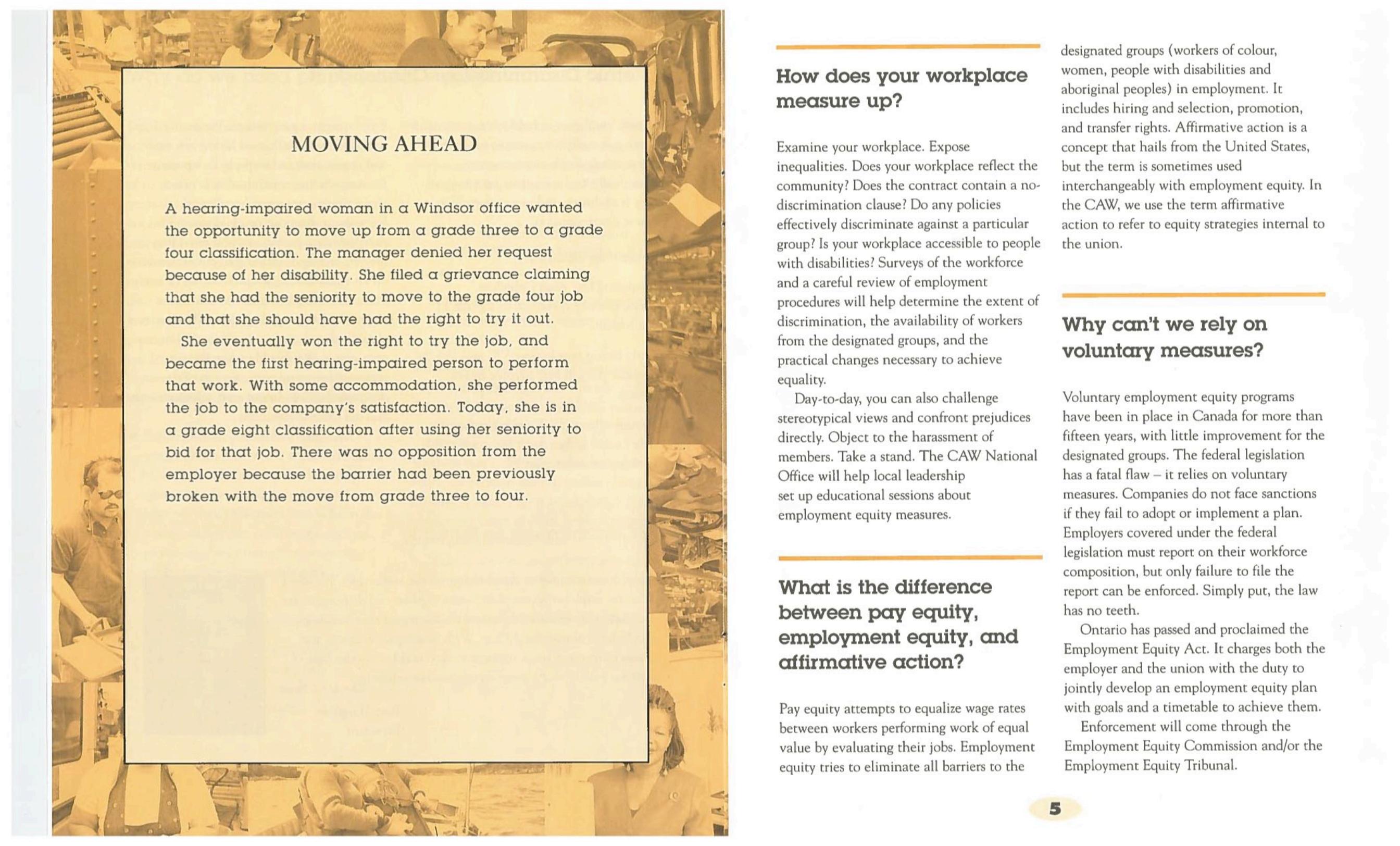


DIVERSITY
SOLIDARITY
EMPLOYMENT
EQUITY

A commitment to equality

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

*Report of the Commission
on Equality in Employment
Judge Rosalie Abella
Commissioner, 1984*



MOVING AHEAD

A hearing-impaired woman in a Windsor office wanted the opportunity to move up from a grade three to a grade four classification. The manager denied her request because of her disability. She filed a grievance claiming that she had the seniority to move to the grade four job and that she should have had the right to try it out.

She eventually won the right to try the job, and became the first hearing-impaired person to perform that work. With some accommodation, she performed the job to the company's satisfaction. Today, she is in a grade eight classification after using her seniority to bid for that job. There was no opposition from the employer because the barrier had been previously broken with the move from grade three to four.

How does your workplace measure up?

Examine your workplace. Expose inequalities. Does your workplace reflect the community? Does the contract contain a no-discrimination clause? Do any policies effectively discriminate against a particular group? Is your workplace accessible to people with disabilities? Surveys of the workforce and a careful review of employment procedures will help determine the extent of discrimination, the availability of workers from the designated groups, and the practical changes necessary to achieve equality.

Day-to-day, you can also challenge stereotypical views and confront prejudices directly. Object to the harassment of members. Take a stand. The CAW National Office will help local leadership set up educational sessions about employment equity measures.

What is the difference between pay equity, employment equity, and affirmative action?

Pay equity attempts to equalize wage rates between workers performing work of equal value by evaluating their jobs. Employment equity tries to eliminate all barriers to the

designated groups (workers of colour, women, people with disabilities and aboriginal peoples) in employment. It includes hiring and selection, promotion, and transfer rights. Affirmative action is a concept that hails from the United States, but the term is sometimes used interchangeably with employment equity. In the CAW, we use the term affirmative action to refer to equity strategies internal to the union.

Why can't we rely on voluntary measures?

Voluntary employment equity programs have been in place in Canada for more than fifteen years, with little improvement for the designated groups. The federal legislation has a fatal flaw – it relies on voluntary measures. Companies do not face sanctions if they fail to adopt or implement a plan. Employers covered under the federal legislation must report on their workforce composition, but only failure to file the report can be enforced. Simply put, the law has no teeth.

Ontario has passed and proclaimed the Employment Equity Act. It charges both the employer and the union with the duty to jointly develop an employment equity plan with goals and a timetable to achieve them.

Enforcement will come through the Employment Equity Commission and/or the Employment Equity Tribunal.

How will employment equity legislation affect collective bargaining?

Under the Ontario Employment Equity Act employers and union officials negotiate an Employment Equity Plan separate from the collective agreement.

Both the union and the employer are to jointly inform the employees about employment equity, jointly conduct a workforce survey, jointly review employment policies and practices (hiring, promotion, firing) and jointly develop an employment equity plan.

Is employment equity a form of 'reverse discrimination'?

No, although management frequently promotes this myth. Employment equity does not discriminate against one group in favour of another. It is not preferential treatment. It is discriminatory, however, to uphold employment arrangements that maintain inequalities.

Does employment equity mean that unqualified people will be hired?

No. Hiring decisions will be based on the availability of qualified people. No one will benefit by hiring unqualified people, least of all members of the designated groups. In addition, an employment equity plan must judge the validity of current job requirements. On close inspection, we may find that many yardsticks used in hiring are not vital to performing the job at hand.

Furthermore, it is no secret that people from the designated groups often face closer scrutiny in the workplace from both employers and co-workers. As a result, they are often forced to meet higher standards just to prove their worth and gain acceptance.

Will employment equity threaten union seniority rights?

No. The CAW has always fought for seniority rights in order to guard against discrimination based on personal favouritism and trade union activity. Today, employment equity seeks to protect workers from systemic discrimination based on sex, race, and disability status.

The Ontario Employment Equity Act provides that seniority rights concerning lay-off or recall will not be violated. Other seniority rights remain intact unless a board of inquiry under the Ontario Human Rights Code rules otherwise.

Let's be clear. All workers need seniority protection, especially those stuck in the worst job ghettos. The seniority rights of long-term employees are not up for grabs here. Instead of questioning their seniority rights, employers should reward long-standing workers for their service and beef up their opportunities for early retirement.

Is a recession the time to bargain employment equity?

An unstable economy is no reason to abandon the pursuit of justice. Members of the designated groups deserve equal access to employment and fair rewards, especially in tough economic times. In fact, it is well documented that such groups are particularly hard hit by an economic downturn.

All workers seek decent jobs, wages, and opportunities for transfer and promotion. Employment equity, however, is necessary to achieve these goals for persons who face extreme barriers. Just like our battle against concessions a decade ago, we can negotiate effective employment equity, while building membership support and playing a firm role as leadership.

How will employment equity affect me as a member of a designated group?

While community groups and unions often sing the praises of employment equity, some members of designated groups are concerned that such programs may set off a racist or sexist backlash. Will the established workforce resent the presence of new hires who come from a designated group? Will they be regarded as "tokens"?

No doubt, some employers may hire members of the designated groups just to give the illusion of progress. But this is not what employment equity is about. A successful plan will ensure that there are no tokens – only qualified workers of diverse backgrounds.

As women, workers of colour, aboriginal peoples, and people with disabilities enter workplaces in greater numbers, everyone will have to adapt. Over time, we will all learn that we share common ground, as workers and as trade unionists.

Employment equity is about respecting differences. In a context of long-standing inequality, we cannot achieve genuine equality unless we make special considerations. We have recognized this in the CAW. Union education programs – like our human rights training and special courses for women and workers of colour activists – will encourage both old and new members to seek unity across gender and racial lines.

BLACKS RECRUITED FOR FOUNDRY

In the pre-War years, foundry work was a far cry from what it is today. The work was hot, dirty, hazardous, and physically demanding. Many white native-born employees simply refused to work in this section of GM's St. Catharines plant. Consequently, in the early 1900s, company agents scouted the central United States to recruit Armenians for these jobs. The agents also brought a small number of Black men into the foundry from Toronto. By the early 1940s, the company recruited many more Blacks from Nova Scotia.

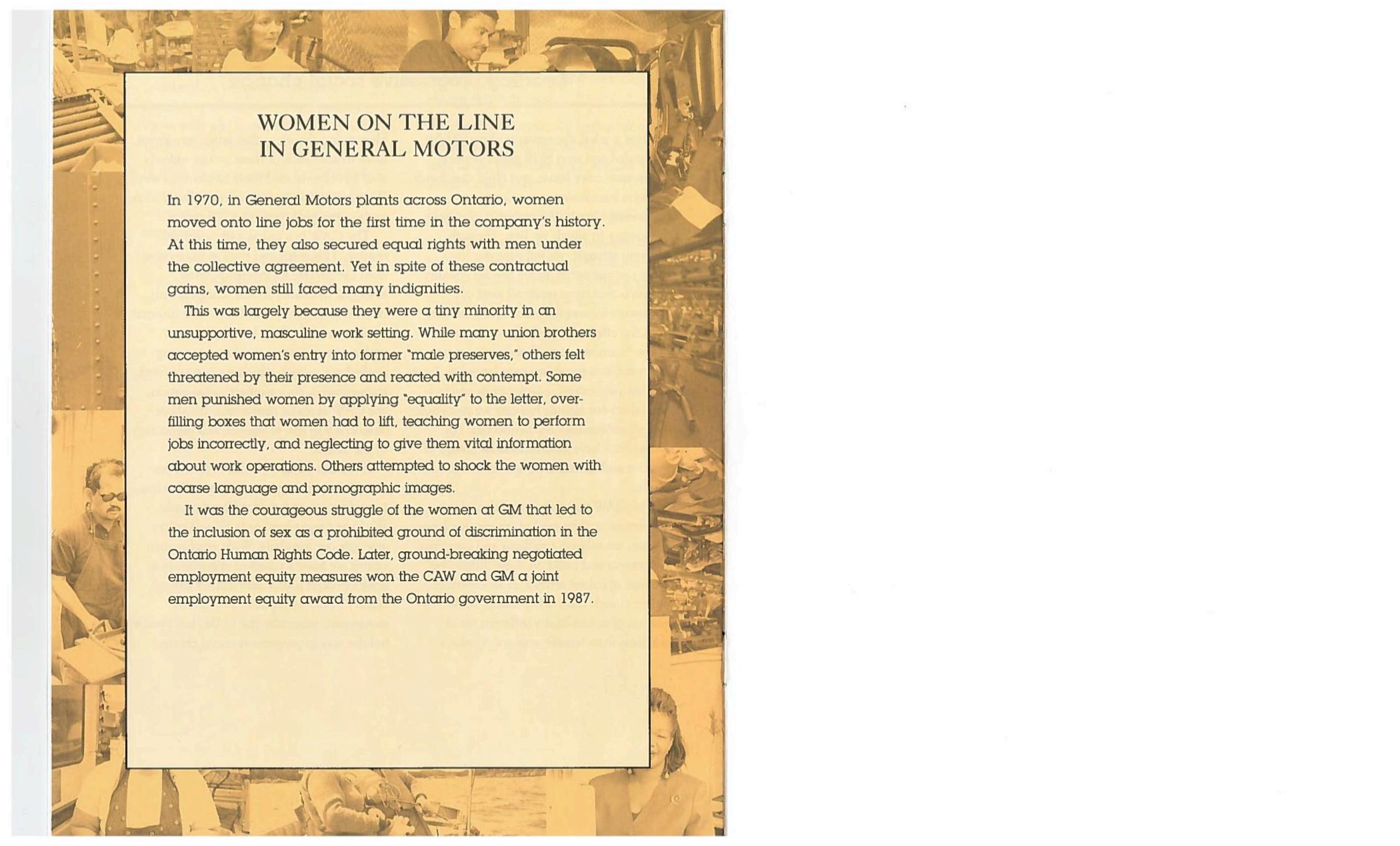
"Look, we were glad to get in there," explained retired foundry employee Richard Nicholson. "You see, money was scarce and jobs were scarce...you couldn't get white people to come in and do those jobs...so you go get the Blacks who are at the bottom of the totem pole..."

Over time, Blacks and Armenians became ghettoized in foundries. While they were not legally prohibited from transferring to other areas of the plant, these men faced a number of informal barriers, such as direct prejudice, that made them unwelcome in other departments. According to one worker, the Black men used to say, "You better not even think about (moving to) the engine plant...You ain't gonna get over there."

Today, with bargained seniority rights, no workers are ghettoized in one section of the plant.

THE CAW RECORD: A commitment to equality in employment. The struggle for equality in employment has a long history in the CAW

- ◆ Our first collective agreement in 1937 contained an anti-discrimination clause to protect workers from prejudice on the basis of union membership. Today, this clause prohibits discrimination on various grounds, including race, creed, colour, religion, place of origin, disability, sex, sexual orientation, and marital status.
- ◆ The CAW has also established a national Women's Department, and an anti-racism coordinator, holds annual women's and human rights conferences, and our constitution requires that locals establish human rights committees and women's committees.
- ◆ The CAW has won employment equity measures at the bargaining table. In 1984, we bargained a joint labour-management affirmative action program with General Motors. Three years later, we negotiated similar provisions with Ford and Chrysler. These programs were designed to educate both the membership and the community about equality in employment.
- ◆ We have bargained human rights training for our membership. GM, for example, allows every CAW member at GM time off the job to attend a three-hour training course in human rights. This training now exists in other CAW workplaces.
- ◆ In an effort to eliminate the barriers to women's participation in the workforce, the CAW has been negotiating funding for child care since 1983. In 1990, we opened a child care centre in the city of Windsor for CAW members in the Big Three auto firms. This centre offers extended care to accommodate the needs of our members who work shifts.
- ◆ In an attempt to improve the day-to-day work experiences of all our members, the CAW has implemented an anti-harassment policy to confront all forms of co-worker harassment.

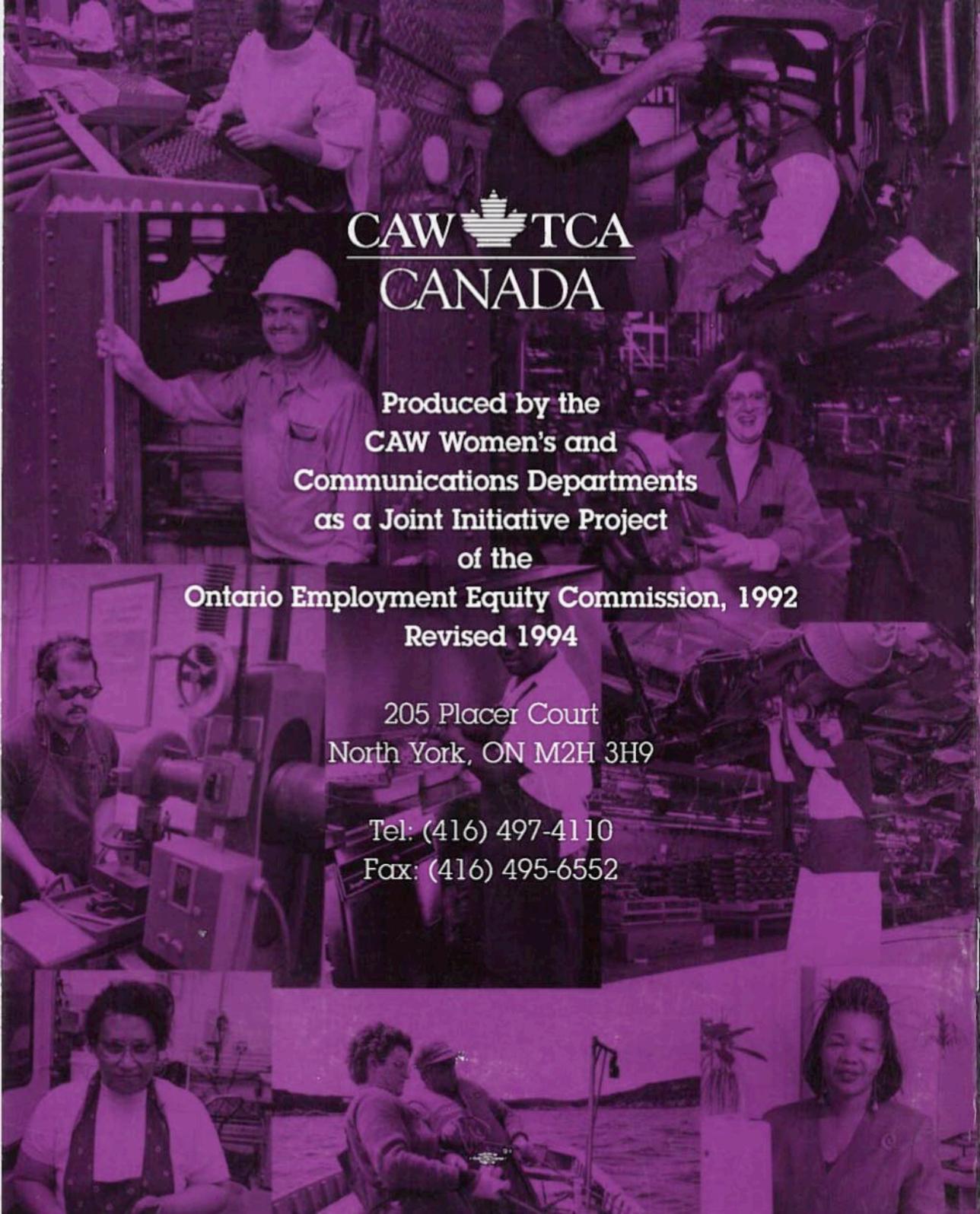


WOMEN ON THE LINE IN GENERAL MOTORS

In 1970, in General Motors plants across Ontario, women moved onto line jobs for the first time in the company's history. At this time, they also secured equal rights with men under the collective agreement. Yet in spite of these contractual gains, women still faced many indignities.

This was largely because they were a tiny minority in an unsupportive, masculine work setting. While many union brothers accepted women's entry into former "male preserves," others felt threatened by their presence and reacted with contempt. Some men punished women by applying "equality" to the letter, overfilling boxes that women had to lift, teaching women to perform jobs incorrectly, and neglecting to give them vital information about work operations. Others attempted to shock the women with coarse language and pornographic images.

It was the courageous struggle of the women at GM that led to the inclusion of sex as a prohibited ground of discrimination in the Ontario Human Rights Code. Later, ground-breaking negotiated employment equity measures won the CAW and GM a joint employment equity award from the Ontario government in 1987.



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CANADA

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