

EQUAL OPPORTUNITY, AFFIRMATIVE ACTION, EMPLOYMENT EQUITY: ONE CITY'S EXPERIENCE

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Mary M. Bruce est directrice de la division de l'égalité des chances pour la ville de Toronto. Elle définit ici les différences entre trois concepts qui sont reliés: l'égalité des chances, l'action positive, et l'équité dans l'emploi. Elle décrit ensuite les soucis de divers groupes engagés dans ces stratégies de changement, et elle examine l'amorce du programme d'égalité des chances pour la ville.

I want to define what I believe are the differences between *equal opportunity*, *affirmative action* and *employment equity*; to touch upon the concerns of the various groups; and to walk you through the implementation of the City of Toronto's Equal Opportunity Program. Equal opportunity, affirmative action, and employment equity are terms that we have all heard a combination of facts and myths about. What do these terms really mean to us?

They tend to be used interchangeably; this is only because some of the implementation strategies are the same. To understand how these strategies function differently, it is important to realize that special groups face very distinct types of barriers in the workforce, and that it is these barriers which make it necessary to develop a variety of approaches. Four types of approaches have been developed for assisting special groups to overcome these barriers.

The first approach, and the least effective by itself, is called 'passive non-discrimination.' It involves the removal of *Systemic Discriminatory Mechanisms*. The second approach is called 'limited measures' and involves the implementation of *System-Related Initiatives*. When these two approaches are combined, they are referred to as an 'Equal Opportunity' Program. Examples of equal opportunity measures include correcting salary differentials, equalizing pension and benefits, integrating seniority and eligi-

bility lists, and changing hiring and promotional policies to ensure that all groups have equal access to the system.

Although some Equal Opportunity Programs are quite extensive, experience shows that they do little to improve the position of special groups. For example, the Federal Public Service Commission after four years of implementing an Equal Opportunity Program, reported little improvement in women's status and an actual *decrease* in some occupational areas. After ten years, the City of Toronto has realized that promoting the concept of "equal access" does not work in some areas when the City workforce is still comprised of 20% women, 7% minorities, and 1.1% people with disabilities. The reason for this lack of positive results is that simply eliminating disabling factors and then implementing systems-related initiatives may solve only the *mechanical* aspects of the problem.

The third approach involves the addition of enabling factors, or special measures. This approach is based on the knowledge that women, people with disabilities, and minorities do not, for a variety of reasons (including historical employment patterns), always benefit from equal opportunity initiatives. Enabling measures plus equal opportunity initiatives comprise what we have come to know as affirmative action. Affirmative Action Programs provide special procedures which have the potency to overcome the negative effects that employment exclusion and past socialization have had on special groups and on those who make the employment decisions about them.

"Employment Equity" is the new Canadian term presented by Judge Rosalie Abella in her recent report *Equality in Employment*. She says that "employment equity is a strategy designed to obliterate the present and the residual effects of discrimination and to open equitably the competition for employ-

ment opportunities to those arbitrarily excluded." It requires a "special blend of what is necessary, what is fair and what is workable."

Affirmative action is a dynamic term and there has always been a heavy emphasis on process. There has been a tendency for affirmative action guidelines to be prescriptive, outlining the way an organization should implement an Affirmative Action Program. The introduction of the term "employment equity" seems to shift the emphasis from access called "equal opportunity" and process called "affirmative action" to results.

As in an Affirmative Action Program, employment equity requires a systems based approach. Its implementation requires no prior finding of discrimination; its goal is the development and maintenance of employment practices which would eliminate discriminatory barriers in the workplace and improve, where necessary, the participation, occupational distribution and income levels of women, people with disabilities, natives, and individuals in specified ethnic and racial minority groups.

As with equal opportunity and affirmative action programs, recruitment, hiring and promotion practices, equal pay for work of equal value, pension and benefit plans, reasonable accommodation, workplace accessibility, occupational qualifications and requirements, parental leave provisions and opportunities for educational and training leaves will be reviewed and adjusted.

But in an employment equity program there is no set prescription for implementation. Organizations are given flexibility in the redesign of their employment practices in order to accommodate the uniqueness of their structure, location and type of business. Organizations are asked to establish their own numerical targets, taking into account job openings, prior record and the realities of the local labour force. In an employment equity

program, we will be judged on our ability to achieve these targets, not on how we achieve these targets.

That we are going to be judged is now clear.

We have been informed that the Ontario Government is committed to employment equity and will be requiring municipalities to implement voluntary programs, or mandatory ones will be introduced. Grants are being offered to municipalities, school boards and hospitals to implement these programs. The implementation of "equal pay for work of equal value" in the Ontario Public Service has also been announced. The Federal and many Provincial human rights codes and the new Charter of Rights and Freedoms allow the use of affirmative action programs on behalf of target group employees.

At the City of Toronto, the Mayor's Committee on Community and Race Relations has recommended contract compliance to Toronto City Council as a method to ensure that its own boards and commissions – and any organization in receipt of public funds – provide equal employment opportunities. City Council has endorsed this concept and established a task force to bring forward recommendations on how to implement a program.

In response to the Abella Commission Report, the Federal Government has announced an Employment Equity Program for crown corporations, federally regulated businesses, government contractors and themselves.

But why is this happening? Why, after twenty years of voluntary programs, are we all scrambling to implement employment equity? I believe it is because the target groups have finally wised up. They are not having success in finding employment or with any real movement through the system, so they are becoming stronger advocates. Provincial and Federal Governments are beginning to respond to this lobbying – which means that we will have to respond as well.

We have addressed some of the employment issues for women already. But equal pay, women and non-traditional work, the impact of automation, retraining and the systemic biases usually inherent in personnel systems, are issues that must be continually reviewed and revised. Another area is the impact of a lack of available child care and inadequate parental leave policies affecting women's entrance to, and advancement in, the

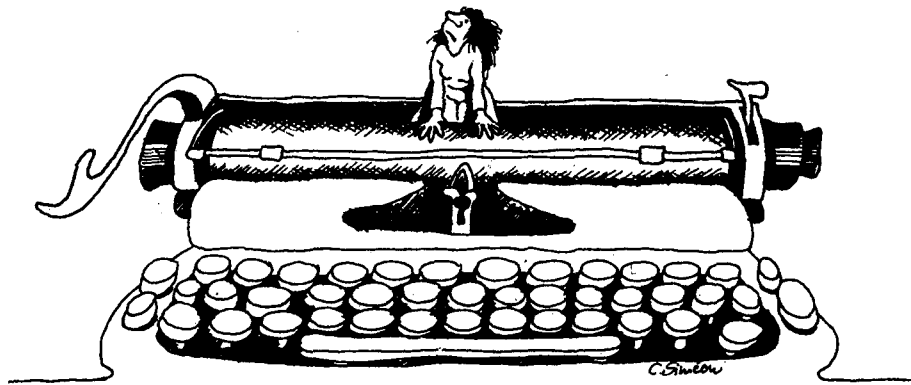


Illustration by Christraud Simeon

workforce. We have to understand the implications of these areas in order that they do not penalize women in our hiring processes and policies. As long as women remain primarily responsible for both home and work, exceptions to the male-defined "normal" work patterns must be made.

The issues for minority women are different from those of men. Minority women are too often forced to find work in very underpaid jobs and, since so many are houseworkers, they tend to have few legislative protections, employment benefits, or access to training and development programs. Equal opportunity programs have been seen to be for middle class white women and even the ones that extend to minorities tend to stress the problems of men. Minority women seem to fall through the cracks when equal employment opportunity is addressed.

Since the 1960's, the City of Toronto has had a policy ensuring that we do not discriminate on the basis of sexual orientation. The issues here are ones of individual bias. The barriers seem to occur when a manager is judging the fit between an individual and a job. A personal disagreement with qualified applicants' sexual orientation cannot be allowed to exclude them for the job. Ensuring that this does not happen will be one of our responsibilities.

So – what do we have to do?

As I see it, our overall requirement will be to eliminate discrimination. As you are aware, discrimination has many outcomes including:

- Low representation of women as you move up the corporate ladder.

- Low levels of representation of racial and ethnic minorities and people with disabilities anywhere in the organization.
- Salary discrepancies between all target groups and the majority group.

But, how do these results happen? Let's look at the process.

Discrimination does exist. There is no question that, within the realm of hiring and promotions, there exists a corporate mental image of the characteristics of a "good" employee. Some of these characteristics involve acceptance of institutional values that are culturally bound and tend to reflect values which are white, male and Anglo-Saxon. This stereotype includes notions of how people should dress for work, how they should speak to their supervisors, whether they should even comment upon the work environment, and the way in which work is handed out. The most dangerous discrimination does not result from isolated individual acts motivated by prejudice, but from assumptions and traditions which have become an intrinsic part of the employment system. Established behaviours and rules, and organizational attitudes, policies, and practices often embody a bias against disadvantaged groups that effectively excludes them from employment opportunities. This "systemic discrimination" exists even when there is no intent to discriminate.

At the City of Toronto, equal opportunity is defined as "equal access to recruitment, training, development and promotion." Our Program is implemented on behalf of women, visible and ethnic minorities and people with disabilities. Although the City has done an excellent job eliminating internal systems

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which discriminate against these three target groups, there has been little improvement in their representation in our workforce.

The first component of our Program is executive commitment. At the City, political support for the Program began in 1978. Ownership of the Program has always been at our executive or commissioner level, while *responsibility for implementation* has been assigned to a senior manager in each department. This responsibility is included in each manager's job description and forms an important part of their performance review.

The second component of the City's Equal Opportunity Program consisted of a thorough assessment of the current position of women, minorities and people with disabilities in our workforce through the collection of internal statistical data. This included identifying both the numbers and percentage of the three target groups in each department and job classification. This data was analyzed and we identified the degree to which the City utilizes target group employees and the degree of occupational segregation they experience in the City workforce.

Setting up this data base was not easy. One of the first hurdles we had to overcome was the setting up and funding of the necessary administrative framework. This has now been done. In addition, we have completed counting the number of women, minorities and people with disabilities in the City workforce by job classification in each department and within the total organization. Collecting the internal data on women was easily accomplished because our computer files contain information on employees by sex.

Our next step is to determine the availability of the three target groups in the *external* workforce. Only then will we be able to set goals for narrowing the difference between our present staff complement of special group employees and the number available externally. Establishing external availability is a most difficult task. First, we must look within our own organization at the members of the target groups whom we can train in the requisite skills or who are promotable. Then we must determine the boundaries of the outside recruitment area, within this

geographic space. We will try to discover statistics relating to the population, employment and unemployment of the various groups. We will look for the percentage of people within these groups who either have the requisite skills for jobs within the civic service, or who are attending institutions that provide training in the requisite skills.

When this is completed, we can recommend specific numerical goals and timetables for each department and job classification to remedy any imbalance we have found. The Equal Opportunity Division is developing a computerized technical assistance package for this purpose. Exactly how the goals and timetables will be achieved will depend on civic service expansion and contraction, turnover, retirement rates, and realistic estimates of recruiting needs. Our goals and timetables will only be implemented when there is perceptible discrimination in hiring against a particular group. We will determine this by the rate of employment of members of the group in comparison to their availability in the workforce.

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

The City has an internal promotion system. Although internal promotion is often seen as an austerity measure, it is beneficial to members of special groups because the requirement to hire from within increases the likelihood that women, minorities and people with disabilities will be perceived as suitable candidates for promotion. As well, internal recruitment provides a unique opportunity to eliminate both underutilization and job segregation and to establish a system of identifying employees with potential. Since very few City jobs are advertised externally, an important part of our Equal Opportunity Program is the identification of target

group employees who have the required skills. To this end, some departments are establishing a skills inventory to help them with their succession planning for the future. In addition, all job vacancies are posted. This job posting system is of particular benefit to special group employees since, traditionally, they have not had access to the informal network where job information is shared. City job ads are worded to include women, minorities and people with disabilities "in", rather than to screen them "out" of the applicant pool.

However, even with the job posting system I still get complaints from employees in district offices because some of the managers do not post the job information. When we ask why, the managers say they do not want to lose good workers. At the present time, we have several networks within the City, to ensure that job information is shared and that everyone is aware of job opportunities as they become available. Personnel has also set up a job information phone line to ensure all employees have access to information about promotion opportunities.

Another aspect of our employment system review is the examination of the "paper" screening of applicants from which the "short list" of candidates who will be interviewed is developed. Although we examine the screening policies continuously, we still find job descriptions that contain inflated criteria. In addition, we are on the watch for any tendency to favour applicants who have already performed all of a given job's functions, rather than looking for candidates with skills that could be developed to match the position requirements.

Fairness in job interviews is one of our most important goals; the Equal Opportunity Division has been given the mandate to monitor promotion interviews. Our role is to ensure that the whole selection process is fair and that candidates are treated equally. We use a Selection Board procedure to interview candidates and attempt to inject maximum objectivity into the situation. We ask Board members to be aware of their prejudices and biases and to structure the interview in such a way that it becomes impossible to act on them.

Our staff routinely asks members of selection boards to question the selection criteria in this way:

- Are all questions to be asked job related?
- Do any questions have a negative effect on any special group?
- Are all questions to be asked necessary to judge a particular candidate's ability to perform the job?
- Are there alternative ways to ask questions, for example, "Are you able to handle two trips a month?" instead of, "Aren't you going to find it hard to travel with small children at home?"

Some interviewers believe that they are treating candidates equally so long as they ask all of them the same questions. It is not that simple. For example, asking a man if he plans to leave the company when he gets married or starts a family does not have the same negative impact on his chances as does asking that question of a woman.

We are also including the areas of skill, aptitude and psychological testing in our employment system review because we see their use as an equal opportunity issue. Written tests have generally been found to be the most discriminatory element of all the selection processes in terms of their impact on target groups: they are usually heavily biased in favor of those who have received their schooling in a North American context and they have been challenged frequently and successfully in the courts. Very few tests can be validated. Moreover, many people who do poorly on tests could prove to be excellent employees. Conversely, many poor employees gained entrance to the organization because they were adept test-takers.

It is not enough simply to state that one is interested in hiring more minorities, women and people with disabilities. Management must demonstrate it through proactive programs aimed specifically at these groups: thus the Third Phase of our Equal Opportunity Program is *action planning*. City managers must develop results-oriented departmental

action plans to enable them to work toward equality of opportunity for all employees. These action plans set out specific objectives, identify the activities that will bring about the desired results, pinpoint the resources needed, state the persons responsible and decide on the criteria by which the results can be measured.

A Director of Industrial Relations from Great Britain noted that "an Equal Opportunity Policy without monitoring is not a Policy but a statement of wishful thinking and is likely to be as much use as a Finance Policy which makes no provisions for checking how much cash there is in the bank." This is why an Action Plan Implementation Review Committee with external appointees has been formed to review the implementation of these action plans and make recommendations to Council.

Because of its importance, we designate training and development as a separate phase of our Equal Opportunity Program. Like other organizations, we discovered that learning opportunities were not equally available to all our employees and that majority-culture males received the largest share of educational dollars and time for educational leave. We also found that developmental or *future-oriented* work was restricted to employees above a certain job level. Employees below that level, usually members of the three special groups, received training to increase their competence in their present job. This constitutes *encouragement* for majority-culture males and *discouragement* for women, minorities and people with disabilities.

While we agree that all employees are ultimately responsible for their own career development, we recognize the negative impact of past discrimination and how that experience has generated, in some instances, self-limiting attitudes among women, people with disabilities and minorities.

At the City, the Equal Opportunity Program staff discuss career planning and encourage employees on an on-going basis, through our Representatives' Committee, a Career Development Program, the Employee Advisory Service and our various networks. We have also

begun to hold attitudinal awareness sessions for managers. As I previously indicated, my efforts are concentrated on promoting positive change through active, concrete programs rather than by simply working to bring about attitudinal change.

However, the City, recognizing that both methods are important if the desired goals are to be achieved, is responding to managers' need for an increased understanding of equal opportunity issues by sponsoring a Coaching and Counselling in an Equal Opportunity Environment Course. In these sessions, we share information with managers about human rights requirements and the role of special groups within society and within our organization. As well, we provide managers with the opportunity to articulate their concerns. Our managers must understand that with today's economy, they cannot *afford* to discriminate. They must make the best possible use of all their human resources.

The fifth and final phase of our Equal Opportunity Program is evaluation. Every program must be evaluated and revised as necessary; an Equal Opportunity Program is no different. We implement many types of review mechanisms to determine if our program is achieving its objectives.

The future holds a learning opportunity for all of us. It will not be easy. As long as Equal Opportunity, Affirmative Action and Employment Equity Programs are seen as separate and apart from the rest of the organization's practices, we will have to make some unenviable choices as each target group lays claim to the few available positions. This can be avoided by not establishing separate programs for each target group and by fully integrating the program into the routine decision making process.

As organizations incorporate fair policies and practices into their daily operations, Equal Opportunity, Affirmative Action, and Employment Equity Programs should be set up to self-destruct. *We have run out of time to prove that mandatory programs are not required.*

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