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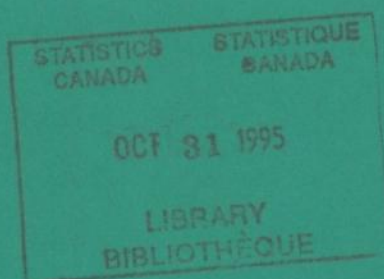
# Employment Equity Data Program

# Programme statistique sur l'équité en matière d'emploi

C. 4

## SYSTEMIC DISCRIMINATION AND EMPLOYMENT EQUITY PROGRAMS: AN ACCOUNT OF EVOLVING STATISTICAL DEFINITIONS IN EMPLOYMENT EQUITY

(1.13)



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## INTRODUCTION

This report has three purposes:

- (1) to document the evolution of statistical measures used in employment equity associated programs over the last twenty-five years;
- (2) to identify internal and external pressures for definitional changes; and
- (3) to outline persisting and emerging issues and challenges to consolidation of past achievements and future progress.

Although several programs are reviewed, this report should not be regarded as a history of the programs themselves. Nevertheless, some program information is essential and invaluable in serving as a backdrop to the examination of evolving statistical measures.

The report begins by addressing basic definitions and examining the role of statistics in evolving concepts of discrimination. Accounts of affirmative action programs at the American federal level and employment equity programs in the City of Toronto follow. Attention is then focussed on Canadian federal programs, beginning with initiatives prior to the work of the Abella Commission continuing with the report of that Commission, and then examining provisions of the *Employment Equity Act* and Regulations. The report also looks at the Federal Contractors Program, employment equity in the Public Service of Canada, enforcement at the Canadian Human Rights Commission and work of the Interdepartmental Programs on Employment Equity Data. Finally, this document addresses persisting and emerging issues arising from both external pressures and pressures inherent in existing programs and definitions.





## BASIC DEFINITIONS

**Employment equity** has been viewed as both a process and a result. Its basic elements indicate a requirement for actions:

- employment barriers that limit or prevent the progress of women, Aboriginal peoples, persons with disabilities and visible minorities *must be identified and removed*;
- employers have a responsibility for *taking steps and implementing measures* that will promote fairness in employment and ensure that all employees regardless of gender, disability or racial origin have equal access to employment opportunities.

Elaboration on the definition of employment equity later appeared in a House of Commons Discussion paper in the context of proposed regulations for employer reporting requirements under the *Employment Equity Act*.

Employment Equity is a results-oriented program which seeks evidence that employment situations for the designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities) are improving, indicated by their greater numerical representation in the workforce, improvement in their employment status, occupations and salary levels, in jobs for which they are available and qualified.

From this, it is clear that the evidence of improvement sought through employment equity is numerical and requires continuing evaluation of concepts and measures which are already defined or specified in law, regulation, program directive or generally accepted through convention and established usage. Terms of relevance include *Aboriginal peoples, persons with disabilities, visible minorities, numerical representation, workforce, employment status, occupations, salary levels, available and qualified*. In the context of employment equity programs, several of these concepts are evolving and there is a dynamic interaction among them.



## STATISTICS AND EVOLVING CONCEPTS OF DISCRIMINATION

The reporting and comparison of numbers has long been integral to affirmative action and employment equity programs. This is because the notions of equity and equality, inequity and inequality, are themselves inherently quantitative. The numbers might count employees in an establishment, or residents of an area in terms of their current employment, availability for employment and socio-economic circumstances. Comparisons are invariably made between the relative numbers of employees from an advantaged or privileged group and those from one or more disadvantaged groups.

In the early days of programs focusing on inequality, comparisons were made to support allegations of covert discrimination, whereby the disadvantaged group had been treated unfairly as a result of deliberate actions. The same kind of numerical comparison would later be used to support allegations of the adverse impacts of seemingly fair and objective screening tools, such as height and weight requirements or standardized tests.

In addressing the issues of deliberate discrimination and adverse impact, the role of numerical comparisons is straightforward. All that distinguishes the two is that, in the latter, there is no need to establish intent by employers to discriminate. What the two kinds of cases have in common is the relative simplicity of the allegations: that one or more persons are deliberately reducing the employment opportunities of an available and qualified category of people, or that one or more screening tools are inadvertently reducing those opportunities.

Numerical comparisons are also crucial in the context of systemic discrimination. However, the allegations themselves are no longer about one or more persons or screening tools. Rather, the allegations are about entire employment **systems**. Also, as with allegations of adverse impact, there is no need to establish intent to discriminate.



## AMERICAN FEDERAL PROGRAMS AND SIMILARITIES WITH CANADIAN PROGRAMS<sup>1</sup>

### The Civil Rights Act

The 1964 U.S. CIVIL RIGHTS ACT prohibited employment discrimination and established the Equal Employment Opportunity Commission (EEOC) to enforce laws related to this prohibition. The legal framework prohibiting employment discrimination was intended to correct (1) the higher unemployment rates, (2) the lesser occupational statuses and (3) the lower income levels of women and minority groups. Essentially the same goals are reiterated by Abella (1984, p. 203) in connection with employment equity in Canada:

*The statutory requirement to implement employment equity would oblige federally-regulated employers to develop and maintain employment practices designed to eliminate discriminatory barriers in the workplace and to improve, where necessary, the [1] participation, [2] occupational distribution and [3] income levels of women, native people, disabled persons and individuals in specific ethnic and racial minority groups.*

From a Canadian perspective, the most striking aspect of the American legislation is the absence of a clearcut demarcation between federal and state jurisdictions. The federal jurisdiction can extend virtually everywhere and is curtailed only out of political deference, not constitutional restrictions. In contrast, Canadian federal jurisdiction in the field of employment equity is currently restricted by the Constitution to employment financed wholly or partially from the federal purse and to employment in specific industrial sectors.

### Contract compliance

The origins of contract compliance may be traced to American entry into World War II, when improvements in minority employment were encouraged in defense procurement contracts. The program has always operated under Executive Orders of the President, unsupported by legislation until the early 1970s. Over the years, the program has been extended to virtually all government contracts of consequence but continues to be administered independently by the various contracting departments and agencies.

Although since 1984, both the EEOC and the Office of Contract Compliance Programs (OFCCP) could require statistical reports from employers, the turning point for enforcement came in 1972, following the landmark decision by the United States Supreme Court in **Griggs versus Duke Power Company** (1971). According to this decision, an employment practice which operates to exclude people and is not job-related is prohibited.

The decision focuses on the consequences of discrimination, rather than the subjective intentions of perpetrators, by mandating examination of the statistical impact of employment practices and the justification of such practices by a business necessity standard instead of focusing only on subjective proof

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<sup>1</sup> This account of the American experience relies heavily on background work done under contract for the Canadian Human Rights Commission by Peter C. Robertson, (1987).

that the state of mind of the employer was deliberately to exclude Blacks or women or some other group (Abella, 1984, p. 201).

The 1972 amendments to the CIVIL RIGHTS ACT were directly linked to this evolving perception of discrimination. Following are portions of the report of the Senate Committee on Labor and Public Welfare (Report 92-415, 1971, p. 5, cited in Robertson, pp. 50-51):

In 1964, employment discrimination tended to be viewed as a series of isolated and distinguishable events, for the most part due to ill-will on the part of some identifiable individual or organization. It was thought that a scheme that stressed conciliation rather than compulsory processes would be most appropriate for the resolution of the essentially "human" problem, and that litigation would be necessary only on an occasional basis. Experience has shown this view to be false.

Employment discrimination as viewed today is a far more complex and pervasive phenomenon. Experts familiar with the subject now generally describe the problem in terms of "system" and "effects" rather than simply intentional wrongs .... In short, the problem is one whose resolution in many instances requires not only expert assistance, but also the technical perception that the problem exists in the first instance, and that the system complained of is unlawful. This kind of expertise normally is not found in either the personnel or legal arms of corporations, and the result in terms of conciliations is often an impasse, with the respondent unwilling or unable to understand the problem in the same way that the Commission (EEOC) perceives it.

It was thus to give force to the EEOC's "technical perception" of systemic discrimination that the 1972 amendments included an authority to launch lawsuits.

### **Data reporting by employers**

A reporting form for private employers was instituted in 1966 and designated Form EEO-1. Similar forms and reporting schedules were later introduced for apprenticeship programs, union locals, state and local governments, elementary and secondary public school districts, and institutions of higher learning.

All employers with 100 or more employees are required to file an EEO-1 annually; by 1984 some 34,000 reporting entities were covered by this requirement. Employers with 50 or more employees and federal government contractors also have to file. Separate reporting forms have to be filed for the headquarters of an establishment and for any of its branches with 50 or more employees (25 or more prior to 1983).

Also required is a form consolidating the company's employees across the country, including those in smaller establishments not reported separately. Each filed form is specifically identified in terms of parent company, establishment (or consolidation) and major industrial activity, among other things. The basic structure of the form is a cross-classification of employees by job category on the vertical axis and gender by race and ethnicity on the horizontal axis.

Table 1 shows the categories cross-classified on the form. Nine job categories are distinguished, as well as two categories of on-the-job trainees. In addition to women, four disadvantaged ethnic or racial categories are distinguished.

Among the nine job categories specified in Form EEO-1, eight correspond reasonably well with groupings under the regulations to the Canadian *Employment Equity Act*. Where the EEO-1 provides for only one category of "Officials and managers", the Canadian regulations provide for four managerial and supervisory categories: "Senior managers," "Middle and other managers," "Foremen/women" and "Supervisors." While the first two Canadian categories might **(together)** be expected to exhibit a reasonable correspondence with "officials and managers" in the U.S. classification system, the latter two would probably be dispersed rather widely among the American managerial, white-collar and blue-collar categories.

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**TABLE 1. Cross-classification categories in the American Form EEO-1**

<u>Job category</u>	<u>Gender</u>
Officials and managers	Total
Professionals	Male
Technicians	Female
Sales workers	
Office and clerical	<u>Race and ethnicity</u>
Craft workers (skilled)	White (not Hispanic)
Operatives (semi-skilled)	Black (not Hispanic)
Laborers (unskilled)	Hispanic
Service workers	Asian or Pacific Islander
	American Indian or Alaska Native
On-the-job trainees (white collar)	
On-the-job trainees (blue collar)	

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In addition to women, the EEO-1 distinguishes four racial and ethnic categories, compared to two in the Canadian regulations. However, in terms of the components of 'member of visible minorities' stipulated in the regulations, the Canadian legislation covers a much wider range of ethnic and racial categories than does its American counterpart. The inclusion of the category "White (not Hispanic)" and an apparent provision to count persons of multiple origins only once (Harvey and Blakely, 1985, p. 117) are probably designed to maintain sound accounting controls in the collection of data.

In contrast to Canadian legislation, managerial estimates seem to be acceptable in compiling EEO-1 forms. American employers are asked to specify whether employee information was obtained by "Visual Survey," "Employment Record," or "Other - Method."





## CITY OF TORONTO PROGRAMS

In 1973, the Toronto City Council approved procedures for "reviewing the employment barriers faced by women. This program was later expanded to include persons with disabilities and racial minorities." By 1986, the City of Toronto was collecting data on all its employees, using forms developed in consultation with the Ontario Human Rights Commission, labour unions and the University of Toronto Human Resources Research Committee.

Preparation for a Contract Compliance Program began in 1982, culminating in City Council's adoption of Task Force recommendations in 1985. The Task Force comprised representatives from business, labour, the community and civic agencies. Their recommendations stipulated a program with requirements tailored to the different organizations with which the City entered into contracts.

### Data reporting by employers

The City of Toronto's policy on equal opportunity "seeks to eliminate discrimination on the basis of race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship and disability". The designated groups for which civic agencies and private sector contract bidders must file occupational and salary profiles are the same as those used by the City itself: women, Blacks, East and Southeast Asians, South Asians, natives and persons with disabilities.

In forms used by the city, the groups "White" and "Other" are also distinguished. The "Other" category is intended for all persons with mixed origins, including mixed White and non-White origins. It presumably serves to discourage multiple responses and double counting. "Canadian" is listed as an example for each minority group, highlighting the focus on visible characteristics rather than birthplace and/or cultural background.

Unlike the Regulations to the federal *Employment Equity Act*, West Asians and Arabs are not designated under the Toronto Contract Compliance Program. Since 1986, "Natives" include all persons of Amerindian origins, including those born outside North America. This differs from the federal procedures which count "Latin Americans", including those with Amerindian origins as visible minorities rather than Aboriginal peoples.

The City's 1986 data collection form defines disability as follows:

a persistent physical, mental or social condition that limits or that you perceive limits the type or amount of activity that you can carry out.

This definition seems to adhere to World Health Organization principles by imposing a relatively objective test of activity limitation or perceived activity limitation, instead of the test of perceived employment disadvantage found in Regulations to the *Employment Equity Act*. Three methods for identifying the designated groups are acceptable under the Toronto Contract Compliance Program: (1) management count, (2) employee survey or (3) management count with employee confirmation.

Fifteen occupational groups, including a three-by-three matrix across broad industrial sectors, are stipulated for reporting on the Toronto metropolitan area workforce:

1. Directors, Members of Boards of Management, Partners and Owners
2. Senior Managers
3. Middle and Other Managers
4. Professionals
5. Semi-professionals, Technicians and Technologists
6. Supervisors and Forepersons

	Skilled	Semi-Skilled	Entry Level
Agriculture and Related Functions:	7	10	13
Manufacturing, Construction, Transportation and Communication Functions:	8	11	14
Office, Trade and Service Functions:	9	12	15

The three-by-three matrix is specifically designed to differentiate the skill levels of women employees dominating the lower echelons of the white-collar sector, in a manner similar to the skill levels traditionally used to differentiate men in the blue-collar sector.

The City provides conversion tables for employers under federal jurisdiction, transforming the City's occupational groups into the twelve stipulated in Regulations to the *EMPLOYMENT EQUITY ACT*. In addition, the City accepts reports by detailed groups of the Standard Occupational Classification (SOC, Statistics Canada, 1981) or the Canadian Classification and Dictionary of Occupations (CCDO, Employment and Immigration Canada, 1989). Salary distributions are collected on separate forms from the occupational distributions.

### **Data comparisons and analyses**

Data collected by the City of Toronto are used for the purposes of:

- (a) Analysis of the employment status of target groups;
- (b) Standards to be considered by Council for the implementation of Phase two of the Contract Compliance Program; and
- (c) Enforcement mechanisms to be utilized during Phase Two.

Collection extends beyond metropolitan Toronto, covering Ontario, Canadian and even foreign workforces, since the City imposes no geographical restrictions on suppliers with which it does business. Analytical and Canadian-content considerations are also cited in support of the extended data collection.

## CANADA: EARLY FEDERAL INITIATIVES

Affirmative action in Canada began in earnest following publication of the initial report of the Royal Commission on Bilingualism and Biculturalism (1967). The designated group was francophones, and the workforce was the Public Service of Canada. Within fifteen years, the representation of Francophones in the federal public service was reasonably close to their representation in the Canadian population (Abella, 1984, p.21).

This linguistic initiative was not proposed in the context of affirmative action, employment equity or systemic discrimination. Rather, the focus was on mirroring the relative population weights of the two European groups viewed as founders of the Canadian nation (Official Languages Act and associated resolutions, 1968). Efforts to break down barriers to Francophone employment in the public service were forcefully supplemented by requirements that federal officials be allowed to work in the official language of their choice (French or English) and be obliged to serve members of the public in the official language of their choice.

The Royal Commission On The Status Of Women (1970) subsequently addressed the employment barriers faced by women. Voluntary programs in the public service followed, especially during International Women's Year in 1975. A program to encourage the employment of Black Nova Scotians in the federal public service began in 1973, another for persons with disabilities in 1978 (Abella, 1984, pp. 195-97).

The extension of voluntary affirmative action to the private sector under federal jurisdiction was invoked by a Cabinet decision in 1975. Federal Crown corporations and contractors were singled out in 1976. By 1978, voluntary programs for employers under federal jurisdiction (other than the public service), had been consolidated in Employment and Immigration Canada (EIC).

By 1978 as well, the Canadian Human Rights Commission (CHRC) had been established. The Canadian Human Rights Act, 1977 prohibits discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and [a criminal] conviction for which a pardon has been granted. Specific reference is made to employment discrimination:

It is discriminatory practice for an employer, employee organization of employers (a) to establish or pursue a policy or practice, or (b) to enter into an agreement, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment, that deprives or tends to deprive an individual or class of individuals of any employment opportunities on a prohibited ground of discrimination.

The Act also prohibits wage discrimination against women:

It is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees in the same establishment who are performing work of equal value.

The Dodge report (1981, pp.91-92) recognized the significance of systemic discrimination in curtailing the employment opportunities of **five** groups: women, native peoples, persons with disabilities, youths and older workers. Premised on the expanding importance of these groups in meeting labour market demands, the Task Force concluded (p.102):

*That some form of legislated action may be required to ensure that employers adopt employment practices which make better use of this expanding supply of target group labour*

Thus, the 1980's opened with the complaint-based mechanisms of the Canadian Human Rights Act in place and a recognition that additional legislation would likely be needed to combat systemic discrimination. A pilot affirmative action program in three federal departments was also launched in 1980. The extension of this program to the entire public service coincided with the creation in 1983 of the Royal Commission on Equality in Employment (Abella, 1984).

## THE ABELLA COMMISSION

Between 1979 and 1984, while EIC's voluntary program for the private sector had contacted some 1400 employers, only 71 (about 5%) agreed to participate in a voluntary program. The empirical support for Dodge's conclusions referred to earlier, could not have been more eloquent.

The Abella Commission, as it quickly came to be known, was specifically mandated to enquire into (p.ii):

*"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", as well as "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".*

The mandate of the Abella Commission, like the parallel extension of affirmative action to the entire federal public service, included a category of people not targeted in earlier endeavours. The category was labelled "visible minority" and represented a massive expansion beyond the Black population of Nova Scotia. Inclusion of visible minorities coincides with the striking in the House of Commons of a Special Committee on Participation of Visible Minorities in Canadian Society (cited in Abella, 1984, p. 47; see also the Committee report, *Equality Now!*, 1984). These actions can easily be viewed as a response to the challenge posed by accelerating shifts in immigration patterns from the United Kingdom and Europe to Non-European countries.

The concerns expressed by the Dodge Task Force about systemic discrimination against youth and older workers were not retained. In the case of youth, this might be explained by the diminishing pressures on the labour market of so-called baby-boom entrants by the time the Abella Commission was instituted. In the case of older workers, the existence of systemic discrimination against them as a group had not yet been generally accepted in Canada, although the House Committee on Human Rights and the Status of Disabled Persons had raised the issue in Parliament.

### Disadvantage and special programs

The report of the Abella Commission begins with a review of Constitutional provisions. The central role is played by Section 15 of the CHARTER OF RIGHTS AND FREEDOMS (cited in Abella, 1984, p. 11):

- (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.

Abella further indicates that marginal notes to subsection 15(2) specifically refer to "affirmative action".

She explains Section 15 as follows (1984, p. 13):

*In recognition of the journey many have yet to complete before they achieve equality, and 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.*

Unlike the American judicial system, a finding of discrimination is not necessary for ordering or approving an affirmative action plan. Rather, Subsection 15(2) places the focus on disadvantage (Abella, 1984, p. 15):

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 [Blumrosen, 1984, pp. 333-35]. They can also be characterized as systemic discrimination.

### **Data reporting by employers**

The mandate of the Abella Commission necessitated an empirical approach. The employment practices of eleven major Crown and government-owned corporations had to be examined.<sup>2</sup> Standard forms, numbers and statistics were essential.

An account of the forms (Abella, 1984, pp. 341-57) begins with definitions of the designated groups other than women:

Native people:	Status and non-Status Indians, Métis, Inuit.
Disabled persons:	Any person whose physical or mental disability would appear to limit his or her access to employment opportunities.
Visible minorities:	Non-White people other than native people.

Unlike current definitions under Regulations to the Equity Act, people with West Asian or Arab origins apparently were not counted as visible minorities (Abella, 1984, pp. 79-99). As already noted, Abella

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<sup>2</sup> These are PetroCanada, 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. (Abella, 1984, p. ii).

(1984, p. 46) expressed concern that different non-White groups differed considerably in terms of their relative disadvantage, arguing but not specifically recommending that 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 could be monitored. Descriptions were provided for the following twelve broad occupation groups:

Upper-level managers	Clerical
Middle managers	Sales
Professionals	Service
Technicians and semi-professionals	Skilled crafts and trades men/women
Supervisors	Semi-skilled manual workers
Foremen/women	Unskilled manual workers

These groups have been retained under Regulations to the *Employment Equity Act*, and substantively the same (often identical) descriptions may be found in "Technical Reference Paper No. 3" of the *Employment Equity Act And Reporting Requirements* (1986). Nine occupational categories, presumably those recommended in voluntary federal programs (Affirmative Action Technical Training Manual, 1984, p. 64) and long used in American reporting, were deemed inadequate.

Officials in the eleven corporations were to fill out thirteen forms, to the best of their ability, using existing data. Instructions contain no mention of preference for managerial identification of designated groups, employee survey or some combination of the two methods, although voluntary self-identification by employees was subsequently advocated in the enforcement section of the report (Abella, 1984, p. 211).

### **Inadequate accounting controls**

The forms collect information on two dimensions of disadvantage, income level and occupational status. They add flow data on hirings, promotions and terminations to the stock data typifying American programs. Their shortcoming is in not applying the kinds of controls used in accounting to tabulate the stocks and flows of dollars and cents.

While they require totals of all employees, for example, they do not provide counts of the non-disabled, White employees who would not be expected to be counted in a minority designated group (that is, native persons, persons with disabilities or persons in visible minorities). There are also no written instructions about how to report employees who belong in more than one of the minority designated groups, as in a native person with disabilities. Wherever women are counted, however, the forms require a full accounting of men, women and the respective total.

Across forms of stock data, totals of all job tenures--full-time and non-permanent--are apparently required, but only the part-timers are counted separately. Across forms of flow data, the patterns are even more complicated: non-permanent employees are explicitly excluded from counts of hirings and terminations but not promotions. Finally, complicated requirements for dividing the salary ranges of

occupational groups into equal quarters are not associated with enough form entry requirements to demonstrate that it has been properly done.

### **Data comparisons and analyses**

Abella's analyses (1984, pp. 103-21) had to be restricted to comparisons between men and women because there were so little data minority designated groups. The analyses were further confined to comparisons among the corporations and across time, even though a fair amount of external data on unemployment, labour-force participation, occupation and income were presented in the preceding profiles of the designated groups (Abella, 1984, pp. 60-99). In the absence of explicit comparisons with external data on labour-force participation or unemployment, neither precise estimates of under-representation nor any other direct links with the first dimensions of disadvantage were made.

The other two dimensions, occupational status and income level, were examined across both gender and time using only data from the forms. No reference was made to external occupational and income distributions. Among the flow data collected, only the hirings were examined extensively, focusing on conjuncture between persistently low "participation rates" of women in the managerial, professional, semi-professional and technical occupations of the eleven corporations from 1978 to 1983 and their low levels of recruitment into these occupations.

### **Statistical and related recommendations**

Abella placed a remarkably strong emphasis on Statistics Canada's proper role in employment equity generally and specifically, noting the need for vigorous development of adequate external data. She specifically argued for the production of **census** information (1984, p. 210) *on promotions, absenteeism, past employment, pre-employment training and education [in addition to educational attainment], length of time and wages paid in the current occupation, hours worked weekly, length of time with a particular employer, and number of years in the labour force*. The data would be analyzed by gender, race, minority status, and disability, by industry, and by the smallest possible geographic area possible. She also specifically recommended (1984, p. 210) that *more longitudinal studies should be undertaken by Statistics Canada to measure the integration [into the labour force] of designated groups*.

The extent and detail of external statistical data she was recommending, as well as the considerable costs that would be incurred producing them, almost certainly reflect a conviction that the results would ultimately play a major role in employment equity. This is consistent with her arguments about the importance of statistics in determining the disadvantage of particular groups under subsection 15(2) of the Charter of Rights and Freedoms.



## THE EMPLOYMENT EQUITY ACT AND REGULATIONS

Judge Abella submitted her report in October 1984, and a Government response was ready for announcement in the House of Commons by March 1985. Four kinds of employers were targeted: (1) federal Crown corporations, (2) federally-regulated businesses, (3) companies tendering for government contracts and (4) the federal Public Service. All employers were required to begin planning and implementing employment equity and submit numerical reports on the compositions of their workforces.

Crown corporations and federal departments and agencies had to report initially to the Treasury Board Secretariat. The Public Service requirements were essentially a recommitment to the program initiated at the time the Abella Commission was established. The *Employment Equity Act* would subsequently cover employers under federal jurisdiction, including most Crown corporations.

The bill that would become law a year later as the *Employment Equity Act*, was introduced in the House of Commons in June 1985. Its focus was specifically on employment disadvantage (Section 2):

The purpose of this Act is to achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

Reflecting Abella's transformation of American references to the three social dimensions of disadvantage into issues confined to the level of employers, the tacit reference to Section 15(2) of the Charter of Rights and Freedoms similarly limits "special measures and the accommodation of differences" to correcting "the conditions of disadvantage in employment" of designated groups.

Furthermore, in Section 4(b), special measures and accommodations are recognized as ensuring that persons in designated groups achieve a degree of representation *in the various positions of employment with the employer that is at least proportionate to their representation (i) in the work force, or (ii) in those segments of the work force that are identifiable by qualification, eligibility or geography and from which the employer may reasonably be expected to draw or promote employees.*

This provision makes what seems to be an explicit reference to comparisons between employers' data and external statistics, as well as confining that reference to what we have called the first dimension of disadvantage. It will be remembered that the first dimension was "high unemployment rates" in the American lexicon, "low participation rates" for Abella.

The dimensions of low occupational status and low income levels are not explicitly cited in the *Employment Equity Act*. Nevertheless, the Act, does make reference to "employment opportunities or benefits." Benefits would reasonably include wages or salaries, perhaps even occupational status.

Read alone, Section 6(1) might lead us to imagine that the law follows Abella's own practice by confining empirical examination of the three dimensions of disadvantage to the level of employers. Joining it with Section 4(b), however, clearly requires comparisons with external statistics regarding "the various positions of employment with the employer." Neither the *Employment Equity Act* itself nor supporting

Regulations stipulate the necessary extent of those comparisons--whether or not they may be confined to the workforce as a whole, whether or not they must be extended to occupations, to salaries, maybe even to hirings, promotions and terminations.

### **Data reporting by employers**

As for reporting requirements Section 6(1) of the *Employment Equity Act* includes all dimensions examined by Abella: occupational groups, salary ranges, hirings, promotions and terminations. The reporting for each of these dimensions, moreover, must include "the degree of representation of persons in designated groups."

Besides reflecting the reporting dimensions examined by Abella, Section 6(1) indicates two important areas in which data are required; (1) *the industrial sector in which employees of the employer are employed* and (2) *the location of the employer and the employees*. The addition of industrial and geographical detail is wholly in keeping with Abella's prescriptions, both for comparing employers' data and for developing external statistics. It increases both the expected volumes of employer data reported and the likely accuracy of any comparisons with external statistics, as well as substantially heightening the dynamic tension between reporting volumes and the sheer resources needed to make and exploit all possible comparisons with external statistics.

Regulations to the *Employment Equity Act* build systematically on the reporting requirements developed for Abella. The Act (Section 3) restricts its coverage to employers of one hundred or more persons (except government departments and enterprises "of a local or private nature in the Yukon Territory or the Northwest Territories"). The Regulations similarly establish numerical thresholds for the amount of industrial and geographical detail that must be reported.

An employer must indicate all employees for every specified industry and metropolitan area, as well as for every province and territory, in a covering Form 1. Detailed reporting is confined to metropolitan areas, provinces and territories with 100 employees or more at any time during the annual reporting period. Furthermore, industrial sectors with less than one thousand employees are to be grouped with the industrial sector in which the largest numbers are employed.

Form 1 also requires reporting employee totals by a dimension not mentioned in the Act itself, "Employment Status: Permanent Full-time, Permanent Part-time, Temporary".

Permanent employees are interpreted in the Regulations as those "who regularly work the full or standard number of hours fixed by the employer," while permanent part-time employees are those who work less. Temporary employees are interpreted to be those who work any number of hours within a fixed period or periods totalling 12 weeks or more during the calendar year, except full-time students working during school breaks.

Forms 2 through 6 are all divided into identical parts A, B and C, corresponding to the three categories of employment status. Information is collected for:

All employees, men, women, and Aboriginal peoples, persons with disabilities and persons in a visible minority (by sex).

The forms are distinguished by the populations counted and their additional cross-classifications:

	<u>Population</u>	<u>Cross-classification</u>
Form 2	Employees	Occupational Groups by Salary Quarters
Form 3	Employees	Salary Intervals
Form 4	Hired	Occupational Groups
Form 5	Promoted	Occupational Groups
Form 6	Terminated	Occupational Groups

The populations of permanent full-time and part-time employees are to be counted as of December 31st of the reporting year. Temporary employees are to be reported as of the date in the reporting year for which their number was greatest. Hirings, promotions and terminations are to be counted throughout the entire reporting year.

Promotions are interpreted as involving (1) a **permanent** move from one position or job in the employer's organization to another, (2) a higher salary or a higher salary range than the previous job **and** (3) a higher rank in the organizational hierarchy. Termination includes retirement, resignation and dismissal, but does not include laid-off temporarily or absent by reason of illness, injury or a labour dispute.

### **Occupational groups**

Industrial sectors are based on the 1980 Standard Industrial Classification (SIC, Statistics Canada, 1980). The twelve occupational groups used are essentially the same as those used by Abella. Their precise definition is in terms of the 1980 Standard Occupational Classification (Statistics Canada, 1981).

For the purposes of both Forms 2 and 3, the salaries of permanent full-time and part-time employees who did not work a full year are to be annualized. In addition, the salaries of promoted employees are to be annualized.

### **Aboriginal peoples and visible minorities**

The *Employment Equity Act* identifies the following as designated groups: "women, Aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada." All of the groups except women are defined in the Regulations (Employment and Immigration Canada, 1986), there being no apparent need to define women. The regulations also require that employees identify themselves as belonging to a designated group, or agree to be so identified by an employer." This requirement is applicable to the three designated groups defined in the regulations.

This wording would appear to admit the two methods of identification used by the City of Toronto, i.e., by employee survey in which participation has been voluntary, or by management identification with employee confirmation. It seems to exclude identification by management alone, a practice allowed in the American federal programs and the Toronto Contract Compliance Program.

Aboriginal peoples are defined as "Indians, Inuit or Métis." Visible minorities are defined as persons, other than Aboriginal peoples, who are, because of their race or colour, in a visible minority in Canada ... persons who are non-Caucasian in race or non-White in colour.

Three points are noteworthy in this identification; first, race in the context of visible minority, requires that persons be of a race other than Caucasian; second that colour refers to persons other than White and third, aboriginal persons are to be treated as a group separate and distinct from visible minorities.

A straightforward dictionary definition of "Caucasian" follows (Barnhart, 1957):

pertaining to the so-called "White race," embracing the chief peoples of Europe, southwestern Asia, and northern Africa, so named because the native peoples of the Caucasus were considered typical.

"Technical Reference Paper No. 2" of the *Employment Equity Act* And Reporting Requirement (1986), lists the following "self-identification categories" for visible minorities:

Blacks	Chinese	Japanese
Korean	Filipino	Indo-Pakistani
West Asian and Arab	Southeast Asian	Other*
*Other (includes Latin Americans and Indonesian Islanders)		

In practice, the intent of including persons of Latin American origin among visible minorities seems to focus on those with "Amerindian," "Indian" or aboriginal origins, as well as African origins (Lampkin, 1985, pp. 673-74). This is clear in the selection of ethnic origins used to define this portion of the visible minority population in the 1986 Census (Coulter, 1989).

The inclusion of "West Asian and Arab" among visible minorities would seem to contradict the dictionary definition of "Caucasian," which itself included "the chief peoples" of southwestern Asia and northern Africa. It must be remembered, however, that the *Employment Equity Act* defines visible minorities in terms of "race or colour" and that the Regulations stipulate that the race must be non-Caucasian or that the colour must be non-White. Unlike Toronto's Contract Compliance Program or Abella's labour-force profiles, neither of which has a category for persons of West Asian or Arab origin, it would therefore seem that the federal provision is to count them **on the condition that they are non-White**.

### Persons with disabilities

Regulations to the *Employment Equity Act* describe "persons with disabilities" as those who:

- (i) have any persistent physical, mental, psychiatric, sensory or learning impairment
- (ii) consider themselves to be, or believe that an employer or a potential employer would be likely to consider them to be, disadvantaged in employment by reason of an impairment referred to in subparagraph (i).

While the first criterion is plainly objective (the presence or absence of a persisting impairment), the second seems to admit both personal experience and inferences of **intent** on the part of "an employer or a potential employer." It will be remembered that intent is irrelevant to systemic discrimination and that Section 15(2) of the Charter of Rights and Freedoms might require more compelling objective indications of disadvantage (Abella, 1984, p. 15).

Building on the objective disability criterion about persisting impairments, "Technical Reference Paper No. 2" lists the following "Self-identification Categories" as any persistent degree of:

- co-ordination/dexterity impairment
- mobility impairment
- non-visible physical impairment
- deafness/hearing impairment
- blindness/visual impairment
- muteness/speech impairment
- developmental/mental impairment
- psychiatric impairment
- learning impairment
- other impairment (to be specified by the respondent).

Hemophilia is given as an example of a "non-visible physical impairment," Down's syndrome as an example of "developmental/mental impairment." No examples are given of "other" impairments.

Also cited in the Technical Reference Paper is a definition of "persons with disabilities." Drawn from Convention 159 of the International Labour Organization (ILO), it includes every individual whose **prospects of securing, retaining and advancing in suitable employment are substantially reduced** as a result of a duly recognized physical or mental impairment.

The emphasised portion of this citation seems to underly and explain the expression "disadvantaged in employment" in the Regulations.

The ILO definition is objective in tone, without any correspondence to the reference in the Regulations to the "beliefs" or perceptions of persons with disabilities. Unfortunately, the ILO definition seems to blur some sharp distinctions established by the World Health Organization (WHO). These are discussed by Abella (1984, p. 38), by Hum (1988, pp. 8, 9 and 28) in a report prepared for the Treasury Board Secretariat and by McDowell (1988, p. 8) in a report prepared for Statistics Canada in collaboration with Employment and Immigration Canada.

Hum provides the following distinctions between impairment, disability and handicap.

*An impairment is defined as any loss or abnormality of psychological, physiological, or anatomical structure or function.*

*A disability is the result of an impairment. It is defined as any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being.*

*The result of an impairment or a disability is a handicap. It is a disadvantage for a given individual because it limits or prevents the fulfillment of a role that is normal, depending on age, sex, social and cultural factors, for that individual.*



## FEDERAL CONTRACTORS PROGRAM

The Federal Contractors Program is aimed at organizations providing goods and services to government departments and agencies. Employers with 100 or more employees and bidding on government contracts of \$200,000 or more are required to certify their commitment to implementing an employment equity program (CEIC, 1990, p. 2). Of 742 organizations subject to compliance reviews, about one-half have been initiated.<sup>3</sup>

Nearly thirty percent of the initiated reviews have been concluded, with a finding that the organization is in compliance in all but two cases. This entails (1) establishing quantitative goals and timetables, (2) removing discriminatory barriers from employment systems and (3) instituting a system to monitor progress towards equitable employment. A second cycle of compliance reviews is to focus on actual progress towards equity goals.

A second review is scheduled about two years after the initial finding of compliance. The first twenty of these were initiated during the winter of 1990-91. Comparison of data from the monitoring system with goals and time tables will be an important starting point for the second review.

The first review promotes definitions and report formats established under Regulations to the *Employment Equity Act*. In particular, the twelve occupational groups stipulated in the Regulations are promoted. Employers are also encouraged to break them up into smaller groups that will better support an examination and reform of existing employment systems ("Employment Equity: A Guide to Employers," in Employment and Immigration Canada, 1986, p. 22).

The Federal Contractors Program shares external availability data with the Legislated Employment Equity Program (LEEP) at Employment and Immigration Canada. The only difference at the definitional level is that the Federal Contractors Program takes into account the Census Metropolitan Areas and other localities in which a contractor has employees.

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<sup>3</sup>Please note, information is referenced to the summer of 1991.





## **PUBLIC SERVICE OF CANADA**

The Treasury Board Secretariat administers the employment equity program of the Public Service of Canada. Most federal departments and agencies are included, and the program operates on a three-year cycle with annual reporting requirements, supplemented by service-wide surveys. The departments and agencies are required to establish designated group representation targets for detailed job classifications every three years and these targets are subject to Treasury Board approval.

### **Data reporting by departments and agencies**

The same designated groups stipulated in Regulations to the *Employment Equity Act* are now covered, but this is the result of evolving circumstances. In a 1985 public service-wide survey, employees were asked:

Do you have a permanent disability which relates to (check more than one if appropriate):  
co-ordination or dexterity, mobility, speech, epilepsy, mental retardation, vision (blind  
or partially sighted), hearing (hard of hearing or deaf)?

This check-off list seems generally to conform with the WHO definition of disability as functional impairment.

A 1986 revision to the service-wide survey begins the treatment of disability with a question reflecting the subjective component of the disability definition in Regulations to the *Employment Equity Act*:

For the purposes of employment, do you consider yourself, or do you believe that a potential employer would likely consider you disadvantaged by reason of a persistent and severe disability? (Please do not report health problems unless they limit employment activities.)

A "Yes" response to this question led to a further request to specify the disability. In addition to renaming "Mental retardation" as "Learning disability," the list from the 1985 survey was lengthened as follows: psychiatric disability, mental disability, other persistent and severe disability (specify).

The 1986 revised question, coupled with the parenthetical qualification, effectively imposes the two criteria of objective limitation and subjective perception, following Regulations to the *Employment Equity Act*. The focus in Regulations on impairments is bypassed in favour of questioning about disabilities. No examples are given for "Other" disabilities.

With respect to visible minorities, the 1985 questionnaire focuses on the following three origins: African (Black), Asian and Oceanic, as well as any combination of them. The 1986 revision added "West Asian or North African," as well as listing a number of Asian and Oceanic origins and a "Black" category without reference to African origins. A subsequent questionnaire revision in 1989 narrowed the 1986 addition to "Visible Minority West Asian or North African" and made a further addition of "Visible Minority Latin American."

By the 1989 revision, the definition of visible minority in the federal public service corresponded quite closely with Regulations to the *Employment Equity Act*. The remaining discrepancy, qualifying West Asians, North Africans and Latin Americans as "Visible Minority," seems to be a circuitous reference

to persons who are non-White in colour. This conforms with what was submitted earlier in this paper as the intent of the Regulations to the *Employment Equity Act*.

Departments and agencies report annually on actual and planned results for six occupational categories: Management, Scientific and professional, Administrative and foreign service, Technical, Administrative support, Operational. Included in the report for each of these occupational categories are the number and percentage of the designated group on staff during the past year, as well as the targets for the reporting year and the three subsequent years (Treasury Board Secretariat, 1987). Also shown for each occupational category for the current and three subsequent years are the total staff in the department or agency and the number of vacancies forecasted.

Hum (1988, p. 22) indicates that departments and agencies are not obliged to use the Treasury Board Secretariat questionnaire for identifying staff in designated groups, noting that the service-wide consistency of the data is thereby lessened. It is also apparent in documentation from the Treasury Board Secretariat that reporting detail was substantially reduced for the 1988-91 planning cycle (1987, p. 10). It is to be removed altogether, in favour of central data banks, for the three-year cycle commencing in the spring of 1992.

Of the six occupational categories reported, only management corresponds tightly with a group defined in Regulations to the *Employment Equity Act*, namely upper-level managers. Three others, (scientific/professional, technical and administrative support), correspond reasonably well with the groups described in the Regulations as *professionals*, *semi-professionals/technicians* and *clerical workers*, respectively. *Administrative* and *foreign service officers* are divided between Regulation groups of *middle and other managers* and *professionals*.

The public service *Operational* category spans the Regulation groups of *service*, *skilled*, *semi-skilled* and *Other manual workers*. Four of the public service groups form part of the Regulation groups of

*supervisors* and *foremen/women*. Finally, there is no public service category corresponding to the group *Sales Workers* in Regulations to the *Employment Equity Act*.

It is possible to map these correspondences and divergences because the six broad occupational categories are further distributed into nearly three hundred occupational groups, these in turn being structured into two to eleven pay levels. Initial rules for distributing the occupational groups according to Statistics Canada's SOC unit groups, (the same 4 digit SOC groups, by which the twelve occupational groups are defined in Regulations to the *Employment Equity Act*), were subsequently refined to take into account work differences among salary levels (Public Service Commission of Canada, 1984 and 1985; Treasury Board Secretariat, 1988a). This work culminated in a report on the status of designated groups in the public service as of 31 December 1987.

### **Applying accounting controls**

The "Status Report" was issued by the Treasury Board Secretariat in December 1988 and covers indeterminate full-time and part-time employees using the standard Forms 2A and 2B specified under Regulations to the *Employment Equity Act*. Temporary employees are excluded, consistent with the Regulations, because they comprise less than twenty percent of the public service. The report is confined to national totals.

In order to accommodate the important differences between the public service and employment equity occupational groups, a "Data Package" was subsequently issued by the Treasury Board Secretariat (1989b). It includes distributions of the designated groups by public service occupational categories and levels, as well as geographical and salary distributions. Table 3 of the package shows distributions by designated group and fixed-interval salary levels for full-time employees with indeterminate appointments, corresponding reasonably well with Form 3A under Regulations to the *Employment Equity Act*.

### **Pyramidal salary structure**

A perspective on the interaction between occupational groups and salary quarters may be gained by examining the values of ranges for top and bottom salaries in the Form 2A data. Upper-level managers are distinguished by having the highest of both top and bottom salaries, up to \$105,000 and not less than \$50,000, respectively (Pay Research Bureau, 1988). The ten other occupational groups share two salary floors which differ little, \$12,500 and \$15,000.

What distinguishes these ten occupational groups is their top salaries. The highest salary for professionals is \$95,000, for middle and other managers \$75,000. Semi-professionals and technicians share a ceiling of \$65,000 with foremen/women, while skilled workers have a ceiling of \$60,000.

Service workers have a ceiling of \$50,000, supervisors a ceiling of \$45,000. Clerical, semi-skilled and other manual workers all share a salary ceiling of \$40,000. With the exception of upper-level managers, we may therefore conclude that the occupational groups specified in Regulations to the *Employment Equity Act* tend to characterize the salary structure of the federal Public Service in a pyramidal fashion, with all other occupational groups sharing roughly the same salary floor and differing only in salary ceilings.

It will be remembered that the *Employment Equity Act* aims for employment of designated groups proportional to "qualification, eligibility or geography." It might also be reasonably anticipated that the advanced qualifications and eligibility required for more demanding occupations would be compensated by higher base salaries. Unfortunately, this is not reflected in the pyramidal characterization of public service salaries by the occupational groups and salary quarters, as specified in Regulations to the *Employment Equity Act*.



## CANADIAN HUMAN RIGHTS COMMISSION

The "Employment Equity Fact Finding Questionnaire" (1988) of the Canadian Human Rights Commission is prescribed both for formal investigations and for joint voluntary reviews with employers. It seeks more detailed employee data used by employers to file reports under the *Employment Equity Act*. In fact, the principal questionnaire module is entitled "Detailed Form 2A."

The use of these forms is explained as follows (1988, p. 10):

You are asked to provide a more detailed breakdown of the occupational group(s) identified for the review (investigation) by completing the attached "Detailed Forms." The result will be a set of occupational units which comprise the identified occupational group(s). An example would be the identification of aircraft mechanics as a unit within the broad group "Skilled Crafts and Trades Workers."

The use of four-digit "unit groupings" from the Standard Occupational Classification (SOC) is suggested as an alternative to using internal job titles or classifications (1988, p. 13). Use of the SOC is encouraged by the obligation to also provide "internal and external availability figures" (1988, p. 11) by occupational unit and designated group. Employers have the further option of distinguishing junior, intermediate and advanced skill levels within each occupational unit, as well as apprentices and trainees.

Part II of the "Employment Equity Fact Finding Questionnaire" includes additional modules entitled "Detailed Form 4," "Detailed Form 5" and "Detailed Form 6." They are designed to supplement the stock data on occupational units in "Detailed Form 2A" with flow data for those units on full-time hires, promotions and terminations, respectively. The approach exactly parallels the relationships among Forms 2, 4, 5 and 6 stipulated for the twelve broad occupational groups under Regulations to the *Employment Equity Act*.



## INTERDEPARTMENTAL DATA PROGRAM

External statistics for all employment equity programs are developed and co-ordinated through an interdepartmental data program comprising Statistics Canada, Employment and Immigration Canada, the Canadian Human Rights Commission, Public Service Commission and Treasury Board Secretariat. The overall design and content of those statistics is driven by provisions of the *Employment Equity Act* and accompanying Regulations. Substantial funding for the interdepartmental data program and the heavy involvement of Statistics Canada follow recommendations of the Abella Commission.

The tabulation of external statistics is confined for the most part to the first dimension of disadvantage, to "participation" in Abella's terms. Few tabulations have been produced concerning the income levels of disadvantaged groups or their occupational statuses. Participation is commonly termed 'availability' and is operationalized as a variation of what is conventionally termed by Statistics Canada as the "experienced labour force".

### Availability data

The experienced labour force is defined as a subset of the total labour force (Statistics Canada, 1987a, p. 38). For the 1986 Census of Canada, the principal source of external statistics, the experienced labour force includes persons who last worked anytime in 1985 or in the five months of 1986 preceding the census, providing they met one of the following conditions:

- (1) currently employed,
- (2) on temporary lay-off,
- (3) looked for work in the four weeks preceding the census, or
- (4) new job to start within four weeks following the census.

Excluded from the experienced labour force but counted in the total labour force were unemployed persons who had never worked or last worked before 1985 but who had met the third or fourth above condition. Excluded from the total labour force altogether were persons who met none of the above conditions, regardless of when or whether they had previously worked.

Among the persons excluded from the total labour force altogether are an unknown number of "discouraged workers." These are people who have stopped actively seeking work (the third condition above) because they have no expectations of finding any. Among the persons excluded from the experienced labour force but included in the total labour force are a less elusive number of persons who were actively trying to get a job either for the first time or after more than a year and a half outside the labour force.

The primary definition of availability is designed to count some of the discouraged workers by including persons outside the labour force who had worked in 1985 or 1986, even though they were neither actively looking nor had any imminent job prospects. The definition of availability makes no provision for counting persons actively seeking work who lacked work experience in 1985 or 1986. Among those not counted are new entrants to the labour force, regardless of their educational qualifications, and people, mainly women, who are trying to return to the labour force after lengthy absences.

A secondary definition of availability pertains exclusively to persons with disabilities. It is applied to the Health and Activity Limitation Survey (HALS), a sample survey costing more than \$7 million and

including over 70,000 adults with disabilities drawn from screening questions on the 1986 Census (Cohen, 1989, p. 28). Judging from availability data published by Employment and Immigration Canada (1989a), the only constraint the large HALS sample placed on tabular detail was to limit information on labour-force activity to provinces and territories where census data supported publication by CMA.

The secondary definition differs from the primary one in including (1) persons outside the labour force who worked anytime since 1981, even though they were neither actively seeking work nor had imminent job prospects, and (2) unemployed persons who worked anytime since 1981 and either were actively seeking employment or had imminent job prospects. The apparent intent of this longer time horizon (work experience since 1981, rather than work experience in 1985 or 1986) is to include more discouraged workers. Because disability is a dynamic condition, often worsening with age, the longer time horizon might reasonably also be expected to include substantial numbers of people with increasingly severe activity limitations.

### **Persons with disabilities**

The HALS questionnaire conforms very closely with the WHO definitions and associated work by the Organization for Economic Co-operation and Development (McWhinnie, 1981, reproduced in McDowell, 1988, pp. 38-40). The foundation of the HALS questionnaire is a series of questions on "Activities of Daily Living" (ADL's) designed to probe activity restrictions and inabilities, (disabilities, in the WHO sense), and to identify the underlying causes, (impairments, in the WHO sense).

The ADL's probe physical and sensory impairments in particular. A study by members of the Clarke Institute of Psychiatry in Toronto indicates that, among persons with both psychiatric and physical disabilities, the HALS questionnaire could lead to the identification of more psychiatric disabilities than may actually be present (Goering, Lancee and Cochrane, 1989, Table 9). Because a marginally larger number are missed altogether, there is little net impact on the overall disability rate.

Particularly underestimated through the HALS questionnaire is the prevalence of depression, although it is known to be closely associated with activity limitations (Goering, Lancee and Cochrane, 1989, p. 23). Also probably underestimated is the prevalence of persons with learning disabilities (p. 26). Questionnaires for the 1991 post-censal survey on activity limitations are being designed to correct these shortcomings.

Built upon the foundation of ADL's are several sets of questions in HALS dealing with the special challenges posed by activity limitations in a variety of everyday settings, including the labour market. Five questions about limitations in the kind or amount of work a person can do, as well as one question about being completely prevented from working, are used to delimit a subset of the total of non-institutionalized persons with disabilities ages fifteen to sixty-four (Furrie, 1989). This subset is labelled "Limited at Work" and is interpreted as meeting both the objective (impairment) and subjective (perceiving disadvantage) criteria of disability stipulated in Regulations to the *Employment Equity Act*.

### **Aboriginal peoples and visible minorities**

As discussed earlier, Aboriginal peoples are defined in the Regulations to the *Employment Equity Act* as "Indians, Inuit or Métis". Ethnic-origin responses in the 1986 Census for the categories "Inuit," "North American Indian" and "Métis" are counted as Aboriginal peoples (Coulter, 1989, p. 7). Persons who checked off both aboriginal and visible minority ethnic origins were counted in both designated groups,



as well as being aggregated separately for accounting purposes. This treatment of persons belonging to more than one minority designated group makes explicit a detail not covered in the Regulations.

Visible minorities are described in the Regulations as persons who are non-Caucasian in race or non-White in colour. As discussed previously, self-identification categories listed in documentation accompanying the Regulations include "African", "Asian" and "Oceanic" origins, as well as a "West Asian and Arab" category and "Latin Americans" as an example of "Other" visible minorities. It was earlier concluded that the probable intent of the latter two inclusions was to count only non-White persons of West Asian, Arab and Latin American origin.

Responses to the ethnic origin question in the 1986 Census were supported in a complex manner by responses to the birthplace and mother tongue questions in determining who to count as visible minorities (Coulter, 1989, pp. 3-7). A religion question also entered into the determination for availability data from the 1981 Census, but that question was not part of the 1986 Census. It should be noted that, while defensible correspondences may be established between the concepts of race in the *Employment Equity Act* and ethnic origin in the Censuses of Canada, there is no counterpart in Censuses to the concept of colour in the Act.

The 1986 Census counts visible minorities as an aggregate and in their component groups. These components include the self-identification categories listed in "Technical Reference Paper No. 2" accompanying the Regulations to the *Employment Equity Act*, Latin Americans and other Pacific Islanders. In addition, a multiple visible minorities category is added.

The multiple category includes all persons with origins in more than one visible minority component, while the components include all persons reporting one visible minority origin. In both cases respondents may also have reported non-visible minority origins. (Coulter, 1989, pp. 4 and 7; Boxhill, 1990, p. 16).

### **Occupational groups and geographical categories**

The statistical identification of women as a designated group poses no more problems than their definition in the Regulations to the *Employment Equity Act*. We may therefore turn to the occupational groups stipulated in the Regulations. Occupational groups are assembled from four-digit SOC groups, virtually exactly as stipulated in Regulations to the *Employment Equity Act*, and many tabulations also contain the constituent four-digit detail.

Tabulations prepared under the interdepartmental data program are usually partitioned by province, territory and Census Metropolitan Area (CMA) of residence of the available population. All two dozen CMA's are usually included, not just the eight specified in Regulations to the *Employment Equity Act*. The CMA's were originally defined in the Regulations in terms of the 1981 Census, but the Regulations were subsequently amended to adopt the CMA definitions of the 1986 Census.

### **Labour Market Activity Survey**

The Census is virtually without flow statistics, such as job hires, promotions and terminations, so there is no opportunity to prepare tabulations mirroring Forms 4, 5 and 6 under the Regulations. In contrast, the Labour Market Activity Survey (LMAS) is so dedicated to measuring job-related flows that it seems difficult to get stock data out of it. The LMAS is conducted as a supplement to the Labour Force Survey (LFS) and therefore does not cover the populations of the Yukon and Northwest Territories, Indian reserves and settlements, or institutions and military bases.

The exclusion of the territories, as well as Indian reserves and settlements means that an important portion of Aboriginal peoples is not covered. For the populations covered, the LMAS surveys a very large sample of between 75 and 100 thousand persons. The sample is drawn according to a multi-staged and stratified selection of areas and of dwelling units within the areas (Statistics Canada, 1987c, p. 6).

The stratified and areal nature of the sampling strategy means that the LMAS cannot provide good estimates for each province and CMA of Aboriginal peoples and visible minorities. This is because persons in these groups often cluster in residential neighbourhoods which might or might not fall within the sampling frame (Foy, Hofmann, Satin and Murray, 1989, p.16). The role of the LMAS must therefore be confined to complementing the geographical detail of the census with analytical insights into the labour-market experiences of designated groups.

The first round of LMAS interviews was conducted in January and February 1987. The questionnaire focuses on the details of as many as five different jobs held during calendar year 1986, as well as on time spent between jobs and on job-searching activities. A second round of interviews was conducted with the same sample of people one year later and focused on jobs held in calendar year 1987, as well as on time without work and job searching.

The second round of interviews in January and February 1988 included questions designed to identify Aboriginal peoples and visible minorities, and a check-off item about "Having a long-term physical condition, mental condition or health problem" in questions about difficulties looking for work. A new sample was drawn for the round of interviews conducted in January and February of 1989 and bearing on experiences in calendar year 1988. The same questions and check-off items introduced the year before were repeated in the questionnaire.

In January and February 1990, an abridged list of ADL's and associated items were added to the LMAS questionnaire focusing on experiences in calendar year 1989. This was the first time that all designated groups were being identified in an LMAS sample (only women having been identified from the start). The same sample was re-interviewed a third time in January and February 1991.

In HALS, the ADL's were used to identify disabilities and the underlying impairments. In the LMAS approach, a shortened list of the most effective ADL's is used to identify disabilities and the underlying impairments need not even be queried. The identification of Aboriginal peoples and persons in visible minorities differs even more radically from the census approach.

The ethnic origin question in the 1986 Census includes check-off items for all aboriginal categories but for only two visible minority categories, Chinese and Black. Most visible minorities are identified from the three write-in response spaces provided in the question. LMAS interviews are conducted by telephone, however, and the equivalent of a write-in response must be much more carefully controlled to be effective.

The LMAS questionnaire therefore requires the interviewer to read the check-off items corresponding to all groups constituting Aboriginal peoples and visible minorities. If prompted by the person being interviewed, the interviewer could also read a parenthetical list associated with any item. The questionnaire calls for a "Yes" or "No" response to each check-off item.

Combined with data on time spent between jobs and job searching, the job-related detail of the LMAS makes it an excellent source for examining in depth the dynamics underlying the measurement of availability in census data. The only information on educational attainment in the LMAS, however, has to do with studies undertaken in the calendar year preceding each interview. Information about qualifications or eligibility is limited to responses to a question on educational attainment in the Labour Force Survey, to which the file of LMAS respondents can be linked.

### **National Graduate Surveys**

The 1986 Census includes extensive detail on levels of education and fields of study. What it lacks are direct linkages between educational attainments and career paths. Information on such linkages is the focus of the National Graduate Surveys (NGS's).

In 1978, Statistics Canada conducted a survey on the labour market experiences of persons who graduated in 1976 from Canadian universities and community colleges (Statistics Canada, 1990a, p.5). A 1984 survey of 1982 graduates was extended to trade and vocational programs, as well as expanding on the content of the earlier survey. The 1988 survey of 1986 graduates also included university, community college, trade and vocational programs, as well as expanded content compared to 1978.

Both the 1984 and 1988 surveys draw respondents for telephone interviews from a systematic sample stratified by province, level of education and field of study. In 1984, over 35 thousand respondents were reached; in 1988, over 40 thousand. Because residential neighbourhoods are not part of the stratification, these surveys may be expected to provide reliable estimates of designated group graduates, including Aboriginal peoples and visible minorities.

The 1982 cohort of graduates was re-interviewed in 1987, three years after the initial interview, five years after graduation. The re-interview questionnaire included an item to distinguish Inuit, Status or non-Status Indians, and Métis graduates, as well as an item to distinguish graduates with activity limitations at home, at school or work, and in other activities "because of a long-term physical condition, mental condition or health problem." Those indicating any such limitations were also asked: "What kind of long-term disability or handicap do you have?"

The following categories of responses were not read over the telephone but used by the interviewer to classify answers: mobility, agility, sight, hearing, speech, learning, emotional, psychiatric, and other (specify). Disabilities in more than one category could be chosen. For each category chosen the interviewer was also to ask how long the respondent had had the disability and indicate the answer in years.

Nearly the same items on aboriginal origins and disabilities were asked of 1986 graduates in the 1988 interviews, the only substantive difference being to distinguish Status and non-Status Indians as a follow-up to a positive response to the category "North American Indian." The 1986 graduates were re-interviewed in the spring of 1991, with the disability items being virtually unchanged, but the aboriginal question being replaced by the LMAS question on ethnic origins.

This means that all designated groups will be distinguishable among 1986 graduates, women having been distinguished all along. Because the distinction of persons with disabilities differs markedly from the methods used in HALS and LMAS, it remains an empirical question whether or not the NGS can generate compatible estimates. The NGS is an important source of input data for the "Student Flow Model" of the Canadian Occupational Projections System (COPS) at Employment and Immigration Canada.



## **EXTERNAL PRESSURES, PERSISTING AND EMERGING ISSUES**

Employment equity in Canada both builds on earlier American experience and breaks new ground. As a consequence, some difficulties with the use of statistics in American federal programs have been avoided and some problems unique to the Canadian approach have emerged. The purpose of this closing section is to distinguish difficulties avoided by the Canadian approach, as well as to describe problems engendered by it.

### **External statistics on availability**

The hallmark characteristic of the American federal level programs is the near absence of comparisons between employers' data and external availability data. This might logically have been explained by the enormous universe of reporting employers: together they constitute such a large portion of the entire labour market that comparisons among employers might be expected to give results very similar to comparisons with external statistics. Comparisons among employers are routinely confined to one industrial sector at a time.

In Canadian federal programs, the strong reliance on external statistics has necessarily made those statistics the subject of critical scrutiny. It is often noted that they include no direct measurements of eligibility or educational qualifications. They do, however, include an unmeasured proportion of discouraged workers.

Among those discouraged workers is another unknown proportion of persons reporting themselves as completely prevented from working because of health impairments or disabilities. A very large number of those reported themselves as being completely unable to work and these have not attained any work experience in 1985 or 1986. This is important because the availability of persons with disabilities is defined in terms of a time horizon stretching back to 1981, rather than to 1986, as for the other designated groups.

Excluded from external availability statistics are people without recent work experience who are actively seeking employment. Notable among these exclusions are women returning to the labour market after lengthy absences and recent post-secondary graduates, many with advanced educational qualifications, looking for their first jobs. The impacts of the various inclusions and exclusions are measurable but have not yet been subject to thorough examination.

### **Salary and occupational categories**

Salary data specifications under Regulations to the *Employment Equity Act* diverge in a number of ways from established statistical practices and conventions. As a result, they are difficult to compile, as evidenced by numerous employers' reports, and furthermore, they are difficult to analyze. To be sure, the Form 3 reporting of employees distributed by fixed salary intervals is fairly conventional. Nevertheless, the distributions need not compare closely with counterparts in external statistics because overtime pay is excluded, introducing a downward bias and because the salaries of permanent part-time employees and promoted employees are "annualized", introducing an upward bias. The salary quarters used to partition employees within each of the twelve occupational groups probably pose the most serious problems since they are based on as few as two outlying observations.

The occupational groups specified in Regulations to the *Employment Equity Act* distinguish two levels of management and separate foremen/women and supervisors from their blue- and white-collar subordinates.

American programs did not contain these distinctions. In the City of Toronto program, finer partitioning was aimed at the support levels of work largely done by women, dividing them among skill levels similar to those commonly used for the blue-collar jobs dominated by men. In both the Canadian federal programs and the City of Toronto's program, finer partitioning was probably intended to differentiate more effectively the second dimension of disadvantage, occupational status.

### **Self-identification and accounting controls**

The requirement in the Regulations to the *Employment Equity Act* that employees self-identify or agree to be identified as members of designated groups obliges reporting employers to collect and compile statistics in accordance with fairly high standards. The "headcounts" that might pass for managerial estimates in filling out the American EEO-1 are clearly not acceptable. Instead, it is necessary for employers to develop a statistical competence in which few would have any previous experience, thereby imposing a steep learning curve which is further complicated by gaps in the accounting controls incorporated into reporting Forms and Regulations.

Among the 373 employers submitting reports in the first year, 1988, 139 included a textual commentary under the rubric "executive summary" (Employment and Immigration Canada, 1988, p. 7). Problems with the self-identification surveys were mentioned in 103 of the executive summaries, more than a quarter of the reporting universe (p. 10). With the accumulation of surveying experience in the ensuing years, statistical competence has apparently improved among employers.

The requirement in the Regulations to report hires, promotions and terminations has the potential of complementing stock data on employees with a dynamic perspective on whether or not an employer is making progress towards the equitable representation of designated groups. The potential is unfortunately hindered by the lack of strict accounting relationships among the data to be reported by employers.

Subtotals by occupational group are not provided in Form 2, and the marginal totals for "All Employees" have no immutable relationship with the constituent counts by gender and designated group in Forms 2 through 6. The hindrances to analysis caused by the lack of strict accounting controls are perhaps not the most important. Accounting controls play their most critical role in the collection and compilation of data.

The statistical learning curve for reporting employers is already steep because of the standards required to collect data through self-identification. Under the circumstances, the quality of reported data can only have suffered from the absence of comprehensive accounting controls in Forms and Regulations. The ultimate consequences of these difficulties are the questionable comparability of employers' data with external statistics and the confusion of trends towards better statistical reporting and towards employment equity.

### **Designated groups**

Subject to at least as much critical scrutiny as the definition of availability is the definition of designated groups other than women. The definition of Aboriginal peoples is in itself straightforward, but its restriction to persons of **North American** Amerindian origins complicates the identification of non-White Latin Americans as a visible minority component. The alternative taken in City of Toronto programs is to count together Amerindians, as well as Inuit from throughout the Americas.

Non-White West Asians and Arabs constitute another visible minority component which is difficult to

identify. Regulations to the *Employment Equity Act* and accompanying documentation do not make it perfectly clear that only non-White persons are to be counted. In availability data, the absence of a colour question of any sort precludes the accurate estimation of this population.

Testing for the 1991 Census did include "race or colour questions" as recommended by Abella, but none of the formulations were designed to distinguish non-White West Asians, Arabs and Latin Americans (White, 1989, p. 8). The LMAS question for defining visible minority and aboriginal components, now replicated in the NGS, also does not stipulate the non-White distinction. The survey questionnaire of the Treasury Board Secretariat comes closest by stipulating "Visible Minority West Asian or North African" and "Visible Minority Latin American," where "Visible Minority" must be understood as "non-White."

#### **A census and post-censal survey every five years**

In concluding this report, it may be noted that the interdepartmental data program for employment equity might well find itself depending increasingly on sample surveys in the coming decade. The 1986 Census was nearly cancelled because of budgetary considerations, and the gravity of those kinds of budgetary considerations has increased markedly in the ensuing years. While a five-year 1991 to 1996 cycle for renewing basic availability data might be acceptable, a ten-year cycle from 1991 to 2001 probably is not.

Furthermore, the repetition of HALS following the 1991 Census is a bonus that cannot be guaranteed to accompany every census. Not being able to renew basic availability data for one of four designated groups would, if anything, probably be less acceptable than failure to renew the data for all the groups in a timely fashion.





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Preparation of this report began with detailed interviews with persons having long involvements and intimate knowledge of employment equity programs and supporting statistics. They are listed in Exhibit 5, generally by their present program affiliation. Their generous assistance is acknowledged. In particular, they were able to provide access to so much written documentation as to make it unnecessary to cite interviews in the text.

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## REFERENCES

- Abella, Rosalie Silberman, 1984  
Report Of The Commission on Equality in Employment, Supply and Services Canada, Ottawa,
- Barnhardt, C.L. (Editor), 1957  
American College Dictionary, Random House, New York.
- Blumrosen, Alfred W., 1984  
"The Law Transmission System and the Southern Jurisprudence of Employment Discrimination", *Industrial Relations Law Journal*, #6, pp. 333-35.
- Boxhill, Wally, 1990  
"Making the Tough Choices in Using Census Data to Count Visible Minorities in Canada", Statistics Canada, Ottawa.
- Canadian Human Rights Commission, 1988  
Employment Equity Fact Finding Questionnaire, Parts I and II, Ottawa.
- Clarke, Marnie, 1989  
"The *Employment Equity Act*: From Policy to Implementation", presentation to a national conference of the Canadian Institute for the Administration of Justice, Kananaskis Village, Alberta.
- Cohen, Gary L., 1989  
"Disability and the Labour Market: An Analysis of Disabled Persons Not in the Labour Force", Statistics Canada, Ottawa.
- Coulter, Joan, and Adèle Furrie, 1989  
"Employment Equity Definitions of Visible Minorities, Aboriginal Peoples and Persons with Disabilities", one paper by each author (Coulter on visible minorities and Aboriginal peoples, Furrie on persons with disabilities) bound together in a single report, Statistics Canada, Ottawa.
- Dodge, David, and others, 1981  
Labour Market Development in the 1980's, a Task Force Report prepared for the Minister of Employment and Immigration, Ottawa.
- Employment and Immigration Canada, 1985a  
Affirmative Action Technical Training Manual, Supply and Services Canada, Ottawa.
- Employment and Immigration Canada, 1985b  
"Employment Equity: A Working Paper", tabled in the House of Commons with legislation for the *Employment Equity Act*, Ottawa.
- Employment and Immigration Canada, 1985c  
"Employment Equity Discussion Paper", Supply and Services Canada, Ottawa.

- Employment and Immigration Canada, 1986  
*Employment Equity Act* and Reporting Requirements, Employment and Immigration Canada, Ottawa.
- Employment and Immigration Canada, 1988  
*Employment Equity Act* Annual Report To Parliament, Supply and Services Canada, Ottawa.
- Employment and Immigration Canada, 1989a  
Employment Equity Availability Data Report on Designated Groups, Employment and Immigration Canada, Ottawa.
- Employment and Immigration Canada, 1989b  
*Employment Equity Act* Annual Report, Supply and Services Canada, Ottawa.
- Employment and Immigration Canada, 1989c  
Canadian Classification and Dictionary of Occupations, Supply and Services Canada, Ottawa.
- Employment and Immigration Canada, 1990a  
"Discussion Paper" on the *Employment Equity Act*, Supply and Services Canada, Ottawa.
- Employment and Immigration Canada, 1990b  
Annual Report: *Employment Equity Act*, Supply and Services Canada, Ottawa.
- Foy, P., H. Hofmann, A. Satin and T. S. Murray, 1989  
"Intercensal Estimates of Employment Equity Designated Groups: Survey Options", Statistics Canada, Ottawa.
- Goering, Paula, William Lancee and Jeanette Cochrane, 1989  
"Validation of a Measure of Psychiatric Disability in a Community Sample", Statistics Canada, Ottawa.
- Government of Canada, 1977  
Canadian Human Rights Act, Ottawa.
- Government of Canada, 1967  
Official Languages Act and accompanying Resolutions, Ottawa.
- Harvey, Edward B., and John H. Blakely, 1985  
"Strategies for Establishing Affirmative Action Goals and Time tables", in Research Studies of the Commission on Equality in Employment, Supply and Services Canada, Ottawa, pp. 113-30.
- Hum, L. C., 1988  
"Employment Equity and the Identification of Disabled Persons", Treasury Board Secretariat, Ottawa.

- Lampkin, Lorna, 1985  
"Visible Minorities in Canada", in Research Studies of the Commission on Equality in employment,  
Supply and Services Canada, Ottawa, pp. 649-83.
- McDowell, Ian, 1988  
"Measurement of Working Handicap", Statistics Canada, Ottawa.
- McWhinnie, John R., 1981  
"Disability Assessment in Population Surveys: Results of the OECD Common Development  
Effort", in Revue d'Épidémiologie et de Santé Publique, 29:417, Paris.
- Pay Research Bureau, 1988  
Rates of Pay in the Public Service of Canada, January 1, 1988, Ottawa.
- Public Service Commission, 1984  
Occupational Correspondence Between the Public Service and the External Labour Market, Ottawa.
- Public Service Commission, 1985  
Occupational Correspondence Between the Support Categories in the Public Service and the  
External Labour Market, Ottawa.
- Public Service Commission, 1988  
Annual Report, Ottawa.
- Robertson, Peter C., 1987  
The Canadian Human Rights Commission as the Enforcement Mechanism Under Bill C-62:  
Recommendations Based on the U.S. Experience, Canadian Human Rights Commission, Ottawa.
- Royal Commission on Bilingualism and Biculturalism, 1967  
Final Report, Volume I, Ottawa.
- Royal Commission on the Status of Women, 1970  
1970 Report, Ottawa.
- Special Committee on Participation of Visible Minorities in Canadian Society, 1984  
Equality Now!, House of Commons, Ottawa.
- 1980 Standard Industrial Classification,  
Supply and Services Canada, Ottawa.
- 1981 Standard Occupational Classification,  
Supply and Services Canada,
- 1986a Census of Canada, Questionnaire "2B",  
Statistics Canada, Ottawa.

- 1986b Health and Activity Limitation Survey, Questionnaire "Form 02",  
Statistics Canada, Ottawa.
- 1987a 1986 Census of Canada: Reference Dictionary  
Supply and Services Canada, Ottawa.
- 1987b National Graduate Surveys, "Follow-up of 1982 Graduates: Information Manual", including an  
appended 1987 follow-up questionnaire, Statistics Canada, Ottawa.
- 1987c Labour Market Activity Survey, "Information Manual", including an appended questionnaire  
"F 08", Statistics Canada, Ottawa.
- 1988 Labour Market Activity Survey, Questionnaire "F08", Statistics Canada, Ottawa.
- 1989 Labour Market Activity Survey, Questionnaire "F08", Statistics Canada, Ottawa.
- 1990a National Graduate Surveys, "Survey of 1986 Graduates: Survey Methodology and User's  
Guide",  
including appended 1988 questionnaires "Form S86G-02" for university and college graduates and  
"Form S86G-03" for trade and vocational graduates, Statistics Canada, Ottawa.
- 1990b National Graduate Surveys, Questionnaire "Form F86G-02" for the 1991 follow-up of 1986  
graduates, Statistics Canada, Ottawa.
- Toronto, City of,  
Contract Compliance Program Specifications, Toronto.
- Toronto, City of,  
Questions and Answers: Contract Compliance, Toronto.
- Toronto, City of, 1986  
Employment Equity: An Employer's Handbook, Toronto.
- Toronto, City of, 1989  
Executive Committee Report No. 21: Implementation of Contract Compliance, Toronto.
- Treasury Board Secretariat, 1985  
Questionnaire "Survey of Public Service Employees", TBC 330-249 (Revised 85/2), Ottawa.
- Treasury Board Secretariat, 1986  
Questionnaire "Employee Identification Form", TBS 330-78 (86-01), Ottawa.
- Treasury Board Secretariat, 1987  
"Guidelines for the Multi-Year Human Resources Plan, 1988-91", Ottawa.

Treasury Board Secretariat, 1988a

"Allocation of Public Service Employees to Employment Equity Occupational Groups for Public Reporting", Ottawa.

Treasury Board Secretariat, 1988b

"Status Report on the Representation of Women, Persons with Disabilities, Aboriginal Peoples and Members of Visible Minorities in the Federal Public Service as of December 31, 1987", Ottawa.

Treasury Board Secretariat, 1989a

Questionnaire "Employee Identification Form", TBS 330-78 (Rev. 89/04), Ottawa.

Treasury Board Secretariat, 1989b

"Data Package on Employment Equity Target Groups in the Federal Public Service as of December 31, 1987", Ottawa.

U. K. Parliament, 1982

Constitution Act of 1982 (Canada), including the Charter of Rights and Freedoms, Westminster.

U. S. Senate Committee on Labor and Public Welfare, 1971

"Report 92-415" on amendments to the Civil Rights Act, Washington.

U. S. Supreme Court, 1971

Griggs vs. Duke Power Company, Washington.

White, Pamela M., with Marcy Tennier, 1989

"Analysis of NCT Question #17, Race or Colour", unpublished working paper, Statistics Canada, Ottawa.

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