

AFFIRMATIVE ACTION PROGRAMS IN CANADIAN UNIVERSITIES AND COLLEGES

Susan Jackel

Il faudra beaucoup de persistance, de patience et de savoir-faire politique pour les partisans de l'action positive, pour introduire des programmes d'action positive dans les universités et les collèges canadiens. C'est le cas en Alberta où, jusqu'au 13 avril 1985, - seulement quatre jours avant la mise en effet de l'article 15 de la Charte des droits et libertés - tout "programme spécial" pour remédier aux effets de la discrimination subie dans le passé, nécessitait l'approbation explicite du cabinet de Lougheed.

C'est le même cabinet dans lequel le ministre du Travail a déclaré publiquement son opposition à l'action positive, surtout à la politique de salaire égal à travail égal. Et le commissaire des droits de la personne de l'Alberta, Marlene Antonio, est du même avis: en juin dernier elle a déclaré lors d'un colloque sur les droits à l'égalité, que le concept du salaire égal est "de la foutaise".

Affirmative action is now on the public agenda. And if academics think that this particular debate doesn't concern them, they obviously haven't been paying attention. They know, of course, that there have been rumblings for years about the disproportionately low numbers of minority-group members (among whom most academics will unthinkingly class women) in the past and present complement of post-secondary teaching staff. They may have heard of, or even read, some of the studies and reports documenting academic women's small numbers, lower salaries, frequent insecurity of tenure, persistent over-concentration in a few disciplines and fields, and virtual absence from the higher professorial and librarianship ranks and from college and university administration. But the only cure they would countenance would be more discussions, more studies, more reports, because as educators they are morally and professionally committed to the eventual triumph of evidence and persuasion in any campaign to bring about social change.

What a shock, then, to read in *Some*

Questions of Balance, an Association of Universities and Colleges of Canada sponsored report released early in 1984, that "Women academics are treated as members of an unacknowledged ghetto, open to exploitation through ad hoc and low paid arrangements."¹ And further that:

The need for further work, and for continuing research, must not be used as an excuse for failure to take corrective action now to remedy the many abuses that are patent and only too well documented. Universities and colleges have very nearly buried the real injustices concerning their treatment of women beneath an avalanche of well-meaning reports. Having salved their collective conscience with this plethora of documents, they are now tending to return the issue to the bottom of their agenda. It belongs at the top.

These uncompromising conclusions belong to Thomas H. B. Symons and James E. Page. Symons is a former president of Trent University and of the Social Sciences and Humanities Research Council of Canada (SSHRC); Page was for several years a teacher of history at an Ontario community college and is now an Ottawa bureaucrat. In a chapter of their report devoted to "The Status of Women in Canadian Academic Life" Symons and Page marshal an abundance of evidence, including Statistics Canada data, to document how little has changed for women faculty over the past twenty-five years. Their survey should be required reading for every university administrator and faculty union in Canada.

Evidently Symons' and Page's statistics, as well as their arguments, were convincing to the members of Council of the Canadian Association of University Teachers (CAUT): at its May 1984 meeting CAUT instructed its sub-committee on the status of women to develop a policy statement on affirmative action. The statement, as well as a sample bargaining clause, were both adopted unanimously at the 1985 annual meeting, at which time CAUT Council also upgraded the Status

of Women Committee to a permanent standing committee.

CAUT Council's new-found sense of the urgency of status of women issues may be traced in part to the recent appearance of another document of immense significance to the affirmative action debate. This is, of course, Judge Rosalie Silberman Abella's *Equality in Employment*, the report of her one-woman Royal Commission inquiry into discrimination in the Canadian workplace. Released in November 1984, Abella's report has already had measurable impact. In June 1985 federal Employment and Immigration Minister Flora MacDonald released proposals for affirmative action legislation - much watered down from Abella's original recommendations, but nevertheless sufficient to cause employers everywhere to snap to attention. And because the proposed legislation contains the very faintest of references to contract compliance, universities and colleges - who all receive substantial federal grants in one form or another - are suddenly very interested in finding out what affirmative action really means.

One of Abella's main contributions to the debate is to insist, as Employment and Immigration Canada has been trying to persuade us for years, that discrimination need not be intentional, a result of the malevolent, prejudiced or greedy acts of one individual or group of individuals against another. Rather, a major part of discrimination is impersonal, indirect and unintentional. This is systemic discrimination and, as Abella points out, "systemic discrimination requires systemic remedies:" comprehensive programs designed to identify and then overcome barriers to full participation by all qualified people in employment opportunities, whether involving access to those opportunities or benefit from them. Affirmative action, then, could well be described as the sum total of changes to employment policies, practices, and conditions aimed at eliminating discriminatory barriers. It may also, under certain circumstances that a human rights agency agrees are

reasonable and justifiable, extend to remedies or compensation for past injustices.

On the grounds that the term *affirmative action* is "a semantic red flag," Abella proposes a new, less disputed term for the removal of discriminatory barriers. She urges the adoption of the phrase *employment equity*, which more nearly describes the result while leaving the means open to resolution.

Abella's semantic caution has been echoed in two other documents that are of particular importance to the university and college context. One is a report from a Senate Committee, headed by Social Sciences Dean Dennis Smith at the University of Western Ontario. Made public in late 1984, this report advocates the creation at UWO of a limited number of academic positions to be reserved for women candidates. However, UWO committee members explicitly drew back from calling their proposal "affirmative action." The problem, the committee decided, is that the term carries with it the freight of twenty years of American-style legislation, replete with quotas, enforcement agencies and penalties for non-compliance. The members of the CAUT Status of Women Committee were similarly anxious to avoid misconceptions as to their intent. In their resolution to Council they wrote: "To date in Canada affirmative action has generally been voluntary . . . The Committee decided that it would generally substitute more specific words and phrases for affirmative action in this document so as to ensure that there could be no confusion [with the American approach]." The document as a whole is called "A CAUT Statement on Positive Action to Improve the Status of Women in Canadian Universities."

Whether *affirmative action*, *positive action*, or *employment equity*, it is clear that some kind of action is contemplated by CAUT, and being urged by it on member faculty associations. And it is encouraging to hear, via a 17 July 1985 *Globe and Mail* article, that the Ontario Confederation of University Faculty Associations (OCUFA) is ready to move on this issue. According to the *Globe* article, OCUFA will be urging Ontario university administrations to negotiate affirmative action with their faculty unions. It will *not* be urging quota hiring, despite the assertion to that effect in the *Globe* headline (the *Globe* issued a correction the next day).

Anti-discrimination programs affect post-secondary institutions in much the



Augusta Stowe-Gullen, M.D., 1883. First woman to receive a medical degree in Canada
Credit: Victoria University Archives

same way they apply to all employers. That is, the component elements of employment equity that Abella specifies – recruitment and hiring practices; promotion practices; equal pay for work of equal value; pension and benefit plans; reasonable accommodation and workplace accessibility; occupational testing and evaluation; occupational qualifications and requirements; parental leave provisions; and opportunities for education and training leaves – must be scrutinized and evaluated, both individually and as constituents of a system, for direct or indirect negative impact. Depending on the results of the self-study, suitable remedies specific to the institution can be devised, and reasonable timetables set out. There must be a system developed for data collection and analysis, and a procedure for monitoring progress toward

goals. Explicit institutional commitment to removing all forms of discrimination in employment is a *sine qua non*, as is the release of adequate resources, and assignment of responsibility to a senior member of the administration for achieving measurable and timely progress.

What this means, of course, is more studies and reports, especially at the outset. Any positive action or employment equity program hinges on having statistical benchmarks by which to measure the degree of remedy needed, the availability of qualified and qualifiable candidates for hiring or promotion, and the success of measures chosen to effect timely change. Especially pertinent are reliable profiles of the internal and external labour markets – the people already there, and the people who might like to be there, given the opportunity.

Talk of data collection and analysis before the debate on affirmative action has even started in one's own university or college may seem hopelessly naive; surely such data can only come from the institution's administration, who must first be persuaded to commit themselves to what is a complicated and contentious process. Yet most administrations are aware, more so than the majority of their employees, how imminent and inescapable the issue of employment equity has become. Moreover, every college and university is *obliged by law* to supply each year full and reliable data on its workforce to Statistics Canada. It is no more difficult to release this data to a faculty union, Status of Women Coordinator, or properly-constituted committee of concerned staff, than to a government agency, provided that confidentiality guidelines are respected.

At the University of Alberta there is no Status of Women Coordinator, nor have we yet conducted any formal discussions on the issue among our faculty, although such discussions are scheduled to begin this fall in a series of workshops that includes an all-day session with Judge Rosalie Abella. Despite this, the establishment of the data-base has begun. The essential components in our case have been a computer-literate graduate student, a summer temporary employment grant, an IBM personal computer, and a raft of information obtained from old University calendars, convocation statistics, and our Office of Institutional Research and Planning. Blessings on the project have come from the senior administration, who know how vital it is that the coming debate on affirmative action be conducted in an aura of undisputed numbers and trends. The end result is a full statistical profile of all students and permanent staff, by sex, at the University of Alberta from 1908 to 1985. The data on temporary staff is now being assembled.

As for the external labour force, Statistics Canada has already seen the need for reliable data on a national scale and has prepared a series of studies that will be of immense help to all post-secondary institutions in the throes of developing affirmative action plans. This is the Discipline Profile Series – statistical portraits of students and staff in thirty-four fields of study, covering the years 1970 to 1984 and set out according to sex, age, citizenship, and salary. These profiles will be available this fall and winter from the Education, Culture and Tourism Division of Statistics Canada in Ottawa, and they will provide

answers to the inevitable and necessary questions concerning the available pool of recently qualified candidates in any given academic field.

The principle of undertaking reviews of employment practices for possible discriminatory effects, while not universally accepted in Canadian post-secondary institutions, is nevertheless much less problematic in 1985 than it was a decade ago when status of women issues first came to the fore. Analysis of the problem is more sophisticated, and solutions are available that are at once very specific and yet adaptable to varying institutional requirements. In short, no college or university administration, and no faculty union, can now claim ignorance of the systemic discrimination that exists on every Canadian campus, and none can be permitted to disclaim responsibility for the immediate obligation to embark on corrective action. To do so is to risk full-blown government intervention, as well as to issue a certain invitation to litigation under the equality clause of the Charter of Rights. Universities and colleges that value their autonomy and their ability to control the processes of their own workplace will move quickly rather than reluctantly to find out what *positive action*, *affirmative action*, or *employment equity* means for them.

For a review of Canadian status-of-academic-women reports, see Thomas H.B. Symons and James E. Page, *Some Questions of Balance: Human Resources, Higher Education and Canadian Studies* (Ottawa: Association of Universities and Colleges of Canada, 1984), pp. 187-214. See also "Women in the Professoriate – the Case of Multiple Disadvantage," a paper by Dr. Helen J. Breslauer, Senior Research Officer of OCUFA (Toronto: OCUFA, 1985); Jeremiah Allen, *Manual on Female Salary Discrimination in the Universities* (Ottawa: CAUT, 1984); and Paul Scott, "Affirmative Action: The Route to Equality in Canadian Universities," (Canadian Employment and Immigration Commission, Toronto, 1984).

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