



NOVEMBER 22-25, 1982

STATEMENT ON WOMEN AND AFFIRMATIVE ACTION

Women and the Economy

High Unemployment. High Interest Rates. High Inflation. These are the key elements of our economic crisis.

Low Pay. Low Status. Low Priority. These are the characteristics of women's work in our economy.

As the recession deepens, discriminatory practices accelerate. When lay-offs are rampant, women are back in the position of being last hired, first laid-off. Many women who need and want full-time work are put on part-time. Mobility up the job ladder encounters mounting barriers.

Downturns in the economy have this disproportionate affect on women because of their vulnerable position in the workplace. When the cost of food and housing escalates, women are hurt the hardest because across the workforce they earn only 58% of the average male wage—a \$7,000 wage gap.

When jobs are scarce, more women are out of work—unemployment has been traditionally higher for women than men.

When micro-chip technology advances into offices, it is the jobs of the two-thirds of working women employed in clerical, sales and service occupations that are de-skilled, dehumanized or discontinued.

When attempts are made to move into the skilled trades where work is available, we find only 174 women apprentices in non-service trades in 1981 compared to 36,000 men.

When workers are clinging to their unions for job security and protection, more women are left alone, since the percentage of women workers who are organized is less than half that of men.

And when wage controls are once again imposed on working people, it is women who are doubly penalized. Heavily concentrated in low paying jobs, women in the public service have been under unofficial wage restraint for decades. The government's failure to adopt and

enforce strong equal pay laws has been the most effective wage restraint mechanism ever devised. The ever-widening wage gap between men and women testifies to this. Government imposed wage controls simply freeze the status quo.

Furthermore, since for all practical purposes bargaining rights in the public sector have been suspended, it will be very difficult to negotiate the bargaining innovations which union women have been fighting for: issues like paid parental leave, health and safety clauses, childcare, protection against technological change and sexual harassment.

It is not a pretty picture. But the responses of the past to recession and hard times cannot be the responses of today.

At stake is women's right to participate in the economy.

Women cannot contemplate a return to the home—such a choice is a luxury of a booming economy. Today, a woman's return to the home means a return to poverty for the entire family. Women's families need their wages.

Nor can the response be one of competition, men against women, for available jobs. This is a diversion of our energies from fighting the true source of our economic woes: government lack of planning in the economy and lack of commitment to job creation.

Nor must our response be that we cannot fight discrimination in a shrinking economy, but must wait for better times.

If we are to react with anything but a retrenchment into the old ways of overt discrimination and cut-throat competition for scarce jobs, we must start putting in place the solutions to inequality in the workforce now. We must accept the challenge of putting affirmative action for women high on the agenda. We must recognize and support that even in times of recession and with a shrinking job market, the sex of the applicant must not determine who gets the available job.

Labour Defines Affirmative Action

Discrimination based on sex is deeply embedded in our society. Its effect is particularly noticeable in the workplace. Overt discrimination of the door-slamming variety is just one of the possible manifestations of discrimination in employment. Systemic discrimination, which is the product of employment practices and systems, is much more common and frequently exists even when there is no intent to discriminate.

For example, a factory which recruits by word of mouth among its mostly male trades-people is unlikely to receive many female applicants for apprenticeship positions.

Classification systems and job evaluation programmes can perpetuate discrimination by weighting male skills and working conditions (e.g., physical strength; dirty and noisy factories) more heavily than female skills and working conditions (e.g., dexterity; stress, responsibility of office work).

Women may be automatically overlooked for jobs

that are heavy or dirty or require travel. Height and weight requirements may be maintained even when they no longer have any bearing on job performance due to modern technological developments.

Whether or not they are intentional, such practices do have a discriminatory effect. They bar women from equal access to employment opportunities.

Action designed to remove these barriers to equality, overcome past and present discrimination and improve the economic status of women is called affirmative action. Affirmative action plans are programmes designed to achieve these goals through analysis of the status of women and men in the workplace; review of personnel practices to identify systemic discrimination; establishment of targets or quotas and timetables for employing women at all levels; and a monitoring and evaluating system to assess progress.

Until now the few plans that exist have generally been initiated and implemented by management.

Unions have been reluctant to take on this issue because of the bogey of quotas and justifiable fears about tampering with seniority. Any attempt to develop a labour definition or approach to affirmative action must therefore both address these issues and put them into perspective.

Quotas have developed into the 'red herring' of the affirmative action debate. Although quotas or targets and timetables (and the two really are interchangeable) in hiring, advancement or career opportunities will be an essential part of any effective programme, the plan must be developed to suit the individual workplace. Care must be taken that a low hiring quota does not become an unofficial ceiling. Quotas must both be supported by and integrated with a multifaceted approach that includes outreach and recruitment plans, job planning and training, a realistic assessment of the company's future employment needs and the potential available pool of labour.

On their own, quotas are meaningless numbers that breed resentment and anger among workers and can be used by both employers and governments to discredit the concept of affirmative action. Used as they should be, as a component of a total affirmative action programme, quotas are important to ensure the plan is effective and can be monitored in terms of results.

The debate on the second issue, seniority, is more clear. The labour movement views seniority as one of its most fundamental principles. It is recognized by most as the only form of equity a worker can build into a job for years of service. The discussion of seniority in relation to affirmative action focuses on the last hired, first fired phenomenon for women. The recent gains of women into the industrial and manufacturing sectors, usually supported and often initiated by the unions in these sectors, have virtually been wiped out by the devastating layoffs and plant closures beleaguering Ontario workers.

Although the concept of superseniority or special layoff status is generally unpalatable, individual local unions confronted with this problem may find

that route acceptable in these unusual circumstances. Perhaps a more widely acceptable approach would be to include within a toughened Human Rights Code, provision for back-dating of seniority to the date of application when the discrimination took place, which is common practice in grievance arbitration cases such as unjust dismissal.

While these issues are not easy to resolve, it is critical that the labour movement address them in order to begin the education and legislative process necessary to bring about equality in the workforce.

1. Mandatory Affirmative Action

Women are denied access to the full range of jobs, training, education and promotion. They are trapped in job ghettos in banks, insurance companies, offices, hospitals, stores and restaurants, and effectively barred from entering less traditional occupations.

Our equal opportunity laws fail to redress these inequities because they are not accompanied by the teeth of affirmative action measures.

Currently employers are encouraged by government to undertake affirmative action programs *voluntarily*. The results of these efforts have been dismal. Since 1979 the Affirmative Action Division of the Canadian Employment and Immigration Commission has contacted more than 700 employers across Canada to request that they develop Affirmative Action programs. Only twenty-seven employers had agreed to do so by the end of 1981!

In Ontario, the affirmative action consulting service has contacted over 600 employers, 170 of which have developed some form of programme. However, because there are no legislated guidelines for what a programme entails, activity can range from consciousness-raising seminars for managers to a comprehensive plan with goals and timetables. The majority of companies fall into the former category. It has been clear for some time that the voluntary approach to affirmative action is not working. It is too easy for employers to pay lip service to affirmative action without making an actual commitment. Legislation is necessary.

It is also true however that the labour market continues to need, and some women prefer to remain in jobs in the traditionally female fields. For these women, providing access to previously closed opportunities is not the answer. What is essential is that the skills and experience required for this work be valued and paid according to their real worth. For example, no objective assessment of the skills and responsibility entailed in secretarial work would rank it beneath many factory jobs. But secretaries are often paid one-half of factory workers. The myth that women's work requires no skills continues to be used to underrate and under pay women, and to discourage men from entering these occupations.

Our present equal pay legislation which requires a comparison between men and women doing essentially the same work, is irrelevant to the two-thirds of working women employed in job ghettos with few or no male co-workers.

With laws guaranteeing equal pay for work of equal

value, as in the federal and Quebec legislation, jobs of different types within the same establishment can be compared based on their intrinsic qualities—skill, effort, responsibility and working conditions—rather than on the sex of the worker, as they are now.

Several key awards have resulted from this legislation. In 1981, 470 federal government librarians were awarded a \$2.3 million settlement when their jobs were evaluated at the same level as male historical researchers. And in 1982, 3300 primarily female federal food, laundry and miscellaneous service workers received a \$17 million settlement when their jobs were compared to male warehouse workers.

Women get lower wages because it saves employers money, not because they are inferior, or the work they perform less important, difficult or skilled.

Both mandatory affirmative action and equal pay for work of equal value legislation are needed to break down sexual segregation of the workplace.

In the public sector the government of Ontario likes to point to its internal affirmative action programme as an example for the private sector. This programme began in 1973 as a "women into management" plan, and yet 58% of the female public service still remains in the office and clerical categories which are the traditionally female dominated categories. In the maintenance service category, you find 189 women compared to 6,180 men, and in the technical service category there are 729 women compared to 4,546 men. The three lowest paid categories in the public service are office and clerical which are predominantly female (70-90%), and general operational which is 54% female. And even in the office category where women make up 90% of the classification, male office workers make on average \$291 a week compared to \$232 for female office workers!

We believe this affirmative action programme is an example of what happens when the union is excluded from decision-making and when little serious financial, staff and senior management resources are committed to it.

1.1 The Ontario and federal human rights legislation must be amended to provide for mandatory affirmative action programmes in the private sector. A contract compliance policy would require that governments only purchase from and contract with those employers who have an effective government approved affirmative action programme as part of their policy. Such a programme must meet the guidelines established by legislation.

1.2 This affirmative action legislation must set up uniform guidelines and criteria by which affirmative action programmes can be judged and approved. At least some of the necessary criteria for approval of a programme would be:

a) To develop the programme, the establishment of a joint affirmative action committee at the workplace, at least half of which shall be workers, and of these a portion be women workers at least in proportion to their numbers in the workplace. The labour members of the committee to be

selected by the union, or employee representatives where no union exists. Such a committee will have the power to implement and monitor the mutually agreed upon programme.

- b) A detailed audit of the workforce and of all aspects of the recruitment, selection and promotion process must be undertaken by the committee. All relevant workforce data, employer records, etc. must be made available to all members of the committee. Any practices that have an adverse impact on women must be identified, and
- c) Special measures must be developed to remedy the discriminatory practices discovered. These to include: active outreach and recruitment programmes through community colleges, newspaper and media advertisements, women's networks, unions; provision for training, upgrading, on-the-job training for women; establishment of targets and timetables for the employment of women at all levels and in all job categories; provision of child care, policies against sexual harassment and other support services.
- d) A rigorous management accountability system for progress of the programme.
- e) In the event of a dispute, the parties must have access to a dispute resolution mechanism: either arbitration or the appeal board, as set out below.

1.3 An equal employment branch of the Ministry of Labour should be created with the power to approve and monitor affirmative action plans, and institute a separate board of appeal in the event of disputes between the parties.

1.4 Where complaints of sex discrimination are proven against employers, remedial measures should include much tougher penalties than currently exist; and provision of back-dating of seniority to the time of application with the company as well as back pay for the victims of discrimination.

1.5 Human rights legislation must be amended to allow for class action complaints; human rights commissions must be provided with increased staff and budgets to ensure effective and rapid processing of complaints.

1.6 Legislation must be adopted to provide for equal pay for work of equal value.

1.7 The Ontario public service affirmative action programme must be strengthened and fall under the jurisdiction and guidelines of the equal employment branch of the Ministry of Labour. It must be a joint union-management programme: the affirmative action programme managers must be taken out of personnel departments and placed in positions with power and clout; and the financial resources must be made available to make sure the programme is serious and able to succeed.

1.8 Free, universal, publicly-funded quality child-care for children from birth to age 12 must be available as an essential social right to every family wishing to use the service.

2. Training and Education

Women no longer have the security of relying on traditionally female occupations which will be the hardest hit by the micro-electronics revolution. The crisis is already creating havoc for women who cannot find employment and are effectively barred from jobs traditionally reserved for men.

New jobs in the 80s are no longer going to be provided by the service sector, but will be in high level production and high technology fields. Two-thirds of the new entrants to the workforce will be women. If women are not to be drastically victimized by technological advances, they must be trained and educated in the new and non-traditional areas.

In 1981, women made up only 5% of all apprentices. Eliminate service trades, such as hairdressing and cooking, and they make up a farcical 0.5%.

Only 26 women are in employer-sponsored training (EST) for skilled jobs in Ontario—compare this to 1500 men being trained. And yet EST is supposed to provide women with the opportunity to bridge the gap between service sector and industrial work.

Overall in Canada, women's participation in training has served to emphasize the segregated nature of their labour force participation rather than diminish it. The majority of women are receiving federal-provincial training for clerical, service and health related occupations (nurses). At the same time, provision of low-level clerical training is being reduced without compensating increases in other areas.

Given this incredibly slow rate of progression, if these figures can be said to indicate progress at all, high targets for female participation in training programmes must be set. For instance, it will take decades before a target of even 50% women begins to be reflected in the wider occupational distribution of women. Much higher targets are justified to allow women to catch-up, and overcome the years of neglect within these programmes.

2.1 The government of Ontario, in conjunction with the federal government, must vastly expand the range of training opportunities and options for women, particularly in the areas of technology-related training, training for growth industry occupations, and industrial training. A target of a minimum of 50% female participation must be established for the full range of courses in each of these areas, as opposed to the 17% currently established in non-traditional courses only. A levy-grant system of funding for training must be established to ensure that all training costs be shared by all industries in proportion to their utilization of skilled workers.

2.2 Vastly expanded pre-employment and/or upgrading training must be provided to ensure the success of measures specified above.

2.3 Skills and apprenticeship training courses must be adapted to the needs of women by being flexible, providing evening programmes, providing training allowances equally to men and women, and child care subsidies. Counsellors provided by government for their various programmes must be trained to understand the changing role of women and to

encourage women into technology and skilled trades. More female counsellors must be hired.

2.4 The Ministries of Education and Colleges and Universities must develop new career counselling materials with up-to-date labour market information and analysis of the long-term employment consequences of course choices. Courses should be planned to reflect changing labour market needs and screening of young women away from math and sciences and technical training should be eliminated.

Labour's Programme

The Ontario Federation of Labour recognizes that a great deal of support for this programme must be rallied both within our own ranks and with outside organizations and the public to achieve our legislative objectives. Accordingly we recommend:

Political Action

- 1. That a campaign to achieve the outlined measures be undertaken as a major priority in the labour movement.**
- 2. That to design and carry out our campaign a large coalition of unions and women's groups be established.**
- 3. That a combination of educational seminar-public forums take place across the province to educate and raise awareness of our policy and to ascertain the problems related to equality for women in the workforce, and to determine which employers are the worst offenders.**
- 4. That our policy proposals be presented to the premier and his cabinet, followed up with a lobby of MPPs.**
- 5. That the OFL develop a list of companies which are prime offenders in discrimination against women. That a series of actions be drawn up to publicly identify these companies, e.g. complaints to the Human Rights Commission, media campaign, picket lines, etc.**
- 6. That the labour movement highlight affirmative action as the main theme for International Women's Day, March 8, 1983.**

Union Action

There is no question that issues of concern to working women have been receiving increasing attention within the union movement in recent years; such issues are gradually moving up on the list of priorities, in great part due to the increasing numbers of women in unions, now 30%, and their increasing involvement, commitment and militancy. More unions are becoming active in educating their members on women's issues and in acting to improve the conditions of working women. Studies have shown that unions are highly effective in reducing the male-female wage gap—by almost half.

Many unions however, remain untouched by the developing awareness and needs of their women members, and it is rare for a union to examine the position of women within its own structure, and begin to do something about it.

If we are advocating mandatory affirmative action

programs within the workplace, we must be aware of the implications of such a demand on our own structures. It is no longer acceptable to say that the women simply aren't there, or they're not qualified, as both labour and management have been saying.

Women have participated in landmark battles for the right to a union and have gone on strike for equal pay and maternity leave, pioneering changes in contracts and legislation. The women certainly are there.

What we must do is ensure the necessary supports are also there so that women can become involved, and that the methods we use to hire and promote, the education and training, are as open to women as to men.

The statistics would seem to indicate that this is presently not the case.

At the highest levels of union leadership, women are severely underrepresented. In 1980 when women comprised 30% of union membership, just 17% of all union executive board members were women. Female involvement is more representative at intermediate and local leadership levels. More women are local presidents, more women are taking part in union education programmes, both as participants and leaders, and are making their presence felt at conferences and conventions. Such accomplishments are particularly evident in unions which have made a commitment to women's equality, through one or more of the following: hired a co-ordinator of women's issues, sponsored conferences on equality issues, encouraged the formation of women's committees and programming—evidence that such affirmative action measures are both necessary and effective.

Affirmative action is a challenge to the old ways of doing things which have worked to exclude women. It will be as much a challenge to the labour movement as it is to business or government. Women are making up the majority of the new union membership. If we want to create a stronger and more unified labour movement to battle the many forces at work against us, we must ensure women a fair share.

With this in mind, we encourage affiliates and the OFL to adopt the following measures:

- 1. Hire adequate staff whose primary responsibility will be equal opportunity issues, and that such staff be provided with the necessary resources and commitment to undertake effective programmes. Formal liaison should be established between such staff and the OFL women's committee.**
- 2. Establish equal opportunity or women's committees at all levels of unions where they do not now exist. Necessary changes in union constitutions or by-laws should be made to accommodate this.**
- 3. Analyze their structures and methods to ascertain the status of women and develop programmes and affirmative action measures to eliminate barriers to women's employment in the labour movement. These should include active recruitment and outreach efforts, special courses and conferences, women's committees, policies against sexual harassment, collective bargaining goals which reflect**

women's concerns, etc. Targets and timetables should be set for hiring of female staff at least in proportion to their female union membership, and for representation of women on all committees, the executive and convention and conference delegations, and education courses at least in proportion to their numbers in the union. Progress in these areas should be monitored by the persons responsible for equal opportunity issues in conjunction with the union executive.

4. Integrate women's issues into all education programmes of local and national unions and central labour bodies.

5. Purchase and utilize the courses prepared by the Canadian Labour Congress on equality for women in weekend, week-long, and summer schools.

6. Pay members' out-of-pocket child care costs in connection with union activities or provide quality daycare, or both. That national union and central labour body conferences and conventions provide quality childcare.

7. Provide staff and membership training on women's issues to staff and members or include it in regular training sessions.

8. That the OFL investigate the variety of methods possible to improve the percentage of women on the OFL executive board to 30% (in proportion to women's numbers in unions). That a sub-committee composed of representatives of the executive board, staff and OFL Women's Committee be struck to examine the options in this regard and report with an action plan to convention 1983.

9. That affiliates hasten economic equality by negotiating affirmative action programmes and clauses of specific benefit to women. These might include:

- a) no discrimination clauses and the use of non-sexist language
- b) across-the-board wage settlements rather than percentage increases to assist those (usually women) at the low end of the pay scale
- c) equalization of base rates for women's and men's jobs
- d) job evaluation plans with union involvement to ensure jobs, skills and working conditions are weighted and valued fairly and appropriately
- e) paid educational leave clauses which state that women will get to take PEL at least in proportion to their numbers in the bargaining unit
- f) childcare subsidies and workplace childcare
- g) paid parental leave with accumulation of seniority during leave
- h) broadening the seniority base allowing access to a wider range of jobs to assist women to move out of female job ghettos. Individual union locals might also wish to consider ways of dealing with the disproportionate effects of layoffs on women
- i) job protection and retraining for alternative employment in the event of technological change. Protection against the health and safety implications of new technologies

- j) pro-rated benefits and pay for part-time workers
- k) protection from sexual harassment
- l) flexible hours and limitation of shift work.