determination of the availability of target-group members in the external workforce. This can be a difficult task, since it is not merely a matter of tabulating the number of members of the target group, but identifying the number of target-group members who have the requisite skills for the jobs. After analysis of

this data, "we can recommend specific numerical goals and timetables for each department and job classification to remedy any imbalance we have found" (Bruce 1985:54).

Along with data collection, we have conducted a comprehensive review of our total employment system. This includes: a review of job requirements, descriptions, advertisements, application forms, a review of the recruitment and selection process, training, development, performance appraisal, skill, aptitude or psychological testing, promotion, transfer and all conditions of employment. We are determined to ensure that we do not discriminate against any group unintentionally. (Ibid.)

The third component of the Toronto program is action planning.

Required of each city manager, these plans

set out specific objectives, identify the activities that will bring about the desired results, pinpoint the resources needed, state the persons responsible and decide on the criteria by which the results can be measured. (Ibid.)

Training and development is the fourth component, with promotion of change occurring "through active, concrete programs rather than by simply working to bring about attitudinal change." Both methods are necessary, and the program incorporates courses for managers on human rights' issues and the needs of special groups along with a career-development program and an employee advisory service. The fifth and final phase of the Equal Opportunity Program is evaluation, which includes many types of review mechanisms to determine whether the program is meeting its objectives.

Toronto has made a commitment to take affirmative action at all levels and in all areas of its operations. Its program includes a multi-level approach, providing clear guidelines and designated responsibility at the upper management level, contract compliance, pay equity, and an evaluation and revision process to allow changes in the program as needed. However, even with a full commitment to removing barriers and improving opportunities for target groups, progress is slow. Mary Bruce, Director of the Equal Opportunity Division for the City of Toronto, reminds us that discrimination exists at both the intentional level and the systemic level. The first level is usually easier to overcome than the second. It is the continual evaluation of implemented systems and results that will assist in identifying areas of systemic discrimination and in targeting them for elimination.

What cannot be fully addressed through an affirmative action program of one employer are the external barriers perpetuated by home, school, the media and society in general. Nevertheless, a comprehensive AAP by employers such as the City of Toronto has the potential to influence the wider community through example and awareness.

The City of Winnipeg has an Equal Employment Opportunity (E.E.O.) program with the goal of

...be(ing) an employer-initiated action to ensure that recruitment, selection and promotion of all current and future employees is carried out in a non-discriminatory manner. (Frame 1986:2)

The program focuses on the activity areas of Statistics, Liaison/Investigation, Education, and Integration. These areas are the responsibility of the E.E.O. Coordinator, who must report on the activities annually.

Section 9 of the Manitoba Human Rights Act², requires approval in writing from the Human Rights' Commission prior to the implementation of any 'special programmes'. Before Winnipeg could gather statistical data on current employees, they had to await HRC approval. They found, however, that the Voluntary Declaration forms distributed to all employees had a very poor return rate. A mandatory survey was then implemented. It is crucial to any AAP to have statistical data on the current workforce. In no other way can target-group utilization be analyzed and the degree of occupational segregation determined.

The E.E.O. Coordinator is responsible for liaising with each department to develop specific action plans for its E.E.O. program; establishing working relations with the various bargaining units, and working on the Mayor's Committee on Race Relations. Additional liaison activities include working on appropriate projects, investigations, training and development. Investigation of special measures, such as job-sharing, bridging

positions, career-counselling and childcare issues, also come under the responsibility of the E.E.O. Coordinator. A major focus is the investigation of complaints related to discrimination, sexual harassment, and unfair treatment.

The educational responsibility of the E.E.O.C. is to communicate with community organizations regarding recruitment and selection policies and practices. This includes preparation of brochures on sexual harassment, racial discrimination, and interviewing guidelines, and fact sheets on specific groups and targets. The development of seminars, workshops, and programs to train and upgrade existing and potential employees in areas of benefit to the city has been undertaken by the E.E.O. office.

The City of Winnipeg cooperates in the Human Justice Program, in an effort to integrate minorities into the field of law enforcement, and in the training of Emergency Services Personnel (firefighters and ambulance attendants). These and other pre-employment programs are indicative of the commitment of the City of Winnipeg to taking action to improve the employability of women and other target-group members. Participation in these types of external programs to assist potential employees to obtain the necessary qualifications for employment with the city goes beyond the traditional employer-centered affirmative actions.

FEDERALLY REGULATED EMPLOYERS

Canadian Broadcasting Corporation

In 1970, the Royal Commission on the Status of Women made nine specific recommendations regarding the employment and status of women in crown corporations. The women at CBC had been dissatisfied with their employment status for some time and expected changes as a result of the Royal Commission report. The report pointed to inequities that were encountered by many female employees, but, not surprisingly, male employees were not aware of the problems. In March 1974, a study of human resources management at the CBC resulted in a report that underlined the urgent need to improve the management of all personnel. The study group comprised both CBC management and outside consultants; the consultants reported on the serious unrest among many of the female employees.

The President of CBC formed a Task Force on the Status of Women in May 1974 with a mandate to:

1. Compile information on the situation of women
2. Identify problems facing women today
3. Establish priorities for solving the important problems that are identified
4. Develop specific action programs for each priority area and establish any organizational mechanisms required for implementation. (CBC 1975:4)

The Task Force studied a staff of 10,445 of which one-quarter was female. The Royal Commission had concluded that women did not have equal opportunities with men at CBC, and the management study concurred that the women were justified in their

dissatisfaction. The Task Force concluded that only an overall affirmative action program implemented and carried out over a long term would solve the problems endured by female employees of CBC.

Of the seventeen recommendations on job access, management accepted fourteen and indicated it would need three years for full implementation. Of the eight recommendations relating to an equal opportunity program, management accepted seven in full. In summary, the Task Force recommended that CBC implement a comprehensive, long-term affirmative action program to be established by an Office of Equal Opportunity.

In August 1975, the Office of Equal Opportunity was established under the Vice-president, Human Resources. The OEO mandate was:

To ensure that all CBC employees enjoy equality of opportunity - without regard to sex, religion, age, marital status or national origin - in all areas of employment within the Corporation. (CBC 1977:4)

In its 1977 report, the OEO asked "Is a special 'equal opportunity' effort still required in the CBC?" Since the only significant improvement in the utilization of women in the CBC occurred in management - where between 1975 and 1982 the percentage of women increased from 7.5 to 18 - the answer then and now is yes. The problems women encountered at CBC were the result of generations of stereotypical attitudes towards women's capabilities. The two-year period between the establishment of

the OEO and the preparation of the report was much too short to effect permanent positive changes that would remain in place. The pointed question of "Change: whose responsibility?" is both aptly and amply answered at the conclusion of the report.

It has long been recognized that social change of any kind occurs neither easily nor rapidly. The CBC is seeking to change attitudes, to eliminate thinking based on stereotypes and to create new viewpoints - viewpoints which run counter to much that is traditional and that has been ingrained in the minds of many of us. The challenge of initiating social change of this nature is one which will require concentrated and determined effort and action. While the Office of Equal Opportunity has been given the special responsibility to oversee an action program designed to create an environment in which change will occur and in which equality of opportunity will become a reality in the CBC, it is not the OEO's responsibility alone. Equality will be attained only through the efforts of all: employees, unions, men, women and with the continued and true commitment of all managers. And all efforts, no matter how extensive, are meaningless unless the end product is measurable, yearly improvement in hiring, training and promotion of women in all parts of the Corporation. Every manager, supervisor and decision maker must be responsible and accountable for helping to achieve this goal.
(CBC 1977:18)

Royal Bank of Canada

The Royal Bank took action to move women into management positions when the underutilization of women became a public issue. In a study by Marianne Bossen of the banking industry in 1969 and 1975, women were shown to be virtually nonexistent in middle- and upper-management positions. At the Royal Bank there were only twenty female branch managers compared to 1400 males

(about 1.4 percent) in 1975. After a group called the Women's Action Committee submitted a report to the president of the Royal Bank in 1976, he appointed a Task Force on the Status of Women in the Royal Bank in March 1977. They submitted an interim report asking for the appointment of an Equal Employment Opportunity Coordinator (EEOC). The EEOC was appointed in September 1977 and assisted the Task Force in completing their report.

The report they submitted in 1978 stated that the policies of the bank were not discriminatory, but their application was. The Task Force called for changes in practices and procedures to eliminate inequities. As a result, the bank introduced a program with four basic components:

- a) a catalogue of positions;
- b) a position request form;
- c) notification to candidates as to whether or not they have been accepted;
- d) career counselling. (Tucker 1980:100)

Changes in the traditional mobility requirement for advancement, awareness sessions, identification of high-potential people, the option to self-identify for advanced positions, and accountability from the most senior levels on down are all parts of the bank's equal employment opportunity program.

As with other programs, the most significant change has been an increase in the number of women in management (8 percent between 1977 and 1983). When you consider the total number of

management positions (6000), and the number of women in those positions in 1977 (500), then it is obvious that an 8 percent increase totalling 40 positions over a six-year period falls far short of a successfully implemented program.

Canadian National Railway

CN hired consultants in the early 1970s to analyze their employment policies and management attitudes toward the employment of women at all levels of the organization. The results indicated that, although at the time of the study women made up one-third of the Canadian labour market, only four percent of CN's employees were women. The consultants detected a bias in the attitudes of managers that could lead to discrimination. The report was circulated and followed by a program of management awareness sessions and the appointment of an Equal Employment Opportunity Coordinator.

The result of these actions was a 33 percent increase in the total number of women in management. This increase raised the number of women in management to just under 0.7 percent from just under 0.5 percent. In 1974, the EEO Coordinator was reported to have said steady progress was being made on the three initial objectives:

- 1) increasing the total number of women in CN,
- 2) increasing total number of women moving into management and up through the management hierarchy,
- 3) increasing the number (of) women in non-traditional jobs (e.g. locomotive engineers, electricians and yard foremen).
(Walton 1978:12)

The perception that CN had made progress in hiring and creating opportunities for women was not shared by many others. Several separate complaints against CN were filed under the Canadian Human Rights Act in 1978 and 1979. A group of seven women filed a number of complaints against CN for not hiring women in blue-collar jobs. The tribunal ruled in favour of the women and ordered two years' back pay for time lost in litigation, as well as ordering CN to hire the women in apprentice positions when the positions became available. Other complaints of sex discrimination by women employed or seeking employment with CN were resolved through conciliation on an individual basis (Canadian Human Rights Reporter 1987).

A Montreal women's group filed a complaint with the Canadian Human Rights Commission (CHRC) in 1979, charging that CN's employment policies discriminated against women seeking non-traditional jobs. Action Travail des Femmes v. Canadian National Railway³ was filed under section 10 of the Canadian Human Rights Act which states:

It is a discriminatory practice for an employer or an employee organization,
a) to establish or pursue a policy or practice,
or
b) to enter into an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment,
that deprives or tends to deprive an individual or a class of individuals of any employment opportunities on a prohibited ground of discrimination.

It was two years before a Tribunal was formed in 1981. After three years, spent conducting an inquiry, their findings were released in 1984.

The Tribunal substantiated the charge of discriminatory hiring practices. CN was ordered to hire at least one woman for every four men in non-traditional positions in the St. Lawrence region, and to undertake an active publicity and recruitment campaign to encourage women to apply for blue-collar positions until the number of women in blue-collar jobs reached 13 percent. A further order was given to cease use of the Bennett Test of Mechanical Aptitude and other practical and physical tests not administered to men, and to stop requiring welding experience for all entry-level positions except apprenticeships. The CHRC required CN to report quarterly on the details of hiring and recruitment efforts.

CN announced their employment equity program in 1984 (changes had been initiated prior to the Tribunal's ruling). Nevertheless, CN appealed the decision of the Tribunal to the Federal Court of Appeal. In a two-to-one decision, the Appeal Court overturned the ordered affirmative action program, and said the CHRC only had jurisdiction to order special programs to prevent future discrimination, not to remedy past discrimination.

The Canadian Human Rights Commission was given permission to appeal to the Supreme Court of Canada. In 1987, the Supreme Court upheld the original Tribunal ruling and the right of the CHRC to order special programs. This decision has the potential to encourage provincial Human Rights' Commissions across Canada to order affirmative action programs. It certainly is encouraging to know that ordered affirmative action programs can be upheld in court.

PRIVATE SECTOR

Warner-Lambert

Warner-Lambert Canada Ltd. implemented one of the most successful affirmative action programs in the private sector if numerical outcomes are used as criteria for success. Between 1975 and 1984, the number of women field sales representatives rose from one to 28; women in supervisory/management positions increased from 42 to 127; and, seven women joined senior management where there were previously none (Maynard 1985:138 and Coates 1986:75).

After the experience of the parent company in the United States following legislated affirmative action and contract compliance, the Canadian company wanted to institute a program while it was possible to do so voluntarily and set their own parameters. The company began in 1975 with an in-depth study and analysis of its employment systems to identify and eliminate any 'explicit or

implied' discrimination. A group of fourteen female employees assisted human resources staff in reviewing company practices. Wage gaps were closed, unnecessary height, weight and strength requirements were eliminated, and "sex-typed language" was "purged" from policy manuals and job descriptions (Ibid.)

Numerical targets were not set, but an annual audit of the status of women keep the company aware of changes. In addition, supervisory personnel are assessed on their ability to identify competent women for promotion. These actions encourage women to make a career at Warner-Lambert. Turnover has been reduced by 20 percent, and recruitment costs have gone down.

CONCLUSION

Both the public and private sectors have attempted to address gender inequities in the workplace. Nevertheless, inequality in obtaining employment and promotions continues to be a major concern for women. Reasons for the continuation of gender inequality in the workplace are multitudinous, and cannot be separated from the stereotypical view of women's role in society (Avebury 1986; Armstrong 1987). Today's workplace is still based primarily on a male model. It is a model that assumes a woman's role is in the background, promoting and supporting the career advancement of the breadwinner.

In order to devote all of her energy to a career, a woman needs someone taking care of the other aspects of her life: feeding her, cleaning up after her, making sure she has clean clothes, making dental appointments for her, keeping her

social life organized, looking after her children, and so on. She needs, in essence, a wife. Employed women do not have wives, and it is simply impractical to try to follow the male model for career success without one. (Lips 1987:405)

With the tremendous increase in the number of married women entering the work force, there will be fewer wives available to fill traditional roles. This phenomenon could alter the male career model. Certainly an increase in the number of women entering what are currently non-traditional employment areas will eventually have an impact on the workplace and on traditional patterns of work and career advancement.

As women move into a wider range of occupations, there must be some accommodation of their particular needs (Roos 1985). Already the serious female issue of sexual harassment has resulted in positive changes in most places of work. The issue of parental leave to allow the combining of family and career, and the recognition of childcare as a social issue, rather than simply a woman's issue will improve the access of women into the workforce on a par with men.

In their Assessment of Canadian Women's Status in Education, Training and Employment, Avebury Research and Consulting Ltd. concludes "Although the failure of voluntary Affirmative Action Programs has been amply documented over the past ten years, governments remain reluctant to initiate legislation."

(1985:151) There has been more than a decade of experience in the positive and negative aspects of AAP in Canada. All levels of government and a variety of businesses and industries have had experience with affirmative action programs. The court-ordered affirmative action program at CN and the growing awareness of the need for such programs will surely be a catalyst for more commitment from the government and private businesses to promote gender equality in employment.

The various affirmative action programs that have been implemented have not considered the particular needs of women. If employment equity is to be achieved, actions on the part of the government and the private sector must address the most obvious barriers that women face - family responsibilities. During the war childcare and flexible working schedules were seen as necessary to bring women into the workforce. This is still true today. Whether affirmative action programs are legislated or voluntary, to be effective the issues of childcare and family responsibilities must be addressed.

The next chapter outlines a few of the affirmative action programs implemented in the educational sector.

NOTES

1. After the 1962 report of the Task Force on Bilingualism and Biculturalism, the Official Languages Act of 1968 was formulated to introduce a special program of "recruitment, placement and promotion" to increase the proportion of Francophones in the federal public service (Tarnopolsky 1979:95).
2. C.C.S.M. 1974, H175 as amended.
3. (1984) 5 C.H.R.R D/2327.

Chapter Three

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Chapter Four

AFFIRMATIVE ACTION IN EDUCATION IN CANADA

INTRODUCTION

Affirmative action in the employment field of education is a relatively new phenomenon in Canada, and with the exception of Ontario, there is not very much literature available on the programs that have been tried. This chapter briefly reviews the participation of Canadian women in education with reference to the relevance of education to employment and earnings.

Information on the approach taken by various provinces to address the gender imbalances will be discussed. The chapter then provides an overview of a representative sample of affirmative action/employment equity programs implemented by educational institutions in Canada.

The first affirmative action programs were in industry, initiated by corporations such as Bell Canada and Warner-Lambert before the "introduction of government measures to assist employers to develop programs" (Agocs 1986:157). It was this industrial need for women with appropriate training in non-traditional occupations that prompted the first affirmative action in education. Two seats in non-traditional training programs, sponsored by CEIC¹, were reserved for women to provide industry with women to fill trade and technical jobs.

When these seats often went unused by women, CEIC began funding programs in community colleges to assist women to bridge the gap between their current situation and career prospects and the potential of employment in a male-dominated field - primarily the trades.

As awareness of the employment inequities suffered by women grew, attempts were made to identify the root causes while simultaneously promoting voluntary affirmative action programs. Employers challenged on their hiring policies often stated that there were no qualified women to fill positions. It was this response by employers that prompted the government and other groups to focus on education and training as a preparatory step to employment equity.

Education, Employment and Earnings

Fundamental to achieving labour-force participation and higher economic status, for both men and women, has been the attainment of higher education (Vickers and Adams 1977; Abella 1984; Statistics Canada 1985). Of the women with a university degree, 75.8 percent were in the workforce in 1983 whereas only 26.4 percent of the women with less than grade 9 education were labour-force participants. This compares with 91 percent for men with university degrees and 58 percent for men with less than grade 9 (Statistics Canada 1985). Just as labour-force participation increases with the acquisition of more education, so does income. The average annual earnings of full-time

workers increased in 1982, from \$11,804 for women and \$20,073 for men with less than grade 9, to \$24,380 for women and \$36,266 for men with a university degree. Although an increase in education is to the economic advantage of both sexes, women's average earnings are considerably less than men's at every educational level.

Wage differentials between men and women are attributable to a variety of factors too numerous and complex to fully explore in this paper. Most relevant is the fact that the wage differentials exist in all occupational categories, including faculty and administrative positions in higher education (Vickers and Adams 1977; Symons and Page 1984; Bueckert, Renaud and Stewart 1985).

Women have continued to increase their participation in the labour force since the initial drop following the Second World War. The participation rate for women increased from 38 percent to 53 percent between 1970 and 1983 with the result that, in 1983, women constituted 42 percent of the total Canadian labour force, up from 34 percent in 1970. During the same period the number of women attending university "more than doubled from 173,000 to 350,000," with the result that "in 1982-83, 51 percent of all university students were women, an increase from 37 percent in 1970-71" (Statistics Canada 1985:40).

Women in Education

The proportion of women completing degrees decreases as the level of the degree increases, with the opposite being true for men. "In 1982, women received 51% of bachelor's degrees, 40% of master's degrees, and 25% of doctorates." Compare these figures with the respective 1971 percentages of 38%, 22%, and 9% (Symons and Page 1984; Statistics Canada, March 1985). The 1986 census data confirms that this pattern of women's increased participation in and commitment to work and/or education is continuing.

Women are entering the workplace and educational institutions at an ever-increasing rate. Yet, the positions women occupy continue to be segregated in a few 'traditional' categories. It is obvious from the data on women's occupational status and earnings that equality has not been achieved. The fact that the number of women participating in post-secondary studies has increased so dramatically causes many to believe that opportunities for women have increased proportionately. This is not the case (Symons and Page 1984:203). A close look at the data reveals a continued segregation of women in a few traditional faculties in universities and colleges, perpetuating the continued movement of women into traditional employment fields (Symons and Page 1984:203; Abella 1984; Statistics Canada 1985; and others).

The number and proportion of women in teaching and administrative positions in higher education has not paralleled the increase in their numbers as university graduates. In 1981, women represented only 15.5 percent of all full-time teaching staff at Canadian universities, an increase of just 4.5 percentage points over the 1959 ratio of 11 percent (Symons and Page 1984:190). The figures for women in educational administration are a quarter of that. At this rate, it will take women more than a century to achieve representation in higher education faculty and administration that is proportionate to their numbers as advanced degree holders. If there is agreement that women should be better represented in teaching and administration of higher education, then action is needed to speed up the process.

The number of affirmative action/employment equity/equal opportunity programs being implemented by school districts and post-secondary institutions in Canada is continuing to grow, particularly in Ontario. This increased activity on the part of educational institutions in addressing the needs of women comes in part as a result of the Abella report (Jackel 1985). In all probability, however, pressure from the large number of women entering the job market and educational institutions, coupled with publicity given to research on women's employment issues, have prompted educational institutions to reevaluate their policies in light of a changing society. In addition, the

Federal Contractors Program² may prompted many universities to implement equity programs to continue to qualify for federal contracts.

One example of the growing awareness of the importance of education in addressing women's issues is the survey Women's Issues in Education in Canada, prepared by Lise Julien for the Council of Ministers of Education. This publication, released in 1987, is the result of a questionnaire sent to each province to

elicit information concerning policies and infrastructures pertaining to women's issues in education, and the implications of these policies for students and professional staff.
(p. 1)

Containing a profile of the "policies and practices at the elementary and secondary levels" of each province, this publication is presented as a "descriptive overview," not a comparative study. Of greatest interest is the information on affirmative action and employment equity programs and policies developed by the Ministry/Department of Education in each province. Nova Scotia, New Brunswick, Quebec, Ontario, and Manitoba reported having affirmative action programs. Newfoundland, Quebec, Ontario, Manitoba, and Saskatchewan indicated that they had employment-equity policies.

The recent implementation of many innovative programs presents a difficulty from a research point of view, since most have not been in operation long enough to be evaluated, or written about

for public distribution. For this report, letters were sent to the office of the Minister of Education in each province soliciting information on any affirmative-action/employment-equity programs that were being or had been implemented. Information was received from the provinces of Ontario, Nova Scotia, and Manitoba in time for inclusion.

Programs designed to prepare women for positions in administration were the most frequently reported, with a few programs geared to increasing the distribution of female students, and several aimed at moving women into other non-traditional employment areas. Following is a review of the approaches to achieving employment equity by educational institutions in the provinces of Ontario, Manitoba, Nova Scotia and British Columbia.

ONTARIO

The report of the Royal Commission on the Status of Women (1970) presented statistics on the position of women in education in several provinces. The data on Ontario indicated that only 975 of 3,459 elementary school principals were women; there were no women in administrative positions in Ontario's Teachers Colleges; only 176 women taught at the Colleges of Applied Arts and Technology, where 1,365 men taught; out of 88 senior positions in the Department of Education, one was a woman (p. 92). The Ontario government responded with an affirmative action program for women in the Ontario Public Service in 1974,

appointed a Woman's Advisor in 1975, and established the Equal Opportunity/Affirmative Action Unit in 1979.

The Unit has the responsibility of assisting the Ministry of Education and the Ministry of Colleges and Universities in implementing the government's corporate objectives. The primary objective in Ontario is "...to raise and diversify the occupational distribution of women to a minimum of 30% female representation (in all job categories) by the year 2000..." (Westcott 1987). In a policy memorandum dated December 16, 1986, the Minister of Education in Ontario states:

The government is committed to the principle of employment equity. Nowhere is it more important that this principle be observed than in the province's educational system. The role of education and the values it reflects in both human resource deployment and curriculum is critical. Ministry of Education policy requires that students have the opportunity to see men and women in a variety of roles. The school system must be at the forefront in reflecting the changing roles of women and men by providing an environment that exemplifies sex equity, both in the role models it provides and the teaching materials it uses. (Conway 1986)

To assist school boards in developing and implementing affirmative action programs for their female employees, the Ministry offers an Affirmative Action Incentive Fund. The program was scheduled to run for three years, January 1985 to December 1987; however, on December 17, 1987 the program was extended to December 1989. The fund reimburses up to 75 percent of the cost of employing an affirmative-action coordinator to a maximum of \$20,000 in the first year and \$18,000 in the second

year. Not restricted to the hiring of a coordinator, the funds may be used for any of the costs (except capital costs) of developing and implementing a program. In addition, a one-time special grant of up to \$3,000 is available. By the end of 1985 over sixty school boards had accessed the funds, and by the end of 1986, 79 school boards were participating in the plan. Over \$2 million was allocated to the 79 school boards with affirmative action programs in 1985 and 1986.

Concurrent with the announcement of the incentive fund, the Minister of Education announced the requirement that each school board submit annual reports "on their progress in affirmative action" (Sigurjonsson 1985:78). The progress reports are tabled in the legislature and presented with a provincial summary. In a 1984 memorandum to Chairmen of School Boards, the Minister of Education, Bette Stephenson, voiced her concern over the lack of women in administrative positions in the school system.

I continue to be concerned about the relative absence of women in positions of added responsibility in our school system. ...This is the case despite the fact that increasing numbers of women have demonstrated that they are not only interested in, but are qualified, for positions of added responsibility. For example, the number of women receiving their principal qualifications increased from 18% of the total in 1975 to 33% in 1984. With respect to individuals receiving the Supervisory Officer Certificate, women increased from 7% of the total in 1972 to 37% in 1983 and 27% in 1984.

The Minister formally requested each school board in the province of Ontario to

adopt a formal policy of affirmative action for women employees;

appoint a senior staff member to develop and co-ordinate an affirmative action plan, which would identify goals and timetables for the hiring, promotion and training of women employees at all levels, including both teaching and non-teaching staff;

collect and analyse data on the occupational and salary distribution of male and female staff, job competitions, projected vacancies, and staff training and development. (Ibid.)

It should be noted that the promotion of affirmative action in Ontario did not begin with the 'formally requested' program announced in December 1984. The policies instituted in 1974, prompted by the 1970 Status of Women report, resulted in several programs in school boards, colleges, and universities. Shelagh Luka, formerly on the North York Board of Education and currently an Affirmative Action Officer, referred to these early policies as resulting in programs that were voluntary,

...concentrated on education and awareness-raising for all employees, on development of unbiased personnel policies and practices, and on the provision of encouragement, support and training for women seeking advancement. (Luka 1985:61)

Although they did not result in a great increase in the number of women hired or promoted, these efforts did have other positive effects. Reporting on the activities of Lambton County Board of Education, Allen R. Wells lists "almost one hundred different ways of helping to promote the achievement of equal opportunity" (p. 34). The number of women completing principal and

supervisory officer qualifications increased (Stephenson 1984:2). Extensive studies on the status of women in colleges and universities completed in the 1970s and early 1980s provided data giving a clear picture of the under-representation of women in administration, in tenured positions, and in non-traditional jobs. These early voluntary affirmative action efforts laid the foundation for more aggressive programs later.

Waterloo County Board of Education

One of the winners of the 1987 Achievement in Employment Equity Award (see Chapter Three) was the Waterloo County Board of Education. In an interview for an article in the annual publication on award winners, Gordon Jones, the Director of Education, and Elizabeth Witmer, Board Chair, gave a synopsis of the school board's employment equity programs and activities.

Their Equal Employment Policy was adopted in 1978, and the first action taken was the scrutiny of personnel policy and procedures to identify and eliminate discriminatory practices. In 1983, a full-time equal employment coordinator was appointed as a signal of a more "formal approach to the program." The coordinator started compiling data on the organization, discovering that by the mid-1990s, "about three-quarters of the people currently in positions of added responsibility will be retiring." The board saw this as an "opportunity to find the people with the kinds of skills we need."

Recognizing the responsibility of management and the need to "raise the awareness" of its approximately 180 administrators, the board conducted half-day seminars to focus on employment equity and women's employment issues. In 1985, the evaluation of several positions for pay equity resulted in "wage adjustments to rectify the revealed discrepancies." To remedy the difficulty of attracting women to senior management positions, the board and the teachers' federations sponsored a variety of workshops and leadership development seminars. More than 150 women attended these sessions in 1987 alone. A "job shadowing" program was implemented at the request of employees, giving interested staff an opportunity to become better acquainted with senior positions.

The result of these types of activities has been an increase in the number of female secondary school vice-principals to 12.1 percent in 1987 from 3.7 percent in 1983. Female elementary school vice-principals increased by 23 percent in the same time period. The most noteworthy events of 1987 were the appointment of the board's first female superintendent and first female head custodian. These activities, and the resultant improvement in the number of women occupying management and other non-traditional jobs, won the Waterloo County Board of Education their award.

City of North York Board of Education

An affirmative-action policy for women employees was approved by the Board of Education of the City of North York in 1975. As

with similar policies of the time, efforts focussed on awareness-raising, the development of nondiscriminatory personnel practices, and the encouragement and training of women seeking advancement. By 1983, there was a "large resource pool of well-qualified, competent women ready for promotion" (Luka 1985:61). The five-year period from 1979-80 to 1983-84 saw an increase in the proportion of women principals to 9.2 percent from 2.5 percent, but no change in the proportion of vice-principals, which remained steady at 15.6 percent. Furthermore, there were no female supervisory officers appointed. The goal of the board was to raise the proportion of women principals to fifty percent, and although there have been positive gains, at the current rate it would take them thirty years to reach their goal.

The North York trustees, in May 1983, approved a recommendation to establish affirmative action goals and timetables.

In February 1984 they gave final approval to a ten-year plan which included goals for business and operations staff: hiring targets for non-traditional jobs; a job exchange program; the establishment of bridging positions between clerical and managerial jobs; and an assessment of future needs related to the impact of technology on existing positions. Numerical targets were set for the appointment of vice-principals, principals and supervisory officers. Accountability for specific goals was assigned to appropriate senior officials; while overall accountability rests with the director of education, the Board's chief executive officer. (Luka 1985:62-63)

The numerical targets were considered to be reasonable, results-oriented, and measurable. The ten-year time frame was based on retirement and attrition data, indicating that more than half of the targeted positions would be vacated due to retirement by 1995. Reasonableness was assumed, based on the proportion of fully qualified women available for a position. Results were to be identified in both percentages and actual numbers. Measuring success with numerical targets was seen to be relatively easy, since a brief scanning of the data would show whether or not the targets were being met, and alert the evaluators as to whether or not changes were needed.

There are a number of potential problems associated with the setting of numerical targets, however. One problem is the danger of overlooking the number of women currently holding targeted positions when identifying the number of positions to be occupied. If incumbents retire or leave their positions for any reason, and this loss is not reflected in the data analyses, hiring targets can be met while the actual number of women decreases. Another problem is minimum numbers becoming maximums. That is, rather than having the target as a minimum acceptable distribution rate, it is seen as an absolute goal. Finally, formal targets do not guarantee success in reaching goals.

George Brown College

Toronto's George Brown College accepted the potential of "affirmative action programs as methods of encouraging women into management" (Karolewski and Kingshott 1985:63). To this end, a management development program for female employees was piloted in 1985 under the direction of the College's Affirmative Action Advisory Committee. The program consisted of two major components, theoretical and practical, provided through classroom instruction and placement in internships or team-project assignments.

Using a model employed at St. Lawrence College in 1983, George Brown College tailored it to fit their own "unique characteristics." At George Brown, the program was restricted to women who were support staff, and "was unique in that it was not targeted at the traditional junior management group nor at the faculty." Following a recommendation by St. Lawrence College, special project status was sought and received under section 13 of the Ontario Human Rights' Code. The St. Lawrence College program provided only three participants with the opportunity to gain practical experience. George Brown, recognizing the impracticality of providing lengthy internships for all participants, provided three six-month internships and short-term, four-to-five-week, team project assignments. This allowed all participants to experience practical applications of the theories and concepts learned in the classroom component. Rather than use college managers to offer the theoretical

component, George Brown hired an outside consultant who had worked her way up to management from the secretarial pool.

The twenty-five participants were selected through individual interviews by a two-member team. The union was involved in establishing the criteria for selection, and invited to sit in on the interviews. The women continued working in their regular jobs, and attended classes on two Saturdays and on Wednesdays from 3:30 p.m. to 5:45 p.m. Three of the 25 became interns for six months under the mentorship of a college manager. The other 22 worked on a variety of projects for four to five weeks. Since both the internships and the projects required full-time commitment, leaves of absence were arranged. The cost of replacements came from staff development funds and the College's New Initiatives fund.

All twenty-five women graduated from the program. Another indication of the success of the program was the evaluations completed by the women, seventeen of whom stated that they would pursue a career in management. All the women indicated that their objectives were met, and that they could use the material learned in their present and future job situations.

The George Brown program was a pilot, and "given the very supportive response," the Affirmative Action Advisory Committee "will offer the program again." The results of the "various evaluations" will be used to further develop the program, and

the next program will be open to all female personnel: management, faculty, and support staff.

George Brown College assumed,

An effective management development program would *increase the number of qualified women* who could apply for managerial vacancies when they occur in the College. The program would not, however, *guarantee* a management position to a woman participating in the program. (supra, p. 64)

Although the program piloted at George Brown was affirmative action, it is questionable whether a woman below the supervisory level would be able to successfully compete for management positions with only the experience of the program as qualification. The assumption that training women in managerial skills is sufficient to move them into management is contrary to the research findings (Porter, Geis, and Jennings 1983; Symons and Page 1984; Marshall 1985) on women in management. Qualified women have been available and willing to enter management for some time. There was nothing in the George Brown program outline to indicate that the difficulties women face in 'breaking ranks' was addressed. Perhaps the college, knowing its own organizational climate, will have success in integrating a few of these women into the management ranks as positions become available.

York University

The 1975 Senate Task Force Report on the Status of Women, after three years of work, presented sixty-four recommendations for

"expeditious" action. Johanna Stuckey, ex-Advisor to the President of York University on the the Status of Women reports in a 1985 update, Equity for Women: The First Decade, "Since 1975, York University has become a model in status-of-women matters" by establishing the York Women's Centre, three Women's Studies programs, the Sexual Harassment Education and Complaint Centre, the Nellie Langford Rowell Library, and the journal Canadian Woman Studies. Impressive as these services for women are, the status of women at York University has not greatly improved since 1975 (Stuckey 1985:72).

The Office of the Advisor to the President on the Status of Women, created as a result of the Task Force Report, prepared an update of the 1975 report for the current president of York University. Strongly critical of the university's ten-year experience with voluntary affirmative actions, the report calls for a mandatory Equity Programme for Women at York, to "compensate for systemic barriers to equality." The Advisor, Johanna H. Stuckey, and her Advisory Board "urge immediate action" on the following recommendations:

1. That the President establish a university-wide standing committee on equity for women at York University. This committee should represent all concerned constituencies, including the Office of the Advisor on the Status of Women.
2. That this committee, with appropriate financial and administrative support, develop a comprehensive mandatory equity programme for women at York University.

3. That this standing committee examine all the material available on the status of women at York, particularly this update report, and consult with such experts as can advise it.
4. That this standing committee supervise and monitor the progress of the equity programme and report annually to the York community.

Stuckey reiterates the 1975 report in saying "generally the situation of women in universities has been thoroughly investigated and the time for study is over." What is needed is not just initiation of employment equity, but implementation.

Ontario has the largest and most extensive affirmative action program in Canada with the government supporting and promoting affirmative action through funding, awards, incentives and publicity. In spite of the provinces successes, in 1986, the Federation of Women Teachers' Association of Ontario recommended mandatory affirmative action in place of the voluntary initiatives that had been in existence. They cited the fact that 40 percent of public schools did not have affirmative action programs as of August 1986, and that many boards used the incentive funding to establish a database without a commitment to increasing the number of women in positions of added responsibility. What is being criticized is the slow rate of change. While it is important to applaud even small advances, it is also critical for women to continue to press for equality.

MANITOBA

Manitoba Education which is responsible for primary, elementary and secondary schools, community colleges and technical schools, comes under the government's Employment Equity policy and Affirmative Action program. A central Affirmative Action Committee, made up of three deputy ministers and three Manitoba Government Employees' Association representatives, receives affirmative-action plans from parallel joint union/management departmental committees. The Manitoba program takes a provincial union/management approach to affirmative action, with a detailed program designed to address the complex task of reversing past discrimination and achieving employment equity (Government of Manitoba 1986).

A well-designed plan cannot be successful, however, without implementation. The Manitoba policy and program is well drafted, but voluntary. As part of a statute audit, the Charter of Rights Coalition (C.O.R.C.) in Manitoba sent out 47 survey questionnaires to school divisions to "determine whether school boards in Manitoba were taking any initiatives to improve the participation level of female employees in positions of added responsibility" (C.O.R.C. 1987:12.5). Nineteen questionnaires were returned, and not one division reported having an affirmative action program or plan. For the province's policies to result in positive change, C.O.R.C. recommends legislation aimed at every level of the publicly-funded education system to

increase the number of women in administration and positions of added responsibility.

C.O.R.C. did uncover one school division in Winnipeg with an Affirmative Action Policy and Plan.

Winnipeg School Division No. 1

The Board of Trustees approved a motion in 1980 to increase the number of women in administrative positions by 6 percent each year for the next seven years. In 1980, 18 percent of principal and vice-principal positions were held by women. By 1985 the figure had only risen to 27 percent, averaging under 2 percent a year. Since this figure fell short of the anticipated increase, the Winnipeg Teachers' Association lobbied the Board of Trustees to implement an Affirmative Action Policy for Women in Administration. This was achieved on January 9, 1986, and by June 1986 the combined total of female principals and vice-principals had risen to 33 percent.

Some of the features of the current Affirmative Action Plan include:

- annual data collection,
- annual professional development sessions,
- advertisements for administrative positions are in non-sexist language and advise that an Affirmative Action Policy is in place,
- all interview committees include women,
- in cases where male and female candidates are deemed to be of equal merit, the female candidate is appointed. (C.O.R.C. 1987:12.12)

These features, along with numerical targets, are recommended as basic components of an affirmative action plan.

The C.O.R.C. report refers to the need for mandatory affirmative action legislation affecting the universities as well.

University of Manitoba

The University of Manitoba adopted a policy entitled "Female:Male Balance Among Academic Administrators, Faculty Members and Students" in 1980. Statistics do not show any significant change in the 'balance'. Referring to universities as "male dominated, bureaucratic and conservative," C.O.R.C. makes a number of recommendations, including changes to the University of Manitoba Act³ and The Universities Establishment Act⁴, to right the balance.

NOVA SCOTIA

Affirmative action programs are approved by the Nova Scotia Human Rights Commission and The Civil Service Commission, but to date women have not been a specific target group. Such programs are at the full government level as opposed to the individual ministry or department level. The Women and Education Committee of the Department of Education undertakes data research, and the Advisory Council on the Status of Women reviews policies on women's issues. In 1984, the Minister of Education wrote to school boards pointing out the underrepresentation of women in senior management in the school system. Again in 1987, another Minister of Education made reference to the lack of women in senior management.

No information on specific programs was received from Nova Scotia, but Statistics Canada (1987) data indicate that, as administrative positions have declined in post-secondary institutions, the percentage of female administrators has remained level or increased. This is an indication that the province is working to increase the participation of women in administration in educational institutions.

BRITISH COLUMBIA

According to Lynne Macdonald of the British Columbia Teachers' Federation (BCTF), "Not one comprehensive affirmative action program exists in any school district in B.C." (1986). Certainly, no record of any affirmative action program, in any school district, college, or university in British Columbia, could be located. The lack of programs is not due to the lack of effort on the part of women. Status of women committees in the B.C. Teachers' Federation, the College/Institute Educators' Association (C-IEA), and the universities and colleges have gathered data and submitted reports recommending the implementation of affirmative action.

All of the groups calling for affirmative action have identified three basic needs: 1) the need to increase the number of women in senior administration, 2) the need to increase and diversify female faculty in regular full-time and tenured positions, and 3) the need to diversify female enrollments across a wider range of programs. Most educators recognize the inequities in the

educational system at all levels, and much can be done to rectify the situation. Affirmative action with its many components can work toward filling the three needs.

Faculty groups and Status of Women committees are continuing to lobby for affirmative action. The College/Institute Educators' Association, with 13 member institutions, set policy on affirmative action at its annual general meetings in 1986 and 1987. One result was that affirmative action task forces were established in each institution to gather data using the questionnaire appearing in Appendix C. A summary of the findings is in Appendix D. Generally, the findings indicate that women are underrepresented in regular full-time faculty positions other than in health-care and related programs and in office administration. Not surprisingly, women held senior management positions at only five of the institutions, with no more than two female senior managers at any one institution. In an attempt to equalize women's positions in the colleges and to translate C-IEA policy into specific action, the Status of Women Committee of C-IEA presented ten recommendations (Appendix E) on affirmative action for implementation by member organizations.

Three colleges have formally addressed the issue of gender equality: Camosun, Cariboo, and the College of New Caledonia. The approaches at these institutions are discussed below.

Camosun College

The Camosun College Status of Women Advisory Committee submitted a brief, Camosun College As An Employer of Women, in 1985 for inclusion in the institutional self-study.⁵ The brief indicated that the college was guilty of "unintended discrimination" and recommended the introduction of an administrative assistant training program⁶ for female faculty and staff. Other recommendations were,

That the College collect and publish, annually, gender statistics...

That the College set a target e.g. 35% of the administrative posts to be held by qualified women at the end of five years as a result of the administrative assistant program.

That the College hold an open competition for each Director's position at least every six years.

That the College set suitable hiring targets for programs with very traditional profiles e.g. 20% of trades instructors be women by 1990.

That the College provide college-wide workshops, posters and brochures to raise awareness of sexism in language, research and teaching techniques.

That the College set suitable hiring targets for all programs and departments so that at least 30% of faculty by program are women e.g. English/ Humanities.

That the College make its implicit policy of maintaining a "healthy balance" explicit.

Camosun accepted the recommendations, with the exception of those relating to hiring targets and the open competition for directors' positions. Had all of the recommendations been

accepted, Camosun would have been the first B.C. college to have an affirmative action program.

Information received from the Camosun Task Force on Affirmative Action indicates that the only recommendation actually implemented was the piloting of an Administrative Internship Program. One woman and one man were interns. The man has subsequently been given an administrative position, but the woman has returned to her former position. A full evaluation of this pilot program is not yet complete.

Cariboo College

Cariboo established an Employment Equity Committee as a result of its Five Year Plan's goal of providing equal opportunity for access to advertised positions and promotions. The Committee established several goals:

1. to establish hiring and promotional practices which will ensure equitable representation of disadvantaged groups in the Cariboo College workforce
2. to redress past discrimination by establishing a mechanism to identify past systemic discrimination
3. to introduce developmental measures and support programs for disadvantaged employees e.g. special management training for women
4. to demonstrate positive change in equitable representation of disadvantaged groups by establishing a reporting procedure.

A questionnaire is being circulated to develop a database on the characteristics of Cariboo employees. A full report from this

committee will be available later this year. Currently, the position of women at Cariboo mirrors the situation at other institutions. There are no women senior administrators, and only two in middle management. Women represent 30 percent of full-time faculty, and there are no measures in place to recruit or retain female faculty.

College of New Caledonia

An active Status of Women Committee at CNC has submitted two reports to the president of that college. In 1986 The Needs of Women in Education, including guidelines for action, was received and discussed by the executive management committee. Before presenting the report to the Board, the president provided a written response on the content, indicating that "hiring practices at CNC are not discriminating in any significant way against women."

The CNC Status of Women Committee presented a Report to the President of the CNC Faculty Association on Affirmative Action in December 1987. The report outlined the need for affirmative action in the college system and presented detailed statistics on the gender breakdown of faculty and staff positions. A proposed plan of action had five steps.

1. Adoption of an affirmative action plan by the College Board.
2. Support of the plan by PPWC and Faculty Association.

3. Thorough review by both unions of current collective agreements to identify any contractual barriers to implementation of affirmative action objectives.
4. Formation of a joint faculty/staff/administration committee to direct and monitor implementation of affirmative action objectives.
5. Report in writing on an annual basis to the Board and college community on the progress toward the goal of affirmative action.

The Universities

The Federal Contractors Program (see note 2) has prompted universities across Canada to establish employment equity programs in order to continue to compete for federal funding. At Simon Fraser University (SFU), an employment equity coordinator has been appointed and is in the process of collecting data through a questionnaire circulated to all faculty and staff. Completing the questionnaire is voluntary, and it is questionable whether there will be sufficient response. The purpose of the data collection is to develop the database necessary to comply with the Federal Contractors Program requirements. Whether this data collection will result in any positive changes for women, is yet to be determined.

In January 1988, the University of British Columbia signed on to the Federal Contractors Program, but as of Spring 1988, the University of Victoria had not.

Identifying the many reasons why there have been no affirmative action programs in British Columbian educational institutions is worthy of a separate study. Many factors must be considered, including the political climate, the amount of influence of the groups promoting affirmative action, and the interpretation of the data on women's unequal position. Unfortunately, few in positions of power are committed to improving the situation for women. Government programs and legislated action are needed, but the government must be willing to take the required action.

CONCLUSION

Educational institutions have long been transmitters of sexism in our society. Not only have they functioned as socializing agents through curriculum programmes that have projected sexist values, but school boards have reinforced these values by the messages they convey through their staffing practices and policies. (Ontario English Catholic Teachers' Association p.12)

Achieving gender equality in employment is a complex and complicated process with many diverse and interwoven issues. Sex-role stereotyping, educational streaming, family responsibilities, inadequate childcare, and societal discrimination all contribute to the problems of achieving gender equality. Only a comprehensive attack on the identified barriers to women's equal participation in the workforce can produce significant movement toward gender equality. Such major issues and changes in society will not come easily. Guaranteed results will require an integrated approach by education, government, industries and the community.

Symons and Page eloquently point to the responsibilities and shortcomings of universities.

Universities, both as places of education and as important social and cultural institutions in our society, have responsibilities that go beyond those of business organizations or government departments. As institutions of higher learning they ought to set an example and to provide at least some measure of leadership to other institutions, both through their research on matters affecting women and by their treatment of women. There can be no question that women ought to have social, economic, political, and cultural equality with men in our society. But they do not. Universities ought to be in the forefront of change in respect to the status of women in our society. But they are not. Even in terms of their own treatment of women, universities have sustained and perpetuated the *status quo*, as their many in-house reports on the status of women make abundantly clear. (Symons and Page 1984:204)

The same can be said for the role of community colleges. In fact, all levels of the education system should and could act as positive role models for a more equitable society.

As stated by Symons and Page, "... the data point, inescapably, to the conclusion that conscious and unconscious discrimination arising from habit and attitude continues to be a major factor" (p. 193) in the underrepresentation of women in faculty and administrative positions in higher education. Comprehensive studies documenting the status of women have been undertaken at every major university in Canada and in most colleges. Although continued research is necessary to maintain a current information bank, there is no longer need for further research to determine what must be done. There is more than sufficient documentation on the status of women in employment in all sectors. There is,

too, sufficient agreement (Abella 1984; Stuckey 1985; MacDonald 1986; C.O.R.C. 1987) that mandatory affirmative action, regardless of label, is required to overcome the systemic barriers women face as a result of decades of discrimination, intended or not.

To allow the identification of the features most appropriate for inclusion in the model presented in Chapter Five, affirmative action programs in educational institutions have been reviewed separately from AAP's in the public and private sectors. The model is designed to implement affirmative action programs in community colleges, but it is transferable to other institutions.

NOTES

1. The reserved-seat policy was first introduced in 1976, and has since been dropped in favour of promoting 'target' group members. Women, native Indians, visible minorities, and the disabled are the target groups that receive preference in CEIC sponsored training.
2. The Federal Contractors Program was implemented in October 1986, and requires suppliers of goods and services to the federal government to commit themselves to employment equity as a condition of bidding. Only employers with 100 or more employees bidding on government contracts worth \$200,000 or more are subject to this program. Most universities and many colleges applying for government contracts will fall under this program.
3. The University of Manitoba Act, R.S.M. 1970, c. U60.
4. The Universities Establishment Act, R.S.M. 1970, c. U40.
5. The College Institute Act, R.S.B.C. 1979, c. 53 requires each institution, every five years, to submit a report to the minister
 66. ...setting out the reasons, if any, why the institution should continue to exist and,...the minister shall advise...about the measures that should be taken to remedy or improve the situation disclosed by the report.The colleges refer to this report as the institutional self-study.
6. See Ontario's George Brown College Internship program outlined in this chapter.

Chapter Four

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Chapter Five
PROPOSED MODEL FOR IMPLEMENTING AFFIRMATIVE ACTION
IN BC COMMUNITY COLLEGES

INTRODUCTION

The challenge for us as educators is to become change agents and bring our society to a closer vision of true justice and equality. (Ontario English Catholic Teachers' Association 1985:7)

Community colleges were chosen as the focus of this model for a number of reasons. Enrollment statistics show that over half of community college students are women (Bueckert, Renaud, and Stewart 1986). An open-door policy allows easy access for mature students, regardless of age or previous scholastic record, to pursue a course of studies for upgrading, rendering the job market, retraining, or personal improvement. The majority of community-college graduates pursue a course of studies that leads directly into the job market. In attracting a segment of the population that is not usually university bound, the colleges are in a position to influence these community members in a range of social ideals that they may not otherwise encounter. These observations, coupled with more than fifteen years of experience as a community-college employee, has convinced me of the important role of the colleges in educating the community in academics, job skills, and social values.

From reading statements of various community college philosophies, it is evident that the college sees its role in a

larger community context. It is not sufficient to offer courses without taking into consideration the individual and how that individual will function in society. How their experience at the college will help or hinder that functioning is fundamental to the success or failure of the college to prepare its students for the reality of today's and tomorrow's world. Students are educated not only through course and program curricula, but also through the interactions of the student with the institution. The student's experiences involve not only the instructor(s) from whom courses are taken, but also the student's observations. Certainly gender equality can be incorporated into every course, but that is not the only way. If students see and experience a more equitable world, then they are more likely to consider it the norm. Having women equally represented in faculty and administrative positions would expose students, and the wider community, to women in positions of authority. The value of this 'education' would be to prepare students to accept women in positions of authority in the workplace and in politics (Strober 1986; Abella 1984).

Affirmative action is being proposed as an effective way to increase the number of women in decision-making positions. To be effective, an affirmative action program must include a number of steps or stages (Jongeward and Scott 1973; Cooks and Ebert 1976; Lawrence 1978; Canada 1982; CUPE 1987). D. Rhys Phillips likens the affirmative-action approach to "good problem-solving":

assuming responsibility, determining if there is a real problem and delineating causes as well as effects, removing the cause of the problem, remedying its effects, and monitoring progress leading to adjustments as necessary. (1985:68)

The four components common to affirmative action programs are 1) planning - making a commitment, assigning responsibility, establishing a structure, 2) analysis - gathering data, reviewing policies and procedures, 3) design - establishing goals and timetables, developing a monitoring system, 4) implementation - monitoring outcomes and redesigning as necessary. The affirmative action plan should not be rigid or inflexible. All components are necessary, but it is not necessary to follow a specific chronological order. A small group will often gather data and review policies and procedures to use as evidence for the need to implement an affirmative action program. The implementation phase actually begins when the organization decides to investigate the need for affirmative action, with positive changes often occurring as problem areas are identified.

In reviewing affirmative action programs in business, industry, and the public sector, a number of commonalities become evident. Although AA had its beginnings in industry, the college system has enough in common with industry at the organizational level to utilize an industrial model with only minor alterations. The approach being proposed combines a number of models tried in both the public and private sectors,

taking into consideration the differences between colleges and industry.

The following comprehensive affirmative action program is proposed as an 'ideal' approach to increasing the number of women occupying senior administrative positions in colleges and institutes in B.C. A discussion of the four stages of this approach follows.

A PROVINCIAL APPROACH

STAGE ONE--Ministry responsibilities

The initial stage of this approach would require that:

- The Ministry of Advanced Education and Job Training draft a policy statement requiring colleges and institutes to develop and implement an affirmative action program;
- The Ministry hire an affirmative action director;
- An affirmative action implementation fund be established to assist colleges and institutes to develop affirmative action plans;
- A committee with representation from the Ministry of Advanced Education and Job Training, the College-Institute Educators Association, the B.C. Association of Colleges, and the Council of Principals be established and chaired by the affirmative action director;
- This committee draft a policy and procedure memorandum for implementation of provincial policy on affirmative action at each college and institute in B.C.;

- Information and training seminars on affirmative action be offered at several locations around the province.

STAGE TWO--college responsibilities

At this stage, it would be necessary that:

- Senior administrators and college board members at each college and institute meet with the affirmative action director to discuss specific implementation plans for individual institutions;
- Responsibility for affirmative action be assigned to a specific senior executive, OR an affirmative action coordinator will be appointed;
- An internal committee be established to maintain communications throughout the organization, and to provide consultation on issues arising from the affirmative action program;
- An analysis of personnel data to determine gender distribution by position, salary and responsibility be undertaken and publicized;
- Personnel data be analysed/collected to determine skills, education, and interest in promotion and/or added responsibility;
- An ongoing review of employment procedures, policies, and practices to determine past and current impact on women be implemented;

STAGE THREE--affirmative action plan designed

The design stage would require that:

- Goals and timetables be established;
- Recruitment and hiring systems be established to attract more female applicants;
- Training sessions be held with employees at all levels to inform them of the affirmative action plan, and to increase their awareness of barriers faced by women in the workforce;
- Confidential counselling be provided for administrators and employees who have difficulty coping with women in administrative positions;
- Confidential personal and career counselling be provided in groups and individually for women wanting to explore their options;
- Monitoring and formative evaluation system be developed.

STAGE FOUR--IMPLEMENTATION

The final stage of this approach would require that:

- Management training programs, including internships, be offered to interested employees;
- Organization publicly announce its intention to implement AAP;
- Accountability for meeting program objectives be placed at every level of the organization;
- Union agreements be amended to include affirmative action enabling clauses;

- Recruitment activities include statements of commitment to employment equity;
- Gender neutral language be used in all literature and job specifications;
- All openings for permanent and temporary positions be announced within the organization and throughout the college/institute system;
- Positions that have been held by men be scrutinized to determine the factors that may be inhibiting women either in applying for the positions or in being successful candidates;
- Once identified, factors inhibiting women's access to specific positions are reviewed and solutions implemented.

DISCUSSION

There has been little growth in the colleges since the mid-to-late 1970s. Given the past and current economic situation, if growth were to occur, it is not likely to happen at the administrative level. There were fewer than 500 academic administrative positions in the combined post-secondary and trades areas in 1984-85 in all of British Columbia (Statistics Canada 1987). The turnover rate in these positions is relatively small, with most faculty and administrative changes occurring between institutions. In fact, upward mobility occurs most often when an individual moves into a higher position at another institution.

There is virtually no regular system of promotion whereby an individual can expect to move into a senior position as a result of experiences in a junior position. This situation can present a problem in implementing affirmative action for women. There will be more competition for the few jobs that exist, and it is likely that the males currently in line for higher positions will resist affirmative action for women. The low turnover rate will mean a significant time frame must be included before a reasonable expectation of change. On the positive side, men have much to gain from the program proposed, since it would establish system-wide recruiting based on published hiring criteria.

STAGE ONE

If the Ministry of Advanced Education and Job Training requires the implementation of affirmative action, no college is likely to refuse. Also, since it is necessary to support such a program with both staff and other resources, there are budgetary implications. Although each college and institute has some leeway in the way its budget is expended, the Ministry has the power to deny funding for specific purposes, or to require certain expenditures through designated funding.

Designated funding was applied in 1981 to 1984 when the Ministry allocated \$20,000, \$15,000, and \$10,000 to assist colleges and institutes in establishing women's access projects. The expectation was that each institution would apply for funding

and match the funds to cover staff costs. The declining special grant was to allow institutions to gradually build the new positions into their base budgets. Most institutions took advantage of this special grant and implemented programs with matching funds. Unfortunately, application for it was completely voluntary and there was no compulsion to continue the programs after the third year of funding. Kwantlen College did not match the funds, and hired a part-time person whose job was terminated when the special funding ended. The timing was unfortunate as well, since access grants were introduced just before the provincial 'restraint' program. With all institutions attempting to maintain services with declining dollars, many established programs in the base budget were cut, and it is not surprising that new programs were lost. Over the years, all of the women's access programs have been eliminated, the exception is the position of Women's Access Coordinator at Douglas College.

Drawing from the women's access experience, this affirmative action model proposes a coordinated approach that offers institutions an opportunity for input at the initial stages. It also proposes training seminars to sensitize management and the community to the issues. When the women's access grants were offered, each institution had to determine what was intended, since they were not involved in the development of the program. In the proposed model, each level of the organization, starting with the boards, would be involved in its development; they

would be able to adjust the program to fit their particular institution. In fact, program development and implementation would involve relevant organizations representing all college personnel.

Implementing affirmative action would represent a major policy change for colleges and institutions in B.C. Successful implementation would require all levels that could conceivably block implementation to be actively involved in the design of the program and to have input into how it would be implemented in their institution. In The Meaning of Educational Change, Michael Fullan identifies ten 'do' and 'don't' assumptions as basic to a successful approach to educational change. These are relevant to the successful implementation of affirmative action, and are summarized below:

1. Do not assume that your version of what the change should be is the one that should or could be implemented.
2. Assume that any significant innovation, if it is to result in change, requires individual implementers (sic) to work out their own meaning. ...effective implementation is a process of clarification.
3. Assume that conflict and disagreement are not only inevitable but fundamental to successful change.
4. Assume that people need pressure to change (even in directions which they desire), but it will only be effective under conditions which allow them to react...resocialization is at the heart of change.
5. Assume that effective change takes time. Expect significant change to take a minimum of two or three years. [Affirmative action results will probably take longer]

6. Do not assume that the reason for lack of implementation is outright rejection of the values embodied in the change....
7. Do not expect all or even most people or groups to change. ...Progress occurs when we take steps... which increase the number of people affected.
8. Assume that you will need a plan ...Careful planning can bring about significant change....
9. Assume that no amount of knowledge will ever make it totally clear what action should be taken.
10. Assume that change is a frustrating, discouraging business. (Fullan 1982:91-2)

These ten points must be kept in mind at each stage of the process. Recognizing the elements of the change process and maintaining flexibility without compromising the basic principles of affirmative action will increase the likelihood of success.

It is recommended that a ministry employee responsible for the affirmative action program act as a provincial coordinator and be responsible for the distribution of information and maintenance of communications. This person would also represent the province on women's issues in education at the national and international levels.

STAGE TWO

Reports on the status of women undertaken by individuals and groups in B.C. institutions indicate that there is plenty of room to improve the ratio of men to women at the faculty and

administrative levels in higher education in B.C. The request for gender statistics to complete these reports has alerted the institutions to the need to collect and publish gender statistics. Such data is necessary to determine the current situation and to identify areas where change is needed. The gathering of personnel data can be done through personnel records; however, these should be double-checked by direct contact with employees. This direct updating of personnel data will advertise the program, initiate widespread discussions on the issue, and update personnel files to include information that previously may not have been considered relevant or important.

Analysis of employment data has been amply studied and discussed by CEIC, Rhys Phillips, and others. The model proposes that data be collected and analyzed to determine the current workforce distribution by sex, salary, length of service and job responsibility. This information is to be compared with data gathered on the incumbents in administrative positions. The purpose is to determine how many qualified women there are in each institution and in the system as a whole.

A committee parallel to the provincial affirmative action committee is proposed for each institution. The internal committee would monitor the implementation of the program, approve changes, and maintain open communication throughout the organizations.

STAGE THREE

Labeled as the design phase, this stage occurs after Stage Two has generated sufficient information to guide the committee in formulating its plan to increase the number of women in the institution. At this point, each institution must look at its particular situation and set realistic achievable goals and timetables. Timetables set to short-range goals--zero to six months, medium-range-- six to eighteen months, and long-range-- eighteen months or more will assist in the monitoring of the program. The long-range approach often fails because participants are not aware of their progress toward the goal, and can 'give up' before the program is finished. Communicating progress information on a regular basis is critical to maintaining commitment to the program and must be included in the design.

Recruitment and hiring systems would need to be altered to help achieve the goals within the time frames established, but there is no suggestion that hiring standards be compromised.

Affirmative action programs are established to overcome barriers to qualified, competent, and interested women. The altering of existing systems is to remove unnecessary barriers and other forms of systemic discrimination, not to lower legitimate requirements.

Monitoring and formative evaluation systems would be developed and put into place to adapt the program to a possibly changing

environment, and to allow for necessary alterations. If it does not change as is needed, the program will meet with limited success. The initial design may not address issues that arise, or take into consideration shifts in requirements.

A critically important component of this plan is the counselling and training session for administrators and other personnel. The changing role of women is a reality, yet many do not recognize it as a permanent part of our social fabric. Many key administrators were socialized by a system that did not view women as competent and capable outside of the home. It is not realistic to simply expect these individuals to accept women in positions of authority in the workplace today. It would take too long to wait for them all to retire. By allowing these individuals to explore their reasons for resisting change, there is a greater chance of engaging their cooperation rather than their resistance.

Resistance to change is also a problem for women who have the potential to move into positions of authority. Many competent and capable women are shunning advancement because of earlier social conditioning. Women also refuse to seek advancement because they are aware of the extra work involved. Most women have to juggle home, family and job responsibilities. Without change occurring in the home, in the workplace, and in the availability of flexible childcare, many women will continue to shun advancement.

STAGE FOUR

Implementation of an affirmative action program is not merely announcing the start of the program. Realistically, following through on Stages One through Three will have started an affirmative action program. Stage Four is included as a summary of the other stages and requires the publicizing of the program.

Administrators who completed the affirmative action questionnaire at Kwantlen College indicated that women do not apply for certain faculty and management positions, and that there are not sufficient women with the appropriate credentials. Statistics on university graduates disputes the lack of credentials viewpoint, but studies show that significant numbers of women do not apply for college administrative positions. Offering management training and internship programs would allow women to take a closer look at the skills they could bring to administrative positions. Recruitment efforts aimed at women, indicating that the college is interested in female applicants, might increase the numbers of women applying. Posting of positions rather than 'hand picking' new appointees would give the institutions a wider range of choices, and encourage employees to self-identify their interest in administration.

Another advantage of the provincial approach would be to encourage the sharing of human resources and increase the opportunities for women to move into administrative positions.

Since there are few positions in any one institution, opening competitions to include the entire system would allow changes to occur at a quicker pace. In addition, institutions would profit from having a pool of individuals familiar with the education system in B.C.

The involvement of unions is critical to the success of any affirmative action program. The unions representing college personnel have publicly given their support to affirmative action and are working toward employment equity. Current contract language may inhibit the implementation of affirmative action and needs to be modified. Union agreements are amended through a letter of agreement if the timing falls between negotiations, and through collective bargaining if negotiations are in process or imminent. Since unions can oppose a management proposal, just as management can oppose a union proposal, it is fundamental to this model that a joint union-management team design the program and continue to monitor it. Affirmative-action enabling clauses should be included in the collective agreement while details of the program are decided by the joint committee outside the negotiating arena.

The proposed model outlines a basic affirmative action program with sufficient flexibility to incorporate the specific needs of individual institutions, without compromising the intent of the program. Although the model recommends a coordinated approach

involving all levels and constituents of the college system, any subgroup could initiate the process.

Chapter Five

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Chapter Six

CONCLUSIONS

SUMMARY

Affirmative action has emerged in Canada as the solution to gender inequality in employment. Advocates of affirmative action call for mandatory programs enforceable by law. Merely enacting a law, however, is not sufficient to induce compliance. In order to effect a change, it must be effectively implemented (Jain and Sloane 1981). Nor does legislation restrain the determined lawbreaker. This thesis proposes the introduction of comprehensive affirmative action programs to move society in general; and educational institutions specifically, toward gender equality in employment. It is recognized that change will meet with resistance, and that cooperation is essential. However, carefully implemented programs designed to overcome the potential problems can meet with success.

Given the history of affirmative action in Canada, and the fact that little improvement in the employment status of women has resulted from voluntary measures (Cohen 1983; Abella 1984; Agocs 1986), it is obvious that the governments of Canada and the provinces will have to take a more vigorous approach to achieve employment equity. The legislation is already in place (Black

1985:222). The Canadian Human Rights' Commission and its provincial counterparts could be encouraged to take a more proactive approach to affirmative action. The philosophy behind the various government actions and international commitments to employment equity could be advanced through mandatory affirmative action. Such action would address the systemic nature of employment inequality.

The most straightforward element of a systemic remedy is an order to cease using a practice that has the effect of improperly excluding members of a protected group. ...It is classified as systemic in that its primary purpose is to prevent future inequality, and it will protect the interests of all affected by the practice. (Ibid.)

The recent CN decision is such a systemic remedy, and gives evidence of the potential of ordered affirmative action programs. Although it is too soon to evaluate the results of the Supreme Court ruling, CN initiated "a series of ad hoc measures to employ and promote women" (Piche 1986:628) before the final decision was handed down.

In 1985, for example, 21 percent of railway blue-collar hirings were women, 23 percent of the company's new engineers were women, and 40 percent of hirings in management were women. (Ibid.)

CN responded to the complaints of women with ad hoc measures that showed results. The court's ruling will ensure that such measures continue. The main advantage of mandatory affirmative action is that it is not at the whim of the employer, and there is accountability and recourse for those affected.

RECOMMENDATIONS

The universities and colleges of Canada must approach the problems posed by the current inequitable treatment of women in higher education as questions of central policy which are properly the concern of the whole institution and of everyone in it, and not simply the concern of those who are adversely affected by such discrimination. (Symons and Page 1984:209)

Inequality in employment is not an isolated phenomenon, nor the sole responsibility of employers or the government. Everyone at every level of society needs to recognize that we are all responsible, albeit to varying degrees. The combination of sex-role stereotyping and other barriers to women's full employment needs no additional research. What is needed is a commitment to redress. Symons and Page (1984) make several recommendations to "right the balance" in colleges and universities, and these are listed in Appendix F. In addition, the recommendations contained in Appendix E will start British Columbia moving toward a commitment to gender equality. The education system in this province has been slow to consider its responsibilities to society and to itself regarding equity issues.

The affirmative action model for community colleges developed as a result of the research for this paper focuses on moving women into decision-making positions in the colleges. This is only one area that needs affirmative action. It was my intent to focus on administration because that is where decisions are made, the need is great, and the profile is high. Successful

integration of women into these positions just might result in major policy changes that will address the inequities in other areas. I strongly recommend that the colleges and other educational institutions implement affirmative action along the lines of the proposed model in Chapter Five.

Likewise, I urge faculty associations, unions and other representative bodies to undertake direct actions to improve the representation of women in areas where they are currently underrepresented.

CONSIDERATIONS FOR FURTHER RESEARCH

There is so much data currently available on the position of women in society that I am reluctant to suggest that more be gathered. Rather, what is needed is serious data collection and study of affirmative action programs that have been implemented in Canada. There has been no systematic study or even an inventory of programs that have been implemented. Private industry who have initiated voluntary programs prefer confidentiality (Agocs 1985), and there is a need for the data they could provide. Public commitment to gender equality must be encouraged. In this way, more people will become aware of the scope of the problem, and hopefully support solutions.

Chapter Six

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APPENDICES

APPENDIX A

Executive Order 11246 as amended by Executive Order 11375

CONTRACTORS' AGREEMENT

SEC. 202. Except in contracts exempted in accordance with section 204 of this order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulation, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions or Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

PROVINCIAL AND TERRITORIAL STATUTORY PROVISIONS ALLOWING FOR AFFIRMATIVE ACTION PROGRAMS

Statutory provisions are arranged alphabetically by province or territory. Beside the name of each jurisdiction appear one or more letters categorizing the legislation as follows:

- A - allows for approval of plans;
- B - requires approval of plans;
- C - provides for priorities and conditions determined by provincial authority to be incorporated into plans.

Alberta - A, C

Individual's Rights Protection Act, R.S.A. 1980, c.1-2,
s. 13.

13(1) The Lieutenant Governor in Council may make regulations

(a) exempting a person, class of persons or group of persons, or the Crown or any agent or servant of the Crown, from the operation of this Act or any of the provisions of it,

(b) authorizing the undertaking by a person, class of persons or group of persons, or by the Crown or any servant or agent of the Crown, of programs that, in the absence of the authorization, would contravene this Act, and

(c) respecting the procedure to be followed by the Commission in carrying out its functions under this Act.

(2) The Lieutenant Governor in Council may by regulation delegate to the Commission any of his powers under subsection (1).

(3) A regulation made under subsection (1)(a) or (b) may

- (a) be specific or general in its application, and
- (b) provide that the exemption or authorization that it grants is subject to any terms and conditions that the Lieutenant Governor in Council or the Commission, as the case may be, considers advisable.

British Columbia - A

Human Rights Act, 1984, S.B.C. 1984, c.22, subs.19(2).

19(2) The Council may approve any program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, and any approved program or activity shall be deemed not to be in contravention of this Act.

MANITOBA - A, C

Manitoba Human Rights Act, S.M. 1974, c.65, s.9.

9 Notwithstanding the provisions of this Part, the Commission may, upon such conditions or limitations and

subject to revocation or suspension, approve in writing any special plan or program by the Crown, any agency thereof, or any person to increase the employment of members of a group or class of persons on the basis of the race, nationality, religion, colour, sex, age, marital status, ethnic or national origin of the members of the group or class of persons.

NEW BRUNSWICK - A, C

New Brunswick Human Rights Act, R.S.N.B. 1973, c.H-11, s.13.

13(1) On the application of any person, or on its own initiative, the Commission may approve a programme to be undertaken by any person designed to promote the welfare of any class of persons.

13(2) At any time before or after approving a programme, the Commission may

- (a) make inquiries concerning the programme,
- (b) vary the programme,
- (c) impose conditions on the programme, or
- (d) withdraw approval of the programme,

as the Commission thinks fit.

13(3) Anything done in accordance with a programme approved pursuant to this section is not a violation of the provisions of this Act.

NORTHWEST TERRITORIES - A

Fair Practices Ordinance, R.O.N.W.T. 1974, c.F-2, added by 1982 (3rd) c.12, s.27.

14 The Commissioner may approve programs designed to promote the welfare of any class of individuals, and any such program shall be deemed not to be a violation of the provisions of this Ordinance.

NOVA SCOTIA - A

Nova Scotia Human Rights Act, S.N.S. 1969, c.11, s.19.

19 The Commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program shall be deemed not to be a violation of the prohibitions of this Act.

ONTARIO A, C

Ontario Human Rights Code, S.O. 1981, c.53, s.13.

13(1) A right under Part 1 is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part 1.

(2) The Commission may

- (a) upon its own initiative;
- (b) upon application by a person seeking to implement a special program under the protection of subsection (1);

or

(c) upon a complaint in respect of which the protection of subsection (1) is claimed, inquire into the special program and, in the discretion of the Commission, may by order declare,

(d) that the special program, as defined in the order, does not satisfy the requirements of subsection (1); or

(e) that the special program, as defined in the order, with such modifications, if any, as the Commission considers advisable, satisfies the requirements of subsection (1).

(3) A person aggrieved by the making of an order under subsection (2) may request the Commission to reconsider its order and section 36, with necessary modifications, applies.

(4) Subsection (1) does not apply to a special program where an order is made under clause (2)(d) or where an order is made under clause (2)(e) with modifications of the special program that are not implemented.

(5) Subsection (2) does not apply to a special program implemented by the Crown or an agency of the Crown.

PRINCE EDWARD ISLAND - A

Prince Edward Island Human Rights Act, S.P.E.I. 1975, c.72, s.19.

19 The commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program shall be deemed not to be a violation of the prohibitions of this Act.

QUEBEC - B, C

Charter of Human Rights and Freedoms, R.S.Q. 1977, c.C-12, ss.86.1-86.7, added by S.Q. 1982, c.61.

PART III

AFFIRMATIVE ACTION PROGRAMS

86.1 The object of an affirmative action program is to remedy the situation of persons belonging to groups discriminated against in employment, or in the sector of education or of health services and other services generally available to the public.

An affirmative action program is deemed non-discriminatory if it is established in conformity with the Charter.

86.2 Every affirmative action program must be approved by the Commission, unless it is imposed by order of the court.

The Commission must, whenever required, lend assistance for the devising of an affirmative action program.

86.3 If, after investigation, the Commission confirms the existence of a situation involving discrimination referred to in section 86.1, it may recommend the implementation of an affirmative action program within such time as it may fix.

Where its recommendation has not been followed, the Commission may apply to the court and, on proof of the existence of a situation contemplated in section 86.1, obtain, within the time fixed by the court, an order to devise and implement a program. The program thus devised is filed with the court which may, in accordance with the Charter, make the modifications it considers appropriate. 86.4 The Commission shall supervise the administration of the affirmative action programs. It may make investigations and require reports.

86.5 Where the Commission becomes aware that an affirmative action program has not been implemented or is not being followed, it may, in the case of a program it has approved, withdraw its approval or, if it recommended implementation of the program, it may apply to the Court as in the second paragraph of section 86.3.

86.6 A program contemplated in section 86.3 may be modified, postponed or cancelled if new facts warrant it.

If the Commission and the person required to implement the affirmative action program agree on its modification, postponement or cancellation, the agreement shall be evidenced in writing.

Failing agreement, either-party may request the court to decide whether the new facts warrant the modification, postponement or cancellation of the program.

All modifications must conform to the Charter.

86.7 The Government must require its departments and agencies to implement affirmative action programs within such time as it may fix.

Sections 86.2 to 86.6 do not apply to the programs contemplated in this section. The programs must, however, be the object of a consultation with the Commission before being implemented.

SASKATCHEWAN - A, C

Saskatchewan Human Rights Code, S.S. 1979, c.S-24.1, s.47.

47(1) On the application of any person or on its own initiative, 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, marital status, physical disability, age, nationality, ancestry or place of origin of members of that group, by improving opportunities respecting services, facilities, accommodation, employment or education in relation to that group.

(2) At any time before or after approval to a program is given by the commission, or a program is ordered by the commission or a board of inquiry, the commission may:

- (a) make inquiries concerning the program;
- (b) vary the program;
- (c) impose conditions on the program; or
- (d) withdraw approval of the program as the commission thinks fit.

(3) Nothing done in accordance with a program approved pursuant to this section is a violation of the provisions of this Act.

Reprinted from Leitman, M. "A Federal Contract Compliance Program" in Research Studies of the Commission on Equality in Employment. Abella, R. S. Ottawa: Supply and Services, 1985, 202-203.

APPENDIX C

QUESTIONNAIRE FOR UNION TASK FORCES ON AFFIRMATIVE ACTION

Please survey appropriate groups or individuals on the following questions and submit a written report on the results to the President of your faculty Association by January 1, 1988.

1. Does your college have annually published gender statistics on the number of employees at the following levels:
 - support staff
 - faculty
 - exempt
 - administrators
 - short term contract holders
 - faculty within programmes
 - faculty within age categories
 - otherIf your college publishes some or all of these statistics, please ask for this information to be made available to your Association and include it in your report.
2. Are there in place measures to recruit or retain female faculty members? If so, please supply information.
3. Are there gender-differentiated payouts of pensions or benefits at your college? If so, please give details.
4. Please gather gender statistics on faculty (and students if possible) by department and include in your report.
5. In departments that have a gender imbalance are there department practices and procedures governing the promotion or regularization of faculty that attempt to correct that imbalance? If so, please give details.
6. Are women represented on personnel (e.g. evaluation) committees and selection committees? If so, can you collect representative statistics from different departments?
7. How many senior administrative posts (Associate Dean, Dean, President) are occupied by women? Please give details.
8. Do you have at your college a sexual harassment policy? If you do, is it in your Collective Agreement? Is it a joint policy agreed upon by management and union? Is it a unilateral management policy? Please supply details.

APPENDIX D

Summary of C-IEA Affirmative Action Task Force Reports

(See Appendix C for text of questions. Data in answer to question #4 is summarized in Chapter Four, and not included in the chart below.)

<u>QUESTION></u>	#1	#2	#3	#5	#6	#7	#8
<u>COLLEGE</u>							
Camosun	no	no	no	no	yes	2	yes ²
Capilano	yes	no	*	no	**	2	yes ¹
Cariboo	**	no	no	yes	yes	0	yes ²
C.N.C.	no	no	no	no	*	0	yes ²
Douglas	no	no	no-	no	yes	0	no
E.K.C.C.	no	no	no	no	*	0	no
F.V.C.	no	no	no	no	*	1	yes ³
Kwantlen	no	no	no	no	yes	1	yes ³
Malaspina	no	no	no	no	*	1	yes ²
Northwest	no	no	no	no	yes	0	yes ¹
Okanagan	no	no	no	no	*	2	no
Selkirk	yes	no	no	no	*	0	no

Explanations:

- * Depends on circumstances
- ** Information not available or not provided
- 1 In collective agreement
- 2 Joint union/management policy
- 3 Unilateral management policy

APPENDIX E

RECOMMENDATIONS TO PRESIDENTS' COUNCIL
RE: AFFIRMATIVE ACTION

Approved by the Status of Women Committee
Feb. 13/88.

1. That CIEA direct each Faculty Association President to ensure that each Faculty Association has in place a Status of Women Committee, funded and supported by the local association.
2. That the Salary and Working Conditions Committee be directed to give priority to:
 - 2.1 developing harassment policies.
 - 2.2 developing affirmative action in hiring statements.
 - 2.3 developing affirmative action plans and implementation strategies.
 - 2.4 continuing the monitoring of contracts for non-sexist language.
 - 2.5 obtaining agreement that institutions will fund any structural changes, or adaptive aides required by current employees who become physically disabled.
 - 2.6 obtaining a similar commitment to enable disabled applicants to be employed.
 - 2.7 ensuring that a minimum of one female counsellor be employed at each institution with a long-term goal of the same ratio of M/F counselling staff as M/F students.
 - 2.8 ensuring that visible minority, handicapped, age, and gender statistics are made available as part of an affirmative action program on a voluntary and confidential basis by each institution.
 - 2.9 examining the workloads of faculty in traditionally female areas to ensure workload equity. For example, compare Nursing with Trades, Business Office Training with Business Administration (where applicable).
 - 2.10 ensuring that seniority can be accumulated while on unpaid maternity, child care, long term disability, or educational leave.
 - 2.11 paying attention to affirmative action concerns when negotiating salary scale structures, for example,

negotiating across the board wage settlements, rather than percentage wage increases and shortening the scale.

3. That the Professional Development Committee be directed to place an emphasis on development opportunities for women. Examples could include:
 - identification and removal of sexism from instructional practices and textual material.
 - development of methods to encourage first-year female students to continue study in non-traditional areas.
 - development and implementation of affirmative action programs.
4. That CIEA fund, or lobby the Ministry to fund, a curriculum guide focussing on women's studies across the curriculum.
5. That CIEA and each Status of Women Committee start an active lobby for increased opportunities for women to participate in educational programs in non-traditional areas. CIEA should lobby provincial and federal departments while local committees should work within their respective institutions. Affirmative action in the workplace must be combined with affirmative action in educational opportunity.
6. That each union local be requested to consider affirmative action when making nominations for local union elections and when asked to endorse political candidates.
7. That CIEA direct each Faculty Association to request that the Administration and College Board work to request that the Administration and College Board work with faculty and staff unions to include an affirmative action program in 5 year plans.
8. That sections of collective agreements that refer to Human Rights include reference to gender.
9. That sections of collective agreements that refer to Union Rights to Information include the gender of new appointees.
10. That both genders be represented on Search/Selection Committees.

APPENDIX F

As presented in Symons, T. and Page, J. Some Questions of Balance: Human Resources, Higher Education and Canadian Studies. Ottawa: Association of Universities and Colleges of Canada, 1984.

The Commission recommends:

1. that Canadian universities and colleges stop discrimination in the hiring treatment of female faculty and staff;
2. that universities and colleges approach the problems involved in correcting the current inequitable treatment of women in Canadian higher education as a question of central institutional policy which is properly the concern of the entire institution, and of everyone in it, and not simply the concern of those who are adversely affected by such discrimination;
3. that the Association of Universities and Colleges of Canada and the Canadian Association of University Teachers establish a joint committee to propose guidelines and procedures designed to ensure fairness and equality of opportunity in treatment in the universities for men and women in hiring, promotion, the awarding of tenure, and selection for administrative office;
4. that the Association of Universities and Colleges of Canada and the Canadian Association of University Teachers establish jointly a programme to monitor, for at least the next five year period, the treatment by universities of women members of faculty and staff, both full-time and part-time, in academic, administrative and support work;
5. that the Department of Employment and Immigration Canada make a grant to the Association of Universities and Colleges of Canada and/or the Canadian Association of University Teachers to meet the costs of the proposed monitoring programme;
6. that the Association of Canadian Community Colleges, working with appropriate agencies and departments at the provincial level, establish mechanisms to monitor the treatment of women in community colleges and to develop guidelines and procedures to ensure fairness and equality in the treatment of teachers, staff, and students regardless of sex;
7. that a properly funded research institute be established to promote continuing research about the status of women in Canadian education and, more broadly, about the status and experience of women in Canadian society;

8. that the Association of Universities and Colleges of Canada and the Canadian Association of University Teachers establish a joint working committee to take the lead in the planning and arrangements for the proposed new research institute, and that the Department of Employment and Immigration Canada and the Department of the Secretary of State provide core funding and assistance to the project;
9. that the Association of Universities and Colleges of Canada and the Association of Canadian Community Colleges urge their member institutions to eliminate employment practices that discriminate on the grounds of marital status;
10. that the Association of Universities and Colleges of Canada and the Association of Canadian Community Colleges actively encourage their member institutions to appoint appropriately qualified women to administrative posts, policy making bodies, and senior academic positions;³⁸ (sic)
11. that the Association of Universities and Colleges of Canada and the Association of Canadian Community Colleges ensure that women are adequately represented on their own councils, committees, and staffs; -
12. that universities, colleges, and school systems take more deliberate steps to encourage female students with the ability and interest to do so to pursue their studies in those areas that have hitherto been largely the preserve of male students, in addition to those other areas to which women students have thus far been traditionally, if unofficially, restricted;
13. that educators and policy-makers ensure that there are no barriers at any level of the educational system to block qualified female students from receiving an education in whatever their field of interest may be, including the sciences, mathematics, and technology;
14. that professional and vocational faculties and departments in which women students are appreciably under-represented (including, for example, applied science and engineering, law, medicine, dentistry, commerce and business administration, and journalism) take deliberate action to assist and encourage the enrolment of women, at both the undergraduate and postgraduate levels;
15. that universities and colleges review their student counselling arrangements to ensure that adequate guidance and assistance is being given to female students who may wish to pursue their studies at the graduate level and in academic areas that have tended to be regarded as male preserves;

16. that each university and college provide appropriate day care facilities or arrangements to ensure that no student, male or female, is disadvantaged through lack of access to such services;
17. that national professional organizations, such as the Canadian Council of Professional Engineers, for example, make it a top priority to remove the discriminatory attitudes and practices which still block the career paths of women in the workplace;
18. that universities and colleges use the guidelines for the handling of sexual harassment problems developed by the C.A.U.T. as a base in developing their own procedures for dealing with the issues involved in sexual harassment cases;
19. that universities and colleges adopt a policy of eliminating the use of sexist language from their official business, including its use in official publications, advertisements, and job descriptions;
20. that encouragement and support be given to the further development of accredited courses and programmes in women's studies, and that due attention be given to the role of women in all appropriate areas of the curriculum.