

Employment-equity review leaves observers puzzled

Move by Stockwell Day 'a bit of a bogus issue,' human rights lawyer says

BY ROBERT TODD
Law Times

A review of employment-equity policies in the federal public service by Treasury Board President Stockwell Day has left experts scratching their heads.

Day called for the review in July after learning a white woman couldn't apply for an administrative assistant job with Citizenship and Immigration Canada as it restricted hiring for the position to applicants who were aboriginal or members of a visible minority. The restriction

was part of an employment-equity policy that reserves about two per cent of jobs in the federal public service for aboriginals, visible minorities, women, and people with disabilities.

"While we support diversity in the public service, we want to ensure that no Canadian is

barred from opportunities in the public service based on race or ethnicity," Day said in a release. The statement indicated the review would focus on the Public Service Employment Act and "related policies and practices."

However, it remains unclear how the government is conducting the review or when it will release the findings. "It is too early to provide details on the review of employment-equity policies," a Treasury Board spokesman said in an e-mail. "There are no further details at this point."

Raj Anand, a human rights lawyer at WeirFoulds LLP and chairman of the board of directors for the Ontario Human Rights Legal Support Centre, calls the employment-equity review "a bit of a bogus issue." Says Anand: "There's nothing in the Employment Equity Act that says, 'Hire a black person over a white one or a person with a disability over one who doesn't have a disability.' Employment equity has never been accepted in this country as a matter of exclusion of one group in favour of another."

He notes that the act consists of obligations for federally regulated employers, which make up perhaps 10 per cent of the workforce. Employers bound by it must provide statistics on the proportion of workers from designated groups versus the general population. If there is a disproportion in this ratio, they must introduce policies to gradually eliminate any barriers that may have caused the discrepancy.

"There's nothing in relation to an individual competition that's required to come out of that," says Anand, who notes Canada is far from its goal of creating equality in the federal workforce. "If you just take statistics as the only criterion, the four designated groups are all disproportionately under-represented in terms of either raw numbers or level within the hierarchy of federally regulated employers. . . . In short, there is no under-representation of able-bodied, male, white people."

Siobhan Coady, the federal Liberal treasury board critic, expressed shock that Citizenship and Immigration Minister Jason Kenney raised the issue and that Day embraced it. "The act itself was put in place for a reason — that there's an under-representation in the public service — and we want to make sure that it reflects Canada," says the Newfoundland MP. "What are they trying to do here? Is it all politics? He should be supporting the diversity of Canada."

Coady suggests the review "again shows [the Conservative government's] ideology. It again shows where they want to take the country."

Patty Ducharme, national executive vice president of the Public Service Alliance of Canada, says she's alarmed Day would call for a review of the



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legislation and polices over a single complaint.

"There's lots of postings where preference will be given to an aboriginal person or a racialized person, but to be clear, for any employment-equity hiring, people have to have merit. They have to qualify for the job in order to be considered," says Ducharme.

At the same time, PSAC would like to see several changes to the act. "We'd like to see some teeth in the legislation because, quite frankly, government fails to meet its employment-equity obligations."

Ducharme emphasizes that discrimination in the federal public service continues. Recent statistics indicate that about 10 per cent of federal public service workers are racialized Canadians, which compares to 15 per cent of Canada's workforce as a whole.

"There's no question that many workers have faced barriers trying to get jobs in the federal public service or to advance in the federal public service," she says. "I believe that in order to offer quality public services to Canadians coast to coast, we need to have representative workers."

Ducharme believes greater accountability for employment-equity policies would help turn the tide. She notes that while managers in the federal public sector receive performance pay, achieving employment-equity objectives doesn't appear to be part of that structure. That should change, says Ducharme.

"Sometimes you've got to knock people over the head with their wallets and their performance pay," she says.

PSAC would like to see several other changes, too, such as mandatory targets for equity hiring, better statistics on recruitment rates, and exit interviews to help identify why minorities are leaving the federal public service.

Meanwhile, the government hasn't contacted PSAC regarding the review. "We are the biggest bargaining unit in the federal public service," Ducharme points out.

Locals can't swim either

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water and the effective treatment of waste water." She suggested there have been recent improvements in that area across the country with the number of high-risk systems declining to 49 currently from 193 in 2006. The government has plans for further improvements with \$2.3 billion to have been invested from 2006 to 2012, she said.

The government also believes the proposed safe drinking water for First Nations act, introduced in Parliament in May, will further protect health and safety and ensure continued investment in infrastructure. The legislation would allow the government to create federal regulations to provide a similar level of protection for drinking water in First Nations communities to that of other Canadian jurisdictions.

The government also announced in May the extension of its First Nations water and waste water action plan, which makes way for an additional \$330 million for safe drinking water.



The UN resolution may bolster First Nations' push for better water infrastructure, says Barry Weintraub.

People like Constance Lake First Nation Chief Arthur Moore eagerly await the proposed legislation and new investments. His northern Ontario community has been forced for months to have clean drinking water trucked in due to an unsafe algae buildup in a local lake.

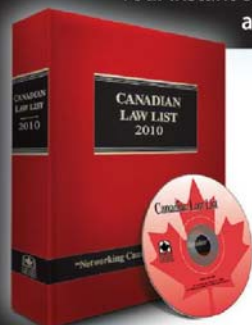
The community has been struggling with water issues on and off for the past 10 years, says Moore, who notes many First Nations communities in northern Ontario are in the same boat.

But the buildup of toxic algae in Constance Lake has done more than just create problems for those looking to get a clean glass of water, take a shower or clean their clothes, according to Moore. It has also made it impossible for locals to swim.

"It really is very disturbing," he says. "We would like to enjoy our natural life in the community — to enjoy having clean water like any other municipality across the country. It's not our fault that they put us on the reserves system where there's not much opportunity for us to grab mainly because of our location." **LT**

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