

EQUALITY IN EMPLOYMENT

A ROYAL COMMISSION REPORT

**JUDGE ROSALIE SILBERMAN ABELLA
COMMISSIONER**

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Report of the Commission on Equality in Employment

**Judge Rosalie Silberman Abella
Commissioner**

October, 1984



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Her Excellency
The Governor General in Council

Pursuant to my appointment by Royal Commission as called for by Order in Council of June 24, 1983, P.C. 1983-1924, to inquire into the most efficient, effective, and equitable means of promoting equal employment opportunities, I am honoured to submit to you the following Report.

A handwritten signature in black ink, appearing to read 'R. Silberman Abella', with a stylized, flowing script.

Judge Rosalie Silberman Abella
Commissioner

October, 1984

TERMS OF REFERENCE

P.C. 1983-1924

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 June, 1983.*

The Committee of the Privy Council, having had before it a report of the Minister of Employment and Immigration submitting that:

Whereas the Government of Canada is dedicated to the principle of equality in the world of work and, in pursuance, inter alia, of this principle, Parliament enacted the *Canadian Human Rights Act* in 1977;

Whereas demographic trends indicate that women will constitute the majority of new entrants into the Canadian labour force in the 1980's, and it is therefore imperative from an economic point of view to ensure that women are employed to the full extent of their productive potential and from a social point of view to ensure that women receive an equitable share of the benefits of productive work;

Whereas analysis contained in reports of the Special Parliamentary Committee on the Disabled and the Handicapped, the Parliamentary Task Force Committee on Employment Opportunities for the '80's and the Labour Market Development Task Force established by the Minister of Employment and Immigration indicate the need for further government action to encourage, in all sectors of economic activity, the hiring, training and promotion of women, native people, disabled persons, and visible minorities;

Whereas the measures taken by Canadian employers to increase the employability and productivity of women, native people, disabled persons and visible minorities have as yet not resulted in nearly enough change in the

* As amended by Orders in Council P.C. 1983-4048 (December 22, 1983), P.C. 1984-1390 (April 18, 1984), and P.C. 1984-2882 (August 23, 1984).

employment practices which have the unintended effect of screening a disproportionate number of those persons out of opportunities for hiring and promotion;

And Whereas the Government of Canada recognizes that it has an obligation to provide leadership in ensuring the equitable and rational management of human resources within its organizations;

it is desirable that an inquiry be made into the opportunities for employment of women, native people, disabled persons and visible minorities in certain crown corporations and corporations wholly owned by the Government of Canada.

The Committee, therefore, on the recommendation of the Minister of Employment and Immigration advises that, pursuant to Part I of the Inquiries Act, a Commission be issued appointing Judge Rosalie S. Abella of the Ontario Provincial Court (Family Division) a Commissioner 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 by:

- a) examining the employment practices of Petro-Canada, Air Canada, Canadian National Railway Company, Canada Mortgage and Housing Corporation, Canada Post Corporation, Canadian Broadcasting Corporation, Atomic Energy of Canada Limited, Export Development Corporation, Teleglobe Canada and The de Havilland Aircraft of Canada, Limited and the Federal Business Development Bank; and

- b) inquiring into means to respond to deficiencies in employment practices, including without limiting the generality of the foregoing means, such as an enhanced voluntary program, possibly linked with mandatory reporting requirements and a mandatory affirmative action program;

and to report on the findings of the inquiry.

In making the inquiry and report, the Commissioner shall give particular attention to:

- i) the implications and impact of the various options available to the Government, including the socio-eco-

conomic benefits and costs associated with each option;

- ii) the views of the management of the corporations referred to in paragraph (a) on those options;
- iii) the views of employees and associations representing employees of those corporations on those options;
- iv) the views of associations representing women, native people, disabled persons and visible minorities on those options;
- v) the views of any other interested individual or group, including the management, employees, and associations representing employees of other federal crown corporations.

The Committee further advises that the Commissioner:

1. be authorized to adopt such procedures and methods as she may from time to time consider expedient for the conduct of the inquiry;
2. be authorized to sit at such times and in such places in Canada as she may consider necessary for the purposes of the inquiry;
3. be authorized to engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as she may deem necessary or advisable, and also the services of counsel to aid and assist the Commissioner in the inquiry at such rates of remuneration and reimbursement as may be approved by Treasury Board;
4. be authorized to seek, in any way the Commissioner may consider necessary for the conduct of the inquiry, the assistance of any member of the Board of directors, any officer and any employee, of any corporation referred to in paragraph (a) and of any officer and any employee of any department and agency of the Government of Canada;

5. be authorized, in co-operation with the Department of Public Works, to rent office space and space facilities for public hearings as she may consider necessary at such rental rates as are consistent with the policies of the Department of Public Works;
6. be directed to report to the Governor in Council not later than October 31, 1984; and,
7. be directed to file with the Dominion Archivist the records of the Commission as soon as possible after the conclusion of the inquiry.

Gordon F. Osbaldeston
Clerk of the Privy Council

THE PROCESS

This Commission was established by the federal government and was publicly announced on June 27, 1983.¹

The Terms of Reference required the Commission to explore the most efficient, effective, and equitable means of promoting equality in employment for four groups: women, native people, disabled persons, and visible minorities. At the same time, it was to inquire specifically into the employment practices of 11 designated crown and government-owned corporations.

It was clear at the outset that only a broad approach would serve, and the Commission therefore treated the 11 designated corporations as illustrative models of the issues under study. No corporation's employment practices can be assessed fairly in a cultural vacuum. It would be difficult at best to make judgements about the adequacy of the practices of crown and government-owned corporations without placing these practices in the context of what other Canadians do, believe, or expect.

Moreover, without an overall analysis of the multi-dimensional nature of the barriers facing the four designated groups, a distorted perspective emerges. The climate in any given corporation reflects the social, cultural, economic, and political environment in which the corporation functions. To study a corporation's employment practices, therefore, one must also study the realities of the wider community. To recommend effective remedial measures to neutralize obstacles to equality, one must concentrate at least as intensively on the societal as on the corporate reflection of the problem.

The focus of the Commission was on matters within federal jurisdiction. However, the issues could not be so circumscribed and the organizations and individuals who met and made submissions to the Commission were not so constrained. Inevitably the Commission had to deal with issues that were within both federal and provincial jurisdiction. For that reason, while most of the Commission's recommendations are directed to the federal government, some are directed to other levels of government.

1. At the press conference announcing the Commission, the Honourable Lloyd Axworthy, the Minister recommending the establishment of this Commission, said that the Commission's proposals "may constitute a model that could be promoted to the private sector". *The Globe and Mail*, June 28, 1983.

The Commission's investigation proceeded simultaneously along a number of paths.

Within a week of being established, the Commission sent letters to nearly 1,000 individuals and organizations, advising them of its existence and enclosing the Terms of Reference. Within a month, these same people, along with almost 2,000 more, were sent a letter outlining the issues upon which the Commission was focusing, and inviting them to make written submissions in whatever format they found most convenient. In addition, members of the public were invited by means of a series of 60 newspaper, journal, and magazine advertisements in 23 Canadian centres to make submissions. These invitations to participate in the proceedings of the Commission are set out in Appendix A.

As a result of the letters and advertisements, the Commission received 274 written submissions as well as hundreds of letters and documents. A list of the individuals and organizations who made written submissions appears in Appendix B. These submissions, letters, and documents, many of which involved considerable research, were invaluable to the Commission.

The Commission met separately with groups of women, native people, disabled persons, visible minorities, government employees, human rights officials, and representatives of business and labour, including individuals from unions representing employees of the 11 crown and government-owned corporations. The Commission held 137 informal meetings over a seven-month period, which included an intensive six-week, cross-Canada tour during which 92 meetings were held in 17 cities. More than 1,000 individuals attended these meetings. A list of the meeting dates, the participants, and the organizations they represented is contained in Appendix C.

The decision to keep the meetings informal reflected a desire for discussions to be as open and frank as possible. Participants were told that, although notes were being taken, no comments would be attributed to anyone without his or her permission. Participants were also told they were free to make their own positions as public as they wished. This approach proved effective, and the informal meetings turned into a series of mini think-tanks with vigorous discussion by members of all the groups about their concerns.

In addition to the meetings, the Commission consulted about 160 other individuals concerning various aspects of the relevant issues.

These advisers came from the academic community, from business, from labour, from government, and from the public. A list of the people consulted by the Commission is provided in Appendix C.

In all cases, individuals meeting with the Commission did so voluntarily. The Commission's subpoena powers under Part I of the Inquiries Act were never used.

Within the first two weeks of the Commission's establishment, the Commissioner had brief meetings with each of the chief executive officers of the 11 crown and government-owned corporations to explain the aims and intended procedures of the Commission. An extensive questionnaire was prepared by the Commission during the first month, for completion by the corporations within six weeks. Every corporation cooperated fully. In November and December, the Commissioner met again with each chief executive officer to review the results of his corporation's questionnaire and to solicit views on possible remedies for the issues raised in the Terms of Reference. A list of the corporate officers with whom the Commission met is in Appendix D. The questionnaire is also reproduced in Appendix D.

As the comprehensive consultation process was taking place, a substantial research program was under way. Based again on the premise that the mandate properly required an examination of a multitude of symbiotic issues, a research agenda was drawn up and contracts assigned accordingly. The research topics and researchers were selected by the Commissioner. The studies, many of which will appear in a second volume of this Report, included the areas of history, sociology, economics, industrial relations, law, demography, philosophy, and education. The external researchers are listed and their projects described in Appendix E. Several researchers were given work space at the Commission offices, where policy meetings took place regularly. These researchers are listed in Appendix F. The Executive Coordinator of the Commission monitored the research and researchers. A full-time librarian developed the Commission's library, cataloguing all research and obtaining and organizing additional relevant material. Translation and some administrative services of the Department of Employment and Immigration were generously provided to the Commission when requested.

This Report is divided into two parts. The first, entitled "The Case for Equality", contains: an examination of what constitutes equality in employment (Chapter 1); a discussion of the specific concerns of

the four designated groups and observations relevant to their concerns (Chapter 2); and an outline of the data obtained from the questionnaires completed by the 11 designated corporations as well as the general views of their chief executive officers about possible solutions to employment inequities (Chapter 3).

The second part of the Report, entitled "Implementing Equality", considers proposals to eradicate pre-employment as well as workplace barriers facing the four designated groups. Education and training are studied not only as weapons to destroy discriminatory myths but also as tools to enable individuals in these groups to qualify and thereby compete more equitably for employment opportunities (Chapter 4). Childcare is discussed as an indispensable support system for parents who are seeking, training for, or engaged in, employment (Chapter 5). The last chapter, which deals with the elimination of barriers at the workplace, includes a discussion of why mandatory measures are necessary and what form they should take. It also deals with contract compliance, such relevant industrial relations issues as seniority, and equal pay for work of equal value (Chapter 6).

Four regulatory models are presented for the government's consideration, in the event that it accepts the Commission's conclusion that voluntary measures are an unsatisfactory response to the pervasiveness of systemic discrimination in Canadian workplaces.

A list of the Commission's main recommendations follows Chapter 6.

The confluence of the research and consultation processes created the substance of this Report. Neither process alone would have done the mandate justice. But its soul was contributed by the people we heard from. To them it is dedicated.

* * *

For more than a year, a number of people were almost exclusively preoccupied with the mandate of this Commission. This intensity of commitment was invaluable to the production of this Report. It was less generous to our families. Notwithstanding that so many of our energies were directed elsewhere, they understood and encouraged our priorities. For this and many other reasons, they have our deepest appreciation.

PART I

THE CASE FOR EQUALITY

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Chapter 1

DEFINING EQUALITY IN EMPLOYMENT

"The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."¹

Equality is, at the very least, freedom from adverse discrimination. But what constitutes adverse discrimination changes with time, with information, with experience, and with insight. What we tolerated as a society 100, 50, or even 10 years ago is no longer necessarily tolerable. Equality is thus a process — a process of constant and flexible examination, of vigilant introspection, and of aggressive open-mindedness.

One hundred years ago, the role for women was almost exclusively domestic; 50 years ago, some visible minorities were disenfranchised; 25 years ago, native people lacked a policy voice; and 10 years ago, disabled persons were routinely kept dependent. Today, none of these exclusionary assumptions is acceptable.

But the goal of equality is more than an evolutionary intolerance to adverse discrimination. It is to ensure, too, that the vestiges of these arbitrarily restrictive assumptions do not continue to play a role in our society.

If in this ongoing process we are not always sure what "equality" means, most of us have a good understanding of what is "fair". And what is happening today in Canada to women, native people, disabled persons, and visible minorities is not fair.

It is not fair that many people in these groups have restricted employment opportunities, limited access to decision-making processes that critically affect them, little public visibility as contributing Canadians, and a circumscribed range of options generally. It may be understandable, given history, culture, economics, and even human nature, but by no standard is it fair.

1. France, Anatole. *Le Lys Rouge (The Red Lily)*. Quoted in John Bartlett, *Familiar Quotations*, Boston: Little Brown and Company, 1980, p. 655.

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To attempt to unravel the complex tapestries that hang as a background to discriminatory attitudes can be an unproductive exercise. It is undoubtedly of interest to know why certain attitudes or practices were allowed to predominate; but in devising remedies to redress patently unfair realities, sorting through the malevolent, benevolent, or pragmatic causes of these realities is of little assistance. One can assume that the unfair results would not have occurred without the nourishing environment of limited sensitivities. But as we have these sensitivities educated, we must concentrate not on the motives of the past but on the best way to rectify their impact. And one of those ways is to appeal to our collective sense of fairness.

Equality in employment means that no one is denied opportunities for reasons that have nothing to do with inherent ability. It means equal access free from arbitrary obstructions. Discrimination means that an arbitrary barrier stands between a person's ability and his or her opportunity to demonstrate it. If the access is genuinely available in a way that permits everyone who so wishes the opportunity to fully develop his or her potential, we have achieved a kind of equality. It is equality defined as equal freedom from discrimination.

Discrimination in this context means practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's right to the opportunities generally available because of attributed rather than actual characteristics. What is impeding the full development of the potential is not the individual's capacity but an external barrier that artificially inhibits growth.

It is not a question of whether this discrimination is motivated by an intentional desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory.

This is why it is important to look at the results of a system. In these results one may find evidence that barriers which are inequitable impede individual opportunity. These results are by no means conclusive evidence of inequity, but they are an effective signal that further examination is warranted to determine whether the disproportionately negative impact is in fact the result of inequitable prac-

tices, and therefore calls for remedial attention, or whether it is a reflection of a non-discriminatory reality.

Equality in employment is not a concept that produces the same results for everyone. It is a concept that seeks to identify and remove, barrier by barrier, discriminatory disadvantages. Equality in employment is access to the fullest opportunity to exercise individual potential.

Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences.

Formerly, we thought that equality only meant sameness and that treating persons as equals meant treating everyone the same. We now know that to treat everyone the same may be to offend the notion of equality. Ignoring differences may mean ignoring legitimate needs. It is not fair to use the differences between people as an excuse to exclude them arbitrarily from equitable participation. Equality means nothing if it does not mean that we are of equal worth regardless of differences in gender, race, ethnicity, or disability. The projected, mythical, and attributed meaning of these differences cannot be permitted to exclude full participation.

Ignoring differences and refusing to accommodate them is a denial of equal access and opportunity. It is discrimination. To reduce discrimination, we must create and maintain barrier-free environments so that individuals can have genuine access free from arbitrary obstructions to demonstrate and exercise fully their potential. This may mean treating some people differently by removing the obstacles to equality of opportunity they alone face for no demonstrably justifiable reason.

People are disadvantaged for many reasons and may be disadvantaged in a variety of ways — economically, socially, politically, or educationally. Not all disadvantages derive from discrimination. Those that do demand their own particular policy responses.

At present, society's disadvantages are disproportionately assumed by the four designated groups. Clearly, some distinctions have been made or overlooked in the past that have resulted in the disproportionate representation of native people, visible minorities, disabled persons, and women on the lower rungs of the ladder to society's benefits. By reversing our approach and by using these same distinctions to identify, confront, and eliminate barriers these

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distinctions have caused in the past, we can reverse the trends, provide access, and open the door to equality.

To create equality of opportunity, we have to do different things for different people. We have to systematically eradicate the impediments to these options according to the actual needs of the different groups, not according to what we think their needs should be. And we have to give individuals an opportunity to use their abilities according to their potential and not according to what we think their potential should be. The process is an exercise in redistributive justice. Its object is to prevent the denial of access to society's benefits because of distinctions that are invalid.

Unless we reject arbitrary distinctions, these four groups will remain unjustifiably in perpetual slow motion. The objectives of breathing life into the notion of equality are to rectify as quickly as possible the results of parochial perspectives which unfairly restrict women, native people, disabled persons, and visible minorities.

For women, equality in employment means first a revised approach to the role women play in the workforce. It means taking them seriously as workers and not assuming that their primary interests lie away from the workplace. At the same time, it means acknowledging and accommodating the changing role of women in the care of the family by helping both them and their male partners to function effectively both as labour force participants and as parents. And it means providing the education and training to permit women the chance to compete for the widest possible range of job options. In practice this means the active recruitment of women into the fullest range of employment opportunities, equal pay for work of equal value, fair consideration for promotions into more responsible positions, participation in corporate policy decision-making through corporate task forces and committees, accessible childcare of adequate quality, paid parental leaves for either parent, and equal pensions and benefits.

For native people, equality in employment means effective and relevant education and training, accommodation to cultural and geographic realities, a primary voice in the design of the education, training, and funding programs established for their benefit, meaningful support systems, and the delivery of services through native-run institutions.

For visible minorities, we must begin with an attack on racism, which though sometimes inadvertent is nevertheless pervasive. For

immigrants, there is a need for adequate language training, for some mechanism to fairly assess the qualifications of those with non-Canadian experience or education, and for a program of information and counselling to teach and assist them to adjust to Canadian culture. Wherever reasonably possible, cultural and religious differences of minorities should be accommodated and they should be encouraged to integrate though not required to assimilate.

For disabled persons, there must be as full accommodation as possible and the widest range of human and technical supports. Workplaces must in all respects be physically accessible; flexible working arrangements must be available for those unable to work long hours; attendants and technical aids should be available for those who require them; and the necessary tax adjustments must be available both to employers and disabled employees. Pension and benefit schemes must be adjusted so as to encourage disabled persons to join the workplace, and transportation systems must be adequate to permit access to workplaces.

For all groups, equality means an effective communications network whereby potential employee and employer can become aware of each other, a commitment on the part of educators, employers, and government to revise where necessary those practices that unfairly impede the employment opportunities of women, native people, disabled persons, and visible minorities, and an end to patronizing and stultifying stereotyping. It means an end to job segregation and the beginning of an approach that makes available to everyone, on the basis of ability, the widest range of options. It means accommodating differences.

This is not to suggest that no work needs to be done on encouraging individuals in these groups to review their own self-imposed inhibitions. But the encouragement and counselling of individuals to stretch their expectations is far more likely to produce the desired confidence if there is some hope on the part of these individuals that their expectations have a reasonable chance of fulfilment.

If we do not act positively to remove barriers, we wait indefinitely for them to be removed. This would mean that we are prepared in the interim to tolerate prejudice and discrimination. By not acting, we unfairly ignore how inherently invalid these exclusionary distinctions are, and we signal our acceptance as a society that stereotypical attributes assigned to these four groups are appropriate justifications for their disproportionate disadvantages.

If they are not appropriate, and intrinsically they are not, we have an obligation as a society to remedy this inequity. It is in the act of remedying the inequity that we show our commitment to equality. In this sense, inactivity, however it is translated into defensive public or private rhetoric, is an acceptance of inequality. No exigency, economic or political, can justify the knowing perpetuation of inequality in Canada. If we fail to rectify it, we guarantee its survival.

It is probable that absolute equality is unattainable.² But even if it is, no civilized society worthy of the description can afford not to struggle for its achievement. We may not be able to achieve absolute equality, but we can certainly reduce inequality.³

EMPLOYMENT EQUITY/AFFIRMATIVE ACTION

The achievement of equality in employment depends on a double-edged approach. The first concerns those pre-employment conditions that affect access to employment. The second concerns those conditions in the workplace that militate against equal participation in employment.

Efforts to overcome barriers in employment are what have generally been called in North America affirmative action measures. These include making recruitment, hiring, promotion, and earnings more equitable. They concentrate on making adjustments in the workplace to accommodate a more heterogeneous workforce.

The Commission was told again and again that the phrase "affirmative action" was ambiguous and confusing. Not surprisingly, those who favoured government intervention to create more equitably distributed employment opportunities had less objection to the term, even if they were unclear as to its precise meaning. On the other hand, those who rejected intervention opposed the term, no matter how it was defined.

The language that has collected around the issue of equality often produces overwhelmingly emotional responses. Positions are frequently taken that have not been thought through either to their logical origins or conclusions, and this is true regardless of which side of the argument is being presented; yet they are so strongly held that they leave little room for the introduction of information or contrary judgements.

2. "Absolute Equality is Absolutely Impossible." Jeremy Bentham. (Bowring, John, ed.) *The Works of Jeremy Bentham*. Vol. 1. Edinburgh: William Tate, 1843, p. 361.

3. *Ibid*, p. 311.

Often the words themselves rather than the issues trigger intellectual resistance. Their use almost instantly produces a protective wall through which reason cannot easily penetrate. In such cases it is sometimes worth changing the language in order to allow the debate to unfold on a more reasonable level. The duel should be between principles and not between reflexes.

People generally have a sense that "affirmative action" refers to interventionist government policies, and that is enough to prompt a negative reaction from many. For others, however, much depends on the degree and quality of the intervention. They may never agree to the concept, however reasonably argued, but at least a discussion of the issues will not have been foreclosed by the waving of the semantic red flag. In other words, there may be a willingness to discuss eliminating discriminatory employment barriers but not to debate "affirmative action" as it is currently misunderstood.

The Commission notes this in order to propose that a new term, "employment equity", be adopted to describe programs of positive remedy for discrimination in the Canadian workplace. No great principle is sacrificed in exchanging phrases of disputed definition for newer ones that may be more accurate and less destructive of reasoned debate.

In devising their unique program, the Americans have called it affirmative action. In most people's minds, it has become associated with the imposition of quotas. In creating our own program in Canada, we may not wish to use quotas and we should therefore seriously consider calling it something else if we want to avoid some of the intellectual resistance and confusion. It is not imperative that we do so, but it is worth considering.

In default of some new verbal coinage, where this Report refers to affirmative action in the Canadian context, it is no more than a convenient way of identifying positive steps to correct discrimination in the workplace. Ultimately, it matters little whether in Canada we call this process employment equity or affirmative action, so long as we understand that what we mean by both terms are employment practices designed to eliminate discriminatory barriers and to provide in a meaningful way equitable opportunities in employment.

PURPOSE OF EMPLOYMENT EQUITY

Much legislative attention has been paid to eradicating and remedying discriminatory behaviour. Human rights acts, labour

codes, and the Charter of Rights and Freedoms contain provisions to address the problem.⁴ By and large these provisions have been limited in two respects: they are restricted to individual allegations of discrimination; and they are potentially restricted, except under the Ontario Human Rights Code⁵ and the Canadian Human Rights Act,⁶ to cases of intentional discrimination.

This approach to the enforcement of human rights, based as it is on individual rather than group remedies, and perhaps confined to allegations of intentional discrimination, cannot deal with the pervasiveness and subtlety of discrimination.

Neither, by itself, can education. Education has been the classic crutch upon which we lean in the hopes of coaxing change in prejudicial attitudes. But education is an unreliable agent, glacially slow in movement and impact, and often completely ineffective in the face of intractable views. It promises no immediate relief despite the immediacy of the injustice.

The traditional human rights commission model, which valiantly signalled to the community that redress was available for individuals subjected to deliberate acts of discrimination, is increasingly under attack for its statutory inadequacy to respond to the magnitude of the problem. Resolving discrimination caused by malevolent intent on a case-by-case basis puts human rights commissions in the position of stamping out brush fires when the urgency is in the incendiary potential of the whole forest.

4. See, for example, the following statutes: Canadian Charter of Rights and Freedoms, *The Constitution Act 1982*, C. 11 (U.K.); *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended, 1977-78, C.22; 1980-81, C.54; 1980-81-82, C.111; 1980-81-82, C.143; *Alberta Individual Rights Protection Act*, R.S.A. 1980, C.I-2; *British Columbia Human Rights Act*, S.B.C. 1984, c.22; *Manitoba Employment Standards Act*, R.S.M. 1970, C.E.110 as amended S.M. 1975, C.20, Part IV; *Manitoba Human Rights Act*, S.M. 1974, c. 65; *New Brunswick Human Rights Act*, R.S.N.B. 1973, C.H-11; *Newfoundland Human Rights Act*, R.S.N. 1970, C.262 as amended, S.N. 1974, No.114; *Nova Scotia Human Rights Act*, S.N.S. 1969, C.11; *Nova Scotia Labour Standards Code*, S.N.S. 1972, C.10, as amended, S.N.S. 1976, C.41; S.N.S. 1977, C.68; *Ontario Employment Standards Act*, R.S.O. 1980, C.137, as amended; *Ontario Human Rights Code*, S.O. 1981, C.53; *Prince Edward Island Human Rights Act*, S.P.E.I. 1975, C.72; *Quebec Charter of Human Rights and Freedoms*, R.S.Q. 1977, C.C-12; *Saskatchewan Human Rights Code*, S.S. 1979, C.S-24.1; *Saskatchewan Labour Standards Act*, R.S.S. 1978, C.L-1; *Northwest Territories Fair Practices Ordinance*, R.O.N.W.T. 1974, C.F-2; *Yukon Labour Standards Ordinances*, R.O.Y.T. 1971, C.L-1, as amended, O.Y.T. 1973 (1st), C.13.

5. *Ontario Human Rights Code*, S.O. 1981, s. 10, C.53.

6. *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended, s.10. See *C.N.R. v. K.S. Bhinder* (1983), 4 C.H.R.R., D/1404.

It is sometimes exceptionally difficult to determine whether or not someone intends to discriminate. This does not mean that there is no need for processes that provide remedies to individuals when intentional discrimination can be proven. On the contrary, the need is manifest, but these processes do not sufficiently address the complexity of the problem. There are those who are prejudiced in attitude but not in deed, and others who commit acts of flagrant discrimination out of obliviousness or misplaced benevolence. What we intend is sometimes far less relevant than the impact of our behaviour on others.

The impact of behaviour is the essence of "systemic discrimination". It suggests that the inexorable, cumulative effect on individuals or groups of behaviour that has an arbitrarily negative impact on them is more significant than whether the behaviour flows from insensitivity or intentional discrimination. This approach to discrimination was articulated in 1971 in the U.S. Supreme Court case of *Griggs v. Duke Power Co.*⁷ The Court held that one should look at impact rather than motive in deciding whether or not discrimination has taken place. This approach has since been followed by the American courts and it is the one that should be followed here.

Systemic discrimination requires systemic remedies. Rather than approaching discrimination from the perspective of the single perpetrator and the single victim, the systemic approach acknowledges that by and large the systems and practices we customarily and often unwittingly adopt may have an unjustifiably negative effect on certain groups in society. The effect of the system on the individual or group, rather than its attitudinal sources, governs whether or not a remedy is justified.

Remedial measures of a systemic and systematic kind are the object of employment equity and affirmative action. They are meant to improve the situation for individuals who, by virtue of belonging to and being identified with a particular group, find themselves unfairly and adversely affected by certain systems or practices.

Systemic remedies are a response to patterns of discrimination that have two basic antecedents:

- a) a disparately negative impact that flows from the structure of systems designed for a homogeneous constituency; and

7. *Griggs v. Duke Power Co.* 401 U.S. 424 (1971).

- b) a disparately negative impact that flows from practices based on stereotypical characteristics ascribed to an individual because of the characteristics ascribed to the group of which he or she is a member.

The former usually results in systems primarily designed for white able-bodied males; the latter usually results in practices based on white able-bodied males' perceptions of everyone else.

In both cases, the institutionalized systems and practices result in arbitrary and extensive exclusions for persons who, by reason of their group affiliation, are systematically denied a full opportunity to demonstrate their individual abilities.

Interventions to adjust the systems are thus both justified and essential. Whether they are called employment equity or affirmative action, their purpose is to open the competition to all who would have been eligible but for the existence of discrimination. The effect may be to end the hegemony of one group over the economic spoils, but the end of exclusivity is not reverse discrimination, it is the beginning of equality. The economic advancement of women and minorities is not the granting of a privilege or advantage to them; it is the removal of a bias in favour of white males that has operated at the expense of other groups.⁸

Nor should we be ingenuous in believing that once access is expanded, the equal opportunity will translate into treatment as an equal. It is not enough merely to tantalize the excluded groups with the idea that the qualifying education and training by themselves will guarantee employment opportunities. Individuals must be assured that the metamorphosis includes equality not only of access to the opportunities, but to the opportunities themselves for which their abilities qualify them. This is meaningful equality of opportunity.

Equality demands enforcement. It is not enough to be able to claim equal rights unless those rights are somehow enforceable. Unenforceable rights are no more satisfactory than unavailable ones.

This is where we rely on employment equity — to ensure access without discrimination both to the available opportunities and to the possibility of their realization.

8. Belton, Robert. "Discrimination and Affirmative Action: An Analysis of Competing Theories of Equality and Weber", 59 *North Carolina Law Review* (1981), p.537, footnote 28. Belton argues that "reverse discrimination" is a legal fiction.

EQUALITY IN THE CHARTER OF RIGHTS AND FREEDOMS

The genuine pursuit of equality is a litmus test that gauges our success as a liberal democracy. Canada has affirmed its commitment to this pursuit by the inclusion of section 15 of the Canadian Charter of Rights and Freedoms.⁹

Section 15 protects every individual's right to equality without discrimination. It states:

(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 and, in particular, 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 individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Although the body of section 15(2) refers to actions that have as their object "the amelioration of conditions of disadvantaged individuals or groups," the marginal notes to section 15(2) use the phrase "affirmative action".

Under the Charter's legislative predecessor, the Canadian Bill of Rights, the Supreme Court of Canada restricted the definition of equality to "equality of process".¹⁰ The wording of section 15(1) of the Charter attracts a more expansive interpretation, for it pronounces the right of equality to be one of process ("before and under the law") and also one of substance ("equal protection and equal benefit"). The law must not only be evenly available, it must be evenly applied.

Until any limits to equality are accepted as demonstrably justified by a court, the presumption is that equality as guaranteed by sec-

9. *The Constitution Act 1982*, C.11 (U.K.). Section 15 does not come into force until after April 17, 1985.

10. R.S.C. 1970, Appendix III. See *Attorney General for Canada v. Lavell*, [1974] S.C.R. 1349; *Bliss v. Attorney General for Canada*, [1979] 1 S.C.R. 183.

tion 15(1) is unqualified.¹¹ It is difficult in any case to see how equal freedom from discrimination in process or substance could be limited in a demonstrably justifiable way in a free and democratic society.¹² Section 15 contains its own reasonable limits. It articulates the right to be equally free from discrimination.

As other parts of the Charter make clear, however, this does not mean that distinctions among individuals and groups are not to be recognized, or that everyone is necessarily to be treated identically. Honouring and protecting diversity is also one of our ideals as a liberal democracy.

Thus certain sections of the Charter reinforce the protection from enforced assimilation and provide rules of construction requiring that definitions of equality respect diversity. Section 23¹³ protects language rights and freedoms, section 25¹⁴ protects aboriginal

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11. There is no suggestion that the Canadian courts will or should apply the "strict scrutiny" test to any group, as the American courts have done for minorities. Some argue, however, that the existence of section 28 in combination with its pre-legislative history guarantees equality to men and women without being subject to the "reasonable limits" test of section 1, thereby importing the "strict scrutiny" test into cases of gender inequality. Section 28 states:

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

12. The onus is on the party asserting that the limits are reasonable. Section 1 of the *Charter* states:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

See also *Quebec Association of Protestant School Boards et al. v. Attorney General of Quebec et al.* (No.2) (1982), 140 D.L.R. (3d) 33 (Que. S.C.); *Re Federal Republic of Germany and Rauca* (1983), 145 D.L.R. (3d) 638 (Ont. C.A.).

13. Section 23(1) states:

Citizens of Canada

- (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
- (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

14. Section 25 states:

The guarantees in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
- (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

rights and freedoms, and section 27¹⁵ protects the diversity of cultural heritage. Section 28¹⁶ reinforces gender equality. Section 36¹⁷ reiterates Canada's commitment to the promotion of equal opportunity and the reduction of economic disparity. Equality under the Charter, then, is a right to integrate into the mainstream of Canadian society based on, and notwithstanding, differences. It is acknowledging and accommodating differences rather than ignoring and denying them.

This is a paradox at the core of any quest for employment equity: because differences exist and must be respected, equality in the workplace does not, and cannot be allowed to, mean the same treatment for all.

In recognition of the journey many have yet to complete before they achieve equality, and in recognition of how the duration of the journey has been and is being unfairly protracted by arbitrary barriers, section 15(2) permits laws, programs, or activities designed to eliminate these restraints. While section 15(1) guarantees to individuals the right to be treated as equals free from discrimination, section 15(2), though itself creating no enforceable remedy, assures that it is neither discriminatory nor a violation of the equality guaranteed by section 15(1) to attempt to improve the condition of disadvantaged individuals or groups, even if this means treating them differently.¹⁸

15. Section 27 states:

This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

16. *Supra*, footnote 11.

17. Section 36(1) states:

Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the governments, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities; and
- (c) providing essential public services of reasonable quality to all Canadians.

18. Only under the *Canadian Human Rights Act* (S.C. 1976-77, C.33, as amended, s.41(2)), and the *Saskatchewan Human Rights Code* (S.S. 1979, C.S-24.1, s.31(7)), is the board of inquiry, or comparable body, specifically authorized to order implementation of an affirmative action program in a case where discrimination has been established.

The *Ontario Human Rights Code* (S.O. 1981, C.53, s.13(1)), the *New Brunswick Human Rights Act* (R.S.N.B. 1973, C.H-11, s.13), the *Prince Edward Island Human Rights Act* (S.P.E.I. 1975, C.72, s.19), the *British Columbia Human Rights Act* (S.B.C. 1984, c.22, s.19(2)), the *Alberta Individual Rights Protection Act* (R.S.A. 1980, C.I-2, s.13(1)(b)), the *Quebec 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), the *Nova Scotia Human Rights Act* (S.N.S. 1969, c.11, s.19), the *Northwest Territories Fair Practices Ordinance* (R.O.N.W.T. 1974, c.F-2, added by 1981 (3rd) c.12, s.27), and the *Manitoba Human Rights Act* (S.M. 1974, c.65, s.9) all permit affirmative action programs by providing mechanisms for their protection or approval.

Section 15(2) covers the canvas with a broad brush, permitting a group remedy for discrimination. The section encourages a comprehensive or systemic rather than a particularized approach to the elimination of discriminatory barriers.

Section 15(2) does not create the statutory obligation to establish laws, programs, or activities to hasten equality, ameliorate disadvantage, or eliminate discrimination. But it sanctions them, acting with statutory acquiescence. In much the same way, section 6(4) of the Charter sanctions, but does not require in those provinces where the employment rate is below the national average, the development of laws or programs intended to improve the conditions of disadvantaged individuals.¹⁹

It is unclear whether or not the courts will grant affirmative action relief to enforce the guarantees in sections 15(1), 6(2), and 6(3) by requiring programs in the nature of those contemplated by sections 15(2) and 6(4), as the American courts have done under Title VII of the Civil Rights Act.²⁰ Though they may have the right to order such a remedy within a broad interpretation of section 24,²¹ judges in Canada may be slow to embark on this voyage of judicial activity. The more frequent judicial exercise is likely to be the determination of what constitutes a sufficient degree of "disadvantage" to warrant the existence or creation of a remedial program.

19. Section 6 states:

- (1) Every citizen of Canada has the right to enter, remain in and leave Canada.
- (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right
 - (a) to move to and take up residence in any province; and
 - (b) to pursue the gaining of a livelihood in any province.
- (3) The rights specified in subsection (2) are subject to
 - (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and
 - (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.
- (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

20. *Civil Rights Act of 1964*. Pub.L. No.88-352, 78 Stat.253 (codified at 42 U.S.C. para. 2000e (1976)).

21. Section 24 states:

Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

In contrast to the American system, a finding of discrimination is not a condition precedent under the Charter for approving an affirmative action plan. The judicial inquiry, if any, would be into whether or not the group was disadvantaged. Such an inquiry, in the employment context, would probably look for evidence that members of a particular group had higher unemployment rates and lower income levels, and tended to be clustered in jobs with lower occupational status. These have been referred to as the "social indicators" of job discrimination.²² They can also be characterized as systemic discrimination.

In the only pre-Charter "affirmative action" case the Supreme Court of Canada has dealt with,²³ the court accepted as necessary a program for native people "so that they may be in a competitive position to obtain employment without regard to the handicaps [they have] inherited".²⁴ The court required no external evidence. Rather it took judicial notice of the disadvantage and upheld the validity of the specific program.

The courts may be uncomfortable acting as the arbiters of disadvantage, since it could involve them in a statistical and economic assessment they feel more appropriately belongs to a political policy-making branch of government.²⁵ If the courts are ultimately left to decide what "disadvantaged" means, it would be consistent with the spirit of section 15, with its clear allusion to systemic discrimination and its approval of systemic remedies, to find as "disadvantaged" all individuals who were members of a group found to be disadvantaged.

The court would be spared assessing the situation of every individual covered by an ameliorative program to determine whether he or she were entitled to be included in the class of "disadvantaged" persons. Every member of the disadvantaged group would be assumed to have been disadvantaged and thereby entitled to the benefit of the program.

22. Blumrosen, Alfred W. "The Law Transmission System and the Southern Jurisprudence of Employment Discrimination", 6 *Industrial Relations Law Journal* (1984), pp. 333-335.

23. *Athabasca Tribal Council v. Amoco Canada Petroleum Co. Ltd.* (1981), 124 D.L.R. (3rd) 1 (S.C.C.).

24. *Ibid.*, p. 10.

25. Justice Powell, in *Regents of the University of California v. Bakke* 438 U.S. 265 (1978), at p. 297, expressed this sentiment when he observed, "The kind of variable sociological and political analysis necessary to produce such rankings simply does not lie within the judicial competence — even if they otherwise were politically feasible and socially desirable".

A number of other relevant issues arising from the Charter remain to be judicially determined: whether the Charter applies not only to governments but to crown corporations or to private, non-governmental activities as well;²⁶ the extent to which declaratory remedies will be permitted and who has standing as parties to seek them;²⁷ whether section 28 provides protection against the limits that may be imposed by sections 1 and 33;²⁸ the extent to which Canada's international legal obligations will be used in evaluating compliance with the Charter and particularly in defining "reasonable limits"; the relationship between remedies available pursuant to the Charter and other statutory remedies, such as those found in human rights acts;²⁹ the range of remedies available under section 24 for violation of section 15(1); and the retrospective application of Charter provisions.

ECONOMIC CONSIDERATIONS

Canada's economy has been faltering for some time. The country's unemployment rate, at 11.2 per cent in August, 1984, is expected to hover around this mark throughout the balance of the decade.³⁰

26. Section 32(1) states:

This Charter applies

- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
- (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

27. *Re Ontario Film and Video Appreciation Society and Ontario Board of Censors* (1983), 41 O.R. (2d) 583 (Ont. H.C.), aff'd., (1984) 45 O.R. (2d) 80 (Ont. C.A.). See also *Thorson v. Attorney General for Canada* (No.2), [1975] 1 S.C.R. 138; *Nova Scotia Board of Censors v. McNeil*, [1976] 2 S.C.R. 265, (1975), 55 D.L.R. (3d) 632; *Quebec Association of Protestant School Boards et al. v. Attorney General of Quebec et al.* (No.2) (1982), 140 D.L.R. (3d) 33 (Que. S.C.).

28. Section 33(1) states:

Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in s.2 or ss.7 to 15 of this Charter.

Walter Tarnopolsky persuasively argues that section 28 does not prevent affirmative action for women, but rather protects the guarantee of gender equality from being overridden by either sections 1 or 33. ("The Equality Rights", in *Canadian Charter of Rights and Freedoms: Commentary*, eds. Walter S. Tarnopolsky and Gérard-A. Beaudoin. Toronto: Carswell, 1982, pp.436-437.)

29. *Board of Governors of the Seneca College of Applied Arts and Technology v. Pushpa Bhaduria*, [1981] 2 S.C.R. 181, (1981) 124 D.L.R. (3d) 193; *Re Ontario Film and Video Appreciation Society and Ontario Board of Censors*, *supra*, footnote 27.

30. Conference Board of Canada. *Quarterly Canadian Forecast*. 10, No.3 (October, 1983).

Full employment is desirable from every conceivable standpoint.³¹ In particular this Commission is aware of the advantages full employment would bring to the furtherance of its objectives. The fewer the jobs, obviously, the keener the competition, and the less probability of a generous and open-minded reception for proposals that the rules of the competition be changed. But the Commission must take the economy as it finds it. The fact that the economy is anaemic does not justify a listless response to discrimination.

The members of the four designated groups represent about 60 per cent of Canada's total population.³² They have a right, whatever the economic conditions, to compete equally for their fair share of employment opportunities. As it is, the recession has only intensified their long penalization in the form of undertraining, underemployment,³³ underpayment, and outright exclusion from the labour force.

The competition for jobs must be made an impartial one, open to all who are qualified or qualifiable regardless of gender, ethnicity, race, or disability. It is hard to imagine a valid excuse for postponement, given our avowed ideals and the commitments entrenched in the Canadian Charter of Rights and Freedoms. As for awaiting better times, the economic millennium may be further away than any one comfortably projects.

The pursuit of policies that permit everyone who so wishes access to the realization of his or her full employment potential is not one that ought to be tied to an economic divining rod. The most positive way to prevent further irreversible human and financial costs to these four groups from accumulating is to impose employment equity. Under section 15 of the Charter it is permissible, and, while it is not the whole solution, it is a major step.

31. Bellemare, Diane, Dussault, Ginette, Poulin-Simon, Lise. "Les femmes et l'économie". Paper prepared for the Commission of Inquiry on Equality in Employment. February, 1984.

32. Women, native males, and male members of visible minorities make up 57 per cent of the Canadian population. (Statistics Canada. *1981 Census of Canada*. Catalogue 92-911. Volume 1 — National Series (Population).) Although there is no precise data on the number of disabled males in Canada, it is conservatively estimated that 10 per cent of the Canadian population is disabled.

33. According to the theory of a dual or segmented economy, there are desirable jobs at the core of the economy and less desirable ones at the fringes. Getting access to the core from the fringes is one challenge of employment equity.

It has been demonstrated that the United States has enjoyed a 50 per cent return on its investment in affirmative action.³⁴ The return would likely be higher were it not for the costs of "particular design features of the early programs",³⁵ features that need not be duplicated in Canada.

Among the benefits to business is the way in which affirmative action, as a comprehensive planning process, has demonstrated the importance of integrating human resource management with other corporate activities.³⁶ The benefits to individuals include providing dignity and an ability to contribute to the economy. The benefits to society are inestimable.

Section 15 in the Canadian Charter of Rights and Freedoms cancels the debate over whether the country's economic conditions should be permitted to dictate the timing of the implementation of equality. The time to proceed to achieve it is now.

ACKNOWLEDGEMENTS

34. Cruz, Nestor. "Is Equal Employment Opportunity Cost Effective?", 31 *Labour Law Journal*, No.5 (May, 1980), p.295.

35. Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*. Report of the Task Force on Labour Market Development. Ottawa, July, 1981, p. 107.

36. Luce, Sally R. *Retrenchment and Beyond: The Acid Test of Human Resource Management*. Report from the Compensation Research Centre of the Conference Board of Canada. Ottawa, May, 1983; Shaeffer, Ruth Gilbert. *Nondiscrimination in Employment—and Beyond*. New York: Conference Board, 1980, pp.43-44; Townson, Monica. "The Socio-Economic Costs and Benefits of Affirmative Action for Canada". Paper prepared for the Commission of Inquiry on Equality in Employment, December, 1983.

Chapter 2

THE DESIGNATED GROUPS

"... traditionally most firms have regarded the white non-disabled man as the desired worker for most positions aside from those traditionally regarded as women's work. Employment practices have consequently evolved based on the physical and cultural attributes of this favoured type of worker, placing other workers and job applicants at a disadvantage regardless of their abilities and qualifications. Over time, these practices have been so generally accepted and deeply embedded in the customary processes of the organization that they are seldom questioned or altered."¹

Issues and Observations

Notwithstanding the range of differences within and among the four designated groups, the consensus at practically every meeting the Commission held across Canada with women, native people, disabled persons, and visible minorities was that there was a need for government intervention to increase their equitable participation in the workforce. Their participation and unemployment rates, their income levels, and their occupational segregation impelled them to seek such interventions.

The solutions they called for varied. They were largely persuaded that traditional anti-discrimination statutes and approaches were inadequate to deal with the magnitude of the problem, as were the myriad of measures and programs established to coax improvement out of a reluctant society. What was needed, these groups felt, was a comprehensive approach that would end an era of tinkering with systemic discrimination and introduce one that confronts it.

Many called for an effective monitoring and enforcement mechanism, independent from government. They felt that the elimination of discriminatory workplace barriers should be required by law and not left to the political uncertainty of policy directives. They seek solutions that will effectively reverse the process of discrimination. They are weary of being supplicants.

1. Canada. Employment and Immigration Canada. *Affirmative Action Technical Training Manual*. Ottawa, 1982, p.34.

On the whole, there is much cynicism and frustration among members of the designated groups. Many with whom the Commission met have been presenting the same arguments to government for years. They feel their views are frequently sought but rarely accommodated. Within months, and sometimes days, of meeting with this Commission, these individuals said that they had or would be presenting identical facts and positions to a Parliamentary Task Force on Participation of Visible Minorities in Canadian Society, a Royal Commission on the Economic Union and Development Prospects for Canada, a Parliamentary Task Force on Pension Reform, a Commission of Inquiry into Part-time Work, and a Parliamentary Task Force on Indian Self-Government.

In addition, women pointed out that since the 1970 Royal Commission on the Status of Women little substantial improvement has taken place; native people pointed to a range of studies released but ignored in the past decade; disabled persons pointed to the slow progress of the implementation of some of the key recommendations of *Obstacles*,² a report of the Special Committee on the Disabled and the Handicapped; and visible minorities pointed to an emphasis in funding for multiculturalism rather than for racial discrimination issues.

The frustration was less with the proliferation of research than with the absence of implementation. No one quarrelled with the need to examine thoroughly the implications of policy options. But when, as in the case of these groups, there is and has been a consistency both in the conclusions of the research and in the message from the groups, the lack of political response is puzzling.

The Terms of Reference of this Commission encouraged it to look into the most effective means of responding to "deficiencies in employment practices" since "the measures taken by Canadian employers to increase the employability and productivity of women, native people, disabled persons and visible minorities have as yet not resulted in nearly enough change in the employment practices which have the unintended effect of screening a disproportionate number of those persons out of opportunities for hiring and promotion".

The Terms of Reference also referred to the government's "obligation to provide leadership in ensuring the equitable and rational

2. Canada. House of Commons. *Obstacles*. Report of the Special Committee on the Disabled and the Handicapped. February, 1981.

management of human resources within its organizations". Eleven crown corporations were singled out for particular study.

In the cross-Canada meetings conducted by the Commission, much concern was expressed by the designated groups over the apparently restrictive focus of the mandate on crown corporations. Other studies had shown that the problems were far more generalized and not exclusive to government corporations, agencies, and departments. In the face of intractable barriers throughout the marketplace, groups made it clear that they were deeply disappointed at the government's apparent unwillingness to tackle in a meaningful way the problems in the private sector. They felt the credibility of a government's commitment to equality was undermined by approaching the issue in a limited way rather than one sufficiently comprehensive to meet the demonstrated need.

Two facts in particular fuel this disappointment and skepticism. The first is that the federal government has forcefully intervened on behalf of the employment needs of francophones. This served as a direct example to the groups with whom the Commission met of a strong and effective political will. The government concluded rightly that francophones had been unfairly, and often arbitrarily, excluded from access to many of the opportunities available in Canada, and it took strong corrective measures. Fifteen years later, the positive results of this political intervention are apparent,³ a message to Canadians that government is prepared to take remedial legislative measures to ensure equitable access to the distribution of the opportunities this country generates.

To the four designated groups from whom this Commission heard, the absence of similar political will and leadership with respect to their own exclusion from opportunities was the subject of much discussion. The fact that one group had been able to attract effective political action while others had only managed to attract repetitive research was both frustrating and inspiring as an example of the art of the politically possible. Their hope was that, as quickly as possible, they would be transformed from being objects in the political laboratory to being subjects of political action.

3. The proportion of francophones in 1982 in the federal public service was 26.8 per cent, a figure reflective of their proportion in the Canadian population. Canada. Public Service Commission of Canada. *Annual Report 1981*. Ottawa, 1982, p.28; Canada. Statistics Canada. *Census of Canada 1981. Population: Mother Tongue*. Catalogue No. 92-902 (Volume 1 - National Series). Ottawa, 1982, Table 1.

The second pertinent fact to which these groups referred was that the country to which Canada has the closest physical and cultural proximity has had for two decades an intensive program of affirmative action. What was striking to them was that the American government had, for 20 years, made genuine efforts to rectify obvious employment inequities in the private sector, while Canadians were still wondering whether to take any steps at all. To many, this inability or unwillingness in Canada to confront the problem was saddening; to others it was enraging. It is one thing to learn from any mistakes of the American experience; it is another to ignore the experience altogether.

These groups are beyond looking to the education of the public as a solution to their employment problems. They believe that the best way to educate the public is to expose it to the experience of working with qualified members of these groups, not hearing from or reading about them. Though the groups acknowledge that education and information are important parallel aspects in the process of destroying debilitating stereotypes, and are particularly concerned about the restrictive way they are portrayed by the media, they are not content to suffer personal economic disadvantage while waiting for the public to absorb and act upon this information. Education takes a long time to permeate through a culture and, in some cases, may never be effective in instilling a willingness to experiment with one's own opinions and expectations. The economic needs of members of these groups are immediate. Measures to address these needs must also address their immediacy.

For all of the generalities it is possible to formulate about the consistency of their concern across Canada, it is important to stress that there is no such thing as a group speaking with a single voice on every issue. This is important particularly from a policy point of view. If one is searching for solutions based on a homogeneous ideology that can be attributed to particular groups, then one is imposing an obligation on these groups not imposed on white able-bodied males. There has never been, nor would there ever be, a serious suggestion that all white males speak or ought to speak with a single voice about any given social issue.

To expect, then, that all women, native people, disabled persons, or visible minorities would articulate a universally adopted proposition as a group is unrealistic and unfair. There are certainly issues about which some members of each group feel strongly, and there are some issues about which one can say there seems to be a consensus. But for government to refuse to act on a suggested course

because it cannot command consensus either from a group or from the public generally is to shirk from a major government responsibility to provide leadership in rectifying injustices. Some policy issues simply defy consensus.

It is to government we turn for the broad overall assessment. It is to government we turn for a decision about whether or not the problem requires intervention and, if so, the form and extent of this intervention.

Yet for all their differences, the one issue about which there was general agreement among the groups was the need for strong government measures to ensure equality in employment.

There was concern expressed at many meetings about the government's selection of the four groups to be studied. Some individuals found the groupings insulting; others, even when they acknowledged the political rationale behind the groupings, found them nonetheless inappropriate. Their economic histories are different, their social and cultural contexts are different, their concerns are different, and the particular solutions required by each group are widely disparate. Some therefore felt that it minimized the significance of each of their unique concerns to be combined with three other groups.

This concern also derived from a sense that they would be competing for opportunities with the other groups rather than with the general community. Some felt that the suggestion that they all be examined together assumed that the four groups combined were entitled to only one slice of the economic pie. They resisted vigorously the notion that they are a fringe rather than an integral part of the community. Each group wanted to be perceived as having the right to access to the whole pie.

What follows is a consideration of the issues arising from the observations of the various groups. The issues concentrate on the observations members of these groups have about the way they are perceived by others. These collective perceptions were expressed as being determinatively inhibiting in defining the extent to which individuals felt they could maximize their employment opportunities.

These groups acknowledged that their self-perceptions were among the inhibiting barriers. They felt, however, that much of their personally inhibiting diffidence derived from a history of exclusion

and undervaluation and should not be used as a scapegoat for the discrimination they face from others.

A number of articulated employment barriers were common to all groups: insufficient or inappropriate education and training facilities; inadequate information systems about training and employment opportunities; limited financial and personal support systems; short-sighted or insensitive government employment counsellors; employers' restrictive recruitment, hiring, and promotion practices; and discriminatory assumptions.

Every study relevant to these groups in the past five years has urged the implementation of some form of interventionist measures to assist them in the competition for employment opportunities, yet in response only peripheral adjustments to the system have been made. The progress for these groups has ranged from negligible to slow, yet there is an unexplained apparent reluctance on the part of governments to address squarely the conclusions of their own research.

Women

According to 1982 data, about 52 per cent of Canadian women are in the paid labour force. They constitute 41 per cent of the workforce. Year after year, women make the case for better child-care facilities, equal pay for work of equal value, equitable benefits, equal employment opportunities, unbiased educational options, and an end to job segregation. Year after year, they are told by governments that measures are being looked into and solutions being devised. Every year, progress is largely chimerical. The lack of progress results in a perpetuation of losses that become increasingly irreversible.

*lifeline
etc.* Many women from whom the Commission heard were incredulous about their having been effectively excluded from so many opportunities over so long a period of time. Moreover, they resent the attribution of stridency when, in their frustration, they reiterate with vigour how intolerable is the failure of society as a whole, governments in general, and institutions and individuals in particular to treat women as equals.

One of the major impediments to women having adequate employment opportunities, articulated by both women and employers, has to do with the education choices made by females. If these choices are based on an assumption by females that they need not

seek paid employment, that their economic security will flow from a marriage, then clearly they will not address the issue of which educational options will provide them with better employment skills. Where they are interested, and most are, in seeking employment, they must participate in the full range of available educational opportunities. This will require dramatic changes in the school system. | and...

For women interested in joining or rejoining the workforce later in life, training and educational opportunities must be made available so that they have a chance to work at the widest range of jobs. Nor should they be neglected in the wake of technological change. Every effort must be made to attempt to break the mold that results in job and economic segregation.

What precedes employment may be just as important as what occurs once employment is obtained. The cultural ambience from which men and women emerge affects what takes place in the workplace. How men and women perceive one another as spouses and how children perceive their parents both determine what happens to women in the workforce. If women are considered economic and social dependants in the home, they will continue to be treated as subservient in the workplace. If, on the other hand, they are perceived as social and economic equals in a partnership in the home, this will be translated into the practices of the workplace. Two issues must therefore be addressed simultaneously: the way women are perceived generally in society, and the employment practices that affect women in any given corporation. |

The problem is one of assumptions, almost religiously held, about the role and ability of women in Canada. Many men and women seem unable to escape from the perceptual fallout of the tradition that expects women to behave dependently and supportively toward men.

The historic and legally sanctioned role of women in Canada has been as homemaker. For more than a century, in every province, the legal doctrines around marriage required that the legal personae of husband and wife merge into that of the husband. This obliterated the wife's identity as an independent legal entity. It also required, rather than permitted, the husband to be the breadwinner, resulting in the allocation of the homemaking function to the wife.

Only in the recent past have provinces begun to impose an equal obligation on husband and wife to be responsible for their own sup-

port. The right of one spouse to support from the other now flows mainly from economic need arising from the spousal relationship and its division of labour rather than from gender. Marriage is to be considered a partnership of social and economic equals, and the division of labour in marriage between breadwinner and homemaker is to be considered a division of two equally valuable contributions to this partnership.

Notwithstanding the existence of this legal requirement that no one gender should expect the other automatically to provide financial support, childcare, or household services, it will likely be generations before the impact of this newly sanctioned approach to marriage is reflected in society's other institutions. Nevertheless, it immediately requires courts to consider that although one spouse, usually the wife, remains at home, the homemaking contribution is to be considered equally valuable to the spousal relationship whether or not its efforts generate income. There is no longer an automatic division of household responsibilities based on gender in spousal relationships. The responsibilities of economic self-sufficiency and parenting are bilateral.

At the same time, it would be wrong to undervalue the role of homemaking and to ignore its economic contribution simply because it is not "employment" as it has been traditionally defined. Homemakers, who have made choices authorized by law and justified by their own spousal relationships, should not be penalized economically because the majority of women are now making different choices.

✓ The essence of equality for women, now and in the future, is that in their options, which may or may not include the selection of a "traditional" role, they face no greater economic liability than would a man, and that in whatever "employment" environment they choose, they receive the same benefit for their contribution as would a man. Particular efforts must be made to provide the necessary human and financial supports to those women who, in the absence of a spouse's household assistance, hold two full-time jobs: one in the paid labour force and one unpaid as the spouse with the primary responsibility for homemaking functions.

A number of harmful consequences to women of traditional stereotypical assumptions must be addressed. The first involves an approach to the family that treats it as a single indivisible unit for

policy purposes.⁴ The family as a unit performs a private function for its individual members in providing intersecting emotional, social, and often financial services. As a carapace from external circumstances, it can be a source of comfort and protection. But beyond this sweeping and idealized generalization, it is a mistake to presume that there is a standardized social or economic formula governing the way families operate. The mistake tends to work to the detriment of both women and men, who are categorized as playing assigned roles.

Although women have the same right to work and stay home as do men, until the legal directive in modern family law that each spouse is responsible for his or her own support takes root and inspires routinely in young girls and women the realization that they themselves, no less than any future spouse, must be financially self-reliant, women will likely be the gender performing the homemaking responsibilities.

Exactly

In 1982, there were more than 70,000 divorces granted in Canada; about one in every three marriages now ends in divorce.⁵ Census figures show that the number of single-parent families increased from 477,525 in 1971 to 714,005 in 1981. Eighty-five per cent of single-parent families in 1981 were headed by a woman, and Statistics Canada data show that three out of five female-headed families were living below the poverty line.⁶ Women who have functioned primarily as homemakers may suffer enormously heavy economic penalties when their marriages unravel, and they should be assisted in the form of tax and pension measures as well as enforceable maintenance and support systems to help them resist poverty and achieve financial viability. When they apply for jobs, their homemaking and volunteer work should be considered legitimate work experience. If they work part-time, they should not bear the unfair financial brunt of a perception that part-time work is

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4. It has been suggested that "the ... important and underlying reason for the invisibility of unpaid work performed at home lies in the model of the patriarchal families which until recently was the major operative model for social policy purposes in Canada". Eichler, Margrit. "The Connection Between Paid and Unpaid Labour and Its Implication for Creating Equality for Women in Employment". Paper prepared for the Commission of Inquiry on Equality in Employment. March, 1984.
 5. Canada. Statistics Canada. *Marriages and Divorces, Vital Statistics, Volume II*. Catalogue No. 84-205. Ottawa, 1982; Canada. Economic Council of Canada. *On the Mend*. Twentieth Annual Review, 1983. Ottawa, 1983, p.90.
 6. Dulude, Louise. *Love, Marriage and Money... An Analysis of Financial Relations Between the Spouses*. Ottawa: Canadian Advisory Council on the Status of Women, 1984, p.28; Canada. Economic Council of Canada. *On the Mend*. *Ibid*.

not serious work. They should be remunerated and receive benefits on a prorated basis with workers employed full-time.⁷

But for all women, whether they work at home or in the paid labour force, it is crucial that they not be deemed for policy purposes as economic satellites of their partners. Tax laws, pension schemes, the public perception of parental responsibilities — all these need to be examined, and in some cases drastically revised, to confirm for women their status as independent individuals, to negate the perception of their dependency, and to discredit the assumption that they have a different range of options than men have.

Notwithstanding that there is an equal right to work, there is no avoiding certain biological imperatives. Women rather than men become pregnant. Children require care. An environment must therefore be created that permits the adequate care of children while also allowing the equal right of men and women to maximize their economic potential. This environment, however, is not possible if the public continues to assume that the primary responsibility for the care of children belongs to women. There is no mysterious chemistry that produces in one gender an enhanced ability either to raise children or to work at a paid job.

recently? The care of children needs to be seen as a parental rather than a maternal responsibility. We are unfairly overburdening and restricting both men and women if we fail to base practices, employment and otherwise, on a policy of shared responsibility between men and women for the care of their children. Because responsibility for childcare used to be an exclusively maternal one, the greatest psychological pressure for the care of children is still felt by women. Childcare is thus a critical access route for women. Unless it is provided in adequate quality and quantity, the debate about the right to equal employment opportunity is academic for most women.

Failure of corporations to accommodate in any significant way the fact that women become pregnant and have children is a source of deep concern to women. Employees of both genders

7. The Commission of Inquiry into Part-time Work recommended to the federal government that the Canada Labour Code, Part III (Labour Standards), be amended to ensure that part-time workers receive the same protection, rights, and benefits (on a prorated basis) as those now guaranteed to full-time workers. Seventy-two per cent of all part-time workers in 1981 were women. Canada. Department of Labour, *Part-time Work in Canada. Report of the Commission of Inquiry into Part-time Work*. Ottawa, 1983, p.145.

leave jobs for a variety of reasons and for various periods of time. Young men often hopscotch from one job to another as they pursue upward corporate mobility and expand their career opportunities. This is such a common feature of the corporate community that very little comment is heard about whether the corporate investment of time and resources in these young men has been wasted. Yet a great deal of resentment is articulated by business over the loss, usually temporary and for a period of less than four months, of a female employee who has had a baby.⁸

Many women find that their current or prospective status as a mother is a powerful factor on a hidden agenda affecting hiring and promotion practices. Some companies fear hiring young women who, though otherwise qualified, are potential childbearers. The prospect of maternity leave appears to inspire alarm in a way that training leaves, extended vacations, or even lengthy illnesses do not. This alarm is communicated throughout the female candidate pool and results in a form of psychological contraceptive blackmail. Women are often made to feel either that they should not have children or that, having had them and not wishing to offend the perception of career primacy, they should act as if they did not have them.

Employers should presume no more about what mothers can, should, or should not do, than they do about fathers. Employers must operate on the assumption that their male and female employees have the same family responsibilities. The classic corporate requirement of geographic mobility, for example, may be a

8. Maternity leave provisions vary across Canada. Under most federal and provincial legislation, women are entitled to 17 or 18 weeks of maternity leave. Most jurisdictions also stipulate a qualification period. See, for example, the following statutes:
Canada Labour Code, R.S.C. 1970, C.L-1, as amended, ss.59.2-59.4;
Alberta Employment Standards Act, R.S.A. 1980, C.E-10.1, ss.59-67;
British Columbia Employment Standards Act, R.S.B.C. 1980, C.10, ss.51-56;
Manitoba Employment Standards Act, R.S.M. 1970, C.E-10, s.31.1;
New Brunswick Minimum Employment Standards Act, N.B.A. 1982, C.E-7.2, ss.9-11;
Newfoundland Labour Standards Act, N.S. 1977, C.52, ss.38-42;
Nova Scotia Labour Standards Code, S.N.S. 1972, C.10, as amended, s.56, 57;
Ontario Employment Standards Act, R.S.O. 1980, C.137, as amended, Part XI, ss.35-39;
Prince Edward Island Labour Act, S.P.E.I. 1974, C.L4, as amended, s.67.1, 67.2, 67.3, 67.4;
Quebec Regulation respecting Labour Standards, R.R.Q. 1981, C.N-1, R.3, ss.15-35;
Saskatchewan Labour Standards Act, R.S.S. 1978, C.L-1, Part IV, ss.23-29.
 The Northwest Territories and the Yukon have no maternity leave legislation.
 See also: Canada. Labour Canada. *Maternity and Child Care Leave in Canada*. Ottawa, 1983. This publication provides a detailed chart on page 37 of terms and conditions of maternity leave legislation in Canada. See also *Bliss v. Attorney General of Canada*, [1979] 1 S.C.R. 183, affirming [1978] 1 F.C. 208.

burden to mothers seeking promotion, but it is probably also a burden to fathers who are called upon by companies with almost callous regularity to move from one community to another. It is ironic that only now are corporations beginning to re-examine this traditional career path, not because they have concluded that it is potentially harmful to the families of their employees, but because the men to whom these distant promotional opportunities are being offered are increasingly declining them out of consideration for a partner whose own career interests conflict with a change of residence.

Most women work in the clerical, sales, and support services of any corporation. These are not only the lowest paying jobs, they also tend to be jobs limited in opportunities for promotion. Even where women perform managerial functions, as many secretaries do, they are not given credit for these responsibilities when candidates for promotion to management are sought. Nor do women get the same educational or training leaves in corporations as do men, and they are rarely selected by corporations for significant corporate policy task forces or committees. Women must train for, be hired in, and given opportunities for the full range of occupational categories in order to break out of the economically limiting job segregation they now experience. This means more than an occasional token appointment of a woman to a management position; it means the routine hiring of qualified women throughout the occupational layers of a workforce.

Their work, wherever they perform it, should be valued and remunerated no less differently than work done by men. There is no excuse for excluding paid domestic workers from the protection of human rights or employment legislation.⁹ At the workplace, women should be free from sexual harassment. When sexual harassment

9. The following jurisdictions exempt paid domestic workers from this protection.

Alberta: *Individual Rights Protection Act*, R.S.A. 1980, C.I-2, s.9. Sections 7 and 8 (dealing with employment practices, applications, and advertisements with regard to employment) do not apply with respect to a domestic employed in a private home; *Labour Act*, R.S.A. 1980, C.L-1, s.2(2)(d). This Act does not apply to employees employed in domestic work in a private dwelling;

British Columbia: B.C. Reg 37/81, s.58(1)(d). The *Employment Standards Act* does not apply to sitters who are not domestics. Part 3 of the Act (dealing with hours of work and overtime) does not apply to domestics;

Manitoba: *Employment Standards Act*, R.S.M. 1970, C.E-110, s.2(1)(g)(iii) and (iii.1). This Act does not apply to a person employed in domestic service in a private family home and remunerated by a member of that family, where the person is not employed for more than 24 hours in a week by the same employer or where the person is employed as a sitter to attend primarily to the needs of a child or as a companion to an aged, infirm, or ill member of the household;

has been proven, women should have available an effective and early remedy.¹⁰ They should be encouraged to qualify and apply for the widest range of jobs and careers, but where they choose to work in jobs traditionally held by women they should not, by virtue of working in a predominantly female occupation, be paid less than is paid for work that is no more valuable but is done predominantly by men.

Women should be encouraged to set up their own businesses and be assisted by banks and other lending institutions with no less serious consideration than that accorded men and no more onerous proof of their business potential than that required of men.

New Brunswick: *Employment Standards Act*, N.B.A. 1982, C.E-7.2, s.5(b). Except with respect to s.39, 40 and 41, dealing with the employment of children, this Act does not apply to employment contracts for the provisions of domestic services;

Newfoundland: *Human Rights Act*, R.S.N. 1970, C.262, as amended, s.9(6)(b). The section on fair employment practices does not apply to an employer in respect of the employment of a live-in domestic; Newfoundland Reg. 303/82, s.8(2). The minimum wage for domestic service in a private home is less than for other workers;

Nova Scotia: *Human Rights Act*, S.N.S. 1969, C.11, s.8(4)(1). The section on discrimination in employment does not apply to a live-in domestic; N.S. Reg. 84/77 s.1(a). The minimum wage provisions do not apply to domestic servants in a private home;

Ontario: *Human Rights Code*, S.O. 1981, C.53, s.23(c). The right under section 4 (to equal treatment with respect to employment) does not apply where the primary duty of the employment is attending to the medical or personal needs of the employer or of an ill or infirm child, spouse, or relative of the employer; O. Reg. 283/80 sets out different minimum wage requirements for a domestic or nanny than for other employees;

Prince Edward Island: *Human Rights Act*, S.P.E.I. 1975, C.72, s.6(4)(a). The section on discrimination in employment does not apply to a live-in domestic;

Quebec: *Minimum Wage Act*, R.S.Q. 1977, C.S-1, s.2(b). The Act, dealing with wages, overtime, vacations, and employer-employee disputes, does not apply to household servants;

Saskatchewan: *Human Rights Code*, S.S. 1979, C.S-24.1, s.2(3). "Employee" does not include an employee employed in a private home or living in the home of his/her employer; Sask. Reg. 317/77. Section 17 of the regulation provides as follows:

(1) Subject to (2), Parts I and II (dealing with hours of work and minimum wage) and ss 42-48 (dealing with laying off employees and means of payment of wages) of the Act do not apply to domestics in private homes.

10. In 1984, the *Canada Labour Code*, R.S.C. 1970, C.L-1, as amended, was further amended to prohibit sexual harassment as follows:

Division V.9 Sexual Harassment

61.7 In this Division, "sexual harassment" means any conduct, comment, gesture or contact of a sexual nature

(a) that is likely to cause offence or humiliation to any employee; or

(b) that might, on reasonable grounds, be perceived by any employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

At the heart of the problem is the perception of what mothers and women normally do — more accurately, what the majority of them used to do. Now, the majority no longer does. It is time to replace the fear and skepticism employers feel about whether women have the same commitment to their work as have men. They have. When this is understood and acted upon; when it is no longer a source of wonder that a woman has performed exceptionally well or a confirmation of prophetic hindsight when she has performed with mediocrity; when the appointment of a woman causes no more public or private anxiety over whether she is genuinely qualified than does the appointment of a man; when, for that matter, the appointment of a woman is so routinely accepted that the gender of the appointee is not even discussed; when aptitudes are accepted as accruing to particular individuals rather than to particular genders; then — and only then — will we have achieved a form of gender equality. Women have the same range of temperaments, characteristics, and abilities as do men and society must stop pretending it is otherwise.

Unless concentrated attention is given to all of these issues, little will change. Human rights commissions must have the resources they need to fulfil their mandate; women must be encouraged by all political parties to play an equal and effective role both as candidates and as policy advisers;¹¹ the media must become more self-conscious about how they portray issues they consider “female”; businesses must be made to examine their practices to identify and eliminate barriers facing women; and the public must be taught to stop thinking in terms of how a particular gender ought to behave and to start thinking in terms of equal options. Until all these initiatives are undertaken, women and men will be less than they could otherwise be.

61.8 Every employee is entitled to employment free of sexual harassment.

61.9 Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.

Royal Assent was given on June 29, 1984. See also *Cherie Bell and Anna Korczak v. Ernest Ladas and The Flaming Steer Steak House Tavern Inc.* (1980), 1 C.H.R.R. D/155 (Ontario Board of Inquiry) and *Alistair MacBain v. The Canadian Human Rights Commission and Sidney N. Lederman, Wendy Robson, and Peter Cumming and Kristina Potapczyk* (1984), 5 C.H.R.R. D/2214 (Federal Court of Canada).

11. The three major political parties had a total of 129 female candidates in the federal election of September, 1984, more than at any previous time. The New Democratic Party had 65 female candidates (compared to 33 in 1980); the Liberal Party 43 (compared to 23 in 1980); and the Conservative Party 21 (compared to 14 in 1980). Goar, Carol. “Women and the Election”. *Maclean's*, August 20, 1984, p.20.

Native people

Native people in Canada include Status and non-Status Indians, Métis, and Inuit.

It is not new that their economic conditions are poor. Study after study has documented the facts. The unemployment rate of native people is more than twice that of other Canadians.¹² Those in the labour force are concentrated in low-paid, low-skill jobs. The average employment income in 1980 for native men was 60.2 per cent of the average income for non-native men; for native women it was 71.7 per cent of the average income for non-native women.¹³

Their economic plight has taken its inevitable toll on social conditions. Native people are angry over the disproportionate numbers of native people who drop out of school, who are in prison, who suffer ill-health, who die young, who commit suicide. They are saddened by the personal, communal, and cultural dislocation of their people.

Travelling across Canada and listening to their concerns, one can easily understand why they want self-determination. They are convinced that the situation under their own administration could hardly be worse. Notwithstanding efforts of numerous levels of government, native people do not have anything that begins to approximate equality in a country they inhabited before any others. They feel that the funding of an elaborate bureaucracy, ostensibly created for their benefit, would be more productively spent if directly allocated to their own administrative agencies. Many look to the settlement of land claims to release them from economic dependency.

The essence of the concerns expressed by native people was the need to participate in the decision-making process in areas that affect them. They are concerned that in all aspects of programming relating to native people — education, training, and social services — they are sometimes consulted but have no determinative say in the nature of the systems or institutions designed for their benefit.

Another major frustration is with the fragmentation of the system that delivers services to them. Not only are there three layers of government providing them with economic and social assistance pursuant to various statutes, there are a number of government

12. Statistics Canada. Unpublished data from the 1981 Census.

13. *Ibid.*

agencies within every level. The result is that native people are often unaware of what programs exist or they spend so much time trying to find out what initiatives are available that their energy is deflected from more urgent needs.

A good deal of discussion with the Commission revolved around the enormous amount of time spent in preparing grant applications rather than on delivering the service for which they seek funds. They complained, too, that the programs or projects tend to be short-term or of uncertain duration. The process of having to apply annually or regularly for funding keeps them in a position of constant dependency, unable to make long-range plans for their communities.

Generally, their sense is one of resistance to the paternalism they have felt from governments through the years. They want recognition of the integrity of their culture and want to be served in their own language by people who understand their particular concerns.

It is the perception of many native people that their lack of influence, the instability of funding, the fragmentation of government services, and the dearth of autonomy all undercut the development of a meaningful strategy to build the conditions of equality. One of the desired priorities in this strategy would be obtaining more funds and assistance for economic self-development. Although native people spent hours with this Commission discussing employment practices that tend to exclude native people, they stressed that ultimately economic self-sufficiency would make them better able to provide job opportunities for native people and develop the bargaining power necessary to realize the goals of their communities. They explained that they have difficulty getting credit from traditional lending institutions such as banks, and therefore find themselves in a position where, except for government assistance, they are unable to develop the economic structures to make them financially secure.

Many of their apprehensions are focused on an education system they feel is not accountable to the people it serves. There are insufficient numbers of native people teaching, resulting in an absence of role models for young children. Curricula in the public and high schools do not reflect the cultural differences of native persons, and therefore a sense of either alienation or unreality inhibits the development of the minds of children who are being taught about a world that often seems inhospitable or irrelevant to them.

There is an inadequate supply of relevant training programs. Training programs designed with insufficient input from native people often result in skills developed for jobs that are either unavailable or low-paying. Waiting lists are often as long as two years. There is a strong unmet demand for trades and technical training, as well as for basic literacy training and for upgrading and preparatory courses, such as basic job readiness. The lack of training programs specially designed for native people means that many existing programs are ineffective for them. Educational requirements for many of these training programs are felt to be unrealistically and inappropriately high and therefore arbitrarily exclude less educated native people from participating. They are concerned that they are being streamed into training for low-paid and low-skill jobs.

They find that subsidies provided for on-the-job training programs are not working well. Often when the subsidies terminate, so do the jobs. Subsidized training is inadequately linked to permanent employment.

For those native people living on reserves, or in rural and remote areas, the location of training programs or employment opportunities is a problem. Native people find that training courses tend to be too short to learn adequately the offered skills but too long for them to be comfortably away from families and communities. Transportation and communication costs are inadequate to allow visits home if the employment or training opportunity is far from the community.

Native women feel that they are doubly disadvantaged — on one level because they are women and on another level because they are native people. They feel that they are being constantly streamed into low-paying and irrelevant job opportunities.

For native women, particularly those living on reserves and in rural and remote areas, the lack of childcare acts as a barrier to training and employment opportunities. These women are also concerned that where childcare facilities do exist they tend not to be run by native people who can enhance the cultural environment found in the child's home.

Most Status Indian women with whom the Commission met complained bitterly about section 12(1)(b) of the Indian Act,¹⁴ which causes them to lose their status if they marry a non-Indian male but does not similarly ostracize Indian men who marry non-Indian

14. *Indian Act*, R.S.C. 1970, C.I-6, amended by C. 10 (2nd Supp.) 1974-75-76, C.48 1978-79, C. 11 1980-81-82-83, CC.47, 110.

women. This section was declared to be discriminatory by the United Nations Human Rights Committee but has nonetheless still not been repealed.¹⁵

Native people feel that governments have failed to use people in the native communities to provide training, counselling, and support services. Native organizations claim to have difficulty obtaining funding for programs designed and operated by and for native people.

Moreover, the government agencies that provide services to adult native people are generally staffed by non-native persons who are often unable to understand the needs of native persons. The most frequent use of native persons is made in the Outreach program, whose workers perform many of the same functions as do regular government employees but are employed on a year-to-year contract position, with no benefits or security. They are perceived by native people to be critical to the delivery of government-run services for native people. There is resentment that native Outreach workers are being paid at a lesser rate than government employees, most of whom are not native people.

Native people living in urban areas encounter numerous difficulties. For Status Indians, some of these difficulties stem from the fact that they are not entitled to benefits that accrue to them if they live on reserves. This limits their options and is a disincentive to seeking job opportunities off the reserves, even if job opportunities are severely limited on the reserves. Status Indians requested amendments to the tax system to soften the impact of living off the reserves.

Native people feel the need for support systems to counsel and assist them. Such support systems have been missing from training programs and employment situations.

15. Pursuant to Article 28 of the *International Covenant on Civil and Political Rights*, a Human Rights Committee of 18 members was established. Under the Optional Protocol to this Covenant, the Human Rights Committee has the competence "...to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State party of any of the rights set forth in the Covenant".

Under Article 5(4) of the Optional Protocol concerning Communication No. R.6/24, in the case of *Sandra Lovelace v. Canada*, the Human Rights Committee on July 30, 1981, concluded that "...the facts of the present case, which establish that Sandra Lovelace has been denied the legal right to reside on the Tobique Reserve, disclose a breach by Canada of Article 27 of the Covenant". (*Canadian Human Rights Yearbook* 1983. Toronto, Carswell, 1983, pp.305-314.)

Some native people indicated that once they were hired by corporations, they were denied promotions. They feel the psychological burden of having to perform better than a non-native worker in a given job; if they do less well, they fear being perceived as paradigmatic of all native people.

Some also complained that corporations often transport southern, non-native workers to sites in northern and remote areas rather than hire native people who live in the area. Native people feel that they are an underutilized source of labour in the north and are tapped only for the lowest-paid and lowest-status jobs. They pointed out the successful experiments of a number of corporations that introduced flexible work patterns to accommodate cultural differences and needs.¹⁶

Native people acknowledged that programs to recruit and train them for the public service exist but criticized the lack of significant results. They find educational requirements for these programs unnecessarily high and opportunities few.

To monitor the effectiveness of employment practices in eradicating discriminatory barriers for native people, data should be collected by employers in each of four categories — Status Indian, non-Status Indian, Métis, and Inuit. The requirement to implement employment equity for native people would depend on the region of Canada and on the industry.

Native people need better housing, services, and medical care. The Indian people want the paternalistic Indian Act abolished; it controls who can belong to Indian bands, the administration of reserves and reserve lands and resources, the ownership of reserve lands, and education. Although they explained that these were not, strictly speaking, employment issues, they felt they were fundamental to their well-being. Poor social and economic conditions and the absence of control over or contribution to the basic decision-making processes have undermined their ability to avail themselves of educational and employment opportunities. Generally, they expressed a great deal of frustration, which is echoed in the report

16. A Surface Lease Agreement between the Government of Saskatchewan and Amok/Cluff Mining included the requirement that 50 per cent of all employees be "Northerners". The program has been extremely effective in increasing the participation rates for native people by adjusting to their lifestyle needs, providing on-the-job training, and permitting work alternate weeks, with the corporation providing air transportation.

of the Special Parliamentary Committee on Indian Self-Government.¹⁷

The central issues for native people are their exclusion from relevant decision-making, the fragmented and uncoordinated programming, the problem of uncoordinated policy approaches, the absence of federal/provincial/municipal coordination of service delivery systems, and the constant sense that they are forever subject to the discretion of people who do not understand their culture. As much as any group, they complained of the proliferation of discussion and research, and of the absence of corresponding political action. They feel a sense of urgency that is intense — the human cost of their political and economic positions has been enormously and inexcusably high.

Disabled Persons

Because the range of concerns among persons who are disabled varies with the nature of the disability, it is impossible to itemize every measure that must be taken to eliminate barriers for disabled persons.¹⁸

What is possible, however, is to suggest an overall approach from which certain consistent steps will inevitably flow. It is also possible to identify certain aspects of the approach that will require flexibility in order to accommodate the full range of disabilities.

The World Health Organization distinguishes among "impairment", "disability", and "handicap". An "impairment" embraces any disturbance of or interference with the normal structure and function of the body, including the systems of mental function.¹⁹ Health and Welfare Canada statistics place the number of Canadians who have some form of mental or physical impairment at 5.5 million.²⁰

"Disability", according to the World Health Organization, "is the loss or reduction of functional ability and activity" that results from an impairment.²¹ In other words, an impairment does not necessarily produce a disability, a fact reflected in the Health and Welfare

17. Canada. House of Commons. *Indian Self-Government in Canada*. Report of the Special Committee on Indian Self-Government. Ottawa, 1983.

18. *Supra*, footnote 2. The *Obstacles* report provides a summary of the specific measures necessary.

19. World Health Organization, Philip H.N. Wood, WHO/ICD9/REV. CONF/75.15.

20. Canada. Health and Welfare. *Disabled Persons in Canada*. Ottawa, 1981, p.7.

21. *Supra*, footnote 19.

Canada statistics estimating that fewer than half (2.3 million) of impaired Canadians can be termed disabled.²²

A "handicap" is defined by the World Health Organization as the disadvantage that is consequent upon impairment and disability.²³

The language of disability was very much a preoccupation of disabled persons across Canada. Many were particularly concerned because the language of disability often reinforces the perception of their incapacities rather than their capacities.

Persons with disabilities experience some limitation of their work functioning because of their physical or mental impairment. But the extent to which their disability affects their lives on a daily basis — that is, handicaps them — is very often determined by how society reacts to their disability. A disabled person need not be handicapped.²⁴

The significance of these distinctions lies in the fact that we have tended to consider disabled persons as a uniformly incapacitated group of people. Disability may or may not lead to a handicap affecting employment.

It is therefore essential to develop an approach to the employment problems of disabled persons that treats disability as tangential to, rather than definitive of, the individual.

The issue must be examined from the point of view of the individual who has the disability rather than from the point of view of the assumptions of the employer. This is not to suggest that an employer's needs and concerns are not relevant; in fact, they may be critically so. But it is to suggest that the way one deals with this issue is first to determine whether or not the disabled person is qualified or qualifiable, and secondly to determine what measures are necessary to maximize the ability of a qualified disabled individual to perform the job for which he or she is being employed. The determination must be made individual by individual. Disabled persons do not expect to be hired for a job they cannot or could not be trained to do. What they are entitled to expect, however, is

22. *Supra*, footnote 20, p.7.

23. *Supra*, footnote 19.

24. Rioux, Marcia. "Labelled Disabled and Wanting to Work". Paper prepared for the Commission of Inquiry on Equality in Employment. September, 1983.

that wherever reasonably possible employers make adjustments to workplaces so that disabled persons are not handicapped in their ability to perform the job.

What they assert is their right to join the economic mainstream and to have re-examined those employment systems and institutions that work against the achievement of this goal.

There are many aspects of the systems and policy measures designed for disabled persons that have not been thought through. Generally, the problems include the fragmentation of policies, the short-term nature of many of the programs, the lack of continuity in these programs where they do exist, the uncoordinated approach among the various levels of government and within each level of government, and the lack of information about what programs in fact exist.

The Commission was told that at Canada Employment Centres in several parts of the country there were information gaps because no individual was specifically assigned the responsibility of dealing with the programs and initiatives available for disabled persons. There were complaints, too, also expressed by members of the other designated groups, about insensitivity at these centres by counsellors, and about being streamed into low-paying, dead-end jobs.

Where training programs do exist, the waiting period is too lengthy and the programs inadequate or irrelevant. They rarely result in jobs. Many disabled persons feel they would benefit from more on-the-job training.

There is an overwhelming problem for disabled persons in the way welfare and disability pension systems operate in this country. Programs have been devised that operate as a disincentive rather than an inducement to entering the labour force. Most welfare and disability pension schemes under which disabled persons receive income require that they choose between the income from these schemes and from employment. The loss of a pension, for example, often results in the loss of medical and social support benefits. These may no longer be affordable once a disabled person is employed because the work opportunities available are often part-time and usually in poor-paying jobs. There is rarely enough income from these jobs to pay for the benefits formerly provided by welfare or disability pensions. This means as well that there is rarely enough money to pay for work-related expenses, such as transportation.

Moreover, welfare and disability pension schemes normally are set up so that an individual no longer getting the benefit of these schemes disqualifies herself or himself for a substantial period of time before becoming again eligible for these benefits. If a job does not work out for a disabled individual and he or she is again unemployed, there is the crucial problem of what the next source of income will be.

Unless these income systems are redesigned to take into account the financial reality disabled persons face, it is unreasonable to expect many disabled persons to risk economic security by seeking a job. When an individual has lived for years under the shadow of a public perception that he or she is incapable of functioning at the workplace in a meaningful way, that individual is likely to be insecure about having the ability to do so. The object of ameliorative programs, therefore, is to neutralize this insecurity, to encourage confidence, and to make the prospect of employment an economically and socially viable one.

The Commission was made aware of the formidable combination of a public perception that disabled persons have limited capacities and the uncertainty many disabled persons have about whether, in fact, they will be welcome and able to perform to maximum capacity in a work environment. More employment training must exist, and on-the-job support in the form of technical aids, personnel assistance, and a sensitized able-bodied workforce must all be offered to make employment possible for disabled persons. Transportation systems have to be devised to ensure that physical access to employment is possible, and buildings must be constructed or retrofitted to be physically accessible in all respects to disabled persons.

Concern was expressed that certain job requirements demand irrelevant qualifications which have the effect of excluding disabled people from employment opportunity. The problem of irrelevant job requirements affects all four designated groups. Job requirements that have a disparate impact on certain groups need to be analyzed to determine whether or not they are justified. Employment practices resulting in disparate impact are justifiable only if no reasonable alternative exists or if the practice is dictated by business necessity.

A related issue is the question of when an employer should be required to reasonably accommodate a disabled employee. Incentives must be given to employers to ensure that in those circum-

stances where accommodations should be made, it is economically feasible for the employer to make them. Amendments should be made to the Income Tax Act in order to permit employers to fully deduct these costs.

Although there was general agreement that wherever possible incentives should be provided to employers to accommodate people with disabilities, including tax deductions to retrofit premises, hire support personnel, and make available technical aids, there was also general agreement that wage subsidies were degrading.²⁵ Moreover, from a practical point of view, the majority of such job opportunities appeared to end with the termination of the wage subsidy.

But whether or not an employer continues the employment of an individual originally hired with the assistance of a wage subsidy, disabled individuals felt strongly that no employer should be subsidized to hire qualified people. They generally find that this is debilitating psychologically, and that it undermines their confidence in their qualifications. They feel there are other ways to assist employers in making job opportunities available that do not border so perilously close to charity.

Some disabled persons expressed the view that the classic definition of employment should be adjusted to take into account distinctions in individual qualifications. The traditional 40-hour, five-day work week, they felt, could easily be re-examined with a view to making adjustments to allow for expanded job opportunities for disabled persons. They pointed out, for example, that although they might be qualified for a particular job, their disability may make an eight-hour day physically impossible. They are, therefore, most anxious that such options as part-time employment and job sharing be available, provided that these options do not occupationally segregate disabled persons.

Most disabled people expressed concern about sheltered workshops — workplace and training facilities for more severely disabled persons.²⁶ The general feeling is that even though some

25. See: Fudge, Derek, and Holmes, Patty. *Together for Social Change: Employing Disabled Canadians*. Ottawa: National Union of Provincial Government Employees and Coalition of Provincial Organizations of the Handicapped, 1983. This contains a critical evaluation of CEIC's Program for Employment Disadvantaged prepared by the Saskatchewan Voice of the Handicapped in October, 1982.

26. In September, 1983, about 25,000 persons in Canada were involved in training, sheltered work, or activity centre services provided by workshops. Canadian Council of Rehabilitation and Work. Submission to the Commission of Inquiry on Equality in Employment. December, 1983, Appendix B.

severely disabled cannot be expected to work outside a uniquely designed and protective setting, there is no justification for their receiving less than the minimum wage in these settings.

There is the additional concern that not enough emphasis is placed on preparing these workers for and facilitating their entry into the general workforce. Sheltered workshops, where they exist, should provide job placement services so that a greater number of disabled persons who are trained in these facilities are able to enter the workforce. Workshops must be encouraged to seek opportunities for more relevant long-term work for disabled workers. There should be defined guidelines as to the duration, quality, and evaluation of training in sheltered workshop programs so that an individual's successful completion of the program may be determined.

Much concern was expressed that any mandatory system to increase the participation of the disabled should be designed in such a way that employers hire not only persons with permanent disabilities, but that there be additional effort made to find jobs for severely disabled persons.

For that reason, although human rights statutes should continue to protect people with as wide a range of disabilities as possible from discriminatory acts or systems, employment equity programs should concentrate on attempting to increase employment opportunities for those persons whose permanent or long-term disabilities seriously handicap them in access to employment opportunities. Disabled persons should be defined for purposes of an employer's obligation to collect data under employment equity legislation as those persons whose general access to employment opportunities has been or has appeared to have been limited by the existence of a permanent or long-term disability. Because of the individualized approach employers must take in eliminating employment barriers for the different impairments a disabled employee may have, the emphasis in monitoring the success of employment equity systems for disabled persons should be less quantitative or data-oriented. Disabled persons are so heterogeneous a group that each disability requires accommodation in a different way. This makes any emphasis on numerical change potentially unfair both to the disabled employee and to the employer.

In almost every case, disabled persons stressed that the identification of any limitation they may have should be made by the

individual candidate for employment rather than the employer. They wish not to be stereotyped by the potential or actual employer's perception of what their capacities are. They are most concerned that any data collection system be based on self-identification. There is some fear that many employers have such entrenched views of certain disabilities, whether or not the disabilities are apparent, that the disclosure of a disability could well act as a determinative factor in employers deciding not to hire or promote someone who is qualified. Disabled persons can be counted on no less than able-bodied candidates to screen themselves out of unsuitable job prospects.

There is need, therefore, for restricted and careful use of medical examinations as a pre-employment selection process to ensure that these examinations form only part of a bona fide occupational requirement and do not result in an arbitrary exclusion from employment.

One of the main problems both employers and potential employees discussed was the lack of an information network that would allow disabled persons to become aware of the existence of jobs and, at the same time, would inform employers about qualified or qualifiable disabled candidates for employment. It is of limited benefit to disabled groups to think in terms of mandatory measures unless a network is established to communicate to potential employees the existence of job possibilities. The method and system currently in place at Canada Employment Centres is seen as inadequate for these purposes by both employees and employers. The system must be redesigned to accommodate the fact that some disabled persons cannot easily perform the registration and reporting requirements. More reliance should be placed on local consumer and voluntary organizations acting as communications brokers for disabled persons, supported by appropriate funding.

Like the other groups, disabled persons were concerned about not having significant input into the decision-making process. This means that programs are designed, educational systems developed, job opportunities created, and accessibility issues addressed without a major role being given to the people most directly affected. This has resulted, they say, in some duplication, a waste of resources, and the creation of irrelevant and inadequate systems and methodology.

One of the problems is the divided governmental jurisdictions over the delivery of services. It is difficult at present to isolate and

identify pressure points and to monitor consistency of quality. Confusion results, calling for a more integrated approach and for an effective strategy by which to inform disabled persons about what services are available.

The importance of outreach programs and of volunteer advocacy organizations for disabled persons was emphasized in every part of Canada by people who felt that often, in the miasma of governmental interplay, the only responsive parts of the system were those connected with the volunteer organizations. A plea was made strongly, therefore, that these volunteer organizations receive the necessary resources to perform their complementary functions as advisers, counsellors, and supports to disabled persons and as communicators of government programs and policies.

For disabled persons, as for other individuals, two stages in employment equality are called for. The first stage is the preparation for their eligibility to compete fairly and equally for jobs — qualifying the qualifiable candidate for employment. In the education of the disabled child, for instance, the child should be made to feel that he or she is an equal social participant, with access to whatever services and systems exist for the general public. ✓

The second stage is in preparing the work environment itself, where the effectiveness of the disabled person's performance may be determined by the extent to which the disability is either ignored, accommodated, or over-emphasized.

This emphasis on integration should be carried into an examination of which institutions are properly providing the care disabled persons need and which are unfairly isolating them from general opportunities. In addition, the public should be educated against making stereotypical judgements about disabled persons which prevent them from gaining access to those things to which they are otherwise entitled. The best education is the employment of a qualified disabled person who can, by doing the job, teach able-bodied fellow employees and employers that what was thought impossible is not only possible but inevitable.

It is not just the opportunity of becoming employed that is at issue, it is the opportunity, once employed, of being able to move through a corporation with the same facility as would any other employee with a disabled individual's qualifications. The danger for members of any of the designated groups is that, once hired, there will be an assumption by employers that the responsibility has been

discharged and that promotion, training, or other corporate opportunities will be denied for the same reasons that original employment itself might have been denied. The stereotypes must be confronted not only at the point of entry to the corporation, but throughout its systems and practices and at every level. There should be a presumption in favour of a "duty of reasonable accommodation" so that employment barriers are eliminated and access to the fullest range of employment opportunities is available.

Visible Minorities

Visible minorities were defined by this Commission for purposes of the questionnaire requesting data from the designated crown corporations as "non-whites". It is undoubtedly possible to define this category by country of origin, by race, or by some other criterion, but arguably it is as reasonable to approach this ambiguous categorization from the point of view of what problem was meant to be addressed. The issue was to attempt to ascertain the extent to which people who were visibly non-white were excluded thereby from employment opportunities available to whites.

It is by no means a definitive approach. Some non-whites face more serious employment barriers than others. Although it is unquestionably true that many non-whites face employment discrimination, the degree to which different minorities suffer employment and economic disadvantages varies significantly by group and by region. To combine all non-whites together as visible minorities for the purpose of devising systems to improve their equitable participation, without making distinctions to assist those groups in particular need, may deflect attention from where the problems are greatest. In devising ameliorative programs, therefore, the emphasis should be on concentrating efforts on those minorities in those regions where the need has been demonstrated. At present, data available from Statistics Canada are not sufficiently refined by race or region as to occupational segregation, income levels, job promotions, or other indicators of disadvantage to make determinative judgements as to which visible minorities appear *not* to be in need of employment equity programs. Any such exclusionary judgements should be made not only on the basis of better data, but also on the basis as well of consultations with the relevant minorities.

The Census should collect as much detail on group affiliation as possible, including data on race, in order that the rate of improvement for those most seriously disadvantaged can be monitored.

Focusing on visible minority groups through employment equity programs does not relieve society of the responsibility to eradicate discrimination for all minority groups. It does not cancel the duty to provide for immigrants adequate language and skill training, bias-free mechanisms for determining the validity of foreign credentials and experience, and vigilant regard for whether employers are unreasonably making Canadian experience a job requirement. Nor does it absolve the school systems of their responsibility to ensure that minorities — visible or otherwise — are not being streamed routinely into certain types of courses. These are examples of the kind of measures that should be undertaken in any event to protect Canada's minorities from arbitrarily exclusionary systems.

Non-whites all across Canada complained of racism. They undeniably face discrimination, both overt and indirect.²⁷

Those who had been in Canada for many years particularly attributed their lack of employment opportunities to discrimination. They were people with recognized qualifications and proven job skills who found, nonetheless, that they were simply not promoted or given the same opportunities as whites with similar qualifications.

More recent immigrants did not as readily identify the problem as one of prejudice. Their attention focused primarily on the weaknesses in the services and facilities established to integrate them into Canadian life.

In both groups there was a sense that in Canada there is little understanding of and only slightly more tolerance of other cultures, and that newly arrived immigrants have difficulty understanding the Canadian culture.

The problems for newly arrived immigrants are enormous. There is little information given to them prior to their emigrating to prepare them for living in Canada, and they often arrive completely unfamiliar with Canadian life and institutions.

27. These complaints are echoed in *Equality Now!* Report of the Special Committee on Participation of Visible Minorities in Canadian Society. Ottawa, 1984.

This has critical implications in employment contexts. In the interviewing process, for example, people are often hired on the basis of, among other things, an interviewer's perception of their ability to integrate easily into a given labour force. This may not be relevant either to the candidate's actual ability to integrate or to his or her qualifications.

Consistently across Canada the Commission heard that the language training an immigrant receives upon arrival is inadequate. The training tends to be too short; it tends to be English or French immersion which, for many immigrants, is an impossible pedagogical style; it is usually not taught by someone who speaks their own language; and it rarely provides instruction sufficient for them to be able to communicate with any degree of fluency. Moreover, an individual almost never receives language training in his or her own skill or profession. The absence of technical language training practically guarantees that the immigrant's job opportunities are severely restricted and that whatever qualifications he or she brought to this country will be underutilized.

Not only was the language instruction itself deemed to be a problem, the fact that full-time programs are offered mainly to persons expected immediately to enter the paid labour force means that some immigrant women learn little or no English. If they subsequently join the paid workforce, their lack of language skills means that they are reduced to applying for low-paying, ghettoized jobs with little prospect of economic advancement. They are ripe for exploitation.

Immigrant women are disadvantaged, too, by the lack of adequate childcare facilities. Without access to childcare, some immigrant women who want to work cannot and many are unable to take language or training courses even when these courses are available.

A further difficulty is created by the absence of language training as an alternative to, or in conjunction with, employment opportunities. It is difficult to learn a language while employed. Once an immigrant has entered the labour force there is no financial assistance available for him or her to stop work temporarily, either to complete language training or to learn the language of his or her own profes-

sion or skill. Very little on-the-job language training exists, a system that would be exceptionally helpful to people anxious to integrate and contribute economically as quickly as possible. The result for many immigrants is that they tend to be locked into whatever jobs they obtain when they first arrive.

Immigrants expressed anxieties as well over the sponsorship systems, which exclude sponsored immigrants from certain benefits while taking language training. For many, this results in their inability to take advantage of training or language programs, thus excluding them from many opportunities otherwise open to other immigrants.

Many immigrants find, too, that when they apply for employment they are told that the job requires Canadian experience, an impossible qualification for recently arrived immigrants. Often the requirement has no objective relevance to the proper performance of the job.

The problem of professional or career credentials from other countries is a serious one for many who try without success to find ways of satisfying an employer that their educational qualifications match those required to perform the job.

Many skilled and professional immigrants are frustrated by the absence of a mechanism to determine whether or not the professional qualifications they bring to this country qualify them to practise their profession in Canada or to determine what upgrading courses are necessary. The examinations and licencing requirements for many occupations and professions across Canada are prohibitively expensive. There is an additional problem of portability from province to province of professional qualifications.²⁸ A system of qualification and credential assessment should be available so that recent as well as prospective immigrants can be advised accurately about exactly what is necessary in order to qualify them to

28. Accreditation requirements vary significantly from province to province and from licencing body to licencing body. Generally, accreditation requires evaluation of education, training, work experience, and an examination by the licencing body. The scope of the information to be evaluated makes a determination of equivalency and right to accreditation difficult for both the applicant and the licencing body. Concerns about the accreditation process were reviewed in the *Report of the Ontario Professional Organizations Committee*, Ontario Ministry of the Attorney General, Toronto, 1980.

practise their professions. It is a waste of human and intellectual resources that these people are consistently underemployed for reasons that have less to do with their professional qualifications or qualifiability and more to do with the insularity of some professional organizations. Having been selected as immigrants to Canada, many on the strength of these very qualifications, it is unfair to put insurmountable impediments in the way of their practising the professions they may be qualified to practise. Standardized testing, as well as the elimination of requirements for Canadian citizenship in most jobs and professions, would do much to reduce these barriers.

Training programs were generally seen to be inadequate both in quality and in quantity. The educational requirements for some programs were thought to be unreasonably high. Many individuals felt that they were being streamed into training that was irrelevant or inappropriate, or jobs that were low paying, despite their qualifications or interests.

Many members of visible minorities complained to the Commission of a lack of sensitivity among government counsellors, most of whom lack the language skills to be able to communicate with immigrants.

There was a suggestion that an effort be made by the federal government to impose consistency of quality and availability of programming through its cost-sharing agreements with the provinces by establishing guidelines for implementing federal education and training programs, on the basis of consultation with the provincial governments and with representatives of minority groups.

Generally, visible minorities feel that they have limited access to Canadian life, that their cultural and language differences tend to exclude them from job opportunities. Many feel that the only real opportunities they have are as self-employed business people, but that obtaining credit from lending institutions is unusually difficult for them.

Career mobility was stressed as a problem. Even when individuals from visible minority groups are hired for jobs, many find that

after a certain point they are unable to move up through the corporation with the same ease as are whites.

They resent the absence of members of visible minority groups in key decision-making positions dealing with their needs. There are not enough individuals from minorities in counselling and service delivery positions. There is also an absence of adequate Outreach programs to assist minorities.

Paid domestic workers, an occupation in which visible minorities are heavily represented, are inexplicably excluded from employment and human rights legislation.²⁹

Although members of visible minorities appreciate government assistance in the multiculturalism area, they tend to see this as government fostering cultural patterns but not dealing with the key issue of multiracialism or discrimination. What they want are strong government measures not only to enhance their cultural origins but also to enhance their ability to integrate economically, despite their cultural origins. Multiculturalism programs do little to assist in their economic integration or to confront racism.

There are few role models for visible minorities in key public positions and members of visible minorities are not widely portrayed in the media as being an integral part of the community.

The problem is essentially one of racism. Strong measures are therefore needed to remedy the impact of discriminatory attitudes and behaviour flowing from this problem.

What is clear is that many groups of people living in Canada despair about ever being able to avail themselves of the economic, political, or social opportunities that exist in this country. They increasingly experience a sense of futility. Nothing short of strong legislative measures is necessary to reverse, or at least inhibit, the degree to which members of visible minorities are unjustifiably excluded from the opportunity to compete as equals.

29. *Supra*, footnote 9.

Labour Force Profile*

The most recent and comprehensive information on women, native people, and visible minorities is available from data collected through the 1981 Census of Canada. Additional information on women is available from the monthly Labour Force Survey and its supplements. Very little national data on disabled persons exist. Data on disabled persons gathered from a special supplement to the November, 1983, Labour Force Survey are not available for inclusion in this Report.

Census and survey data allow for an analysis of such characteristics of the designated groups as their labour force participation, their occupational and industrial distribution, and their earnings. Basically, such data describe the situation as it exists at the time of the survey or census. The available data confirm that the female labour force has a different occupational structure from the male labour force, that the native population is disadvantaged relative to the non-native population, and that different ethnic groups have integrated into the Canadian economy in different ways. Data do not, however, explain why these differences exist.

The labour force is defined officially as consisting of persons in the non-institutionalized population aged 15 and over who are either in paid employment or are unemployed and actively looking for work. As officially measured, the labour force does not include persons who want to work but, because they believe that work is not available, do not carry out an active search for work.

The monthly Labour Force Survey of 55,000 Canadian households provides continuing current estimates on the number of persons in the labour force by gender, age, and marital status; on the unemployment and participation rates; and on the occupational and industrial distribution of the labour force by broad categories, including data on hours worked, educational attainment, and other characteristics. However, the Labour Force Survey does not obtain data on immigrant status and ethnic origins.

The 1981 Census showed that as of June, 1981, the Canadian labour force consisted of just over 12 million persons, of whom about 7 million (59 per cent) were males and about 5 million (41 per

* The statistical research and analysis in this section, except that dealing with disabled persons, were prepared for the Commission by Jenny Podoluk, former director general, Content and Analysis Branch, Statistics Canada.

cent) were females. The 1971 Census showed a labour force of nearly 9 million persons, of whom nearly 6 million (65 per cent) were males and about 3 million (35 per cent) were females. Thus in recent years the female labour force has shown a greater growth rate than the male labour force.

The census also provides data on the ethnic composition of the population and the labour force. The relevant question on the 1981 Census was, "To which ethnic or cultural group did you or your ancestors belong on first coming to this country?" The question listed major ethnic groups, such as French, English, and Italian, as well as four categories of native people — Status Indians, non-Status Indians, Inuit, and Métis. Persons who were members of smaller ethnic groups were asked to write in a description of their ethnic or cultural origin. For example, about 78,000 labour force participants replied by writing in "Black", a figure that may represent only a portion of the black population in Canada. In the 1986 Census, "Black" has been added to the ethnic groups explicitly listed, and thus more accurate information on this group's labour force participation will be available.

The ethnic origins of the population reported on the 1981 Census were then classified by Statistics Canada into about 100 categories.

The reporting of multiple ethnic origins was accepted for the first time in the 1981 Census, making it possible for persons whose maternal and paternal origins differed to report these combinations. Despite the instructions, data on some of the minority groups suggest that some respondents may not have classified themselves very precisely as to their ethnic origins. Further, although multiple answers as to ethnic origin were accepted, about 93 per cent of the population reported only a single origin. This was also true of the population of labour force age. An examination shows that 95 per cent of the population classifying themselves as having multiple origins were partially of British, French, or other European origin (about 83 per cent reported French and/or English as one of their ethnic origins). Most of the analysis in this section is confined to those who classified themselves as belonging to a single ethnic category.

Table 1 presents a breakdown of the labour force by gender and by ethnic category; the latter breakdown was designed to provide as much information as possible on visible minorities. Although the Canadian labour force in 1981 was still overwhelmingly of British,

Table 1
Labour Force in June, 1981,
by Gender and Broad Ethnic Categories*
(in 000's)

Ethnic Categories	Male	Female	Total**
British Isles	2,867	2,007	4,874
French	1,874	1,237	3,112
Other European	1,642	1,057	2,699
Indo-Pakistani	61	39	100
Indo-Chinese	16	10	26
Japanese	14	10	24
Korean	6	5	11
Chinese	88	68	155
Pacific Islands, including Philippines	20	25	45
Black	39	39	78
Native People	75	48	123
Central/South American	5	6	10
Other	46	23	71
Total Single Origin**	6,755	4,574	11,329
Total Multiple Origin	400	325	725
Total Labour Force**	7,155	4,899	12,054

*Labour force participants reporting single ethnic origin.

**Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Unpublished data from the 1981 Census.

French, or other European origin, non-European groups are forming an increasingly significant element. About 5.7 per cent of labour force participants reporting a single ethnic origin reported an ethnic origin other than European.

Among the total population, about 413,000 persons reported themselves as native peoples; of these, 123,000 were labour force participants. Another 78,000 of the population reported themselves as having mixed native and other ancestry. These are classified for statistical purposes by Statistics Canada as native people.

No Labour Force Survey or 1981 Census data are available to indicate how many labour force participants may be disabled. As a result, neither the size nor the characteristics of this population can be accurately determined.

The Canada Health Survey, conducted jointly by Statistics Canada and Health and Welfare Canada during 1978 and 1979, provides the most recent national data on disabled persons.³⁰ The survey determined that there were 2.6 million non-institutionalized disabled persons resident in Canada in 1978 and 1979, of whom about 1.7 million were of working age.³¹ No reliable figures are available on how many of these disabled persons are working, but it is estimated that the unemployment rate of employable disabled adults may be 50 per cent or more.³²

The results of the November, 1983, Labour Force Survey, which collected detailed national data on disabled persons, are expected to be available late in 1984.

CHARACTERISTICS OF THE MALE AND FEMALE LABOUR FORCES

An analysis of significant trends in the Canadian labour force of recent decades can be summarized as follows:

- a) Canada had the fastest growing labour force of any country in the Western industrialized world.
- b) In the early postwar years immigration may have been a significant factor, but in the past decade the growth has been the result of the entry of the baby boom generation into the labour market along with growth in the labour force participation of adult women. Women of all ages have accounted for the greater part of the labour force growth.
- c) Until the 1970s, women's unemployment rates were below men's unemployment rates. From 1969 to 1981 inclusive, female unemployment rates exceeded male unemployment rates.

30. Canada. Health and Welfare. *The Health of Canadians: Report of the Canada Health Survey*. Ottawa, 1981.

31. Fedyk, F.C. "Disabled Persons: The Health Characteristics of Persons with an Activity Limitation". Canada Health Survey 1978-79. Ottawa: Health and Welfare Canada, 1982, p.1. The Canada Health Survey covered the non-institutionalized Canadian population, excluding residents of the territories, Indian reserves, and remote areas as defined by the Labour Force Survey.

There are an estimated 247,000 disabled persons in Canada who reside in institutions. Medicus Canada. *Data Handbook on Disabled Persons in Canada*. Ottawa: Canada Mortgage and Housing Corporation, 1981, p.17. For recent Ontario data, see Ontario Manpower Commission. *Employment and the Physically Handicapped in Ontario*. Toronto: Ontario Ministry of Labour, 1982.

32. *Supra*, footnote 2, p.31.

- d) The occupational and industrial structure of the labour force has changed significantly and even greater re-structuring is forecast for the coming decades. Women, however, are still largely clustered in traditional "female" white-collar and service occupations.
- e) To a limited extent the growth of the labour force, resulting from the influx of women and youth, was counterbalanced by a growing trend to early retirement and declining labour force participation among males 55 and over.
- f) Although in some occupations some of the disparity in male-female earnings had narrowed, the 1981 Census data showed that women were substantially under-represented in high-income occupations and that generally their earnings were significantly below male earnings.

LABOUR FORCE GROWTH BY GENDER, AGE, AND MARITAL STATUS

Between 1966 and 1982, the male labour force grew by 35.6 per cent, the female labour force by 119.4 per cent. That is, the male labour force increased during this 16-year period by more than one-third while the female labour force more than doubled. During this period about 1,835,000 men and 2,658,000 women entered the labour market.

Of the total labour force growth between 1966 and 1982, the composition by age and gender was: males under 25, 12.8 per cent; females under 25, 14.3 per cent; males 25 and over, 28.0 per cent; and females 25 and over, 44.9 per cent. As this distribution shows, the most significant factor in the growth of the labour force during those 16 years was the growth in the number of women aged 25 and over participating in the labour force.

An analysis of Tables 2 and 3 provides a capsule summary of trends.

Among men aged 25 to 54 there were no significant changes in labour force behaviour. More than 90 per cent were in the labour market, and this participation rate is close to 100 per cent for married men. However, single, divorced, and widowed males have exhibited a trend to diminishing labour force participation. A larger proportion of these males are outside the labour force in all age groups, and withdrawal from the labour market begins at an earlier age than is true for married males.

For males aged 55 to 64, a significant and growing proportion of men, including married men, do not work. A declining proportion of males aged 65 and over work, and these tend to consist, to a considerable extent, of self-employed males. Male labour force participation increases as males complete their education, peaks when males are 35 to 44, and then begins to decline.

Women have traditionally exhibited a different pattern. Highest labour force participation occurred when women first left school, and then declined when women married and left to raise children. Participation rose when children began school but never reached

Table 2

**Number in the Labour Force by Gender and Age
and Participation Rates for Selected Years**

	Age	1966	1971	1976	1981	1982
Number (in 000's)						
Males	15-24	1010	1222	1498	1673	1586
	25-54	3341	3629	4035	4457	4514
	55-64	629	701	703	755	759
	65+	179	150	133	134	136
	Total*	5159	5701	6369	7019	6994
Females	15-24	737	931	1244	1421	1380
	25-54	1235	1553	2233	2960	3064
	55-64	207	269	316	375	386
	65+	46	47	44	55	54
	Total*	2226	2800	3837	4811	4884
Participation Rate (%)						
Males	15-24	64.1%	62.7%	67.9%	72.5%	69.5%
	25-54	96.5	95.2	94.8	94.9	93.9
	55-64	86.1	83.3	76.7	75.1	73.7
	65+	26.2	20.0	16.0	14.0	13.8
	Total	79.8	77.3	77.6	78.3	76.9
Females	15-24	48.4	50.8	56.8	63.2	62.3
	25-54	36.9	43.1	52.1	62.7	63.5
	55-64	28.5	30.9	32.0	33.7	34.0
	65+	5.9	5.1	4.2	4.4	4.2
	Total	35.4	39.4	45.2	51.6	51.6

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Labour Force Surveys. Annual averages used.

Table 3**Participation Rates by Gender, Age, and Marital Status
for Selected Years***

MALES	1966	1971	1976	1981	1982
All Marital Status					
Total	79.9%	77.8%	77.6%	78.3%	76.9%
15-19	44.5	43.7	52.6	58.2	53.7
20-24	87.4	83.5	85.1	86.3	84.3
25-34	97.4	96.3	95.4	95.3	94.1
35-44	97.8	97.0	96.0	96.1	95.2
45-54	95.9	95.1	92.5	92.8	91.9
55-64	86.1	83.3	76.7	75.1	73.7
65+	26.2	20.0	16.0	14.0	13.8
Married					
Total	88.7	86.8	84.4	83.3	82.1
15-19	78.2	87.0	70.1	79.1	80.7
20-24	96.9	93.7	93.7	94.6	93.0
25-34	98.6	97.6	97.2	97.1	96.0
35-44	98.5	98.1	97.1	97.3	96.6
45-54	96.9	96.5	94.4	94.8	93.7
55-64	88.4	85.6	79.3	77.9	76.4
65+	29.7	22.0	17.5	15.2	15.2
Single					
Total	64.0	61.9	66.1	71.3	69.0
15-19	44.0	43.2	52.0	57.8	53.2
20-24	82.7	78.3	80.6	83.0	80.9
25-34	91.8	90.8	88.4	89.8	88.3
35-44	91.1	87.7	84.9	85.8	84.1
45-54	86.8	81.6	75.5	75.1	74.1
55-64	70.8	66.9	57.8	56.0	53.4
65+	23.6	19.7	14.9	14.7	13.1
Other					
Total	43.6	48.3	54.4	59.3	59.1
15-19	—	—	—	—	—
20-24	96.3	87.4	88.4	91.0	93.4
25-34	96.6	95.7	93.8	94.4	93.8
35-44	94.7	93.0	90.5	91.2	91.9
45-54	90.8	88.7	84.6	85.4	86.1
55-64	72.6	70.2	63.0	59.6	61.2
65+	13.8	12.1	9.9	8.2	7.8

Table 3 (continued)

**Participation Rates by Gender, Age, and Marital Status
for Selected Years***

FEMALES	1966	1971	1976	1981	1982
All Marital Status					
Total	33.6%	37.1%	45.2%	51.6%	51.6%
15-19	37.0	35.9	47.0	53.1	50.4
20-24	55.8	60.2	67.4	73.0	73.1
25-34	32.8	40.7	53.8	65.5	65.8
35-44	35.6	40.9	53.3	64.5	66.0
45-54	37.8	41.0	48.3	55.7	56.5
55-64	28.5	30.9	32.0	33.7	34.0
65+	5.9	5.1	4.2	4.4	4.2
Married					
Total	26.8	32.9	42.9	50.5	51.2
15-19	30.0	34.2	53.3	61.7	56.3
20-24	34.6	47.2	59.0	65.4	66.3
25-34	25.9	34.4	48.5	60.9	61.0
35-44	30.5	36.8	49.9	61.6	63.5
45-54	31.5	36.0	44.4	52.9	53.5
55-64	20.6	23.3	26.7	29.3	30.0
65+	3.6	3.8	3.3	3.6	4.2
Single					
Total	55.4	53.1	58.8	64.6	63.3
15-19	37.6	36.1	46.4	52.5	50.0
20-24	84.4	78.7	78.7	80.3	79.4
25-34	85.8	84.5	85.0	86.4	86.2
35-44	82.6	79.6	83.6	86.0	82.3
45-54	77.0	79.2	75.5	76.5	77.4
55-64	61.9	64.7	57.2	60.5	54.4
65+	17.8	14.5	10.9	12.3	10.3
Other					
Total	27.9	27.7	31.6	35.1	34.8
15-19	—	—	—	—	—
20-24	59.5	48.1	56.4	64.7	65.8
25-34	60.2	56.1	64.8	73.6	72.9
35-44	66.2	60.4	67.2	74.4	74.4
45-54	60.3	58.6	61.0	64.7	65.4
55-64	39.7	43.1	40.2	40.7	41.5
65+	5.7	4.4	3.6	3.7	3.1

*Substantial revisions were made to the Labour Force Survey in 1976. For historical continuity, some series from the previous Labour Force Surveys were revised for the years 1966 to 1975. However, the data for 1966 and 1971 in this table have not been revised.

—Indicates too few respondents for accurate analysis.

Source: Statistics Canada. Labour Force Surveys. Annual averages used.

the level of the early years.³³ This pattern has been largely shattered, and the female participation profile is now becoming similar to the male profile. The main difference is that the female labour force participation rate in the prime years is still lower than the male rate. For the age group 15 to 24, the female rate in 1966 was about 75 per cent of the male rate, while in 1982 it was 90 per cent. Further, although some decline occurs in female labour force participation between the ages of 25 and 34, and 35 and 44, the declines are not significant. In 1966, the participation rate of married women aged 20 to 24 was one-third higher than that of married women aged 25 to 34. By 1982, the rate was only nine per cent higher.

More than one-half of all married women under 55 work. Only in the age group of 55 to 64 are the majority of women not in the labour force. However, more than one-half of single women in this age group are in the labour force.

LABOUR FORCE TRENDS

Table 4 summarizes female labour force trends in Canada over time compared with those of other member countries of the Organization for Economic Co-operation and Development. The expectation is that while little change will occur in Canada in male labour force participation, female labour force participation will continue to increase.

Canada has had to absorb a more rapidly growing labour force than other OECD countries. In 1960, Canada's female labour force participation rate was low relative to rates in such countries as the United States, Japan, and Sweden. By 1982, the Canadian rate was almost equal to that of the United States, and only Sweden reported a significantly higher rate than Canada and the United States.

If Canadian female labour force participation is compared with that in the United States by age group, the U.S. female labour force participation is higher in older age groups. For example, 61.6 per cent of women aged 45 to 54 worked in the United States in 1982, compared to 56.5 per cent in Canada. However, Canada has a proportionately younger female labour force than the United States, and the younger age groups are continually raising their participation rates. As younger female workers move through the labour

33. Ostry, Sylvia. *The Female Worker in Canada*. Ottawa: Dominion Bureau of Statistics, 1968, p. 19.

Table 4
Female Labour Force Participation Rates in Selected OECD Countries, 1960-82

Year	United States	Canada	Australia	Japan	France	Germany	Great Britain	Italy	Netherlands	Sweden
1960	37.7	(1) 30.1	(2)	52.7	(3) 41.6	41.2	39.5	32.2	(2)	(2)
1961	38.1	(1) 31.0	(2)	52.4	(2)	41.0	40.0	32.3	(2)	46.1
1962	37.9	(1) 31.3	(2)	51.3	(3) 41.3	40.7	40.3	31.4	(2)	47.1
1963	38.3	(1) 31.9	(2)	50.0	39.5	40.7	40.7	29.6	(2)	47.5
1964	38.7	(1) 32.9	33.8	49.3	(3) 40.1	40.3	41.0	28.6	(2)	46.8
1965	39.3	(1) 33.8	34.8	48.8	39.3	40.0	41.6	27.6	(2)	46.6
1966	40.3	35.4	36.3	49.2	(3) 40.0	39.4	42.0	26.3	(2)	47.3
1967	41.1	36.5	37.8	49.6	39.5	38.4	41.8	26.4	(2)	46.8
1968	41.6	37.1	38.3	49.2	39.8	38.5	41.7	26.3	(2)	48.0
1969	42.7	38.0	39.0	48.8	39.9	38.5	41.8	26.4	(2)	48.8
1970	43.3	38.3	40.4	49.3	40.1	38.4	42.0	26.2	(2)	50.0
1971	43.4	39.4	41.0	47.7	39.8	38.5	42.5	26.1	(2)	50.9
1972	43.9	40.2	41.2	46.8	40.5	38.6	43.3	25.4	(2)	51.5
1973	44.7	41.9	42.4	47.3	41.0	38.9	45.0	25.9	27.4	51.7
1974	45.7	43.0	43.5	45.7	41.6	38.8	46.2	26.3	(2)	53.3
1975	46.3	44.4	44.5	44.8	42.5	38.4	46.7	26.6	28.0	55.2
1976	47.3	45.2	44.3	44.8	42.9	38.2	47.1	27.5	(2)	55.8
1977	48.4	46.0	44.8	45.7	44.2	37.8	47.5	28.6	28.8	56.7
1978	50.0	47.8	44.5	46.4	43.3	37.8	48.1	28.6	(2)	57.5
1979	50.9	48.9	44.3	46.6	44.3	37.9	48.4	29.2	30.2	58.5
1980	51.5	50.3	45.5	46.6	42.7	38.1	48.3	29.9	(2)	59.3
1981	52.1	51.6	45.5	46.7	43.1	(4) 38.6	(4) 48.1	(4) 30.1	(2)	(4) 60.3
1982	52.6	51.6	(4) 45.4	47.0				(2)	(2)	(4) 60.9

(1) Estimates by the U.S. Bureau of Labor Statistics based on new survey definitions. Statistics Canada revised the data for 1966 onward on the new survey basis.

(2) Not available.

(3) Data for October of 1960, 1962, 1964, and 1966. Data for all other years are for March.

(4) Preliminary estimate.

Note: Data relate to the civilian labour force approximating U.S. concepts as a per cent of the civilian, non-institutionalized, working-age population. Working age is defined as 16-year-olds and over in the United States, France, and Sweden; 15-year-olds and over in Australia, Canada, Germany, and Japan; and 14-year-olds and over in Italy. For Great Britain, the lower age limit was raised from 15 to 16 in 1973. For the Netherlands, the lower age limit was raised from 14 to 15 in 1975. The institutionalized working age population is included in Japan and Germany.

force, it is probable that by the latter part of this decade Canadian women will have the highest labour force participation rate among industrialized countries, with the possible exception of Sweden.

By 1982, 51.6 per cent of Canadian women were in the labour force. They constituted 41 per cent of the labour force, and by the end of the decade they may constitute nearly half.

OCCUPATIONAL TRENDS

Table 5 presents the breakdown by gender of major occupations in 1981 and Table 6 shows the occupational trends for the Canadian male and female labour forces between 1971 and 1981. About eight per cent of respondents to the labour force section on the 1971 Census did not report an occupation. In the 1981 Census, the reporting of occupation improved; only a little more than three per cent of respondents did not report an occupation. Comparisons of 1971 and 1981 data are affected by those respondents who failed to report an occupation in the 1971 Census.

The male labour force is characterized by a heterogeneous occupational structure; no major occupational category is dominant. For males, professional and managerial occupations increased in importance both absolutely and relatively between 1971 and 1981. Teaching occupations, artistic and literary occupations, and blue-collar occupations, such as those in manufacturing and construction, also grew faster than average.

In 1981, as in 1971, women were concentrated in the clerical, sales, and service occupations. Although female participation in managerial and professional occupations appeared to be increasing in 1981, this is counterbalanced by a relative decline in participation in the semi-skilled and production occupations.

An examination of the detailed occupational structure of the labour force provides interesting data on the managerial and professional occupations, which showed the most growth in female employment. Women in managerial and administrative occupations tend to cluster in those areas of employment in which women tend to predominate. The most significant are administrative positions in teaching and managerial positions in financial administration, personnel, and sales. The largest number (about 20 per cent) of female management positions are in the areas of accounting, auditing, and other financial administration. Women are largely absent, however, in management positions in the natural sciences and engineering,

*biased
commentary*

purchasing and production, and in construction, transport, and communications. In all management occupations, female full-time workers reported substantially lower employment income than male full-time workers.

Table 5

Percentage Composition by Gender of Major Occupations, 1981

	Male	Female
1. Managerial, administrative, and related occupations	75.1%	24.9%
2. Occupations in natural sciences, engineering, and mathematics	85.9	14.1
3. Occupations in social sciences and related fields	47.5	52.5
4. Occupations in religion	73.5	26.5
5. Teaching and related occupations	40.5	59.5
6. Occupations in medicine and health	22.4	77.6
7. Artistic, literary, recreational, and related occupations	60.2	39.8
8. Clerical and related occupations	22.3	77.7
9. Sales occupations	59.2	40.8
10. Service occupations	47.7	52.3
11. Farming, horticultural, and animal husbandry occupations	78.9	21.1
12. Fishing, hunting, trapping, and related occupations	94.4	5.6
13. Forestry and logging occupations	93.7	6.3
14. Mining and quarrying occupations	97.8	2.2
15. Processing occupations	77.8	22.2
16. Machining and related occupations	93.2	6.8
17. Product fabricating, assembling, and repairing occupations	75.6	24.4
18. Construction trade occupations	98.0	2.0
19. Transport equipment operating occupations	93.5	6.5
20. Materials handling and related occupations	77.4	22.6
21. Other crafts and equipment operating occupations	78.9	21.1
22. Occupations not elsewhere classified	82.6	17.4
23. Occupations not stated	57.4	42.6

Source: Statistics Canada. 1981 Census. *Labour Force — Occupation Trends*. Catalogue No. 92-920.

Table 6**Labour Force by Gender and Major Occupation, 1971 and 1981**

	Number		% Distribution of Males in Labour Force	
	1971	1981	1971	1981
MALES				
1. Managerial, administrative, and related occupations	313,935	611,740	5.5%	8.7%
2. Occupations in natural sciences, engineering, and mathematics	217,025	346,085	3.8	4.8
3. Occupations in social sciences and related fields	49,525	89,565	0.9	1.3
4. Occupations in religion	19,880	23,730	0.4	0.3
5. Teaching and related occupations	138,175	198,235	2.4	2.8
6. Occupations in medicine and health	83,865	116,125	1.5	1.6
7. Artistic, literary, recreational, and related occupations	58,585	99,645	1.0	1.4
8. Clerical and related occupations	433,385	488,075	7.6	6.8
9. Sales occupations	567,985	678,860	10.0	9.5
10. Service occupations	521,935	682,785	9.2	9.5
11. Farming, horticultural, and animal husbandry occupations	405,305	401,130	7.1	5.6
12. Fishing, hunting, trapping, and related occupations	25,655	37,590	0.5	0.5
13. Forestry and logging occupations	65,850	76,430	1.2	1.1
14. Mining and quarrying occupations	58,780	73,640	1.0	1.0
15. Processing occupations	275,175	367,385	4.9	5.1
16. Machining and related occupations	227,260	286,165	4.0	4.0
17. Product fabricating, assembling, repairing occupations	484,140	703,590	8.5	9.8
18. Construction trade occupations	563,435	754,280	9.9	10.5
19. Transport equipment operating occupations	330,245	427,685	5.8	6.0
20. Materials handling and related occupations	165,385	188,100	2.9	2.6
21. Other crafts and equipment operating occupations	95,300	113,240	1.7	1.6
22. Occupations not elsewhere classified	145,905	147,710	2.5	2.1
23. Occupations not stated	417,995	240,415	7.4	3.4
TOTAL*	5,665,720	7,152,205	100.0	100.0

Table 6 (continued)

Labour Force by Gender and Major Occupation, 1971 and 1981

FEMALES	Number		% Distribution of Females in Labour Force	
	1971	1981	1971	1981
1. Managerial, administrative, and related occupations	58,310	202,295	2.0%	4.2%
2. Occupations in natural sciences, engineering, and mathematics	17,105	56,880	0.6	1.2
3. Occupations in social sciences and related fields	29,525	99,050	1.0	2.0
4. Occupations in religion	3,710	8,545	0.1	0.2
5. Teaching and related occupations	211,125	290,940	7.1	6.0
6. Occupations in medicine and health	242,685	403,055	8.2	8.3
7. Artistic, literary, recreational, and related occupations	21,895	65,815	0.7	1.4
8. Clerical and related occupations	940,180	1,702,515	31.8	35.1
9. Sales occupations	247,765	467,395	8.4	9.6
10. Service occupations	447,985	748,260	15.2	15.4
11. Farming, horticultural, and animal husbandry occupations	106,845	107,565	3.6	2.2
12. Fishing, hunting, trapping, and related occupations	520	2,235	—	—
13. Forestry and logging occupations	1,410	5,105	—	0.1
14. Mining and quarrying occupations	375	1,625	—	—
15. Processing occupations	59,560	104,610	2.0	2.2
16. Machining and related occupations	13,675	20,900	0.5	0.4
17. Product fabricating, assembling, repairing occupations	150,205	226,720	5.1	4.7
18. Construction trade occupations	5,125	15,350	0.2	0.3
19. Transport equipment operating occupations	8,190	29,650	0.3	0.6
20. Materials handling and related occupations	40,455	55,040	1.4	1.1
21. Other crafts and equipment operating occupations	13,545	30,240	0.5	0.6
22. Occupations not elsewhere classified	21,730	31,050	0.7	0.6
23. Occupations not stated	319,270	178,275	10.8	3.7
TOTAL*	2,961,210	4,853,120	100.0	100.0

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

—Indicates less than one-tenth of one per cent.

Source: Statistics Canada. 1981 Census. *Labour Force — Occupation Trends*. Catalogue No. 92-920. Table 6 data were obtained from a pre-publication tabulation, and minor differences occur between these data and those published.

Although the increase in the number of women in occupational categories containing professionals was significant, disaggregation of the data shows that, to a considerable extent, this was accounted for by an increase in the number of women in support occupations, such as laboratory technicians. Only 15 per cent of professionals in occupations associated with the physical sciences were women. More than half of the women in occupations associated with the physical sciences were technicians, and about half of the women in occupations associated with the life sciences were also technicians. In contrast, only one-third of males in these occupations were in a technician category.

In engineering and architecture, women were barely represented, accounting for slightly under six per cent of these occupations (8,000 females and 135,000 males). The only branch of the engineering profession with 1,000 or more women was industrial engineering. The number of women working as mathematicians, statisticians, actuaries, and other related occupations was only 2,000. The situation was better in the computer-related occupations, such as systems analysis and computer programming, which showed the greatest growth in professional female occupations and one of the lowest male-female earning differentials.

Women were also better represented in the social sciences, such as economics and psychology, but only in social work and related occupations were the male-female numbers nearly equal and the earnings similar. Female lawyers and notaries increased from 785 in 1971 to 5,150 in 1981, constituting 15 per cent of that professional category. Women dominated numerically as librarians, though even in this professional occupation men earned more.

In the health occupations, women were primarily working in nursing. Fewer than 1,000 women were in dentistry (women accounted for less than 10 per cent of dentists) or the veterinary sciences. Although the number of female doctors increased from 3,000 in 1971 to nearly 7,000 in 1981, and significant increases occurred in the number of female pharmacists, female doctors were only 17 per cent of all doctors. Again, however, aside from nursing, women were in technician occupations, working as dental hygienists and laboratory technicians. About 64,000 females compared to 17,000 males worked as technicians in the health occupations.

There was a decline in the proportion of women working in processing and manufacturing occupations. The most significant female occupations in these unskilled or semi-skilled occupations are in

baking or confectionary making, fish canning, fruit and vegetable canning, and other food processing occupations. Occupations associated with the textile industries also have a high female concentration. In the product fabricating, assembling, and repairing occupations, nearly two-thirds of the female labour force is employed in occupations associated with textile, fur, and leather products, overwhelmingly as sewing-machine operators.

To summarize, in 1981 women were still largely concentrated in the clerical, sales, and service occupations. Although their representation in the administrative and professional occupations had increased, they were concentrated in supportive occupations, such as those of technicians, and still constituted a small proportion of the professional occupations in the health, legal, and scientific occupations. They were equally under-represented in the natural sciences, such as engineering, and in blue-collar occupations. In the managerial occupations, their representation was strongest in those associated with large-scale, female, white-collar employment, such as personnel.

Table 7 shows the leading male and female occupations (those containing 50,000 or more workers of either gender). The leading male occupations accounted for about one-quarter of male employment and the leading female occupations for about one-half of female employment. Male occupations in which female participation was negligible were farming, construction, occupations such as foremen, and blue-collar occupations such as welders and electricians. White-collar occupations in which women were lightly represented were supervisors in sales occupations, commercial travellers, shipping and receiving clerks, and managerial occupations in sales and advertising, and this despite the fact that significant proportions of women work in white-collar jobs in sales and advertising.

The only occupations common in size to both genders were janitorial and other cleaning occupations, chefs and cooks, and teachers in secondary schools. However, it is interesting to note that while 75 per cent of kindergarten and elementary teachers are female, women account for only 42 per cent of secondary school teachers.

Certain occupations in 1981 were almost exclusively female — those of secretaries, stenographers, and typists. The advent of computerized office technology is creating a working environment in which men as well as women require typing skills for proficiency

Table 7
Leading Male Occupations
(50,000 or more Male Workers), 1981

	Males	Females	% Female	% Increase in Male Employment 1971-81
	(in 000's)			
1. Farmers	206.5	19.6	8.7%	-8.8%
2. Supervisors, sales occupations, commodities	196.0	81.0	29.2	-5.0
3. Janitors, charworkers, and cleaners	138.2	96.7	41.2	20.9
4. Accountants, auditors, and other financial officers	105.9	43.5	29.1	21.2
5. Commercial travellers	94.2	11.2	10.6	78.9
6. Welding and flame-cutting occupations	93.8	4.3	4.4	60.2
7. Foreman and other construction trade occupations	80.3	1.2	1.5	42.4
8. Secondary school teachers	79.6	58.1	42.2	29.1
9. Shipping and receiving clerks	79.2	15.8	16.6	34.8
10. Chefs and cooks	75.4	82.5	52.2	93.8
11. Occasional labourers	73.9	1.5	2.0	33.6
12. Bookkeepers and accounting clerks	73.5	332.3	81.9	12.4
13. Stock clerks and related occupations	73.1	28.8	28.3	64.3
14. Guards and watchmen	68.5	14.7	17.7	44.0
15. Sales and advertising managerial occupations	63.6	12.6	16.5	429.4
16. Construction electricians and repairmen	56.5	.7	1.2	21.0
17. Nursery and related workers (farming)	55.1	10.8	16.4	46.8
18. Agricultural workers	54.1	40.2	42.6	-50.2
19. Excavating, grading, and related occupations	53.8	.5	.9	101.3
20. Policemen, detectives (government)	52.9	2.3	4.2	38.2
21. Labouring occupations in service industry	51.3	35.4	40.8	91.3

in computer utilization. Forecasts are, however, that the demand for other traditional secretarial skills will decline with office automation, and that job opportunities in these areas will shrink. Among the leading female occupations in 1981 was electronic data processing equipment operator, the fastest growing female occupation between 1971 and 1981. Women accounted for 80 per cent of this occupation.

Table 7 (continued)
Leading Female Occupations
(50,000 or more Female Workers), 1981

	Females	Males	% Male	% Increase in Female Employment 1971-81
	(in 000's)			
1. Secretaries and stenographers	368.0	4.0	1.1%	53.5%
2. Bookkeepers and accounting clerks	332.3	73.5	18.1	143.6
3. Tellers and cashiers	229.3	18.2	7.4	121.7
4. Waitresses, hostesses, and stewards, food and beverage	200.7	33.5	14.3	90.4
5. Graduate nurses	167.7	8.1	4.6	67.3
6. Elementary and kindergarten teachers	139.6	34.1	19.6	16.2
7. General office clerks	115.0	27.8	19.5	45.0
8. Typists and clerk typists	103.0	2.2	2.1	21.3
9. Janitors, charworkers, and cleaners	96.7	138.2	58.8	76.5
10. Sewing machine operators — textiles and similar materials	93.0	5.1	5.2	62.2
11. Receptionists and information clerks	89.0	5.1	5.4	109.5
12. Chefs and cooks	82.5	75.4	47.8	110.0
13. Supervisors, sales occupations, commodities	81.0	196.0	70.8	92.9
14. Nursing aides and orderlies	67.8	17.9	20.9	28.5
15. Clerical and related occupations	66.1	25.8	28.1	49.9
16. Electronic data processing equipment operators	61.3	15.5	20.2	204.2
17. Secondary school teachers	58.1	79.6	57.8	17.5
18. Barbers, hairdressers, and related occupations	50.7	16.6	24.7	42.4

Source: Statistics Canada, 1981 Census. *Labour Force — Occupation Trends*. Catalogue No. 92-920.

On the other hand, the 1970s also opened employment opportunities in systems analysis, computer programming, and related occupations — jobs requiring higher levels of skills in the utilization of computers. But in 1981 women accounted for only 29 per cent of this occupational category. Thus, although computers have opened new employment opportunities for both men and women, the employment patterns of 1981 suggest that women in the computer field may be shifting into segregated, low-paying occupations.

Although the white-collar occupations are dominant among female occupations, other significant female occupations include waitressing, nursing, hairdressing, and house-cleaning occupations.

The only large blue-collar female occupation is that of sewing-machine operators in the textile industry. These jobs are normally not unionized and are poorly paid. They often attract immigrant women who have difficulty entering the Canadian labour market because of language difficulties and/or a lack of training for other employment.

DISTRIBUTION BY INDUSTRY

As might be expected, female workers tend to be concentrated in those industries that generate the kind of jobs women have traditionally filled. Table 8 shows the composition by gender in 1981 of the major industrial sectors and Table 9 shows the distribution of the male and female labour forces by industry in 1971 and 1981.

An analysis of Table 9 shows that for males in 1981, two industry categories accounted for just over 40 per cent of male employment. The remaining male workers were dispersed through the other industrial categories. Employment in the manufacturing industries was most significant, followed by employment in the community, business, and personal service industries. The latter includes schools, universities, health services, amusement and recreation services, religious organizations, business management services, professional firms, personal services such as hairdressing and shoe repairs, hotels, motels, restaurants, and sundry repair services.

Women workers, on the other hand, were significantly clustered in the community, business, and personal service industries (42 per cent), with 18 per cent working in trade industries (primarily wholesale and retail trade businesses). Unpublished data on occupation by industry show that in trade industries, for example, 13.7 per cent of males but only 5.6 per cent of females were in managerial occupations. About 84 per cent of women in trade occupations occupied either clerical or sales positions, while only 45 per cent of males were in similar occupations. One-third of women in managerial, administrative, and related occupations were in the service industries, 19 per cent in trade industries, and 16 per cent in the finance, insurance, and real estate sectors. These three industrial sectors accounted for about two-thirds of the managerial and related positions occupied by women.

The other industrial sector that provided some significant employment to women in managerial positions was public administration, where 13 per cent of the women in managerial positions worked.

Table 8
Percentage Composition of Industry
by Gender, 1981

Industry	Males	Females
Agriculture	75.6%	24.4%
Forestry	89.0	11.0
Fishing and trapping	90.5	9.5
Mines, quarries, and oil wells	86.0	14.0
Manufacturing industries	72.1	27.9
Construction industry	90.6	9.4
Transportation, communication, and other utilities	76.6	23.4
Trade	56.6	43.4
Finance, insurance, and real estate	39.0	61.0
Community, business, and personal service industries	39.7	60.3
Public administration and defence	63.0	37.0
Unspecified or undefined	56.4	43.6

Source: Statistics Canada. 1981 Census. *Industry by Labour Force and Work Activity*.
 Catalogue No. 92-924.

Among males in managerial and administrative occupations, the largest numbers work in service industries, followed by trade, manufacturing, and public administration. The two industrial sectors showing the highest ratio of women in managerial and administrative positions were a) trade and b) finance, insurance, and real estate, where women account for one-third of such occupations. In public administration, the ratio was approximately one-quarter. It is interesting to note that while female occupations in the natural sciences are largely in the service and public administration sectors, a significant proportion of males in these occupations work in the manufacturing (24 per cent) and the transportation and communication industries (11 per cent).

MALE AND FEMALE EARNING DIFFERENTIALS

Over time, female earnings have invariably been substantially lower than male earnings. Female earnings as a percentage of male earnings for the full-time full-year labour force are shown in Table 10.

Table 9**Distribution of Labour Force by Gender and Industry,
1971 and 1981**

MALES	1971	1981	1971	1981
	(In 000's)		% Distribution	
Agriculture	369.6	364.0	6.5%	5.1%
Forestry	71.0	89.7	1.3	1.3
Fishing and trapping	24.5	33.4	0.4	0.5
Mines, quarries, and oil wells	129.7	180.6	2.3	2.6
Manufacturing industries	1302.6	1599.9	23.0	22.4
Construction industry	511.9	681.7	9.0	9.5
Transportation, communication and other utilities	557.1	716.3	9.8	10.0
Trade	803.1	1107.7	14.2	15.5
Finance, insurance, and real estate	173.8	242.3	3.1	3.4
Community, business, and personal service industries	865.3	1349.8	15.3	18.9
Public administration and defence	476.2	558.9	8.4	7.8
Unspecified or undefined	380.7	228.0	6.7	3.2
TOTAL*	5665.7	7152.2	100.0	100.0

FEMALES	1971	1981	1971	1981
	(In 000's)		% Distribution	
Agriculture	111.6	117.3	3.7%	2.4%
Forestry	3.4	11.1	0.1	0.2
Fishing and trapping	0.9	3.5	—	—
Mines, quarries, and oil wells	9.4	29.5	0.3	0.6
Manufacturing industries	404.7	619.5	13.7	12.8
Construction industry	26.3	70.7	0.9	1.5
Transportation, communication and other utilities	114.0	219.2	3.8	4.5
Trade	466.2	849.8	15.7	17.5
Finance, insurance, and real estate	184.2	378.8	6.2	7.8
Community, business, and personal service industries	1176.0	2049.6	39.7	42.2
Public administration and defence	163.4	327.7	5.5	6.8
Unspecified or undefined	301.2	176.4	10.2	3.6
TOTAL*	2961.2	4853.1	100.0	100.0

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. 1981 Census. *Industry Trends*. Catalogue No. 92-925.

Table 10

**Average Female Employment Income as a Percentage
of Average Male Employment Income**

Year	%
1971	60.5%
1973	60.1
1975	61.0
1977	61.7
1979	63.3
1981	63.5
1982	63.9

Source: Statistics Canada. Surveys of Consumer Finances.

Census data have been released on average employment income. This is income earned either from wages or salaries or from self-employment by full-year workers (those working 49-52 weeks) working mostly full-time. Average male income in 1980 exceeded average female income in all occupations. Generally, the female average ranged from 60 to 75 per cent of the male average. In a few occupations, the female average was in the 80 to 90 per cent range. In 1982, according to Statistics Canada's Survey of Consumer Finances, male earnings were \$25,096 and female earnings were \$16,056, or 63.9 per cent of male earnings.

Table 11 summarizes the high-income occupations for men (those in which employment income averaged \$30,000 or more) and the average employment income reported by women in these occupations. In total, 34 occupations generated an average of \$30,000 or more for men.

High-income occupations with few women workers were: judges and magistrates, optometrists, osteopaths and chiropractors, pilots and navigators, petroleum engineers, mining engineers, chemical engineers, veterinarians, nuclear engineers, members of legislative bodies, and physicists. The only occupations in which women reported an average employment income exceeding \$30,000 were physicians and surgeons and dentistry. The next highest-earning occupations for women were university teaching and administrative positions in teaching and related fields, in which women had substantially lower earnings than men.

Table 11

**Occupations with the Highest Male Average Employment Income (\$30,000 or more) in 1980 for Full-time Full-year (49-52 weeks)
Male Workers and Number of Men and Women and Average
Employment Income in these Occupations**

	MALES		FEMALES	
	Number	\$ Average Income	Number	\$ Average Income
1. Physicians and surgeons	18,995	\$59,834	3,065	\$36,115
2. Dentists	3,875	58,128	295	40,510
3. Judges and magistrates	1,335	51,795	—	—
4. Salesmen and traders, securities	6,385	46,718	1,575	18,375
5. General managers and other senior officials	68,120	46,160	5,205	24,915
6. Optometrists	920	42,256	—	—
7. Lawyers and notaries	21,970	40,978	2,835	23,935
8. Other managers (mines and oil wells)	2,280	40,506	555	19,303
9. Managerial occupations in natural sciences and engineering	10,085	38,948	595	23,322
10. Osteopaths and chiropractors	1,385	38,869	—	—
11. Pilots, navigators, and flight engineers	5,325	37,125	—	—
12. Petroleum engineers	3,035	36,882	—	—
13. University teachers	22,340	35,944	4,905	26,585
14. Administrators in teaching and related fields	16,345	35,434	4,450	25,772
15. Administrators in medicine and health	4,620	34,339	4,310	23,832
16. Mining engineers	2,240	33,980	—	—
17. Geologists	4,325	33,728	315	21,207
18. Chemical engineers	3,945	32,388	—	—
19. Architects and engineers	5,050	32,188	—	—
20. Veterinarians	2,210	32,173	—	—
21. Members of legislative bodies	1,380	32,120	—	—
22. Nuclear engineers	600	32,027	—	—
23. Government administrators	17,030	31,655	3,600	21,846
24. Civil engineers	23,775	31,311	440	24,201
25. Metallurgical engineers	1,325	31,306	—	—
26. Health diagnostic and treating occupations	860	31,269	910	16,339
27. Economists	7,635	31,034	1,430	22,222
28. Organization and methods analysts	6,190	31,032	1,565	21,109
29. Personnel—industrial relations managers	15,945	30,844	5,115	20,746
30. Supervisors—sales occupations, services	11,180	30,692	3,080	17,756
31. Physicists	930	30,680	—	—
32. Managers—construction operations	19,700	30,320	395	20,840
33. Managers—transportation and communication	12,555	30,312	1,685	23,155
34. Financial management occupations	40,240	30,039	10,765	18,635

— Indicates that either no women were in this category or that the estimated number of women was less than 250. Statistics Canada does not release data on earnings where the numbers in the occupations are less than 250.

Source: Statistics Canada. 1981 Census. *Worked in 1980 — Employment Income by Occupation*. Catalogue No. 92-930.

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EFFECT OF UNION MEMBERSHIP

Statistics Canada collects annual data on union membership by gender and by industry pursuant to the Corporations and Labour Unions Returns Act.³⁴ Between 1966 and 1981, the female labour force growth was 116 per cent and the female union membership growth was 203 per cent.

Table 12 shows the percentage of all workers who are unionized by industry, the number and the percentage of female union members, and the distribution of the female union membership by industry. Industries in which women are heavily concentrated, such as service, trade, and finance, are the least unionized.

The distribution column shows that 48 per cent of all female union members work in the service industries, 18 per cent in public administration, and 17 per cent in manufacturing. The remaining 17 per cent are scattered through other industries. Women constitute 64 per cent of all union members in the service industries, 35 per cent in public administration, and 19 per cent in manufacturing. Almost two-thirds of union members in the textile, knitting, and clothing industries are women, and 59 per cent in the leather manufacturing industries. There was also a significant proportion (between 25 and 42 per cent) in the food and beverage, tobacco, and electrical products industries.

Statistics Canada collected wage rate data in a special supplement to the Labour Force Survey in January, 1982. What was measured were the total number of jobs held in 1981, their wage rates, and whether or not the jobs were unionized.

On average, jobs occupied by men working full-time full-year in 1981 paid \$9.83 per hour while those occupied by women paid \$7.66, or 78 per cent of the male average. In unionized jobs, the average was \$10.17 for those reported by males and \$8.69 for those reported by females, or 85.4 per cent of male earnings. For both males and females, earnings in unionized jobs were higher than in non-unionized jobs, where the averages were \$9.57 and \$7.04 respectively. The differentials in earnings between unionized and non-unionized jobs were greater for those held by females than for those held by males.

34. *Corporations and Labour Unions Returns Act*, R.S.C. 1970, C.31, as amended by 1980-81-82-83, C.79 s.4.

Table 12

**Per Cent of Workers Unionized by Industry,
Number and Per Cent of Female Union Members,
and Distribution of Female Union Membership, 1981**

Industry	Per Cent of Workers Unionized	Number of Women Union Members	Percentage of Women among Union Members	Distribution of Female Union Membership by Industry
Agriculture	0.3%	63	19.1%	—
Forestry	56.2	492	1.7	—
Fishing and trapping	37.5	182	4.8	—
Mines, quarries, and oil wells	35.5	1,911	2.7	0.2%
Manufacturing	44.4	168,496	19.3	17.2
Food and beverages		32,325	24.6	3.3
Tobacco		2,315	41.8	0.2
Rubber		5,262	21.0	0.5
Leather		5,673	58.8	0.6
Textiles, knitting, and clothing		51,145	65.3	5.2
Wood		4,108	7.4	0.4
Furniture		2,745	19.4	0.3
Paper		8,255	8.4	0.9
Printing		7,122	21.3	0.7
Primary metal		2,452	2.8	0.3
Metal fabrication		6,273	9.8	0.7
Machinery		1,734	5.6	0.2
Transportation equipment		9,492	8.5	1.0
Electrical products		18,908	32.2	1.9
Non-metallic mineral products		3,261	10.7	0.3
Petroleum and coal products		90	2.0	—
Chemicals		2,299	11.6	0.2
Miscellaneous		5,037	37.7	0.5
Construction industry	54.0	1,703	0.6	0.2
Transportation, communication, and other utilities	53.2	91,937	20.5	9.4
Trade	8.9	54,655	36.1	5.6
Wholesale		3,059	12.2	0.4
Retail		51,146	41.7	5.2
Finance	2.8	9,996	61.9	1.0
Service industries	25.6	470,696	63.8	48.1
Public administration	69.1	175,745	34.6	17.9
Other		3,986	8.6	0.4
TOTAL		979,862	31.0	100.0

— Indicates less than one-tenth of one per cent.

Source: Statistics Canada. *Corporations and Labour Unions Returns Act (Report for 1981, Part II—Labour Unions)*. Catalogue No. 71-202.

Almost 40 per cent of all male full-time jobs were unionized, while only 14.7 per cent of male part-time jobs were. The comparable figures for women were 29.2 per cent and 15.2 per cent. However, only 12.5 per cent of all jobs held by males in 1981 could be categorized as part-time, while 29.7 per cent of all jobs held by females could be so categorized. It must be noted that males aged 15 to 24 accounted for two-thirds of all male part-time employment, while females aged 25 and over accounted for 61 per cent of female part-time employment. Part-time female workers' wage rates were similar to those of male workers. Differentials were less than for full-time jobs.

Women are more highly unionized in the professional jobs in which they are concentrated, such as teaching and nursing. About 37 per cent of the unionized jobs held by women were filled by women who had earned a post-secondary certificate, diploma or degree, while only 21 per cent of males in unionized jobs had comparable qualifications.

In all industrial sectors in unionized jobs in which women worked full-year full-time, they earned less than males. The differential was least in two sectors: service (community, business, and personal services), where the female average was 87 per cent, and trade, where it was also 87 per cent. In public administration it was 84 per cent; in finance, insurance, and real estate, 73 per cent; in transportation and communication, 80 per cent; and in manufacturing, 72 per cent.

UNEMPLOYMENT

Table 13 summarizes the unemployment rates by age category and by gender from 1966 to 1982. During the 1950s and most of the 1960s female unemployment rates were below male rates. In the late 1960s, female unemployment rates began to exceed male rates. Youth unemployment — that is, unemployment among the 15 to 24 age group — was, however, lower for females than males.

Since 1975, the unemployment rate of married women has been 50 to 100 per cent higher than the unemployment rate of married males. In the mid-1960s, women accounted for one-third of the unemployed; in 1982, they accounted for about 45 per cent.

Table 13
Unemployment Rates by Gender and by Age Categories

Year	Males		All Males	Females		All Females
	15-24 years	25+		15-24 years	25+	
1966	6.3%	2.6%	3.3%	4.8%	2.7%	3.4%
1967	7.2	3.0	3.9	5.5	2.8	3.7
1968	8.7	3.5	4.6	6.5	3.3	4.4
1969	8.3	3.2	4.3	6.5	3.7	4.7
1970	11.2	4.1	5.6	8.6	4.4	5.8
1971	12.0	4.3	6.0	9.8	5.0	6.6
1972	11.9	4.1	5.8	9.6	5.7	7.0
1973	10.0	3.4	4.9	9.2	5.4	6.7
1974	9.6	3.3	4.8	8.9	5.1	6.4
1975	12.5	4.3	6.2	11.4	6.5	8.1
1976	13.3	4.2	6.3	12.1	6.6	8.4
1977	14.9	4.9	7.3	13.8	7.4	9.4
1978	15.1	5.2	7.6	13.9	7.7	9.6
1979	13.3	4.5	6.6	12.7	7.0	8.8
1980	13.8	4.8	6.9	12.7	6.5	8.4
1981	14.2	4.9	7.1	12.3	6.7	8.3
1982	21.1	8.1	11.1	16.1	8.8	10.8

Source: Statistics Canada. *Historical Labour Force Statistics*. Catalogue No. 71-201. Annual averages used.

In 1982 and 1983, for the first time in more than a decade, male unemployment rates slightly exceeded female rates. Table 14 presents the unemployment rates by gender and by selected occupations for 1982. Female rates exceeded male rates in the more traditionally female occupational sectors such as clerical, sales, and service. However, males experienced much higher unemployment rates in the predominantly male occupational categories such as forestry, mining, construction, and transportation equipment operation. Further, the declines in employment were concentrated in full-time jobs.

The Economic Council of Canada has pointed out that in 1975 one woman in nine worked on a part-time basis because she could not find a full-time position.³⁵ This situation changed dramatically during the 1981-82 recession, when one woman in four working part-time would have preferred a full-time job.³⁶ Part-time employment appears to represent another form of labour market segregation for women, who constitute 72 per cent of all part-time

35. *Supra*, footnote 5, *On the Mend*, p.84.

36. *Ibid.*, p.84.

*0.5 only
1 in 4*

Table 14
Unemployment Rates by Gender and
by Broad Occupations, 1982

	Females	Males
Managerial, administrative	5.1%	3.0%
Natural sciences	9.6	5.9
Social sciences	8.0	4.6
Teaching	5.1	2.8
Medicine and health	4.2	—
Artistic and recreational	10.8	9.9
Clerical	9.0	8.8
Sales	9.6	6.7
Service	13.1	12.0
Agriculture	7.9	7.7
Fishing, hunting, and trapping	—	10.7
Forestry and logging	—	34.9
Mining and quarrying	—	18.5
Processing	20.7	15.1
Machining	22.6	16.3
Product fabricating and assembly	18.1	11.7
Construction trades	—	19.1
Transport, equipment operation	—	12.3
Materials handling	18.9	18.0
Other crafts and equipment operating	6.4	7.4

— Indicates that the estimated number of unemployed persons in the occupation is statistically unreliable.

Source: Statistics Canada. Labour Force Surveys. Annual averages used.

workers.³⁷ Concern about this issue has been expressed by the Commission of Inquiry into Part-Time Work, which concluded that "...what the distribution of part-time workers across industries and occupations does show quite categorically is that part-time workers are markedly concentrated within a few industries, and that they have a limited range of occupations in comparison to the range of occupations of full-time workers".³⁸

LABOUR FORCE PARTICIPATION OF SELECTED GROUPS

The main source of data on the ethnic composition of the Canadian population is the census. The 1981 Census questionnaire asked the population surveyed to report: "To which ethnic or cul-

37. *Supra*, footnote 7, p.46.

38. *Ibid.*, p.58.

Table 15
Individuals 15+ Who Worked in 1980
by Selected Ethnicity, Gender, and Province*
(In 000's)

		Canada**	New- foundland	Prince Edward Island	Nova Scotia	New Brunswick
Total	M	7207.6	145.7	33.7	234.7	186.2
	F	5065.6	85.8	24.1	156.1	122.0
British	M	2913.0	134.0	25.9	168.0	102.6
	F	2117.5	78.8	18.9	112.4	66.3
French	M	1865.1	4.5	4.5	21.8	65.3
	F	1230.8	2.6	2.7	14.0	44.4
Other European	M	1649.7	1.9	1.2	23.9	7.1
	F	1098.3	1.1	.8	13.6	3.7
Indo-Pakistani	M	59.4	.3		.6	.3
	F	39.4	.1		.3	.1
Indo-Chinese	M	13.6			.1	.1
	F	8.4			.1	.1
Japanese	M	14.6				
	F	10.7				
Korean	M	5.7				
	F	5.1				
Chinese	M	85.6	.2	.1	.4	.3
	F	67.4	.1		.3	.2
Pacific Islands, including Philippines	M	19.9	.1		.1	
	F	24.2	.1		.1	
Black	M	39.1	.1		1.1	.1
	F	38.2			.9	
Native People	M	80.5	.8	.1	1.1	.8
	F	53.2	.4	.1	.9	.4
Central/South American	M	5.7				
	F	4.4				

*Includes only those who reported 1980 employment income.

**Tables are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Unpublished data from the 1981 Census.

tural group did you or your ancestors belong on first coming to this country?" Because respondents could report two or more ethnic origins in 1981 for the first time, it is impossible to compare the 1981 data with that collected by the 1971 Census, which stipulated that a single ethnic ancestry on the paternal side was to be reported.

Table 15 (continued)

Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Northwest Territories
1825.8	2614.9	298.4	281.2	730.5	835.7	20.9
1198.0	1950.7	218.5	183.3	510.2	602.4	14.9
140.6	1365.9	113.1	108.8	320.7	425.6	7.7
100.4	1040.1	83.0	74.0	228.8	309.3	5.6
1451.2	204.6	23.0	14.9	42.0	32.2	1.3
944.6	145.0	17.4	9.9	27.3	22.3	.7
158.2	721.8	120.7	123.2	256.9	232.0	3.7
98.9	494.4	84.5	74.8	170.4	153.5	2.7
4.6	28.6	1.7	.7	6.7	15.9	.1
2.3	20.0	1.2	.5	4.4	10.5	
3.9	4.7	.6	.5	2.3	1.4	
2.3	3.1	.5	.2	1.3	.9	
.5	6.1	.5	.1	2.0	5.3	
.4	4.6	.3	.1	1.3	4.1	
.2	3.6	.2	.1	.7	.9	
.2	3.1	.2		.7	.9	
5.4	34.2	2.1	2.1	12.2	28.4	.1
3.8	27.9	1.6	1.4	8.8	23.3	.1
1.0	9.0	2.6	.2	2.4	4.4	.1
1.6	11.1	3.7	.3	2.4	4.8	.1
7.0	24.2	1.3	.4	2.9	2.0	
6.2	26.1	1.0	.3	2.2	1.5	
9.8	18.4	10.1	8.0	11.4	13.8	6.2
5.7	12.8	6.2	5.2	8.0	9.4	4.9
1.4	2.6	.3	.1	.6	.7	
1.1	1.9	.3	.1	.5	.5	

During most of the immediate post-war period, Canada practised a restricted immigration policy which made it extremely difficult for persons other than Europeans and Americans to emigrate to Canada. As a result of a number of significant changes to Canada's immigration laws, persons of other nationalities moved to Canada in increasing numbers by the late 1960s and especially in the 1970s.³⁹ In 1971, about 20.3 per cent of the immigrant population was born outside Europe. By 1981 this had risen to 32.1 per cent.

39. Richmond, Anthony H., and Kalbach, Warren E. *Factors in the Adjustment of Immigrants and their Descendants*. Ottawa: Statistics Canada, 1980.

Table 16
Participation Rates and Unemployment Rates
of Selected Ethnic Groups by Gender, 1981*

	Males		Females	
	Participation Rates	Unemployment Rates	Participation Rates	Unemployment Rates
British	77.8%	5.6%	51.4%	7.7%
French	76.2	9.7	47.9	12.4
Other European	80.9	3.9	54.0	5.9
Indo-Pakistani	85.7	4.5	60.3	10.0
Indo-Chinese	77.6	8.3	58.9	12.3
Japanese	82.4	3.1	58.6	5.0
Korean	82.2	4.9	63.7	6.6
Chinese	79.0	4.2	61.0	5.4
Pacific Islands, including Philippines	84.8	3.4	75.3	4.3
Black	83.0	7.3	65.2	9.5
Native People	60.7	16.5	36.7	17.3
Central/South American	86.2	6.9	57.9	7.1
Total Labour Force	78.2	6.5	51.8	8.7

*Single ethnic origin only.

Source: Statistics Canada. Unpublished data from the 1981 Census.

The following analysis of characteristics of some of the ethnic groups constituting the Canadian population in 1981 uses broad Statistics Canada categories with a special emphasis, given this Commission's mandate, on visible, or non-white, minorities. The categories used are: British, French, all other European, Indo-Pakistani, Indo-Chinese, Japanese, Korean, Chinese, Pacific Islanders (primarily those from the Philippines), blacks, native people, and Central and South Americans. Except for native people, the data has been analyzed for those reporting a single ethnic origin. The proportion of the labour force reporting multiple origins was only seven per cent. The groups primarily affected are those of European origin, including British, and native people. There are special problems affecting the statistics on the black population. As has already been noted, the census does not ask questions on race, although race has been inferred in some cases. The lack of adequate data on race makes it difficult to accurately measure the participation of some minorities in the labour force.

Table 15 shows the breakdown by gender and province of selected ethnic groups in the labour force.

Tables 16 and 17 provide summary data on various ethnic groups in the labour force. In June, 1981, 78.2 per cent of all males 15 and over were in the labour force and reported an unemployment rate of 6.5 per cent. Slightly more than one-half of all females 15 and over (51.8 per cent) were in the labour force and reported a higher unemployment rate of 8.7 per cent.

The great majority of men of all ethnic backgrounds work. The census data on unemployment, which were collected before the substantial rises in unemployment, are the only such data available by ethnic origin. The official unemployment rate is often criticized for not measuring hidden unemployment represented by discouraged workers who have given up searching for work because

Table 17
Immigrant Status of Labour Force by Ethnicity and Gender,
1981* (Per Cent Distribution)

MALES	% Born In Canada	% Born Outside Canada	Period of Immigration		
			Before 1961	1961-70	After 1970
All males	80.8%	19.2%	8.5%	5.4%	5.2%
British	87.3	12.7	6.0	3.8	2.9
French	97.9	2.1	.8	.6	.6
Other European	58.5	41.5	23.8	11.5	6.1
Indo-Pakistani	3.0	97.0	3.4	27.8	65.9
Indo-Chinese	2.9	97.1	.5	7.6	89.0
Japanese	75.9	24.1	3.8	8.7	11.6
Korean	1.2	98.8	.5	22.8	75.3
Chinese	13.4	86.6	13.2	21.6	51.8
Pacific Islands	2.1	97.9	.4	15.8	81.6
Black	11.2	88.9	4.2	33.2	51.4
Native People	95.0	4.9	.5	1.1	3.3
Central/South American	8.7	91.3	3.2	15.2	72.8
FEMALES					
All females	81.2%	18.8%	7.2%	5.9%	5.8%
British	86.3	13.7	6.1	4.4	3.2
French	97.8	2.2	.7	.8	.7
Other European	62.5	37.5	19.0	11.8	6.7
Indo-Pakistani	3.6	96.4	1.7	21.9	72.8
Indo-Chinese	2.4	97.6	.9	8.4	88.3
Japanese	76.5	23.5	5.6	8.2	9.7
Korean	1.1	98.9	.2	23.1	75.6
Chinese	14.0	86.0	7.7	23.3	55.1
Pacific Islands	1.4	98.6	.5	24.9	73.2
Black	8.5	91.5	3.9	36.1	51.4
Native People	93.9	6.1	.4	1.2	4.4
Central/South American	5.7	94.3	3.2	18.3	72.6

*Single ethnic origin.

Source: Statistics Canada. Unpublished data from the 1981 Census.

they believe that no work is available. It is possible that at the time of the census some respondents did not report any labour force participation because they perceived a lack of job opportunities.

Table 16 shows that the highest male unemployment rates were reported by native, French, Indo-Chinese, and black males, while the lowest rates were reported by Japanese, Pacific Islander, and European males other than British and French. The majority of the French, Japanese, and other European males were Canadian born, while the majority of the Indo-Chinese, black, and Pacific Islander males were immigrants.

Women reported higher unemployment rates than men, with the highest rates reported by native women, and by women of French, Indo-Chinese, and Indo-Pakistani origin. The lowest female unemployment rates were reported by Pacific Islanders, Japanese, and Chinese.

Table 17 shows the breakdown of the labour force between Canadian born and immigrants, who are further subdivided by period of arrival. Although about 40 per cent of those from the European continent were immigrants, more than half arrived before 1961. The majority of ethnic groups from other parts of the world were born abroad, and many arrived in Canada after 1970. For example, the majority of Indo-Pakistani, Indo-Chinese, Korean, Pacific Islander, black, and Central and South American labour force participants arrived after 1970, and thus had been in Canada for 10 years or less at the time of the 1981 Census.

EDUCATION LEVELS

Those ethnic groups consisting of recent immigrants usually reported above-average levels of education. Among males, 20 per cent or more of Indo-Pakistanis, Indo-Chinese, Koreans, Chinese, and Pacific Islanders reported having a university training.

Women generally were less likely to have completed higher levels of education, although recent immigrants reported higher levels of education than did Canadian-born groups. Women from the Pacific Islands, primarily from the Philippines, reported the highest levels of education, with 38 per cent citing a university training. Indo-Pakistani women also reported a significant number of university graduates.

EMPLOYMENT INCOME

Native people of both genders had the lowest incomes of all groups. For males, the next lowest were reported by the Indo-Chi-

nese, Central and South Americans, and blacks. Average earnings reported by Indo-Chinese were two-thirds of the national average. The majority of Latin Americans arrived shortly before 1981, and their numbers are relatively small.

The Japanese and British ethnic groups had the largest proportion of males earning \$30,000 or more in 1981, while native, black, and Central and South American males were under-represented in the higher income groups. Black male immigrants who arrived between 1961 and 1970 had average incomes that were 95 per cent of the overall average earnings of all male immigrants arriving in the 1960s. On the other hand, black males arriving after 1970 reported earnings that were only 81 per cent of earnings reported by all male immigrants arriving in the 1970s. Earnings of male Chinese immigrants of the 1970s were only somewhat higher — 82 per cent of the average reported by all males arriving in the 1970s.

Among females, the lowest incomes were those of native and Central and South American women — women in each of these groups earned 77 per cent of the national female average. The rankings of the female workers were also quite different from those of their male counterparts. The highest incomes were earned by women from the Pacific Islands (largely immigrants from the Philippines), Japanese (largely Canadian born), blacks (largely immigrants), and Chinese (largely immigrants). Native, Central and South American, Indo-Chinese, and Korean women reported the lowest incomes.

OCCUPATIONAL STRUCTURE OF SELECTED GROUPS

British

As previously noted, the majority of labour force participants in this group were born in Canada. The dominant male occupations were: managerial (12.6 per cent), construction trades (10 per cent), product fabricating, assembling, and repairing (9.3 per cent), sales (9.2 per cent), and service (9 per cent). For women, the leading occupational categories were: clerical (38.7 per cent), service (14.5 per cent), sales (10.1 per cent), and managerial and administrative (5.9 per cent).

Male immigrants were more likely than Canadian-born males to be found in managerial, professional, and white-collar occupations. Leading occupations of male immigrants were: managerial (16.5 per cent), product fabricating (10.5 per cent), professional occupa-

tions in the natural sciences, engineering, and mathematics (9.1 per cent), followed by sales and service occupations.

British male immigrants were represented throughout all the managerial occupations, although the largest numbers were identified as general managers and other senior officials, sales and advertising managers, and production managers. In product fabricating occupations, male immigrants in substantial numbers worked as mechanics and repairers, while the second largest numbers were in occupations associated with fabricating and assembling metal products, such as engines, motor vehicles, and aircraft. Dominant professional occupations were those in engineering and in mathematics and statistics.

Leading occupation of female immigrants were: clerical (38.7 per cent), service (13.6 per cent), sales (10.1 per cent), and occupations in medicine and health (9.8 per cent). The majority of those in clerical occupations worked as bookkeepers, cashiers, tellers, and in stenographic and typing occupations. In sales occupations, the majority were sales clerks. Nursing was the most significant occupation in the health field.

French

Immigrants are not a significant part of labour force participants of French origin. The main male occupational categories were: production jobs (10.9 per cent), construction trades (10.7 per cent), managerial (9.9 per cent), and sales (8.5 per cent).

The leading female occupations were: clerical (35 per cent), service (16 per cent), occupations in medicine and health (9.1 per cent), and production jobs (6.1 per cent).

Europeans other than British or French

This category contains a substantial proportion of immigrants (42 per cent of males and 38 per cent of females), many of whom arrived before 1961. Among males the leading occupational categories were: construction trades (13.4 per cent), managerial and related jobs (11 per cent), service (8.9 per cent), sales (8.3 per cent), and farming (7.8 per cent).

Among Canadian-born males the leading occupational categories were: managerial, construction trades, farming, and sales occupations. Among immigrant males, they were: construction trades,

product fabricating and assembling, service, and managerial occupations. Thus Canadian-born males were somewhat more likely to be in white-collar and primary industries, while immigrant Europeans were in blue-collar occupations.

The majority of immigrants in the construction trades worked as skilled tradesmen (carpenters, brick and stone masons, plasterers and painters). In product fabricating and assembling, as with male British immigrants, the metal-products sector was the most important. Service occupations most frequently reported were associated with restaurants and hotels (chefs, cooks, bartenders and waiters, and cleaners).

For females the leading occupations were: clerical (33.6 per cent), service (16.9 per cent), sales (9.9 per cent), product fabricating and assembling (7.1 per cent), and occupations in medicine and health (7 per cent). Canadian-born women reported these occupational categories most frequently: clerical (39.3 per cent), service (14.5 per cent), sales (10.8 per cent), and occupations in medicine and health (10.8 per cent). Immigrant women were most concentrated in the following: clerical (24.2 per cent), service (20.6 per cent), product fabricating and assembling (15.4 per cent), and sales (8.5 per cent). In the clerical fields, the main occupations reported by immigrants were bookkeeping and related occupations, and stenographic and typing occupations. The main female service occupations were those associated with hotels and restaurants. In product fabricating, the main employment was in occupations associated with textile, fur, and leather products.

Indo-Pakistani

The leading male occupational categories were: managerial (11.4 per cent), product fabricating and assembling (11.2 per cent), occupations in the natural sciences, engineering, and mathematics (11 per cent), processing occupations (9.5 per cent), and clerical (9.7 per cent). More than half of Indo-Pakistani males are in white-collar or professional occupations, while nearly 45 per cent are in blue-collar occupations. There are differences evident between earlier immigrants from the Indian sub-continent and more recent immigrants. For example, for those arriving between 1961 and 1970, the leading occupational categories in order of importance were: natural sciences, engineering, and mathematics; managerial; processing; teaching and related occupations; product fabricating and assembling occupations; and clerical. For immigrants arriving after 1970, the leading categories in order of importance were:

product fabricating and assembling; clerical; managerial; natural sciences and engineering; and processing occupations.

For Indo-Pakistani women the leading occupational categories were: clerical (35.2 per cent), service (14.7 per cent), product fabricating and assembling (11.6 per cent), occupations in medicine and health (8.1 per cent), and sales (5.9 per cent).

Among males, managerial positions reported were largely in the private sector and in occupations associated with white-collar employment (sales and advertising, services management, and personnel). Men were only lightly represented in managerial positions associated with trade and industry. In the natural sciences and engineering, engineering occupations were most significant followed by occupations associated with construction (architects, surveyors, and draughtsmen). Occupations in the physical and biological sciences were of less importance. In processing occupations there were no significant concentrations in any one industrial category; the largest numbers reported were in occupations associated with wood processing, other than pulp and paper-making. In clerical occupations, the largest number of males worked in bookkeeping, accounting, or related occupations, and the second largest category related to material recording, scheduling, and distributing such as shipping and stock clerks. Among women, bookkeeping, accounting, and typing occupations were most reported in the clerical category, while in product fabricating and assembling, occupations associated with textile, fur, and leather products were most reported. In medicine and health, the leading occupation is nursing. In sales, the main occupation was that of clerks selling commodities.

Indo-Chinese

These immigrants were probably among the most recent arrivals and were in the lowest income groups. Males reported the following occupational attachments: product fabricating and assembling (17.8 per cent), service (16.7 per cent), natural sciences and engineering (8.6 per cent), machining and related occupations (8.7 per cent), and processing occupations (8.3 per cent). Thus Indo-Chinese males were largely employed in blue-collar and service occupations.

Female employment showed somewhat similar patterns. The leading occupational categories were: product fabricating and assembling (23.4 per cent), service (22.9 per cent), and clerical (20.9 per cent).

In product fabricating, there was no particular sector in which males were concentrated, although the largest numbers were classified as mechanics and repairers. In service occupations, the largest number reported working as janitors or cleaners, followed by occupations such as chefs, cooks, and bartenders. In the natural sciences, engineering occupations were most frequently reported, while in the machining occupations the largest number worked in metal shaping and forming. In the processing category, the largest number reported employment in occupations associated with the food and beverage industries, such as jobs in slaughterhouses and in meat packing or fish canning plants.

Women in processing occupations were largely employed as sewing-machine operators or in related occupations in textiles. In service occupations, the food and beverage occupations were most widely reported, followed by miscellaneous service occupations and cleaning and charwork. In clerical occupations, females worked primarily as cashiers, tellers, and in similar jobs, or as typists.

Japanese

Japanese males had a high average income. One-quarter of males reported employment in two occupational categories: managerial (13.4 per cent) and occupations in the natural sciences, engineering, and mathematics (11.4 per cent). Other leading occupational classifications were: product fabricating and assembling (10.6 per cent), sales (9.7 per cent), clerical (8.6 per cent), and service (8.2 per cent).

In managerial occupations, males were primarily in the private sector and were generally represented throughout the range of occupations. In the natural sciences, engineering occupations were dominant followed by construction occupations, such as draughting and surveying. In product fabricating, most worked as mechanics and repairers.

Leading occupations for Japanese women were: clerical (38.2 per cent), service (12.5 per cent), occupations in medicine and health (7.7 per cent), and teaching (7.0 per cent). Female clerical occupations were similar to those of other ethnic groups. In the service occupations, Japanese women seemed to have more diversified occupations, although jobs associated with restaurants and hotels were also the most numerous. In the health field, nursing was most reported, although women worked in other health-related areas as lab technicians, dietitians, and dental hygienists.

Korean

The most significant male occupational categories were: sales (16.9 per cent), product fabricating and assembling (13.7 per cent), managerial (13.3 per cent), and natural sciences and engineering (9.7 per cent). Leading female occupations were: clerical (26.4 per cent), sales (20.9 per cent), product fabricating and assembling (11.0 per cent), and occupations in medicine and health (7.2 per cent). The number of Koreans in the labour force is relatively small and there are no particular patterns of employment.

Chinese

Just over 50 per cent of all Chinese male and 55 per cent of all Chinese female labour force participants have arrived since 1970. Among all Chinese males, service occupations are more dominant than is true of males in other ethnic groups. Leading occupational categories for males were: service (26.6 per cent), natural sciences and engineering (13.0 per cent), managerial (10.3 per cent), product fabricating and assembling (9.2 per cent), clerical (8.0 per cent), and sales (7.6 per cent). About 20 per cent of Chinese males are in professional occupations.

Among recent male immigrants, the occupational patterns were somewhat similar. The largest occupational categories were: service (27.9 per cent), product fabricating and assembling (12.3 per cent), natural sciences and engineering (12 per cent), and managerial (8.1 per cent).

An examination of the detailed occupational structure shows that the majority of males in service occupations worked as supervisors of food and beverage preparation, and as chefs and cooks or waiters. These accounted for three quarters of male service occupations. As with other ethnic groups, engineers accounted for the largest proportion of those in the natural sciences and engineering, although a substantial number were also in occupations such as surveying and draughting, as well as in systems analysis and computer programming. Chinese males were most strongly represented in management occupations as accountants or financial officers, in service management occupations, and in sales and advertising management occupations. In the product fabricating category, the leading occupations were mechanics and repairers and occupations associated with the fabricating, assembling, and repairing of electronic and related equipment.

Chinese females had a somewhat different occupational structure. The most important occupational groups were: clerical (31.9 per cent), service (21.9 per cent), product fabricating and assembling (13.6 per cent), and occupations in medicine and health (6.7 per cent). Among the most recent female immigrants, the main occupations were: clerical (30.5 per cent), service (23.7 per cent), product fabricating (17.3 per cent), and occupations in medicine and health (5.6 per cent).

Pacific Islands

These labour force participants are almost entirely emigrants from the Philippines.

Among males, the most significant occupations were: product fabricating and assembling (17.8 per cent), clerical (13.5 per cent), sales (13.2 per cent), natural sciences and engineering (10.5 per cent), and machining and related occupations (8.5 per cent).

Males are employed through the range of product fabricating occupations. In clerical occupations, the largest numbers worked as bookkeeping and accounting clerks, in electronic data processing occupations, and as shipping and receiving clerks. In sales, the most common occupation was that of a sales clerk. Among those in professional occupations, surveying, draughting, and engineering technician occupations were more important than engineering occupations.

Women from the Pacific Islands reported the highest female income among the ethnic categories. This may be explained by the high proportion in health and related occupations (31.8 per cent). The other leading occupations were: clerical (29.6 per cent), product fabricating (11.6 per cent), and service (11.4 per cent).

Nurses constituted the largest numbers in the health occupational category, followed by nursing assistants. Females in clerical occupations worked as cashiers, tellers, and bookkeepers and in typing occupations. In product fabricating, women were primarily employed as sewing-machine operators. In service occupations, the largest numbers worked in personal service positions as housekeepers, maids, hairdressers, and nursemaids.

Central and South American

These reported among the lowest earnings of labour force participants. The main male occupational categories were: service

(18.2 per cent), product fabricating (15.9 per cent), machining and related occupations (9.9 per cent), construction trades (7.7 per cent), and processing occupations (7.5 per cent). For women, the leading categories were: service (28.4 per cent), clerical (19.8 per cent), and product fabricating (16.4 per cent).

The male service occupations were primarily in the hotel and restaurant and janitorial occupations. The product fabricating jobs were dispersed. Among women, charwork and cleaning occupations were most frequently reported, followed by waitressing occupations. In product fabricating, sewing-machine operators were the most prominent.

Blacks

About 78,000 labour force participants identified themselves as black on the 1981 Census. Of these, about 39,000 were males, of whom 4,500 reported being born in Canada, while about 39,000 were females, of whom 3,300 reported being born in Canada.

The number of blacks used in this analysis may be understated, as the 1981 Census did not specifically ask persons to identify themselves as black. Black immigrants identified themselves as primarily from the Caribbean, including Guyana, and nearly all Caribbean immigrants reported only a single ethnic origin. But almost as many Caribbean immigrants reported themselves as having a British or French ethnic ancestry as those who reported themselves as black. Other ethnic groups who may have emigrated from the Caribbean are those of Chinese or East Indian ancestry.

In summary, of the Caribbean immigrants in the labour force, only 41 per cent, or 59,000, identified themselves as black, while 84,000 reported other ethnic affiliations, primarily British. If some of the latter are also black, then the black labour force in 1981 may be significantly higher than the 78,000 who identified themselves as black. It is worth noting again that individuals were not specifically asked to identify themselves as black on the 1981 Census. This identification will be requested on the 1986 Census.

Of the labour force participants identifying themselves as black, about 13,000 worked in Quebec and 50,000 in Ontario, while the remaining 15,000 worked in other provinces. The concentration of Caribbean immigrants in Ontario and Quebec was even greater. Of the 144,000 labour force participants born in the Caribbean, 30,000 settled in Quebec and nearly 99,000 in Ontario.

In Quebec, about 16,600 workers arrived from Haiti and classified themselves in the following way: black 8,500, British 100, French 6,800, other origins 1,200. Nearly all Haitian workers are in Quebec. Quebec also attracted just over 13,000 immigrants from other Caribbean countries, of whom 3,600 classified themselves as black, 7,400 as British, 300 as French, and 2,000 as other origins.

Of the Caribbean immigrants working in Ontario, 40,000 identified themselves as black, 37,000 as British, 1,000 as French, and 19,000 as belonging to other or mixed ethnic groups.

Although earnings of black females appear to be comparable with those of other female ethnic groups, black males, especially those arriving after 1970, seem to have a lower economic level than other males. An examination of those Caribbean immigrants who did not report themselves as black showed that employment and earning patterns for these immigrants as a whole were similar to those of the black group.

At the national level, the disparity between the incomes of Caribbean males and the national average for all males was 11 per cent. But the disparities were greater in Ontario and Quebec, where the majority of Caribbean immigrants are concentrated.

Haitian male immigrants in Quebec reported an unemployment rate nearly 75 per cent higher than the provincial male unemployment rate. The main occupational categories reported by Haitian male immigrants were: product fabricating and assembling (primarily assembly-line jobs), processing, and service (waiters and janitors).

Other males from the Caribbean working in Quebec also had unemployment rates higher than the provincial average. Product fabricating occupations were also the most important occupational category for this group, with clerical occupations second and service occupations third.

Female immigrants from Haiti and from other Caribbean countries had a high participation rate, but Haitian females had an unemployment rate almost double the female Quebec average. As to occupational categories, Haitian women were concentrated in product fabricating, which accounted for 36.6 per cent of occupations in which they worked. The next most important were those in medicine and health, service, and clerical. Other women from the Caribbean working in Quebec showed quite different occupational

patterns. The most significant occupations were: clerical, occupations in medicine and health, service, and product fabricating occupations.

Caribbean male immigrants in Ontario were somewhat less likely than those in Quebec to be in assembly-line, blue-collar occupations. Among males the leading occupational categories were: product fabricating, clerical, machining occupations, and service. Among females they were: clerical, health and medicine, and service.

Summary tabulations for the rest of Canada showed that hardly any labour force participants in the rest of Canada reported Haiti as a place of birth. This was not the case with other immigrants from the Caribbean, of whom 8,700 males and 7,200 females were in the labour force in other provinces.

There were 7,800 labour force participants who identified themselves as both black and Canadian born on the 1981 Census. They are concentrated in Ontario (3,400) and Nova Scotia (1,800), with the remainder mainly in Quebec and Alberta. Black Canadian-born males living in Ontario earned 79 per cent of the Ontario male average income, while black Canadian-born females earned more than the provincial average for females. In Nova Scotia, black Canadian-born males earned 77 per cent of the provincial male average, while black Canadian-born females appear to have earned four per cent more than the provincial female average.

Native People

As the various data indicate, native people have low participation rates, high unemployment, low incomes, and low levels of education. They are further restricted by geographic concentration in rural and remote areas, making access to employment opportunities much more difficult than for persons in the other ethnic and racial groups, who for the most part, are concentrated in the most industrially developed regions of the country.

As with blacks, there are difficulties in determining from the census the size of the native population in Canada. The 1981 questionnaire identified four categories of native people — Inuit, Status Indian, non-Status Indian, and Métis — and, as has been noted, allowed respondents to report multiple ethnic origins. In total, about 491,000 persons were identified as being at least partially of native origin. Of these, some 413,000 reported a single ethnic origin while

Table 18
Native People, 1981

	Total	Single Origin	Multiple Origin
Total	491,460	413,380	78,080
Inuit	25,390	23,200	2,190
Status Indian	292,700	266,425	26,275
Non-Status Indian	75,110	47,235	27,875
Métis	98,260	76,515	21,745

Source: Statistics Canada. Unpublished data from the 1981 Census.

78,000 reported multiple origins. Table 18 presents a numerical breakdown by native category.

An analysis of the data on native people shows that the labour force and other characteristics of the population reporting mixed ethnic origins differ from those reporting only a single origin. Persons reporting a native origin plus another ethnic origin may or may not identify themselves as being native. The 1986 Census will attempt, by a special question, to enumerate persons who "consider" themselves members of the native population.

As Table 19 shows, the province with the greatest number of native people in the labour force is Ontario, although the four west-

Table 19
Provincial Distribution of Native People
in Labour Force by Gender, June, 1981

	Single Origin		Multiple Origins		Total*	
	Male	Female	Male	Female	Male	Female
Newfoundland	755	385	240	135	1,000	525
P.E.I.	75	65	35	25	110	90
Nova Scotia	1,005	750	310	290	1,320	1,040
New Brunswick	730	345	155	130	890	470
Quebec	9,560	5,690	1,490	1,235	11,050	6,920
Ontario	17,710	12,120	5,890	4,640	23,595	16,760
Manitoba	9,055	5,435	1,190	845	10,250	6,285
Saskatchewan	7,905	4,685	800	595	8,705	5,275
Alberta	10,385	6,690	2,640	1,960	13,025	8,645
British Columbia	13,025	8,690	3,730	2,880	16,755	11,570
Yukon and N.W.T.	4,835	3,415	280	240	5,110	3,655
Canada*	75,050	48,270	16,760	12,975	91,810	61,240

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Unpublished data from the 1981 Census.

ern provinces have the greatest proportions of native populations. In Ontario, native people constitute a little more than one per cent of the population, while in Manitoba and Saskatchewan the percentage is between six and seven. In all provinces the participation rates of native people of both genders are substantially lower than those of non-natives.

The highest participation rate was in Ontario, where 70 per cent of males and 46 per cent of females of native ancestry reported a labour force attachment. In Manitoba and Saskatchewan, on the other hand, only about one-half of native males reported being in the labour force and slightly less than one-third of native females. At the national level, of those who did report themselves as being in the labour force, 16 per cent of males and 15 per cent of females reported themselves as unemployed. Table 20 shows the participation and unemployment rates of native people in June, 1981, broken down by gender and by whether they were Status or non-Status Indian, Inuit, or Métis.

Table 20

**Participation and Unemployment Rates for Native People
by Gender, June, 1981***

	Participation Rate		Unemployment Rate	
	Males	Females	Males	Females
Inuit	55.2%	38.2%	16.3%	16.1%
Status Indian	56.5	33.5	17.1	18.3
Non-Status Indian	73.0	46.6	16.0	16.2
Métis	68.5	40.7	15.2	15.7

*Single ethnic origin only.

Source: Statistics Canada. Unpublished data from the 1981 Census.

Of the native people in the labour force who reported a single ethnic origin, 36 per cent of the males and 27 per cent of the females lived on reserves. Census data show that the participation rates of those living on reserves were substantially lower than for those who lived off reserves. On reserves, the participation rate was 50 per cent for males and 27 per cent for females. Off reserves the equivalent rates were 71 per cent and 45 per cent. The ratio of the adult population reporting total or partial native ancestry and living on reserves is highest in Quebec, where nearly one-half live on reserves. The ratio is around one-third in Ontario and the western provinces.

The major occupational categories for native males were construction workers, managerial occupations, service occupations, product fabricating and assembling, forestry and logging, and processing occupations. Construction occupations accounted for about 20 per cent of native male occupations, but nearly half of the jobs in these occupations were in excavating, grading, and paving occupations; carpenters and related occupations; and occasional labouring occupations. Native males were only lightly represented in the more skilled construction occupations such as plasterers, pipe fitters, and brick layers.

The managerial occupations most frequently reported by native people of a single ethnic origin were those of officials and administrators unique to government and farm management occupations. In the social sciences, the dominant occupations were in welfare and community services and social work. The teaching occupations were in elementary or secondary school teaching.

In service occupations, the largest numbers were in protective service occupations such as firefighters, guards, and policemen, followed by employment in unskilled service occupations such as janitors, cleaners, and labourers. Only 25 per cent of the workers in product fabricating and assembling lived on reserves. As with other ethnic groups, mechanics and repairmen were the largest category. In forestry occupations, native males were concentrated in timber cutting and logging occupations, while in product fabricating the largest numbers worked in occupations associated with wood processing, such as sawmills and plywood mills. In transportation, the main native employment was as truck drivers.

Among all native women reporting a single ethnic origin, about 27 per cent lived on reserves. Some occupations appeared to be related to residence on reserves, while occupations reported by those living off reserves were often those requiring relatively low skills. Service occupations were reported by 28 per cent of native women. The greatest number worked as waitresses, chefs, and cooks and in other occupations associated with serving food and beverages, while personal service occupations such as laundresses, nursemaids, and housekeepers were second in numerical significance. Third was employment as cleaners in commercial or business establishments.

Clerical occupations were next in numerical importance. Three-quarters of clerical jobs were held by native women living off reserves. The largest numbers worked as bookkeepers, cashiers,

tellers, and in related occupations, with secretarial and typing jobs next in importance. Although native women were represented in other clerical occupations, very few reported jobs associated with electronic data processing.

About 12 per cent of native women were in teaching and health occupations. More than half of those in teaching resided on reserves and were elementary or secondary school teachers. On the other hand, three-quarters of those in the health field lived off reserves, and the main occupations reported were nursing, nursing assistants, and nursing attendants. More worked as attendants and assistants than as registered nurses. As with native men in the social sciences and related fields, the largest numbers worked in occupations in welfare and community services or as social workers. Of these 40 per cent lived on reserves. In the managerial area, women were largely employed in jobs that seemed to be related to the management of reserves, although they were also represented in other management occupations, such as those related to personnel and purchasing.

Table 21
Average Employment Income in 1980 for Native People
by Gender*

	Males	Females
Inuit	\$9,806	\$5,945
Status Indian	10,097	6,216
Non-Status Indian	12,371	6,984
Métis	11,888	6,497

*Single ethnic origin only.

Source: Statistics Canada. Unpublished data from the 1981 Census.

Table 21 shows the average employment income of native people in 1980, broken down by gender and by whether they were Status or non-Status Indian, Inuit, or Métis. Native people reported earnings substantially below national norms. Males reporting a single ethnic origin had an average income of \$10,764, which was only 63 per cent of the average earnings of non-native males. Only 17 per cent of native males earned \$20,000 and over, while an income of \$30,000 or more was attained by only four per cent. In contrast, 35.4 per cent of the total male labour force earned \$20,000 or

more, while 11.7 per cent of the total male labour force earned \$30,000 or more.

The disparity in native women's earnings was somewhat less, though a wide gap existed between the earnings of native and non-native women. Native women reporting a single ethnic origin averaged only 72 per cent of non-native female earnings. One-quarter of these women earned \$10,000 or more. In contrast, 39.9 per cent of the total female labour force earned \$10,000 or more.

Chapter 3

THE DESIGNATED CORPORATIONS

"Even where the tasks of Crown Corporations directly parallel those of private sector enterprises ... they are engaged in something more than a business venture. Most are created as instruments of national purpose and that purpose, as expressed in their mandates, extends beyond the business at hand."¹

The mandate of this Commission required an examination into the employment opportunities for women, native people, disabled persons, and visible minorities in 11 federal crown corporations and government-owned corporations² representing a broad range of Canadian enterprise:

Air Canada

Atomic Energy of Canada Limited

Canada Mortgage and Housing Corporation

Canada Post Corporation

Canadian Broadcasting Corporation

Canadian National Railway Company

The de Havilland Aircraft of Canada, Limited

Export Development Corporation

Federal Business Development Bank

Petro-Canada

Teleglobe of Canada Limited

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1. Canada. Royal Commission on Financial Management and Accountability. *Final Report*. Ottawa, March, 1979, p. 328-329.
 2. Nine of the 11 corporations were created by special statute. Of the remaining two, Atomic Energy of Canada Limited was created by legislation that provided for its incorporation under the *Canada Corporations Act* and The de Havilland Aircraft of Canada, Limited was incorporated under the *Ontario Business Corporations Act, 1982*. With the exception of de Havilland, all of the corporations are listed as crown corporations under the *Financial Administration Act*. De Havilland is a subsidiary of the Canada Development Investment Corporation (CDIC), a federal crown corporation listed under the *Financial Administration Act*.

Information about the employment practices of the 11 corporations was sought by two means: a questionnaire designed to elicit a picture of each corporation's workforce and human resource systems; and meetings with the chief executive officers and senior corporate representatives of each corporation.

The questionnaire,³ developed by the Commission, had two parts. The first part requested extensive data on hirings, promotions, terminations, and part-time positions, as well as employee breakdowns by income, job classification, and geographic distribution. The second part requested information about systems within each corporation that dealt with human resource planning; measures to increase the participation of any of the four designated groups; the number of employee groups subject to collective agreements and details of those agreements; corporate policies and practices respecting education and training; and the corporation's plans to change any such policies and practices.

Overall, the purpose of the questionnaire was to determine:

1. the distribution of members of the four designated groups in all occupational categories;
2. the disparity, if any, between salaries of members of the designated groups and the rest of the workforce, by occupational category;
3. the extent to which measures had already been taken to identify and eliminate barriers to equal employment for the four designated groups;
4. the feasibility of instituting flexible forms of corporate practices in the elimination of these barriers; and
5. the practices of the corporations most conducive to the equitable participation of members of the four groups.

The first part of the questionnaire posed some difficulty for the corporations. Most kept a certain amount of data concerning the numbers and location of women, but none kept records concerning any of the other three groups. It was their understanding that it was illegal under human rights legislation to collect such data.⁴

Right or not?

3. A copy of the questionnaire can be found in Appendix D.

4. See Section 8 of the *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended, 1977-78, C. 22; 1980-81, C.54; 1980-81-82, C.111; 1980-81-82, C.143, which makes it a discriminatory practice to make inquiries based on a prohibited ground unless in connection with a section 15 "special program."

Canada Post had particular difficulty. Stating that it was still grappling with the transition in October, 1981, from being a department of the federal government to being a crown corporation, Canada Post observed: "The sheer complexity and magnitude of the transformation of a federal department to a crown corporation, especially given CPC's size, has resulted in many policies in the personnel, financial, and administrative areas being carried over to provide direction and guidelines to CPC staff, until new policies are developed." The consequences were, as Canada Post noted, that some data were either not available or not readily accessible, since the new information systems necessary to generate and maintain such data were not yet in place.

The corporations were advised that they were not obliged to provide any data not readily available. What was being sought was the best information possible in the circumstances.

In addition to completing the questionnaire, five corporations chose to address the issues listed in the letter to the public inviting submissions.⁵

WORKFORCE PARTICIPATION

As noted above, the corporations were able to provide relatively reliable data on the numerical distribution and participation rates only for women. Where data on the other three designated groups existed, the information was either specific only to small units of the corporation or represented estimates. It was clear from information learned from the meetings with senior representatives, however, that native people, visible minorities, and disabled persons were not employed in significant numbers by any of the corporations.

Levels of Representation

The 11 corporations collectively employed more than 175,000 people in July, 1983. Of these, more than 138,000 (79 per cent) were men and about 37,000 (21 per cent) were women. Table 1 gives the percentage distribution of men and women in each of the corporations in 1983.

5. The five were Air Canada, Canada Mortgage and Housing Corporation, Export Development Corporation, Petro-Canada, and Teleglobe. A copy of the letter requesting submissions can be found in Appendix A.

Table 1**Percentage Composition of Labour Force
by Gender in the 11 Corporations — 1983**

Corporation	% Men	% Women	Number of Employees
Air Canada	70.1	29.9	19,550
Atomic Energy	80.7	19.3	7,321
Canada Mortgage and Housing Corporation	46.4	53.6	4,076
Canada Post	72.0	28.0	57,127
Canadian Broadcasting Corporation	69.9	30.1	12,346
Canadian National	93.5	6.5	62,055
de Havilland	90.9	9.1	2,952
Export Development Corporation	41.3	58.7	617
Federal Business Development Bank	52.1	47.9	1,702
Petro-Canada	71.8	28.2	6,456
Teleglobe	70.5	29.5	1,374
Average	<u>79.0%</u>	<u>21.0%</u>	<u>175,576</u>

Taken as a whole, the corporations employ a significantly lower percentage of women than are found in the general labour force, where they constitute more than 40 per cent. In part, the variation in representation of women reflects variation in corporate function. Canadian National and de Havilland have a high proportion of blue-collar jobs, jobs not traditionally held by women. On the other hand, Export Development Corporation, Canada Mortgage and Housing Corporation, and the Federal Business Development Bank offer a high proportion of white-collar jobs, jobs in which women have traditionally been well represented.

Occupational Categories

Statistics Canada marshals its more than 500 job classifications into nine broad occupational categories. Using these nine categories did not, in the opinion of the Commission, operate adequately to pinpoint the position of the four designated groups within the

corporations. Accordingly, the Commission reworked them into the following 12 occupational categories⁶:

Upper-level Managers

Middle Managers

Professionals

Semi-professionals and Technicians

Supervisors

Foremen/women

Clerical Workers

Sales Workers

Service Workers

Skilled Crafts and Trades Workers

Semi-skilled Manual Workers

Unskilled Manual Workers

In Part I of the questionnaire, each corporation was asked to provide a breakdown of its workforce by gender and by the numbers of native people, disabled persons, and visible minorities for each of the 12 occupational categories. Information was also requested on hirings, terminations, promotions, salary ranges, and part-time positions for each category. The 12 categories, although they more or less coincided with Statistics Canada's general groupings, did not always coincide with the occupational groupings maintained by each corporation, and this posed some obvious difficulty for the corporations in attempting to give accurate information to the Commission.

6. Descriptions of each of these categories can be found in Appendix D.

Occupational Distribution: 1978 and 1983

Questions were asked about the distribution of members of the four designated groups within each corporation in 1978 as well as in 1983 in order to measure the rate of change.

Table 2 presents both the 1978 and 1983 percentage distribution of women in each occupational category for all the corporations except Canada Post, which provided no historical data.

There has been almost no change in the distribution of women among the occupational groups from 1978 to 1983. In 1978, for example, just over eight of every 10 women were found in two occupations: clerical and service. In 1983, seven to eight of every 10 women were found in these same two occupations.

Demographic Women have traditionally been under-represented and continue to be under-represented in seven occupational categories that offer high work-related benefits, including better salaries and more career options. These areas are upper management; middle management; professional; semi-professional and technical operations; supervision of white-collar workers; supervision of blue-collar workers; and the skilled crafts and trades.

Where there appears to have been some improvement in the designated corporations is at the management and semi-professional and technical levels. Yet in six of the corporations, namely, Atomic Energy, Canadian National, de Havilland, Federal Business Development Bank, Petro-Canada, and Teleglobe, women remain practically unrepresented in upper management. In 1983, women constituted less than four per cent of upper-level management in the 11 corporations. In numerical terms, of 1,639 upper-level managers, only 61 were women, of which 43 are found at two corporations, Canada Mortgage and Housing Corporation and Canadian Broadcasting Corporation.

The picture is much the same for middle management. In 1978, at Canadian Broadcasting Corporation and Canada Mortgage and Housing Corporation, an average of 11 per cent of middle managers were women. By 1983, that figure had doubled to 22 per cent. But in eight other corporations (all others except Canada Post), the average increase was less than three per cent.

There are a number of reasons some corporations show more improvement than others in this area. Results appear to depend on

Table 2
Percentage Representation of Women in the 12 Occupational Categories, 1978 and 1983

Occupational Groups	Air Canada		Atomic Energy		Canada Mortgage and Housing Corporation ¹		Canada Post ²		Canadian Broadcasting Corporation		Canadian National	
	1978	1983	1978	1983	1977	1983	1978	1983	1978	1983	1978	1983
Upper-level Managers	1.1	3.0	0	0.9	0	7.8	n/a	4.7	2.8	5.6	0.3	1.2
Middle Managers	6.3	7.7	0	1.5	14.0	33.4	n/a	6.1	9.0	14.0	0.7	2.1
Professionals	0.4	0.9	2.4	6.2	8.8	16.8	n/a	4.0	16.2	19.3	1.5	1.5
Semi-professionals and Technicians	17.9	20.1	7.1	13.7	4.6	13.5	n/a	19.9	21.4	24.1	4.4	9.1
Supervisors	10.9	18.6	35.9	47.8	n/a ³	82.2	n/a	49.5	—	—	6.4	8.1
Foremen/women	0	0	0	0	—	—	n/a	7.7	—	—	0.8	0.3
Clerical Workers	77.9	76.4	79.2	84.9	83.8 ³	90.6	n/a	84.9	73.3	74.4	27.9	33.4
Sales Workers	6.2	11.7	—	—	—	—	n/a	22.0	59.1	67.7	3.3	3.8
Service Workers	71.5	71.7	—	—	—	—	n/a	—	71.4	100.0	30.0	26.4
Skilled Crafts and Trades Workers	0.1	0.4	} n/a		—	—	n/a	0.5	7.6	9.1	0.1	0.2
Semi-skilled Manual Workers	4.3	5.6			n/a	20.5	n/a	26.2	0.2	1.0	0.4	0.7
Unskilled Manual Workers	—	—			—	—	n/a	1.9	25.0	31.6	3.3	5.0

1 Canada Mortgage and Housing Corporation provided 1977 data. Export Development provided 1981 data.

2 Canada Post provided no historical data.

3 Canada Mortgage and Housing Corporation grouped supervisors with clerical workers in 1977.

— No employees in this category in this corporation.

n/a Data not available.

Table 2 (Cont'd)

Occupational Groups	de Havilland		Export Development Corporation ¹		Federal Business Development Bank		Petro-Canada		Teleglobes	
	1978	1983	1981	1983	1978	1983	1978	1983	1978	1983
Upper-level Managers	0	0	3.0	5.6	0	0	0	1.9	0	0
Middle Managers	1.4	1.6	0	6.4	2.0	5.9	0	5.8	2.5	7.5
Professionals	1.0	1.6	39.6	46.3	7.2	10.6	6.0	7.2	6.5	6.0
Semi-professionals and Technicians	6.7	6.5	47.6	42.9	34.3	30.5	30.7	27.1	11.1	15.4
Supervisors	7.0	9.3	—	38.2	50.0	66.7	61.5	18.5	31.3	50.0
Foremen/women	0	0	—	—	—	—	0	0.8	0	0
Clerical Workers	81.6	65.3	93.0	93.9	96.1	96.6	86.3	80.3	72.9	82.4
Sales Workers	—	—	—	—	—	—	—	2.1	10.0	16.7
Service Workers	0	0	—	—	—	—	—	—	—	—
Skilled Crafts and Trades Workers	0.3	0.2	—	—	—	—	} n/a	0	0	2.6
Semi-skilled Manual Workers	0.8	1.2	—	—	—	—		0.7	7.8	7.2
Unskilled Manual Workers	9.4	10.6	—	—	—	—		5.1	2.9	25.7

the relative numbers of men and women in the internal labour pool in those corporations that recruit from within; the availability of qualified men and women in the external labour pool; and, most importantly, the commitment in each corporation to effective equal opportunity employment practices. But even where corporations have made significant gains, there are still only a small number of women in the economically rewarding jobs.

EVIDENCE
FOR #3

Hirings

Of the 5,052 employees hired in the one-year period from 1982 to 1983, 27 per cent were women. Table 3 shows the percentage of women hired as permanent employees in all 11 corporations during a 12-month period.

About one in every three people hired at the middle-management level were women. The same was true at the semi-professional and technician level and at the supervisory level.

On the other hand, almost 1,100 people were hired during this 12-month period at the unskilled level, only 15 of them female. In the category of skilled work, 195 people were hired, only 14 of them female. Moreover, all 14 were hired by one corporation — the Canadian Broadcasting Corporation. In the semi-skilled category, 1,120 people were hired, only 101 of them female.

More than half of the women taken on permanently were hired for clerical positions. In some corporations, as many as eight or nine of every 10 women employed were hired for clerical positions, frequently the lowest-paid position in the corporation.

Whatever advances have been made, the 11 corporations still have far to go in providing equal employment opportunities for women. The female participation rate in categories offering the greatest economic opportunities in 1983 was generally low.

The male representation in those categories was:

- 96.3 per cent male in upper-level management;
- 89.5 per cent male in middle management;
- 92.1 per cent male in professional occupations;
- 83.5 per cent male in semi-professional and technical occupations;

Table 3
Hirings (Permanent Employees) in the Period Mid-1982 to Mid-1983
 (% women)

Occupational Groups	Air Canada	Atomic Energy	Canada Mortgage and Housing Corporation	Canada Post	Canadian Broadcasting Corporation	Canadian National
Upper-level Managers	0	0	0	7.7	25.0	0
Middle Managers	0	0	35.0	12.5	32.0	0
Professionals	0	10.3	27.3	0	33.3	4.0
Semi-professionals and Technicians	70.8	20.8	25.8	23.6	33.3	14.3
Supervisors	*	0	72.7	72.0	—	30.0
Foremen/women	*	*	—	14.8	—	0
Clerical Workers	90.9	80.8	95.7	94.1	81.8	58.2
Sales Workers	*	—	—	*	85.7	*
Service Workers	*	—	—	—	*	36.7
Skilled Crafts and Trades Workers	*	n/a	—	0	24.6	0
Semi-skilled Manual Workers	*	n/a	13.3	46.7	0	1.2
Unskilled Manual Workers	—	n/a	—	23.1	0	0.8

* No employees hired in this category.

n/a Data not appropriate for inclusion.

— No employees in this category in this corporation.

Table 3 (Cont'd)

Occupational Groups	de Havilland	Export Development Corporation	Federal Business Development Bank	Petro-Canada	Teleglob
Upper-level Managers	*	*	*	11.1	*
Middle Managers	*	0	*	33.3	100.0
Professionals	0	28.6	16.7	9.5	9.1
Semi-professionals and Technicians	0	50.0	25.0	23.8	31.25
Supervisors	0	0	*	25.0	*
Foremen/women	*	—	—	0	*
Clerical Workers	*	98.3	83.3	63.6	100.0
Sales Workers	—	—	—	0	*
Service Workers	*	—	—	—	—
Skilled Crafts and Trades Workers	0	—	—	0	0
Semi-skilled Manual Workers	0	—	—	0	*
Unskilled Manual Workers	*	—	—	4.5	*

- 59.7 per cent male in supervisory (clerical, sales, and service) positions.

This does not represent a significant change from the male representation in 1978, when it was:

- 98.9 per cent male in upper-level management;
- 93.9 per cent male in middle management;
- 93.8 per cent male in professional occupations; and
- 89.8 per cent male in semi-professional and technical occupations.

Percentages of males in supervisory positions could not be calculated for 1978 because of a lack of data.

In addition to their low representation in the better-paid jobs, women were members of boards of directors at only five of the corporations in July, 1983, as Table 4 shows.

Table 4

Female Representation on Boards of Directors — July, 1983

Corporation	Positions Filled	Number of Men	Number of Women
Air Canada	13	12	1
Atomic Energy	13	13	0
Canada Mortgage and Housing Corporation	9	7	2
Canada Post	9	7	2
Canadian Broadcasting Corporation	11	10	1
Canadian National	11	11	0
de Havilland	10	10	0
Export Development Corporation	11	11	0
Federal Business Development Bank	13	13	0
Petro-Canada	15	14	1
Teleglobe	6	6	0

By June, 1984, three additional corporations had appointed women to their boards: Canadian National, which now has a female chairman, Export Development Corporation, and Federal Business Development Bank.

Promotions

who made up 21% of CC labour force
 Women got 23.5 per cent of more than 12,100 promotions made in 10 of the corporations, as Table 5 shows. Data from Canada Post Corporation were unavailable.

Terminations

Of the 15,500-plus employees laid off or terminated over a 12-month period in 10 corporations (there being no data from Canada Post), 80 per cent were in the male-dominated skilled crafts and trades and the semi-skilled and unskilled manual job categories. Of those laid off or terminated, 1,481 were women. Three-quarters of the lay-offs or terminations occurred at Canadian National.

Income Distribution

Whatever other advances they may have made, women remain overwhelmingly concentrated in the lowest-paid occupations of every corporation. *yet you will use low recruiting in unskilled trades that would make things worse!*

The salary data collected by broad occupational group could not be used to draw conclusions about whether or not the corporations may have violated equal pay for equal value legislation. But inasmuch as salary reflects levels of skill, responsibility, and effort, the data can be used to determine whether women are consistently found at lower status levels in each corporation. They are. *←*

Overall, fewer women than men make salaries above the mid-point for their job category. This is true in upper and middle management, in professional, semi-professional and technical jobs, in supervisory positions, and in clerical and semi-skilled manual work.

When women get into positions of greater responsibility, they do so at lower salary levels, as Tables 6, 7, and 8 illustrate. The only women above the salary midpoint in upper-level management were the eight women employed at the Canadian Broadcasting Corporation and the Canada Mortgage and Housing Corporation. In all other corporations, either there were no women in this category or, where there were, none received a salary above the midpoint. All 11

Table 5
Promotions (Permanent Employees) in the Period Mid-1982 to Mid-1983
 (% women)

Occupational Groups	Air Canada	Atomic Energy	Canada Mortgage and Housing Corporation	Canada Post	Canadian Broadcasting Corporation	Canadian National
Upper-level Managers	4.3	0	17.9	n/a	0	0
Middle Managers	9.8	6.7	28.7	n/a	18.4	4.0
Professionals	0	11.1	8.3	n/a	33.3	2.4
Semi-professionals and Technicians	35.5	18.2	4.8	n/a	27.6	14.2
Supervisors	45.8	0	67.6	n/a	—	9.0
Foremen/women	0	0	—	n/a	—	1.5
Clerical Workers	74.2	69.6	95.8	n/a	75.8	44.5
Sales Workers	0	—	—	n/a	94.4	3.9
Service Workers	*	—	—	n/a	*	28.0
Skilled Crafts and Trades Workers	*	0	—	n/a	9.6	0.9
Semi-skilled Manual Workers	*	0	0	n/a	0	1.8
Unskilled Manual Workers	—	0	—	n/a	*	2.3

* No employees promoted in this category.

n/a Data not provided.

— No employees in this category in this corporation.

Table 5 (Cont'd)

Occupational Groups	de Havilland	Export Development Corporation	Federal Business Development Bank	Petro-Canada	Teleglobe
Upper-level Managers	*	14.3	0	0	*
Middle Managers	0	20.0	0	33.3	0
Professionals	0	53.3	14.6	9.9	0
Semi-professionals and Technicians	28.6	0	31.0	36.8	21.5
Supervisors	0	59.1	*	16.7	*
Foremen/women	*	—	—	0	0
Clerical Workers	37.5	89.8	100.0	83.1	92.3
Sales Workers	—	—	—	0	*
Service Workers	*	—	—	—	—
Skilled Crafts and Trades Workers	*	—	—	0	0
Semi-skilled Manual Workers	0	—	—	0	*
Unskilled Manual Workers	*	—	—	*	*

corporations employed women at the middle-management level, but in five of these corporations no women received a salary above the midpoint.

Even where women dominate in numbers, as in clerical positions (women constitute about 63 per cent of employees in this category), they do not do as well as men. An examination of the data used to compile Table 9 shows that, on average, only 47 per cent earned a salary above the midpoint compared to 82 per cent of male clerical workers.

By 1983 only a minority (39 per cent) of supervisors' positions in the clerical, sales, and service occupations were held by women. As Table 10 shows, even where women have succeeded in obtaining supervisory jobs, they earn less than male supervisors in virtually every corporation.

Part-Time Work

In the general labour force, part-time workers constitute about 15 per cent of those employed. Part-time work is almost nonexistent in the corporations that had relevant data. Such part-time work as was available was mainly accounted for by Canada Post. In the other corporations, availability varied between two per cent and none. One in every four women working in Canada works part-time, yet in these corporations few such options exist.

It is important to remember, however, that part-time work is not always an option voluntarily chosen and currently provides fewer job benefits and securities, as well as fewer options in career selection than does full-time work.

Summary

The rate of change in the 11 corporations during the years 1978 to 1983 suggests that occupational segregation is tending to decrease. At the same time it is decreasing so slowly that, at the present pace, it will in some cases take several generations to reach even a 30-per-cent level of female representation in most occupational groupings.

Table 6

Men and Women Above the Salary Midpoint — July, 1983
Upper-level Management

Corporation	Minimum salary level* \$	Gender Distribution				Salary Distribution	
		Number of Men	Number of Women	% Men in this category	% Women in this category	% Men above midpoint	% Women above midpoint
Air Canada	\$47,000 +	193	6	97%	3%	17%	0%
Atomic Energy	52,000 +	113	1	99	1	n/a	0
Canada Mortgage and Housing Corporation	35,300 +	238	20	92	8	10	5
Canada Post	50,300 +	61	3	95	5	13	0
Canadian Broadcasting Corporation	45,105 +	386	23	94	6	50	30
Canadian National	39,000 +	317	4	99	1	12	0
de Havilland	36,600 +	45	0	100	0	31	0
Export Development Corporation	49,353 +	34	2	94	6	18	0
Federal Business Development Bank	37,000 +	73	0	100	0	3	0
Petro-Canada	65,040 +	105	2	98	2	27	0
Teleglobe	60,260 +	13	0	100	0	23	0

n/a Data not available.

* Dollar value of salary midpoint was not provided, merely numbers of men and women over the midpoint.

Table 7
Men and Women Above the Salary Midpoint — July, 1983
Middle Management

Corporation	Salary range above the midpoint (\$)	Gender Distribution				Salary Distribution	
		Number of Men	Number of Women	% Men in this category	% Women in this category	% Men above midpoint	% Women above midpoint
Air Canada	\$46-64,000	1,033	86	92%	8%	25%	9%
Atomic Energy	55-66,000	332	5	99	1	39	0
Canada Mortgage and Housing Corporation	38-54,000	557	279	67	33	32	6
Canada Post	49-62,000	291	19	94	6	35	32
Canadian Broadcasting Corporation	44-55,000	936	153	86	14	47	31
Canadian National	57-89,000	1,459	32	98	2	7	0
de Havilland	44-65,000	60	1	98	2	42	0
Export Development Corporation	51-62,000	44	3	94	6	36	0
Federal Business Development Bank	47-69,000	143	9	94	6	18	0
Petro-Canada	66-90,000	226	14	94	6	43	43
Telelobe	44-61,000	198	16	93	7	76	13

Table 8

**Men and Women Above the Salary Midpoint — July, 1983
Semi-professionals and Technicians**

Corporation	Salary range above the midpoint (\$)	Gender Distribution				Salary Distribution	
		Number of Men	Number of Women	% Men in this category	% Women in this category	% Men above midpoint	% Women above midpoint
Air Canada	\$27,000-35,000	477	120	79.9%	20.1%	73.4%	63.3%
Atomic Energy	28,500-44,000	1,605	254	86.3	13.7	45.6	6.3
Canada Mortgage and Housing Corporation	31,051-41,900	598	93	86.5	13.5	24.8	37.6
Canada Post	31,450-50,000	1,324	329	80.1	19.9	n/a	n/a
Canadian Broadcasting Corporation	45,550-78,300	2,315	737	75.9	24.1	68.7	35.7
Canadian National	30,000-48,000	4,401	440	90.9	9.1	53.3	32.7
de Havilland	33,500-44,300	388	34	91.9	8.1	26.6	8.8
Export Development Corporation	31,281-43,142	12	9	57.1	42.9	66.7	0
Federal Business Development Bank	34,860-55,780	187	829	69.5	30.5	23.0	7.3
Petro-Canada	50,688-83,016	912	339	72.9	27.1	8.3	2.4
Teleglob	25,618-38,626	424	77	84.6	15.4	71.9	27.3

n/a Data not available.

Table 9
Men and Women Above the Salary Midpoint — July, 1983
Clerical

Corporation	Salary range above the midpoint (\$)	Gender Distribution				Salary Distribution	
		Number of Men	Number of Women	% Men in this category	% Women in this category	% Men above midpoint	% Women above midpoint
Air Canada	\$16,500-32,000	402	1,304	23.6%	76.4%	56.5%	16.8%
Atomic Energy	22,500-32,000	168	948	15.1	84.9	25.0	5.0
Canada Mortgage and Housing Corporation	17,842-24,284	146	1,411	9.4	90.6	51.4	54.8
Canada Post	20,250-28,500	352	1,980	15.1	84.9	n/a	n/a
Canadian Broadcasting Corporation	23,372-34,600	734	2,136	25.6	74.4	76.7	80.7
Canadian National	22,000-34,000	5,450	2,733	66.6	33.4	91.5	71.0
de Havilland	24,000-27,200	108	203	34.7	65.3	100.0	100.0
Export Development Corporation	20,118-26,500	15	229	6.1	93.9	13.3	40.6
Federal Business Development Bank	19,400-29,400	23	659	3.4	96.6	8.7	14.3
Petro-Canada	25,212-42,420	326	1,329	19.7	80.3	88.0	12.0
Telelobe	25,618-38,626	59	277	17.6	82.4	47.5	31.0

n/a Data not provided.

Table 10

**Men and Women Above the Salary Midpoint — July, 1983
Supervisors**

Corporation	Salary range above the midpoint (\$)	Gender Distribution				Salary Distribution	
		Number of Men	Number of Women	% Men in this category	% Women in this category	% Men above midpoint	% Women above midpoint
Air Canada	\$27,000-35,000	513	117	81.4%	18.6%	79.1%	63.3%
Atomic Energy	30,000-43,000	72	66	52.2	47.8	48.6	1.5
Canada Mortgage and Housing Corporation	22,466-25,532	69	319	17.8	82.2	81.2	70.9
Canada Post	32,500-50,000	3,596	3,528	50.5	49.5	n/a	n/a
Canadian Broadcasting Corporation	—	—	—	—	—	—	—
Canadian National	20,500-47,000	1,770	157	91.9	8.1	70.5	14.7
de Havilland	39,950-47,300	68	7	90.7	9.3	41.2	42.9
Export Development Corporation	35,107-50,562	42	26	61.8	38.2	71.4	38.5
Federal Business Development Bank	29,335-44,170	6	12	33.3	66.7	50.0	0
Petro-Canada	46,260-69,480	229	52	81.5	18.5	15.7	13.5
Teleglobes	31,320-44,541	13	13	50.0	50.0	46.2	23.1

n/a Data not available.

— No employees in this category in Canadian Broadcasting Corporation.

EMPLOYMENT POLICIES AND PRACTICES

Part II of the questionnaire sought information on human resource systems within the corporations and on measures to increase the participation of the designated groups.

The human resource management of an organization is accomplished through a number of interdependent systems that include staffing, training, management development, compensation and rewards, human resource and succession planning, and performance appraisal and evaluation. Each of the systems, as well as the organization's overall personnel policies, has the potential to be discriminatory.

Equal Opportunity as a Corporate Policy

All 11 of the crown corporations indicated that it was one of their corporate objectives to have equal employment opportunities available, particularly for women. Equal opportunity was defined generally as the belief that people should be given equal access to career choice and mobility across organizational levels.

In most cases, the objective was expressed as a prohibition against discrimination on specified grounds in much the same language as is found in human rights legislation. Four of the corporations have, in addition, developed meaningful strategies and have allocated resources to carry out their policies. These four are the Canada Mortgage and Housing Corporation, the Canadian Broadcasting Corporation, the Export Development Corporation, and Air Canada. In addition, Canada Post, Petro-Canada, Atomic Energy, and Canadian National have formulated programs which, when implemented, will likely dramatically affect the equitable participation of women.

In a major study of 265 large corporations in the United States, the Conference Board found that "...when presented with a 'laundry list' of twenty-three factors (plus room to add more) and asked to number from one to 10 those they considered to have made the greatest contribution to the overall success of the company [affirmative action] efforts... commitment of the Chief Executive Officer 'ranked second'." The existence of federal laws and regulations was the number one factor.⁷ The importance of this commitment

7. Shaeffer, Ruth Gilbert, and Lynton, Edith F. *Corporate Experiences in Improving Women's Job Opportunities*. Toronto: Conference Board of Canada, 1979.

from the chief executive officer was confirmed by the Canada Mortgage and Housing Corporation and the Export Development Corporation, both of which ranked high among the crown corporations in representation of women. In both these corporations, line managers must report directly to the chief executive officer on their progress in achieving targets.

When asked to identify other equal opportunity measures within their corporations that had been successful in improving employment opportunities for women, the designated corporations stressed that setting internal corporate goals and having periodic reviews as part of overall human resource planning were effective.

Most corporations cited the Report of the Royal Commission on the Status of Women, published in 1970, and the provisions of the Canadian Human Rights Act as the primary reasons for an increased awareness of the need to become more sensitive to the participation of women within corporations. Most of the initiatives undertaken by crown corporations, however, were in response to requests from government for information on employment opportunities for women. Until the Year of the Disabled in 1981, and some recent requests from agencies with respect to native people, the participation rates of the other three designated groups tended not to receive any significant amount of attention from these corporations.

Equal Opportunity Programs

Of real importance to the four designated groups are the steps, if any, taken or planned by the corporations to act on their equal opportunity goals. These steps include special measures to ensure access to the corporations by members of the groups and, once employed, their access to a full range of opportunities within the corporation. The steps must counter both discriminatory treatment by managers and other decision-makers and the adverse impact of particular employment systems.

What is striking is the diversity of approach among the corporations. Some have undertaken a review of recruitment practices. Others provide training in such staffing procedures as interviews, both to comply with human rights legislation and to remove discriminatory barriers involved in employee selection. Some have sessions to make employees aware of discriminatory practices. Job descriptions and application forms have been overhauled to eliminate sex-based language and requirements not essential for a par-

ticular position. Internal job posting systems have been expanded, and application forms have been modified to include a section on volunteer experience.

In some cases, contacts have been established with supply institutions with a view to increasing the participation of women, particularly in non-traditional jobs. There have been active efforts to recruit members of the designated groups by portraying them in corporate advertising and by establishing outreach programs. In other cases, the participation rates for women have been tracked on a regular basis to see where women are moving, if at all, within the corporation. Certain corporations have recruited women and upgraded their skills on the job to ensure they have the qualifications for job opportunities that would otherwise be out of reach.

None of the corporations provide childcare facilities. Several have revised their benefit plans to eliminate discriminatory provisions. Some are modifying the requirement of geographic mobility.

The most successful of the corporations stressed the necessity for targets (goals and timetables) being set by the corporation. They also saw the need to make the achievement of equality objectives part of a manager's performance appraisal, which in turn should be tied to a manager's benefits, such as income and promotion.

Canada Mortgage and Housing Corporation has implemented the most significant measures to provide equality of opportunity.

The provision of support systems, such as physical accessibility and technical aids for disabled persons, flexible work schedules and transportation for native people, language training for immigrant workers, and parental leave and childcare for women, are critical to ensuring access to employment, but are not generally available in the corporations.

There is a strong emphasis in all of the corporations on promotion from within. Only executive, professional, and secretarial positions tend to be recruited from outside. But when promotion takes place from within, it means that corporations having a homogeneous workforce tend to exclude members of the designated groups from the opportunity for middle and senior management positions.

Part II of the questionnaire showed that not only were most of the decision-making roles dominated by men, including representation on boards of directors and in upper-level and middle management,

but the majority of corporate task forces dealing with strategic issues, such as the impact of technology, were also dominated by men. In all the corporations, members of the four designated groups were employed in job categories low in status and opportunity.

CONCLUSION

A review of the employment practices and systems of the 11 designated corporations showed that those with human resource programs implemented specifically to counteract inequities are those that have been most successful in increasing the participation of women. Where there has been no corporate attention to equality issues, and they have been left to the natural forces of the marketplace, the result has been a perpetuation of the status quo, with no improvement for women, native people, disabled persons, or visible minorities.

Most of the corporations cited the recession as being primarily responsible for their inability to change dramatically the proportion of women, native people, disabled persons, and visible minorities in their workforces. Most of them, in fact, were in a period of either hiring freezes, lay-offs, or cutbacks.⁸ In a shrinking employment context, there are fewer promotions, fewer employees leaving, and therefore fewer opportunities to alter the participation rates within a corporation. Nonetheless, where there was a corporate commitment to the increased participation of women, significant improvements in their participation continued through recessionary periods. The limited supply of qualified or trained members of designated groups was also cited by some corporations as affecting their hiring practices.

The chief executive officer of each of the 11 crown corporations acknowledged that legislated mandatory requirements were the most effective path to widespread equitable participation by the designated groups. All agreed that, at the very least, a public reporting requirement was essential. But they also agreed that reporting alone, without further legislation, would likely not operate as a sufficient incentive to deal intensely with the issue, particularly in a depressed economy. No business can be expected to engage

8. For a study of the effects of the recession, see Jain, Harish C., and Sloane, Peter J. "The Impact of Recession on Equal Opportunities for Minorities and Women in the United States, Canada and Britain". Research and Working Paper Series No. 205. Hamilton, Ontario: Faculty of Business, McMaster University, 1983.

voluntarily in the complete overhauling of its human resource planning when there are competitive financial considerations urging it not to make these expenditures of time and money.⁹ The 11 chief executive officers suggested strongly, however, that the actual practices used to achieve equitable participation be left to each corporation.

Although they see themselves as being on the corporate "cutting edge" by virtue of their crown status, and are willing to lead in the introduction of equitable employment practices, some of the designated corporations were mindful of their competition with the private sector. They persuasively argued the inadequacy of imposing mandatory requirements on only federal crown corporations, which employ about 1.8 per cent¹⁰ of the Canadian workforce, particularly since most of them have employment practices as adequate or inadequate, as the case may be, as those found in the private sector. To single out crown corporations and hope for a spillover effect in the private sector is unfair — both economically to the crown corporations and practically to the individuals and groups who are expected to wait for the spillover to engulf them.

It is either public policy that equality in the workplace be implemented or it is not. If it is, it should be implemented wherever the government has jurisdiction. If it is not, it is unfair to single out a particular part of this jurisdictional territory for exemplary experimentation.

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9. The "Affirmative Action Study", prepared by Complan Research Associates Ltd. for Canada Employment and Immigration Commission, showed that even in 1979, when economic conditions were better than those today, the employment of women and minorities got no or very little high-level attention in one-half of the firms surveyed. The report concluded that without mandatory requirements companies would not introduce comprehensive equitable employment practices. Complan Research Associates Ltd. "The Affirmative Action Study". Prepared for the Affirmative Action Division, Canada Employment and Immigration Commission. December, 1979, p. 14.
 10. As of March, 1984, Treasury Board estimated that as many as 225,000 people were employed by crown corporations. In July, 1983, Canada's total labour force numbered 12,172,000. (Statistics Canada. *The Labour Force: Unemployment Rates for the Full-Time and Part-Time Labour Force*. Catalogue No. 71-001 Monthly. Ottawa, August, 1983, p. 16.)