



## Submission to the Employment Equity Act Framework Review

Canadian Women's Foundation

June 2022

[The Canadian Women's Foundation](#) is a national leader in the movement for gender equality in Canada. Through funding research, advocacy, and knowledge sharing, we work to achieve systemic change. We support women, girls, and gender-diverse people to move out of violence and poverty, and into safety and economic security. Since 1991, our generous donors and supporters have contributed more than \$150 million to fund over 2,500 transformational programs across the country.

Achieving gender equity and gender justice is the vision and primary concern of the Canadian Women's Foundation. That will require, among many other measures, effective employment equity which takes into account all genders and all forms systemic workplace discrimination. Systemic discrimination remains deeply embedded in Canada, too often shaping access to employment, workplace advancement and leadership for women, and even more deeply for Black, Indigenous, and racialized women and gender diverse people, and women and gender diverse people with disabilities.

The Foundation's vision of gender equality for all is expressed in our grant-making through prioritization of multiply marginalized communities. Recognizing the long histories and ongoing impacts of colonization, racism, violence and exclusion in our country, we have increased our focus on funding women, girls, and gender-diverse people from First Nations, Métis, Inuit, Black and 2SLGBTQI+ communities; and those living with disabilities.

The increase in women's education, training and workforce participation broadly since the *Employment Equity Act* was introduced in 1986 has been transformational. Having surpassed men in post-secondary graduations in the 1990s, women are now more educated across the population. With all provinces and territories signed on and the commitment of major long-term investments, affordable national child care will soon provide another substantial improvement in women's access to workforce participation and workplace equality. After decades of struggle, it's an important win. At the same time, barriers to "equality in the workplace" continue.

The gender pay gap persists across all sectors and education levels and is greater for those further marginalized by systemic discrimination on the basis of race, Indigeneity, age, sexuality, ability, and other factors. This gap has lifelong consequences, contributing to a gendered pension gap of 22% - advantage men - and higher poverty rates for older women.<sup>1</sup>

Workplace sexual harassment remains commonplace, with one in four women personally targeted in their workplace. Sexual harassment is most common for women working in occupations dominated by men, such as skilled trades, the transportation industry - much of which is federally regulated - and equipment operation. Unsafe workplaces are a barrier to advancing employment equity that impacts recruitment, retention, and advancement for women and gender diverse people. While recognizing that workplace harassment and violence are covered under different labour legislation, we would also suggest there is room to view these as part of the culture of a workplace and perhaps, to connect the knowledge gained through existing workplace reporting on those issues.

Workplace culture change is essential to employment equity and addressing barriers, and we agree with the Canadian Labour Congress that this “modernization process must support a move toward truly equitable and inclusive workplaces and go beyond the simple representation of members of equity-seeking groups by examining the workplace experience as a whole. This means examining the kinds of positions held by members of the designated groups, their compensation, as well as the opportunities they have for promotion, advancement and professional development.”<sup>2</sup> We would add that examining the workplace experience as a whole should include examining the general culture of the workplace.

### **Area I: Redefining & Including Equity Groups**

The Task Force’s mandate includes applying a GBA+ lens and considering intersectionality throughout its work, while the consultation paper notes that intersectionality matters to understanding the barriers to employment equity. Intersectionality should be integrated into the *Employment Equity Act*, in particular with regard to understanding gender equality, intersecting identities and the impacts of systemic discrimination.

The Foundation supports redefinition and expansion of equity groups designated under the *Act*. We would say broadly, “Yes” to the questions posed in the consultation paper, changes are needed with regard to terminology, inclusion and specificity. Language, concepts and available information have changed dramatically over recent decades.

### **Terminology:**

Generally, decisions around changing terminology should be inclusive and adopted in consultation with affected communities.

More specifically, the Foundation believes it would improve the *Employment Equity Act* to:

- Eliminate use of the term “visible minorities” and discuss with racialized communities how it is best replaced when a collective term is needed. Our practice at the Foundation is to use “racialized” to replace “visible minorities” when citing sources that use the latter term. When a collective term is not needed, ethnicities and identities should be specified.
- Replace Aboriginal with terminology in consultation with First Nations, Métis and Inuit national organizations, including their national women’s organizations, the Native Women’s Association of Canada, Women of the Métis Nation and Pauktuutit. Distinctions based language is preferable in our experience.

### **Disaggregating Designated Groups:**

Yes, the *Employment Equity Act* should reflect the various experiences and labour market circumstances of different racialized populations, and also of populations experiencing other forms of systemic discrimination. At the Foundation, to measure progress on funding prioritized populations we ask funded organizations to report on the demographics of their

program users, disaggregating data for communities such as First Nations, Métis and Inuit; Black; racialized; trans, non-binary / gender-diverse and 2SLGB; refugee, immigrant, newcomer and non-status; youth; seniors; and those living on low incomes and with disabilities.

Along with YWCA Canada, Plan International Canada, and Catalyst Canada, the Foundation is leading [In Good Company](#) - an RBC Foundation-funded initiative to engage small and medium sized enterprises (SMEs) in male-dominated industries to meaningfully address justice, diversity, equity, and inclusion (JEDI) in their workplaces. Through this work, we have seen that while Statistics Canada publishes regular surveys on SME growth and financing, very little data is available on diversity and inclusion in these businesses. This data gap makes it difficult to identify a baseline in some of the federally regulated businesses that the Employment Equity Act covers (businesses between 100 and 500 employees), or to target and successfully implement JEDI interventions.

The recent filing of a class action lawsuit by Black public service employees and former employees speaks to the existence of systemic anti-Black racism in the federal public service resulting in the exclusion of Black civil servants from senior positions within government and other serious consequences. Claimants are seeking systemic change and compensation for the discrimination they have faced. Clearly, an employment equity system based on “visible minorities” as a designated group is not and has not been sufficient to address anti-Black discrimination in the workplace.

### **Updating to Reflect Current Understandings**

The continuing underrepresentation of people with disabilities in both the federally regulated private sector and federal public sector is extremely concerning and points to a need to strengthen the Employment Equity Framework<sup>3</sup> for women living with disabilities. Reflecting current understandings requires an inclusion-focused approach in which disability is understood “as a consequence of environmental, social and attitudinal barriers that prevents or hinders a person’s full and equal participation in society.”<sup>4</sup> The Employment Equity Framework needs to take assessing and addressing environmental, social and attitudinal barriers into account and place an intersectional lens on approaches, including change opportunities provided by the pandemic expansion of work from home. This should be done in consultation with the DisAbled Women’s Network, a trusted partner of the Canadian Women’s Foundation.

To reflect current understandings of gender and gender equality, the Employment Equity Framework needs to include sexual orientation, gender identity and gender expression and 2SLGBTQ+ communities should be added as designated groups under the *Act*, with specific mention of trans and non-binary populations and collection of disaggregated data. Again, this work should be developed in consultation with affected communities and applying an intersectional lens to understand the specific employment barriers facing each group.

### **Area II: Supporting Equity Groups**

In a recent literature review on the state of diversity, equity, and inclusion (DEI) in Canadian SMEs in male-dominated industries, researchers from Sustainable Livelihoods Canada identified lack of financial resources and time, lack of formal structures, lack of knowledge and guidance, and lack of data as key barriers to the implementation of DEI measures. They also identified that many senior SME executives perceive DEI practices to fall strictly within

the purview of human resources policies and practices, as opposed to other areas of the organization where workplace culture directly impacts the experiences of employees from equity seeking groups.

This speaks to the need for further education, guidance, and support for businesses to understand the scope of change required and the benefits of creating equitable and inclusive workplaces, beyond the federally mandated reporting requirements the Employment Equity Act imposes. Again, we would point to examining the workplace experience as a whole and the general culture of the workplace.

Employers can support equity-seeking groups by creating and sustaining trauma-informed workplaces. Through decades of funding women-centred employment programs the Foundation has learned that trauma is a significant barrier to workplace inclusion and advancement for diverse women and gender diverse people. Many participants in employment programs that we support have lived experience of gender-based violence, economic uncertainty and the intergenerational impacts of colonization, displacement and migration. These traumatic experiences impact every aspect of their lives, including their experiences as workers. Trauma-informed workplaces support equity and inclusion by integrating knowledge about trauma into policies and practices and fostering healthy workplace cultures to prevent the traumatization and/or re-traumatization of their employees. We would encourage the Task Force to integrate an understanding of trauma into the Framework in support of equity groups.

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<sup>1</sup> <https://www.mercer.com/our-thinking/global-pension-index-2021.html>

<sup>2</sup> Canadian Labour Congress, <https://documents.clcctc.ca/human-rights-and-equality/CLC-Submission-EEA-Review-2022-04-28-EN.pdf>

<sup>3</sup> The *Employment Equity Act* and *Accessible Canada Act* should be complementary, preventing gaps between legislation. In the *Accessible Canada Act* disability is defined as: “any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment—or a functional limitation—whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society.”

<sup>4</sup> Canadian Labour Congress, <https://documents.clcctc.ca/human-rights-and-equality/CLC-Submission-EEA-Review-2022-04-28-EN.pdf>