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Dominant National Cultures and Ethnic Identities

Part A

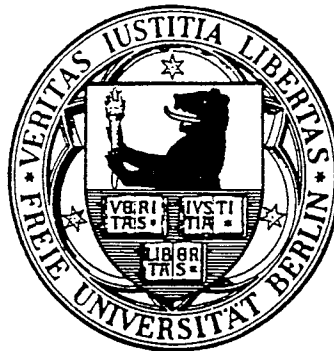
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edited by

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Jürgen Fijalkowski
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Berlin, March 1991

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DOMINANT NATIONAL CULTURES AND ETHNIC IDENTITIES

Part A (pp. 1 - 272)

	page
Part A	
Preface	7
<i>Monika Alamdar-Niemann (Freie Universität Berlin)</i>	
Educational Orientations in Turkish Migrant Families in Berlin (West)	9
<i>Steffen Angenendt (Freie Universität Berlin)</i>	
»Ethnicity« in French Historical Science Some Remarks on a New Catagory in the Social Sciences	19
<i>Y. Michal Bodemann (University of Toronto)</i>	
Autonomy, Constraint and the Intellectuals The Conception of Ethnic Solidarity in Max Weber's Sociology	31
<i>Ayşe N. Caglar (McGill University Montreal)</i>	
Culture, Ethnicity and Identity: The Turks in Germany	45
<i>Gordon J. DiRenzo (University of Delaware)</i>	
Conceptual Issues in the Study of National Identities	53
<i>Jürgen Fijalkowski (Freie Universität Berlin)</i>	
Awareness of National Identity and Concepts of Citizenship in Germany - Ten Definitions and Theses on Trends of Change, and on the Recent Whirlpool	67
<i>Gunter Gebauer (Freie Universität Berlin)</i>	
The Body as a Symbol for Ethnicity	79
<i>Helmut Gillmeister (Freie Universität Berlin)</i>	
Integration of Ethnic Minorities in the Employment System - the Example of West-Berlin's Industry	83
<i>Martin O. Heisler (University of Maryland)</i>	
<i>Barbara Schmitter Heisler (Gettysburg College)</i>	
Citizenship - Old, New, and Changing: Inclusion, Exclusion, and Limbo for Ethnic Groups and Migrants in the Modern Democratic State	91
<i>Gerd R. Hoff (Freie Universität Berlin)</i>	
Migration and Nationalism in Germany	129

	page
<i>Warren E. Kalbach / Madeline A. Richard (University of Toronto)</i>	
The Religious Dimension of Minority Group Assimilation in Canada	145
<i>Philip Kasinitz (Williams College, Williamstown)</i>	
Ethnic Identity and Political Mobilization: Afro-Caribbean Participation in New York City Politics, 1980-1989	157
<i>Hermann Kurthen (University of Toronto)</i>	
Equality for Visible Minorities in a Multicultural Society: The Canadian Employment Equity Legislation as an Example	175
<i>Leslie S. Laczko (University of Ottawa)</i>	
Linguistic Dualism, Aboriginal Peoples, and Multicultural Communities: The Structure of Perceptions in Quebec	211
<i>Cyril Levitt (McMaster University, Toronto)</i>	
Oktoberfest Germans? The German Community of Hamilton between "Heimat" and Assimilation	243
 Part B	
<i>Hans Merkens (Freie Universität Berlin)</i>	
A Problematic Concept: Ethnicity	279
<i>Brigitte Mihok (Berlin)</i>	
Mechanisms of ethnic interaction. A Framework for the Explanation of the Different Modes of Integration and Conflict in Eastern Europe (i.e. Hungary, Roumania and the Soviet Union)	291
<i>Michael R. Olneck (University of Wisconsin-Madison)</i>	
Is Cultural Pluralism Possible in American Education?	305
<i>Martin Oppenheimer (Rutgers University)</i>	
Ethnic / Racial / National Minorities: What is the "Problem"?	331
<i>Robin Ostow (McMaster University, Toronto)</i>	
<i>Maryka Omatsu (Toronto)</i>	
Disenfranchisement and Rehabilitation: Restitution and Rebuilding an Ethnic Community. Japanese Canadians and Jews in the German Democratic Republic.	345
<i>Lynn Rapaport (Pomona College)</i>	
The Problem of Jewish Identity in Germany Today: Ethnic, National, and Personal Perspectives	363

	page
<i>Chang Shub Roh</i> (Bloomsburg University of Pennsylvania)	
Ideological Differences and Adjustments of Asian Ethnic Groups in the American Culture: The Korean Ethnic Group	379
<i>William Shaffir</i> (McMaster University, Toronto)	
The Montreal Hassidic Community: Offsetting Dominant Cultural Influences	393
<i>John H. Simpson</i> (University of Toronto)	
Dominant National Cultures and Ethnic Identities: The Global Context	407
<i>Yasemin Nuhoglu Soysal</i> (Stanford University)	
Incorporation and Membership of "Guestworkers": A Comparative Perspective	417
<i>Peter Suzuki</i> (University of Nebraska at Omaha)	
Tribe as ethnic unit: The Omaha Indians	429
<i>William B. Thomas / Kevin J. Moran</i> (University of Pittsburgh)	
Black Social Class Divisions: Barriers to Coalition Formations in Buffalo, New York, 1910-1930	439
<i>Donald I. Warren</i> (Oakland University)	
The Displaced Majority: White Middle Americans as an Ethnic Minority	457
<i>Barbara Wolbert</i> (Freie Universität Berlin)	
Identity Processes of Turkish Returnees	495
<i>Aaron Wolfgang</i> (Ontario Institute for Studies in Education / University of Toronto)	
The Role and Impact of Nonverbal Behavior in Establishing and Perceiving One's Ethnic Identity	513

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Equality for Visible Minorities in a Multicultural Society: The Canadian Employment Equity Legislation as an Example

Introduction

Looking at ethnicity from a sociological point of view, the question arises to what extent ethnicity becomes within a given society a social resource, controlling the distribution of economic wealth, political power, social status and prestige. Although modern market societies claim to be based on merit as source for status attainment, the empirical facts prove that ethnicity is still an important factor if one analyzes the mechanisms of distribution of social inequality. When we talk about ethnic stratification we emphasize deliberately the impact of ethnicity on class systems.

Preferential policies are means to resolve the effects of past and present ethnic discrimination. Therefore the legal aspect of preferential policies accentuates the universality of human rights and the constitutionally guaranteed equality of treatment or opportunity. The socio-political aspect concentrates on the intention to reduce potential social conflicts created by social inequality enforced by ethnic discrimination. Social harmony and the peaceful living together of diverse ethnic groups in a pluralistic society is emphasized from this point of view. From an ideological or educational perspective preferential policies are means to combat racism, prejudice and stereotypes by promoting racial and ethnic equality, pluralism and tolerance whereas the cultural notion wants to establish supra-ethnic identities and a cosmopolitan multicultural culture. From a micro-economic perspective this policy is "good business" as far as it helps to maximize the usage of a given labor market pool whereas from the macro-economic point of view it is a mean to redistribute power, wealth and status by removing barriers not based on individual merit.

In the following I will refer to the Canadian experience as an example how preferential policy is working.

1. Ethnic Diversity and Discrimination in Canada

Although as yet not generally perceived as a historical and social reality, ethnic and racial diversity in Canada always existed. Visible minorities¹⁾ comprised 1 % of the Canadian population at the time of Confederation. In 1986, they constituted close to 1.6 million or 6.3 % of about 25 million Canadians. However, in the workforce their representation is higher because of their higher labour force participation (Table 1). The increased representation of visible minorities is mainly the result of a change of the source of immigrants over the past three decades. Before 1967 non-Europeans represented about one out of 8 immigrants. Since 1978 the majority (5 out of 8) are non-Europeans and more than 50% of all immigrants originate from Asian countries, mainly from China, Vietnam, the Philippines, India and Pakistan. (Figure 1). This trend of an increasing ethnic diversity of Canada continues. Figures reported estimate about 500,000 new immigrants are needed annually by the year 2015 to maintain a viable workforce, to compensate the declining fertility rate and the aging of the Canadian population, to finance future pensions and to maintain Canadas welfare standard. Therefore visible minorities are projected to be 10% of the population by the year 2000, in some provinces and large cities even more²⁾.

The demographic and ethnic change of the Canadian fabric is accompanied by significant statistical differences among ethnic and racial groups regarding occupational position, unemployment and income. Although relatively more minorities have a university degree or diploma than the total adult population (Table 2), their unemployment rate is above average (Table 1). Especially Southeast Asians, Latin Americans and Black people face less employment opportunities (Table 5). Non-white minorities are also under-represented in the

1) "Visible Minorities" are defined by Statistics Canada as people who are either non-white in color or non Caucasian in race.

2) Almost half of the Canadian visible minority population lives already in the province of Ontario. Of the 775,000 members of visible minorities of Ontario, 75% live in Toronto. They constitute 8.6% of Ontario's population and 17.3% of the population of Metro Toronto (see 1986 Canadian census data)

managerial occupations, but overrepresented in the lower occupations as service and manual workers (Table 3). In 1988 less than three per cent of all civil servants were visible minorities. The proportion of visible minority police officers range from 0 to 4 per cent in 14 forces across Canada, and a 1986 study showed that visible minorities were virtually nonexistent in 20 English language newspapers. Similar differences exist for wages pay (Table 4). A 1984 study by the Metro Toronto Social Planning Council found for example significant differences between white males earnings (\$ 53,730) and visible minority earnings (\$39,843) of equal qualified MBA graduates.

What are the reasons for the unequal position of ethnic minorities? Discrimination in employment, including racial harassment, has been proven to be one important reason for their under-representation in the workforce³⁾. Other barriers are their lack of Canadian credentials and of language skills. But the roots for discrimination are deeper than statistical data about the socioeconomic position of designated persons or groups suggest. Xenophobic fears against immigrants or refugees and racism⁴⁾ by the white majority against non-white minorities is widespread and a serious threat to equal treatment⁵⁾. Some minority groups themselves are caught in a subconscious culture of marginality,

- 3) * A study done in Toronto by HENRY and GINZBERG 1985 found that despite almost identical resumes, a white applicant received three job offers for every one offered to a Black. White applicants also received different treatment, i.e., were treated fairly and courteously, compared to the non-white applicants who were accorded rude, negative and sometimes blatantly hostile treatment. Other discriminatory practices are the allocation of undesirable shifts to visible minority employees, lack of promotion, job segregation, verbal abuse etc (see Allan 1988).
- 4) The history, meaning and use of the term "race" and "racism" is different in North America than in Europe and especially in Germany. In Canada race recently has been defined as a combination of physical traits and as a social construct attributed to individuals on the base of their physical differences (BOLARIA and LI 1985, p.20). Racism is a form of social interaction which usually includes prejudice (pre-judgement) and discrimination (action or behavior based on prejudices feelings) on the bases of race. Racism involves institutional power or institutional capacity used to the advantage of one (racial) group and to the disadvantage of other (racial) groups (THOMAS and NOVOGRADSKY 1983,p.17).
- 5) According to sociologist Frances HENRY, "a study conducted in British Columbia found that 25% of majority respondents felt that Indo-Canadians were not acceptable in "our" community whether they were immigrants or born in Canada. An additional 11% would not admit them into the country (ROBSON and BREEMS 1985). A study conducted by LI in Saskatoon found that nearly 42% of the majority population were opposed to East Indians coming to Canada and 26% were against further Chinese immigration to Canada. About one quarter of LI's sample felt that Canada would be harmed by East Indians coming to this country" (cf. HENRY and GINZBERG 1985, p.9).

segregation and refusal "cultivating" the oppression and inferiority of past discrimination.

What types of discrimination have been found to be relevant? Studies differentiate the following types:

- a) intentional respectively motivational unfavorable or disparate treatment based on stereotypes or prejudice about race, ethnic and national origin, religion etc.
- b) unequal or differential treatment based on prohibited grounds not justified by business necessity. Courts in the U.S. have this discrimination grouped into three types: scored "paper-and-pencil" tests, non-scored objective criteria (e.g. years of experience or level of education) and subjective criteria (assessment of "leadership", "initiative" etc)
- c) systemic or constructive discrimination. This kind of exclusive practices is unintentionally and "hidden" in the way the organizational "system" works. It is often a long-standing policy or practice so everyone goes along with it, although it has an adverse impact on entire groups of people for non job-related reasons. It becomes noticeable when one looks at patterns of recruitment in the workforce which exclude certain groups, for example the constant under-representation of designated groups in special occupations, the non-recognition of equivalent credentials or potential of an individual, biased testing, narrow recruitment channels, non-job related qualifications and experience, job stereotypes, exclusive seniority clauses etc.

Discrimination and racism conflicts with the actual and future developments and needs of Canada. Without a change in the ethnic and race relations and a strive for more equality one can assume that the trends in immigration and demographics alone will produce ethnic and racial tensions and segregation in the future.

2. The Canadian Employment Equity Legislation

Preferential policies like the Canadian employment equity are a mean to settle lurking conflicts of discrimination in societies with a high ethnic diversity and a measure to accommodate the actual and future dominant influx of non-white immigrants in a society based on individual human rights and constitutionally guaranteed equal treatment. These policies are not a new historical phenomenon, see for example various Numerus Clausus laws in the past. It includes a wide range of measures of legal enforcement, commitment of resources, public legitimation, duration over time and evaluation of the effectiveness of such programs and is a world wide phenomenon⁶⁾. Preferential policies contain as a rule three essential components:

- a) special measures to redress past/historical discriminatory practices
- b) to remove barriers in the present and
- c) to develop measures to bring about fair representation of the target groups in the future.

The latter measures include the establishing of programs with goals and timetables that will specify the actual numbers of people hired within a definite deadline.

The actual legal foundation of preferential policy in Canada is very complicated. Basically it is rooted on a federal, provincial and local legislation. Its main pillars are the Charter of Rights and Freedoms, the Canadian Human Rights Act, the Federal Government Employment Equity Act and the Federal Governments Contractors Program.

Let me give a short overview about the origins and the content of the different legislations. First we have to consider that the Canadian legislation itself is partly based on the U.S. experience⁷⁾, partly on former experience with similar

6) Preferential policies are existing in first world countries like Canada, the U.S., Australia, New Zealand, South Africa or Britain but also in so called Third World countries like India, Pakistan, Nigeria, Guyana, Malaysia, Sri Lanka, Indonesia.

7) The concept of affirmative action in the United States of America is mainly directed on workplace discrimination based on race, ethnic origin and sex. Federal affirmative action programs are enforced under the Civil Rights Act of 1964 by the "Equal Employment Opportunity Commission" as well as the "Office of Federal Contract Compliance". Federal anti-discrimination laws cover the entire workforce and are mandatory. Contract compliance is a symbolic measure to ensure that employers agree not to promote

programs in Canada. Even though it was not so named, when veterans were given preferential hiring treatment in the federal Public Service, this was essentially the first Employment Equity program in Canada. According to Cohen, "the rationale for this program was that, while male veterans were out of the paid labour force, they were making a contribution to our way of life and therefore merited preferential treatment upon returning to the civilian labour force"⁸). Another form of employment equity was the French Language Program in the 1960s. Outreach, recruitment and the conversion of certain positions into bilingual ones were part of a stringent goals and timetables program. As a result, "French-Canadian representation increased from 12.25% in 1946 to 26.4% of the federal Public Service in 1981, a percentage which is proportional to their numbers in the total population in Canada"⁹).

Preferential policies in Canada are based on constitutional rights. The Charter of Rights and Freedoms guarantees the basic rights of Canadians, e.g. the freedom of choice and the equal opportunity of individuals to develop their various abilities. Discrimination and inequality are violating these rights of individuals because able people are excluded because of ascriptive differences, not out of lack of merit. The Canadian Charter stresses not only the chance of equal opportunity but also accepts the need to compensate for past and present injustice by helping the unequal treated to reach a position from where they can compete on "equal" terms¹⁰). This perception focuses on: a) the "intent" of the other to discriminate (therefore, emphasis is placed on education to overcome individual prejudice) and b) equality of access, or what has been called procedural equality.

Although the Canadian constitution legitimated the attempts for equality, it was proved that it is not sufficient to guarantee equal opportunity and to avoid growing ethnic and racial discrimination - in times of rapid demographic change and a growing ethnic mix. Therefore, in 1963, after much pressure from the

discriminatory practices. Most states, except some of the south, have besides the federal laws, state run Affirmative Action programs, cf. Urban Alliance on Race Relations 1977.

8) COHEN 1983, p. 32

9) COHEN 1983, p. 32

10) "The over-riding principle in establishing programs for disadvantaged groups is to allow members of disadvantaged groups to be able to come to the starting line with an opportunity equal to the dominant majority and in order to treat some persons equally, we must treat them differently", TARNOPOLSKY cf. WALLIS 1990.

community, the Royal Commission on Bilingualism and Biculturalism included ethnic groups in its terms of reference. As a result, the federal government initiated a Multicultural Policy within a bilingual framework. The policy's four main objectives were:

- * to assist the development of cultural groups that demonstrated a desire to develop a need for assistance
- * to assist cultural groups in overcoming barriers to full participation in Canadian society
- * to promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity and
- * to assist immigrants in acquiring at least one of Canada's Official languages¹¹⁾.

The focus of this policy was cultural pluralism. It also reinforced the idea of equality of opportunity and the freedom to choose. But even the multicultural policy was not as successful as its inventors had hoped and failed to address substantially discrimination and growing racism in Canada.

Other acts in place, such as the Fair Accommodation and Fair Employment Practices Act, were not satisfactory either, since they continued "to place the whole emphasis of promoting human rights legislation upon the individual who has suffered the most, and who is often in the least advantageous position to help himself"¹²⁾.

These concerns were addressed by Human Rights Commissions set up by Provincial Human Rights Codes to aid individuals in filing complaints. By 1975, all Canadian provinces had established Human Rights Commissions to administer anti-discriminatory legislation, and two years later, the Canadian Human Rights Act established a Federal Human Rights Commission¹³⁾.

Eventually the Canadian Human Rights Act became law in 1977. It applies to federal and federally regulated bodies, and its aim is to protect Canadians from discrimination based on 10 grounds: race, national or ethnic origin, color, religion, age, sex, marital status, family status, disability, or conviction for an offence for which a pardon has been granted. The Canadian Human Rights

11) Notes on Multiculturalism, p.3, cf. WALLIS 1990.

12) cf. TARNOPOLSKY 1982, p. 570

13) cf. KALLEN 1982, p. 44

Commission acts as the watchdog for this Act¹⁴⁾. The Commission can investigate individual or collective complaints, can invite employers to join it in reviewing progress towards fairer employment practices, where their reports suggest that there may be discrimination or can launch a complaint on its own account. Enforcement of the Human Rights legislation is supported by its right of publicity. A disadvantage of investigating hundreds of individual complaints is the slow process and the dependence on the individual taking the initiative. Even then, the investigation only deals with the specific issues surrounding the complaint. Therefore many potential claimants prefer not to complain through the Human Rights Act and drop their grievance or use less satisfying ways to solve their problems.

The federal Human Rights Act is complemented - as above mentioned - by provincial Human Rights Codes, like the Ontario Human Rights Code¹⁵⁾. It prohibits discrimination in employment on a broader base as the federal legislation, namely race, ancestry, place of origin, citizenship, creed, sex, age, record of offences, marital status, family status, handicap or sexual orientation. Remedial measures designed to "relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve...equal opportunity" are also permitted under the Code. It functions similar like the federal Human Rights Act, however it covers only persons and organizations in the province. In special court cases the provincial decisions can be overridden by the federal act.

In terms of public policy, the 1984 Royal Commission Report on Equality in Employment prompted federal action in the form of the Employment Equity Act

14) In terms of specific reference to employment equity, Section 15 (1) of the Canadian Human Rights Act permits the adoption of a voluntary employment equity program, and Section 41 (2) of the same act authorizes a Canadian human rights tribunal to order a company to implement a mandatory employment equity program in case of discrimination. In addition, as of April 1985, the Canadian Charter of Rights and Freedoms also legalizes "special programs", such as employment equity programs (see Jain and Hackett 1988, p.2). On paper, the legal grounds for the establishment of employment equity programs exist in Canada, cf. WALLIS 1990.

15) The Provincial Human Rights Legislation differs significantly. The Quebec and the Saskatchewan HR Commission have a set of regulations in order to approve employment equity plans a) a systematic analysis of an employer's current workforce b) a comparison of the make-up of that workforce with that of the larger surrounding community c) establishment of management policies which will move in the direction of overcoming those imbalances which have been identified, within a certain time frame, and d) a monitoring system to ensure that goals and timetables are being adhered to.

and contract compliance for federal government contractors. Because Canadians wanted to avoid the notion of a rigid quota system and the widespread prejudice of "unreasonable reverse discrimination", associated with the term "affirmative action" used in the U.S., they created the term "Employment Equity"¹⁶⁾. It was first used by Judge Abella in her 1984 Royal Commission Report on Equality in Employment. Employment equity was defined as a process to expand the opportunities of individuals in designated groups who previously have suffered discrimination. The designated groups currently include women, native people, disabled persons or specific visible minorities.

The goal of employment equity is defined more narrowly than that of the Human Rights Act. It is oriented to ensure genuine equality of opportunity and fairness in the workplace without setting quotas. Employment equity supports officially the hiring of "the most qualified person" by abolishing "systemic" barriers which prevent talented persons of target groups from advancing as they should. Therefore employment equity initiatives include positive measures to eliminate bias from hiring, promoting and other employment practices and policies, and to increase the measurable representation of the above mentioned target groups in all organizational levels and occupations.

The Federal Government Employment Equity Act (formerly Bill C-62), a law passed in June 1986, applies to companies that are under federal jurisdiction (e.g. banks, interprovincial trucking, interprovincial communications). About 400 or 10% of all larger Canadian companies with about 600,000 employees, 215,000 public servants to whom Treasury Board policy applies and approximately another 120,000 in the armed forces, Royal Mounted Police and National Research Council, are covered by this Act. Companies compliance is met by annual reports to the Federal Ministry regardless of the composition of their workforce or the development of the representation of target groups.

The Federal Governments Contractors Program came into effect in October 1986 and is a policy (not a law!) designed to ensure that federal contractors who

16) The Ontario Ministry of Citizenship defines employment equity in a brochure distributed in July 1989 as "a comprehensive process adopted to ensure equitable representation of designated groups throughout the workplace and to remedy and prevent the effects of intentional and systemic discrimination"

do business with the Government of Canada, achieve and maintain a representative workforce. The program affects companies with 100 or more employees tendering for goods and/or services contracts of 200,000 \$ or more. As a condition to bidding, they must have signed a "Certificate of Commitment" certifying that they will conform to eleven employment equity criteria. Such measures require identification and removal of barriers to selection, hiring, promotion and training, so that the applicants' abilities are assessed against fair and reasonable job requirements and workforce representation. Companies having received contracts are subject to on-site compliance reviews carried out by employment equity branch officials who will judge the company's compliance. Failure to comply may result in sanctions, including eventual exclusion of the company from future government business¹⁷⁾.

To ensure fair hiring, promotion and training practices, companies under the Federal Act must collect and report occupational, salary and other data on employees who are members of the four designated target groups. The intention is to give the employer and the government an overview about the representation of the target groups at various organizational levels in the company and in the different regions of the country compared with the Canadian population as a whole. If representation is poor, a review is called for. And if under-representation can be traced to systemic or intentional discrimination, then employers have a duty to correct that problem through a full employment equity plan. The reports must be filed annually with Canada Employment and Immigration, will be tabled in Parliament and made available to the public and the Canadian Human Rights Commission. The first report had to be filed by June 1, 1988. Employers who fail to report face fines up to \$50,000. In 1991 the Canadian Parliament in Ottawa will review the Act.

Communities also have implemented employment equity programs. The most advanced example is Toronto. From 1975 to 1982 the City of Toronto

17) So far (September 1989) have only 36 companies reviews completed and another 137 were in process out of 598 certified contractors with 100 or more employees. Only 2 companies from Alberta and Manitoba were found in non-compliance and were removed from the federal contractors' list until such time as an acceptable workplan is submitted and appropriate initiatives are instituted. It is of interest that both companies appealed the findings of the Compliance Review Officer and in both cases the original decision was upheld. cf. The Manufacturer, September 1989, p.4.

implemented various types of voluntary "Equal Opportunity" programs. It was only when these programs showed incremental changes that the city launched into the goals and timetables phase of its programs. While the results in 1982 showed better representation of the target groups compared to the situation at the City in 1975, the progress was very slow. Therefore in 1985, the City took an unprecedented step and moved towards mandatory goals and timetables. The City of Toronto is also implementing a mandatory "Contract Compliance" program affecting 25 civic agencies, all grant recipients and all companies seeking city business. Requirements for each group are different. However, effective July 1, 1987 any firm seeking City of Toronto business will be required to provide the city with workforce data, including salaries and wages for all designated groups - women, visible minorities and handicapped¹⁸⁾. Actual suppliers will also be required to adopt and post non-discriminatory policies. The first report is expected in spring/summer 1990.

The implementation of an Equal Opportunity Program with mandatory goals and timetables at the City is significant on other levels. One of them is its impact on the provincial government which is watching the City's process with great interest as they are currently working on proposals and mechanisms that will initiate employment equity in the province. The Government of Ontario has already stated that "the achievement of equal opportunity and social justice for all Ontarians is a fundamental and unalterable commitment." In addition to recent pay equity initiatives (see above), it has taken a voluntary approach to the achievement of employment equity in the private sector. It has asked Ontario employers to sign a Policy Statement on employment equity which commits their companies to undertake specific initiatives and is exploring the need to legislate equity if the current voluntary initiatives do not have the desired effect¹⁹⁾.

As experts state, these developments and other governmental steps like the Canadian Multicultural Act of 1988, the establishment of local, provincial and

18) Because the city has different data-reporting requirements than the government the federally regulated companies (notably the banks) that are covered by the Federal Employment Equity Act as well as the City's Contractors Program have been very displeased about the City's new legislation

19) Another provincial legislation to improve the situation of a discriminated group is the Ontario Pay Equity Act, effective as of January, 1989. It requires public sector employees and private sector employees with ten or more employees to eliminate gender-based pay inequities. The Act specifically requires that there be equal pay for work of equal value.

federal Race Relation Committees and the pressure respectively the lobbying of interest groups, unions and politicians and other measures have helped eliminate "unfair" employment barriers and improved the environmental climate in favor of more equal opportunities and - as a result - advanced consideration of employment equity on the agenda of many unions and companies²⁰⁾.

3. The Canadian Experience with Employment Equity

What are the results of Canada's experience with employment equity? At the moment it is not easy to draw a conclusion: the process of implementation and monitoring is still ongoing and the fall-out is yet not clear enough. The U.S. example shows that programs must be running for some substantial period of time before effects can be evaluated. Nevertheless, employment equity has produced a wide range of positive and negative results and arguments. Before some of these arguments are discussed empirical results from the first annual reports and from studies about the Canadian experience are presented:

3.1 Statistical Trends

The outcome of Human Rights Codes and the Employment Equity legislation differs in and between the four designated groups quite remarkably:

- a) the 1989 report on employment equity in federally regulated companies and Crown corporations found only minuscule or no gains for women, native people, disabled persons and minorities in regard to their representation in the overall workforce and their earnings. However there was a significant improvement for white, educated and middle class women²¹⁾.
- b) among visible minorities there seems a deepening of ethnic inequalities. Recently immigrated, highly educated, better financial equipped and motivated East and South East Asians pass the Blacks in job performance and promotion. As a result Blacks are still at the end of the social ladder.

20) See for example Ontario Women's Directorate 1987a,b

21) "Job-equity law under fire as minuscule gains found for women and minorities" by Sean FINE, The Globe and Mail, Toronto, 17.1.1990, p. A1

- c) if there was a little improvement of the situation of target groups, this happened only in the public services sector, not in the private sector. The annual reports for 1987 and 1988 provide some interesting information about the reasons: only about one fifth of the employers filing reports indicated support for the concept of employment equity. It was found that in most cases there was no standardized method of conducting workforce surveys and there were very few employers who have taken special efforts to improve the representation of designated groups. For example, with the help of outreach recruitment, bridging positions, technical aids, designated inventories, alternate work schedules²²⁾. Other legitimated their failure to meet or to improve the representation of target groups mentioned a lack of applicants or low turnover with little new hiring, which seems, especially in times of economic recession or stagnation, a serious argument.
- d) the acceptance of equal opportunity, multiculturalism and anti-racism varies from province to province. Whereas Toronto and Ontario represent relatively the most advanced Canadian locations other areas are far back behind²³⁾. It seems that the outreach of federal regulations is geographically limited as long as there is a lack of good-will and awareness within the political, administrative and economic leadership.
- e) Although various scholars and observers have considered the impact of employment equity programs on processes of social stratification, there appears to be no definitive studies which have been able to isolate the impact from other labour market variables. For example, it is not clear if the steadily increased participation rates of white educated women in the labour force and the greater number of women in both traditional and non-traditional occupations is mainly an outcome of employment equity legislation or of social, economic, demographic and other trends which would have occurred even without these programs. This becomes clear if we look at the little development of participation rates for non-white

22) Ontario Ministry of Citizenship. 1989. "Government of Canada Employment Equity Programs", p.7

23) Report on a Royal Commission about natives and blacks in Nova Scotia, cf. The Globe & Mail, 29.1.1990

women²⁴⁾. On the other hand it could be argued that under the Canadian legislation the employers have been forced to give target group employees the opportunities to demonstrate their abilities and to earn new opportunities and therefore - in the long run - they may benefit from that program. Moreover the program creates more awareness of discrimination and stereotyping and therefore, supported by the publicity of annual reports, helps to improve the situation of target groups.

3.2 Arguments Against a Strong Enforcement of Employment Equity

LEONARD (1988), an American professor, evaluating the impact and cost of U.S. contract compliance remarked that there have been two major lines of criticism. The first points out that the program simply does not work and therefore should be abolished whereas the other says the program did work and therefore should be ended or - at least - be deregulated.

Conservative voices, especially from the business community, defame employment equity as a costly and unnecessary intervention into business affairs and the "invisible balancing hands" of the marketplace. They point out negative consequences for competitiveness, employment, business profits and social harmony. If any, employers recommend only a voluntary, non-regulated approach without public monitoring and data reporting requirements. Some argue that equal hiring of target groups presupposes their training by the government on cost of the taxpayer.

The complexity of the Canadian legal system and the different responsibility of federal, provincial and local administrations and commissions is another argument brought forward. Employers want employment equity to be simpler, with fewer occupational categories, broader or with no salary bands and covering only full-time employees. Others complain the reporting requirements as too onerous, inappropriate to their industry, and inconsistent with or different from other reporting requirements. Concern also has been raised about public

24) Judy REBICK, a chairwomen of the Toronto based Alliance for Employment Equality commented in the Globe & Mail, Toronto (17.1.1990): "The changes are just too slow. I think you'd probably see these kinds of improvements without the law"

disclosure of employer reports, unfair advantage of non-regulated companies and the stirring up of ethnic tensions.

As the 1991 parliamentary review draws nearer, some of the above mentioned objections or fears have been diminished since the Canadian Employment Equity Act has come into force and the public has become more acquainted with the regulations, the organizational changes and the costs as well as the benefits of the program. Because the actual political climate in Canada is not in favour of a rigid anti-preferential policy strong objections are mostly not raised in the public or they are wrapped in polite rejections. But as it is clear that the legislation will be reviewed in the near future, although not abolished, the opponents try to water down proposals they think are hurtful for the business, especially a strong enforcement of legislation by clear defined and mandatory goals and timetables regarding contract compliance or target group representation including the data reporting system, which is blamed as costly paperwork²⁵⁾.

Many critics identify employment equity with quota systems and argue that employers are urged to hire unqualified people to comply with the "quotas". As MARANO (1988) in his study about the objection of affirmative action by the U.S. Chamber of Commerce and the Associated General Contractors has pointed out, there is a general lack of understanding of the distinctions between goals and quotas. The opponents of employment equity often disregard that in most legislations milder forms of preferential policies are supported, for example tie-breaking schemes if candidates are "equally qualified" or extra-points schemes with extra credit for minority candidates. Other than anecdotal stories from individuals, there is little evidence to support notions of the promotion of unqualified applicants. Moreover, there is little evidence that the existing enforcement have urged, for example, contractors to hire masses of unqualified employees which had an impact on the economic performance of the business. In fact most regulations require only the performance of good faith or the setting of goals and most compliance reviews have been completed without financial or

25) See for example The Automotive Parts Manufacturers' Association of Canada. 1989. Submission to the Minister of Citizenship, The Minister of Industry, Trade & Technology, The Minister of Labour and The Minister of Skills Development on Employment Equity. Toronto: Unpublished Paper, 8p. Motor Vehicle Manufacturers' Association, 1989. Comments to Employment Equity Directions in Ontario. Toronto: Unpublished Paper, 7p.

other excessive penalty to the employer. As well, the following questionable assumption is implicitly underlying this argument: the attitude that the traditional hiring process itself is fair and what is needed to compensate for the under-representation of the target groups would be simply the exclusive use of arbitrary choice. But this conclusion is very problematic. It assumes also that visible minorities are not qualified to compete equally with anyone else on the base of "individual merit" and that selective hiring is the only way to increase the representation of the target group members. The objection also assumes that the candidate managers think is most qualified is in fact most qualified. However this is often not so, simply because there is no formalized monitoring or evaluation of selection and screening processes existing and because managers are biased and can misstate candidates.

Often resistance against employment equity is disguised in rational arguments arguing with the different situations of employers and the existence of special conditions which are not likely to be applicable for employment equity programs like a lack of data and labour market pools, low-turnover, high percentage of licensed professionals, collective (seniority) and return-call agreements, lack of credentials and licenses of target groups applicants in certain non-traditional positions, low referral rates from personnel etc. These arguments may be valid in some cases, but cannot be generalized and used as arguments against the achievability and verifiability of a definite commitment.

The concept of good faith effort embedded implicit in the Canadian employment equity legislation will, for example, not penalize a contractor for lack of applicants from minority pools as long as he sincerely designs outreach, structures hiring criteria fairly and sets goals. Such employers can engage in training or can seek referrals from relevant training programs. If, in the end, they are not able to find such employees, they are not financially penalized²⁶⁾.

Another often used argument is the contradiction between seniority rights and employment equity principles. However, the Canadian Labour Congress has shown that 40% or all organized workers in Canada were covered by agreements that did not include any provision for seniority rights applied to

26) See MARANO 1988

promotions, similarly for 25% in the case of lay-off seniority systems. If seniority would be extended to a) temporary, part-time, contract and casual workers, b) strengthened for workers in ghettoized jobs, c) extended to lifetime recall rights, retroactive seniority or retraining rights in case of lay offs, in fact all workers - including visible minorities - would gain.

More sophisticated and theoretical arguments supporting the diminution of preferential policies come from influential intellectuals from conservative think-tanks in Canada and the U.S.²⁷⁾ Affirmative action programs are dismissed on the grounds of individualism, suggesting that each individual will advance according to his or her merit. This line of thinking obliterates the inequities groups of people face, inequities that are the result of an accumulation of past and present injustices. As Judge ABELLA argued, "It is not that individuals in the designated groups are inherently unable to achieve equality on their own, it is that the obstacles in their way are so formidable and self-perpetuation that they cannot be overcome without intervention"²⁸⁾.

Other critics question the practical applicability of employment equity programs. They argue that the courts or the legislator could never clarify the amount of statistical imbalance or inequality that is required to justify preferential treatment of a particular group nor could they indicate the appropriate statistical basis for, or offered guidance regarding, the type of affirmative action provisions deemed to be reasonable related to the purposes²⁹⁾.

Thomas SOWELL (1989) has comprised the conservative arguments against employment equity in a recently published article in "Commentary". He criticized the "expansionism" and persistence of affirmative action programs as soon as they have been implemented; the tendency of reverse discrimination; the speculative and illusory character of the underlying "equality" philosophy based on "arbitrary and unfounded assumptions of evenly representation of groups in the absence of discrimination" including the blaming of present generations for the mistakes of the past; the insufficient empirical, statistical or cultural

27) See for example the Simon-Fraser Institute in Vancouver or the neo-conservative New York published periodical "Commentary"

28) ABELLA 1984, p.254

29) BEVAN 1985,p.465

explanations and proof of ethnic and racial inequality and; the danger of abuse and counterproductive results³⁰).

However, most of these arguments do not deny the existence of past and present discrimination nor can they prove that there has been **no** positive impact of preferential policies on the re-evaluation "traditional" screening pattern, the social position of target groups and ethnic stratification and the improvement of race relations. Critics also have never questioned the legitimation of constitutional equality rights forbidding exclusion on grounds of race, ethnic origin, sex, religion etc. Nonetheless some of the above mentioned concerns have to be taken into account and the results of employment equity thoughtfully monitored to ensure a proper enforcement of the legislation. Moreover, it could be argued that the opponents of preferential policies point at crucial questions: a) the rights of fair social representation **and** equal treatment by merit, and b) the discrepancy between equality of opportunity and equality of results.

In her 1984 report ABELLA defined employment equity as a strategy designed to obliterate the present and the residual effects of discrimination and to open equitably the competition for employment opportunities to those arbitrarily excluded. ABELLA describes employment equity implicitly as a social process that is very dynamic and political. According to ABELLA, employment equity requires a "special blend of what is fair and what is workable" (ABELLA 1984). However, what is "reasonable, fair and necessary" is open for interpretation. Equal treatment of individuals translates - under unequal socioeconomic circumstances, for example women with double workload and - under discrimination, into not treating everyone fairly. Therefore is equal treatment by merit in all cases compatible with the notion of preferential policy? Is the "merit principle" a sufficient screening device? Moreover, equality of opportunity has been explained in the context of formal equality and must be characterized as an

30) "As a result of the economic, educational, and cultural heterogeneity among and within the ethno-racial groups, affirmative action will not assist the groups which need assistance the most and will not assist the deserving members within a given group. Affirmative action increases the rates of return for the best educated without delivering benefits to the least. Affirmative action does not respond directly to the problem of racist attitude. Affirmative action for visible minorities is attractive in part because it serves the needs of politicians and interest group leaders. Political leaders favour programs such as affirmative action which offer both fiscal and output illusions", cf. Conrad WINN 1985, p.689.

aspect of liberal theory which stresses state intervention only for the purpose of guaranteeing equal chance. But what is meant by that? The substantive notion of equality leaves us on the other hand with the question: what result is desired and how much will the state intervene for "equal concern" or material equality and how much is the state allowed to limit the individual choice³¹⁾?

3.3 Arguments for a Strong Enforcement of Employment Equity

The actual employment equity legislation in Canada has also come under fire by supporters of a strong enforcement of preferential policy, however, they argue from the opposite point of view. They criticize the actual "weakness" of the legislation. Voluntary efforts of compliance are from their perspective ineffective, toothless and mere superficial tokenism. Unions complain that their role is simply "consultative" and that they should be equal partners with management in developing and implementing employment equity. STASIULIS (1987) stated that the federal employment equity policy remains de-facto voluntary - making modest demands on business to show good intentions, since it lacks a) specific goals and timetables b) systematic monitoring mechanisms or c) effective sanctions for non-compliance³²⁾. Most critics come to the conclusion that the legislation has not gone far enough, is not sufficiently detailed, strong or broad and that there is a lack of will within the political, administrative and economic elite. Recent studies support this views³³⁾. Major recommendations to overcome

31) cf. Ontario Ministry of Citizenship. 1989. "A Theoretical Context for Employment Equity", p.16.

32) Under the Employment Equity Act there is no sanction for failing to implement employment equity and the ongoing underrepresentation of target groups. Companies are only punished if they do not comply with the data request. Under the Federal Contractors Program standardized data collection or reporting requirements are not required. The Canadian Human Rights Commission is expected to rely on the employment equity report data and "availability" data to determine if there has been systemic discrimination. But this is not simply a question of numbers, it is a question of discriminatory employment policies and practices. On the other hand the Commission can only initiate a complaint if there are "reasonable grounds" although there is the question if they will have access to sufficient information at the relevant time, cf. BEVAN 1989.

33) A survey of organizations in the broader public sector conducted by the Ontario Women's Directorate in the spring of 1988 identified the following major barriers: the lack of political will and commitment by senior management, the negative attitudes of both the staff and management, lack of public information, and lack of adequate support and resources for program staff. A representative of the Toronto based "Alliance for

these barriers are a) increased financial resources, b) increased management accountability and c) the enforcement of mandatory employment equity legislation for all industries and employers d) stronger penalties for non-compliance and e) inclusion of part-time workers.

Some academic observers also point out a failure of the program and refer to the results of the annually federal government reports. After evaluating Canada's employment equity programs, COHEN concludes for example "that the measurable and observable results after ten years must be classed as disappointing"³⁴). However their criticism falls short because they do not recognize the non-measurable qualitative effects of improved awareness of discrimination and prejudice in the public opinion promoted by the publicity of annual reports and increased media surveillance. The higher awareness itself creates the impression of raising inequality and discrimination. As mentioned before it might be now too early to evaluate the effectiveness of the Canadian efforts for more employment equity. The affirmative action programme in the U.S. was in the first years also strongly criticized as ineffective by supporters but has in the long run proved to be more substantial and effective than initially supposed. An indirect result has been the stimulation of training programs in and out of the employer community, supported by both public and private dollars. It is also remarkable that in the U.S. some of the strongest deniers - big business - have become strong supporters of affirmative action. This became clear when former President Reagan's planned to dismantle the American affirmative action program³⁵). We can find a similar example in Canada. The Canadian Business Equipment Manufacturers Association issued for example already 1985 a positive statement encouraging its members to implement voluntary employment equity programs because "it makes good business sense"³⁶).

Employment Equity" summed the delaying-tactics of the political class up on a conference of the Ontario Federation of Labour in spring 1990: lots of buzz-words, consulting and "discussion papers", but no action and a lack of continuity of responsible persons and teams within the government bureaucracy.

34) cf. COHEN 1983, p.4

35) Ontario Ministry of Citizenship. 1989. "Programs in the United States", p.20 and Appendix B

36) Canadian Business Equipment Manufacturers Association. 1985.

Other economic arguments in favor of affirmative action have been increased productivity; a lower rate of absenteeism and reduced turnover; a better staff morale; a higher commitment and increasing organizational "health"; broader manager skills and the incorporation of more ethnic creativity ("more people, more options, more expertise, more viewpoints"); a better public image of corporations; greater access to diverse (ethnic) markets and the enlargement of the applicants pool; the demystification, depersonalization and higher transparency of the promotion process; the development of more job-related job descriptions with less extraneous and irrelevant requirements; the establishment and improvement of better hiring procedures and standards; the improvement of employee disciplinary action policies, of promotion policies and of performance evaluation³⁷⁾.

Some of the supporters of employment equity in Canada hope that the pressure for implementing employment equity comes from the business world because of the above mentioned benefits of non-discriminatory policy. Employers have found that visible minorities and recently arrived immigrants often are highly motivated and highly educated. Underutilization of their skills would be a loss for the organization, especially in a time with growing lack of skilled workers. Therefore Timothy REID, president of the Canadian Chamber of Commerce, expects business pressures will force employers to enact employment equity and to encourage racial diversity³⁸⁾.

In the U.S. several reports and empirical studies claim to have found that - in general - the benefits of preferential policy are greater than the costs. The Hatch Report, a 1982 Senate Committee analysis, concluded for the U.S. that there was wide support among employers, minorities, and women for affirmative action programs but that there was a serious need for administrative reform to reduce unreasonable costs, paperwork, and complex compliance procedures. However, a study from the U.S. Conference Board found that increasingly, senior personnel executives are coming to view at even these paperwork requirements from a more positive perspective: "Many admit that - for the first

37) Hearings of the Citizens Commission on Civil Rights, November 1983

38) "As the commercial world becomes increasingly competitive, discrimination in hiring will carry a staggering cost for any business operation", Timothy REID at the Conference on Employment Equity at the Workplace, McMaster University, Hamilton, Ontario, March 2-4, 1990

time - they have detailed information about the numbers of people in meaningful job groupings and about the movement or flow of members of various protected groups into, between and out....during specified time periods. Furthermore, because of line management participation in the establishment of realistic, interrelated goals and timetables, again for the first time they have solid information regarding the company's probable future human resource needs. They also have developed a much clearer picture of external labor market sources and availabilities, once again by meaningful job categories. Put all this information together and they find that - for the first time - they know enough to begin to monitor and to help the company to manage its overall human resource utilization as a flow system"³⁹⁾.

Other recent published studies commissioned by the U.S. Department of Labor and others (CRUMP and LEONARD 1984, BROWN 1982, SMITH and WELCH 1986 and WILCHER 1986) concluded that affirmative action enhances the employment opportunities and earnings for minorities and women⁴⁰⁾. Another study done by the Equal Employment Advisory Council found that equal employment opportunity regulation is "growth-inducing" although the cost for a compliance review to a Fortune 500 federal contractor is just over \$ 20,000.

Another advantage of a consequently applied anti-discrimination policy is the long-term pacifying and social stabilizing benefit for the society and its communities. In the long run increasing criminality and racial tensions would be indeed more costly than any anti-discrimination legislation and policy. This is acknowledged not only by the supporters but also from many critics. Not only social workers but also representatives of the police are some of the most outspoken supporters of multiculturalism and socioeconomic justice⁴¹⁾. In that respect it is not casual that the Civil Rights Act in the U.S. was implemented after

39) cf. BEVAN 1985, p. 461

40) The relation of minority to white participation rates between 1950 and 1980 for officers and managers rose from 21.5% to 43.3%, for professional and technical workers from 37.5% to 77%, for skilled craftsmen from 35% to 72.2%. Similarly the ratio for unskilled laborers fell from 282% to 160.5% and for service workers from 233.3% to 176.1%, cf. Alfred W. BLUMROSEN 1985, p. 425

41) Norman INKSTER, commissioner of the Royal Canadian Mounted Police, said at a conference in Hamilton in spring 1990 that Canada faces racial unrest and violence unless the country accepts a new multicultural and multi-racial society. If there were no solutions addressing these concerns one has to expect a wide-sweeping attitude of racial discrimination creeping into the country's social fabric.

race riots, growing ghettoization and ethnic delinquency in American cities in the 60s.

The demographic outlook for immigration societies with a heterogeneous ethnic and racial mix suggests that alone from the point of view of future demographic change the equal incorporation of different ethnic groups and races is necessary and reasonable for the maintenance of a viable society. As Timothy Reid, President of the Canadian Chamber of Commerce pointed out at the Hamilton Conference: "Statistics simply...underline the point that the traditional immigration patterns are changing and that the next generation of new Canadians will markedly increase the racial diversity of the Canadian population...As the commercial world becomes increasingly competitive, discrimination in hiring will carry a staggering cost for any business operation, In fact, it may well be fatal. Companies that fail to take into account Canada's changing reality, or that choose to try to ignore it, will be left behind"⁴²⁾.

4. What Can be Transferred to Western Europe?

Various countries around the world have legislation policies supporting employment equity similar to Canada⁴³⁾. Although it can be useful to study their experience, no such programs can blindly be adapted or transferred into another national, legal, socioeconomic, cultural, geographical and political context, let alone the different labour market practices, conditions and target group definitions⁴⁴⁾. A serious comparison of equal opportunity measures has been done by Chester (1985). His review on the experience of other industrial developed countries with affirmative action show that - besides the traditional immigration countries - only a few other countries have an employment equity

42) Conference on Employment Equity at the Workplace, McMaster University, Hamilton, Ontario, March 2-4, 1990

43) Examples are Belgium, Ireland, Australia, New Zealand, Sweden, Norway, France, Yugoslavia and the U.S.A.

44) National circumstances also determine how target groups are defined. In Northern Ireland the government has introduced amendments to the Fair Employment (Northern Ireland) Act of 1976 such that "where necessary" Roman Catholics or Protestants may be the target for affirmative action "where monitoring reveals an unrepresentative distribution of employment in a workforce", cf. Ontario Ministry of Citizenship. 1989. "Programs in Other Countries". p.4f.

legislation regarding ethnic minorities which could be used as a blueprint. Only Britain's Commission on Racial Equality promotes "positive action" for racial groups but views it as measures to place group members in competitive employment positions, not as a formula for preferential hiring. British race relations legislation is modelled on that of the U.S. and is enforced through quasi-criminal proceedings.

Because of the insufficient experience with quota systems for people with color in the U.S. and for women and disabled people in European countries like Great Britain, the Netherlands, Norway, Italy, Luxembourg, Belgium and France, it is likely that in future rigid systems have no great chance⁴⁵⁾. Good experience has been gained through specialized training and integration schemes, and in West Germany and Japan by a sophisticated grant and levy system for disabled. West Germany maintains a 6 per cent quota for the employment of so called "severely disabled" persons. A person qualifies for that status if voluntarily registered and proved by experts. But when the quota cannot be filled because of a lack of suitable candidates, employers are allowed to pay a monthly equalization levy contribution per unfilled place into a state fund until the full obligation can be met. This money is used for financial incentives to employers in compliance with the quota and for the promotion of vocational training, the purchase of technical aid and other employment support for disabled persons. When disabled people are dismissed there is an investigation. A disadvantage is the expense to operate this employment system. Another is the voluntary character and the tendency of employers to avoid responsibility by simply paying the levy and passing the cost on their customers. Others argue the necessity of an occupational diversification, promotion and on-as well as out-of-the-job training besides the simple blanket quota. Otherwise employers tend to fill the lowest and cheapest paid jobs with members of the target group. Nevertheless, the statistical data have shown a relative successful implementation of this program. Therefore a similar system for disabled has been adopted by Japan and will be adopted by France 1991⁴⁶⁾.

45) Some analysts say that quotas "are unnecessary in times of full employment and unenforceable in times of recession", cf. CHESTER, p.484

46) cf. Ontario Ministry of Citizenship. 1989. "Programs in Other Countries", p.6.

One barrier to establish preferential policies in Western Europe is the fact that the minority immigrant population - a result of the labour migration of the 50s, 60s and early 70s ⁴⁷⁾ - has not a citizen status. Due to their minor legal status as non-citizens they are not eligible for employment equity measures, although they can claim equal rights through the national and international Human Rights Acts and the constitutionally guaranteed right for non-discrimination.

The situation of the EC's respectively Western Europe's "visible minority" is still bound to the acceptance of the de-facto immigration of most of the former labour migrants now living for decades in these countries⁴⁸⁾. However, in the long run a reform of the citizenship status for these so called "foreigners" cannot be denied, simply because once internal borders are removed in 1992, an immigrant admitted to one country will be able to move freely to any other within the European Community. At the EC summit in Strassburg in December 1989 the members agreed that the community should review individual national rules regarding "foreigners" and seek a broad community policy. It is expected Italy will move the immigration issue to the top of the agenda when it assumes the rotating EC presidency later in 1990. The European Parliament already wants the community to adopt a Charter of European Residents, giving equal rights to all residents within the community regardless of nationality. Then, if discriminated groups and minorities are freed from their unequal legal citizenship status the question of "compensation for past and present discrimination" will become sooner or later an important issue on the EC agenda. In this case it is expected that unequally treated individuals and minority groups will claim to be eligible for some sort of "compensatory" employment equity legislation or contract compliance models like in the U.S. and Canada through EC laws and regulations than will override restrictive national laws.

When comparing various national policies on employment equity one can predict that in the future there will be a strong commitment from nations or

47) It is conservatively estimated that there are about 12 million immigrants in the EC, mainly in West Germany, France, Britain and Italy. The number of illegal immigrants is unknown, although it has been estimated that there are 800,000 in Italy alone.

48) The ILO in Geneva reports seven million children of immigrants now are living in the EC and other European countries. This group, representing 10% of Europeans under age 20, is locked in "an inflexible and marginal status" of poor education and opportunity, the ILO says, cf. from William MILLER "Europe removing welcome mat for immigrants", Globe & Mail, 25.4.1990.

supranational entities, like the EC, where a large public sector and intervention in the labour market is common and generally believed to be necessary to maintain that country's overall social, economic and industrial standard and strategy. Other important factors to take into consideration are the basic level of security, the level of political participation on all levels of the society and community, and the existence of strong (social) democratic parties and unions. There will also be nations opposed to government intervention, uncoordinated and/or short range manpower (educational and training) planning and with a weak public and political opinion and enforcement mechanism regarding Human Rights issues as well as the principles of individual and social equal opportunity. Regardless of the particular economic configuration in a jurisdiction, government can and should play a leading role in developing and identifying possible initiatives to promote greater equality in employment.

5. Conclusion and Recommendations

The European Community's vision of the future is bright: 12 nations joined in a union without frontiers, in which people can move as freely and unrestrictedly as goods, and, beyond that, the possibility of the grand alliance of a New Europe stretching from the Atlantic to the Urals. But for many there is a more troubling vision - that of the masses of the impoverished Third World knocking at the doors of a prosperous Europe, seeking a chance to share in the future wealth. It is a prospect that has set Europe on the path toward tougher immigration laws and has touched off a backlash against immigrated minorities and so called "foreigners". In the 1960s and 1970s, immigrants were welcome. Millions came in with full right of abode from Europe's former colonies; others were recruited as "guest workers". Afro-Caribbeans and Indians flocked to Britain, Algerians went to France while West Germany took in hundreds of thousands from Turkey. Now, the welcome mat has been withdrawn. Unemployment plagues some sections of the European economy and there is added pressure on jobs from the flood of newcomers from Eastern Europe⁴⁹⁾.

49) cf. William MILLER "Europe removing welcome mat for immigrants", Globe & Mail, 25.4.1990.

But the clock cannot be turned back on the world-wide and European migrations. People in search of a home can be contained for only so long. Governments, instead of increasing border patrols and bureaucratic mechanisms to cement the status of immigrants as "foreigners", should look toward alleviating social and economic disorders abroad that cause migrations in the first place, and they should work for a fundamental reorientation of their own populations at home including the granting of full respectively landed immigrant rights respectively citizenship for labour migrants now living and working with their families and EC-born offsprings for decades in the highly developed EC countries. They have to come to terms with the facts of global migration and integration.

This will require a new policy and responsible leadership of political parties, further educational efforts and better media footage on immigrant and refugee issues. Europeans should be better informed about the advantages of ethnic diversity and should be taught that multiculturalism is something to be proud of, rather than to be feared⁵⁰⁾.

Moreover, governments, people and business in Europe have to realize that a new approach is in their own interest. Countries like Canada and the U.S. did not implement preferential policies out of mere humane charity. Discrimination imposes an economic cost on society as well as on employers. Employers costs include some or all of the following: loss of productivity, increased labour costs, dissatisfaction and unrest among workers, increased wastage and, in extreme cases, even sabotage. The costs of society include direct increases in unemployment insurance and welfare payments as well as the monetary and human costs of crime and delinquency and social unrest. Finally discrimination in employment can result in the loss of potential market for the economy.

In order to eliminate discrimination and harassment in the workplace the following activities are recommended:

- * provide staff training in human rights, awareness of hidden barriers and in managing an ethnic diverse workforce
- * initiate employment equity programs and anti-discriminatory laws

50) cf. G. PLAUT in Globe and Mail, Toronto, 25.5.90

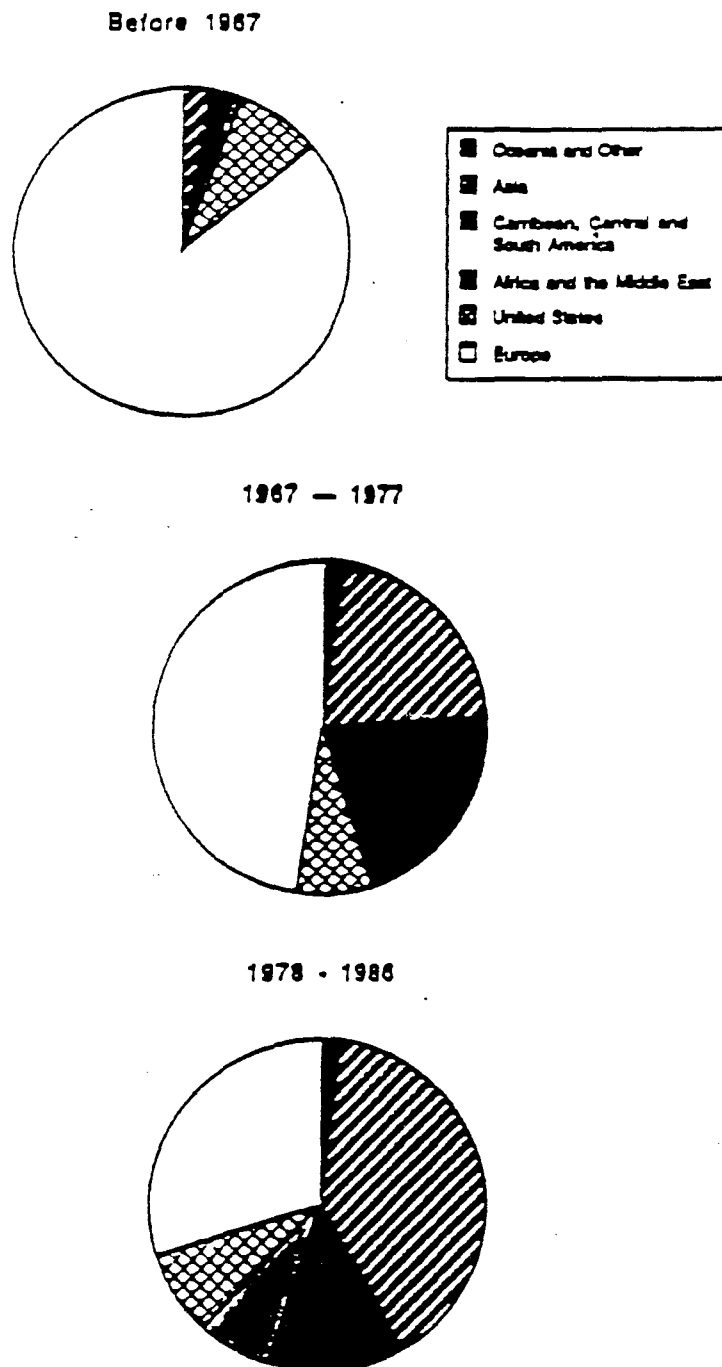
- * provide cultural, language and religious accommodation for ethnic minorities
- * increase the social, political and cultural participation of minorities
- * support intercultural exchange, pluralism, tolerance and multiculturalism⁵¹⁾.

Experiences in other countries indicate more benefits than costs of a well communicated and implemented anti-discriminatory preferential policy. Established through a participatory process, employment equity brings together the key elements of major currents of change in contemporary ethnic diverse organizations and societies, including trends towards equality of opportunity for previously excluded groups, transparency and democratization of decision making, protection of human rights, enhanced quality of working life, increased social harmony and a reorientation of responsibilities on all levels. Given the emerging demographic composition of labour markets and of the workplace as well as the values that are of fundamental importance to people around the world, these changes are long overdue. Yet it faces resistance because the questioning of traditional superiority - inferiority relations leads to a fundamental reconstituting of elites and challenges the traditional segmentation of labour markets⁵²⁾. However, even the opponents might be convinced to give up their reluctance for the obvious benefits which could result in a more stable, productive and tolerant relationship among ethnic and racial groups built on substantial equality and a multicultural identity.

51) See similar recommendations by the Ontario Ministry of Citizenship. March 21-23, 1990. Readings for the "Building Together" Conference, Toronto, p.8f.

52) cf. AGOCS 1991, p.25

Figure 1: Immigration population by place of birth and period of immigration, 1986



Source: Statistics Canada, 1986 Census of Canada

Table 1: Visible Minorities

Participation Rate and Unemployment Rate of Visible Minority Population 15 Years of Age and Over who Worked in 1985 or 1986, by Sex, Canada, Ontario and Toronto CMA

	Male		Female		Both Sexes	
	Visible	Reference	Visible	Reference	Visible	Reference
Participation Rate						
Canada	80.2	77.3	64.5	55.4	72.1	66.1
Ontario	81.3	79.1	67.0	58.6	73.9	68.6
Toronto CMA	81.5	81.7	68.2	63.0	74.5	72.1
Unemployment Rate						
Canada	10.2	9.6	11.5	11.2	10.8	10.3
Ontario	7.1	5.8	8.2	8.0	7.6	6.8
Toronto CMA	6.6	4.5	7.5	6.1	7.0	5.2

- Notes: 1. Reference population is total population 15+ less Visible Minority population
 2. Data for CMA's are based on the 1986 boundaries.

Source: CEIC Unpublished data, 1986 Census of Canada.

Prepared by:
 Working Group on Employment Equity
 Ministry of Citizenship
 February, 1989

**Table 2: Highest Level of Schooling by Racial Minority Status
Ontario, 1986**

Table 39

Highest Level of Schooling	Non-Racial Minorities		Racial Minorities	
	#	%	#	%
Less than Grade 9	442,890	9.2	35,830	8.0
Secondary School No Diploma	1,251,840	26.0	93,140	20.8
Secondary School Diploma	703,775	14.6	52,790	11.8
Some Post-Sec./ University No Diploma or Degree	605,880	12.6	63,445	14.2
Trade Non-University Certificate/Diploma	1,122,550	23.3	101,950	22.8
University Degree or Diploma	688,250	14.3	100,200	22.4
Total	4,815,180	100.0%	447,360	100.0%

For those age 15 and over who worked in 1985 or 1986.

Source: **Employment Equity Availability Data.** Employment and Immigration Canada, 1989.

Table 3:

**POPULATION AGED 15 AND OVER WHO WORKED IN 1985 OR 1986 BY OCCUPATIONAL GROUPS,
SHOWING OCCUPATIONAL DISTRIBUTION BY DESIGNATED GROUPS AND SEX, ONTARIO**

Occupational Groups	POPULATION AGED 15+ WHO WORKED IN 1985 OR 1986															
	Total Population				Aboriginal Peoples				Visible Minorities				Persons with Disabilities (Limited at Work)			
	Males		Females		Males		Females		Males		Females		Males		Females	
	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%	Total
Upper level managers	2.6	74,480	0.7	16,370	1.3	555	0.9	340	1.6	3,805	0.4	865	1.0	1,655	0	—
Middle and other managers	8.7	249,805	5.8	136,965	5.2	2,180	5.3	2,030	6.7	15,545	3.8	8,140	4.8	7,740	2.2	2,805
Professionals	10.6	304,800	14.2	337,850	6.4	2,675	10.4	4,005	13.9	32,325	13.4	28,710	4.1	6,515	9.7	12,190
Semi-professionals and technicians	4.1	118,650	5.2	122,400	3.8	1,615	6.2	2,405	4.6	10,780	5.0	10,735	2.1	3,325	4.7	5,870
Supervisors	2.3	67,120	2.9	67,825	1.6	675	2.7	1,045	2.7	6,240	2.7	5,785	2.7	4,230	3.5	4,440
Foremen/women	4.2	121,505	0.5	12,305	3.6	1,525	0.5	200	2.4	5,605	0.5	1,125	4.0	6,460	0.7	830
Clerical workers	6.7	194,340	31.4	745,585	6.2	2,600	25.6	9,890	9.3	21,700	30.0	64,230	6.7	10,695	21.7	27,335
Sales workers	7.2	208,555	8.6	205,250	4.8	2,025	7.8	3,005	6.1	14,285	6.0	12,925	7.5	11,975	7.5	9,380
Service workers	6.4	183,885	12.0	285,210	7.5	3,155	17.7	6,810	10.3	24,050	11.8	25,225	6.5	10,400	20.5	25,755
Skilled crafts and trades	11.5	331,125	1.1	26,685	10.9	4,585	1.2	480	7.8	18,120	1.2	2,455	13.8	22,080	2.5	3,190
Semi-skilled manual workers	13.5	388,755	3.1	73,010	17.1	7,175	4.3	1,650	10.5	24,575	2.5	5,240	21.8	34,810	7.3	9,225
Other manual workers	18.8	544,010	11.0	261,065	26.5	11,150	12.4	4,790	19.5	45,625	17.7	37,905	23.4	37,310	16.8	21,140
Occupations not stated	3.5	100,005	3.6	84,980	5.1	2,145	5.0	1,940	4.6	10,700	5.0	10,660	1.5	2,400	2.7	3,345
All occupations	100	2,887,035	100	2,375,505	100	42,055	100	38,590	100	233,350	100	214,005	100	159,600	100	125,700

Source: CEIC, Employment Equity Availability Data Report On Designated Groups From The 1986 Census Of Canada, derived from Tables 6 and 13.
Total Population, Unpublished Data, 1986 Census of Canada.

Persons with Disabilities (Limited at Work), Unpublished Data, Health Activity Limitation Survey, 1986.

- Notes:
- 1 A small number of people who reported both visible minority and aboriginal ethnic origins were included in both the total visible minority population and the total aboriginal peoples population.
 - 2 Amount too small to be expressed, i.e., sampling variability (coefficient of variation) is greater than 33%.
 - 3 Work Force Population figures include those aged 15 and over who worked in 1985 or 1986. Persons with Disabilities (Limited at Work) figures include those aged 15 to 64 who worked anytime between 1981 and 1986. Totals may not equal the sum of components due to rounding and suppression.

Prepared by:
Working Group on Employment Equity
Ministry of Citizenship
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**Table 4: Average Income of Designated Groups by Sex
Ontario, 1985**

	Employment Income			Average Income	
	Aboriginal Peoples	Visible Minorities	Ontario Population	People with disabilities	Ontario Population
Male	27,357	28,055	31,867	20,310	23,723
Female	19,047	19,187	20,417	8,910	11,296
Both Sexes	24,030	24,285	27,713	14,715	17,344

- Notes:**
1. Employment income shows the average employment income of the population aged 15 years and over who worked full-time, full-year in 1985.
 2. Information on people with disabilities refers to 1985 average income from all sources for disabled persons between the ages of 15 and 64, living in households, and includes persons without income in 1985.

Sources: CEIC, Unpublished data, 1986 Census of Canada.
Statistics Canada, The Health and Activity Limitation Survey, 1986, Special Tabulation.
Statistics Canada, 1986 Census of Canada.
Ministry of Citizenship, Ethnocultural Data Base Office.

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**Table 5: Average Income by Ethno-Racial Group
Toronto CMA, 1986**

Table 38

Racial Group	Average Income	
	\$	% of Whites' Average Income
Blacks	\$ 21,673	72.7%
Indo-Pakistani	\$ 24,274	81.5%
Chinese	\$ 24,585	82.5%
Korean	\$ 22,165	74.4%
Japanese	\$ 30,537	103.0%
Southeast Asian	\$ 19,414	65.2%
Filipino	\$ 22,140	74.3%
West Asian and Arab	\$ 27,799	93.3%
Pacific Islanders	\$ 23,286	78.2%
Latin American	\$ 20,702	69.5%
Other	\$ 21,638	72.6%
Total Racial Minorities	\$ 23,447	78.7%
Total Whites	\$ 29,792	100.0%
Total Population	\$ 28,813	--

For those employed full-time, full-year in 1985.

Source: 1986 Census of Canada. Statistics Canada,
Unpublished Data.

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