# CURRENTS

## READINGS IN RACE RELATIONS

VOLUME 2, NO. 4 WINTER 1984/85

# DISCRIMINATION IN EMPLOYMENT

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***CURRENTS: Readings in Race Relations*** is the quarterly magazine of the Urban Alliance on Race Relations.

The Urban Alliance on Race Relations, formed in July 1975 "to promote a stable and healthy multiracial environment in the community," is a non-profit organization made up of volunteers from all sectors of the community.

The Urban Alliance on Race Relations is an educational agency and an advocate and intermediary for the visible minorities. It works toward encouraging better race relations, increased understanding and awareness among our multicultural, multiracial population through programmes of education directed at both the private and public sectors of the community. It is also focusing its efforts on the institutions of our society including educational systems, employment, government, media, legislation, police, social service agencies and human services, in order to reduce patterns of discrimination and inequality of opportunity which may exist within these institutions.

The work of the organization is carried out through working committees such as: Education Institutions; Legislation; Media; Law Enforcement.

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# *In Pursuit of Equality*

THE EVIDENCE OF RACIAL DISCRIMINATION in Canada has once again been assessed and, in a benchmark study, directly tested: the results of the Henry and Ginzberg study, "Who Gets The Work?" are sadly appalling. Withut wanting to be too shrill in our moral indignation, in our demands for equality and the elimination of discrimination, it is of some comfort that the initial political and media response to the findings was generally an acceptance and obligation that remedies are required.

However, the pursuit of equality has suffered under the weight of too much seductive rhetoric. Although the issue of racial discrimination in employment appears to be, at least temporarily, widely recognized, the implications and appropriate remedies still appear to be shrouded in platitudes.

We are now being asked to respond to the Governments' initial response to the recommendations of "Equality Now", the report of the Special Parliamentary Committee on the Participation of Visible Minorities in Canadian Society, and the recommendations of the Abella Royal Commission on Equality in Employment.

The tasks facing "equality-seekers" appear at times overwhelming. Not only must they achieve a wide public recognition of the issue and ensure that it is part of the political agenda, but secondly, they must ensure that decisions are made, and then thirdly, that the policies are implemented. Defenders of the status quo of course need only achieve, or rather prevent the first stage in this political process from occurring.

It is naive to assume of course that if the problem is clearly identified and accepted that the solution will automatically present itself and in turn will automatically be implemented. And one-liner recommendations that the government "should" do this or "should" do that, are worse than useless. Equality, as a central pillar of our democratic principles, is not so simple a concept in practice. Our goals are still far too general and abstract to expect government or any other institution to interpret and be capable of implementing programmes that will ensure racial equality.

Racism does not stay still: it changes shape, size, contours, purpose, function — with changes in the economy, the social structure, the system and the challenges to that system. In the pursuit of racial equality we still need to work out in a systematic manner, in concrete programme terms, what it should consist of. We must first fully understand the context of racism in Canada, and we must know exactly how and when we want to take race into account. Because the onus in the end is always on those who want to change things to "make the case".

If we expect society to move to positive action it is absolutely essential that it be equipped with a solid foundation of facts — unequivocal data and statistics, clear theories and arguments. The purpose of this issue of Currents is to begin to identify what that information base should consist of. To achieve this requires new coalitions, new alliances with various sectors and disciplines including economists, lawyers, and academics. Without this information base and without these alliances minorities will continue to be left to flounder in ineffectual negative protest.

TIM REES

# Equality in Employment A Royal Commission Report

Paul Scott

*In November of last year Employment and Immigration Minister Flora MacDonald tabled the Royal Commission Report on Equality in Employment in the House of Commons. Business and labour leaders, as well as the women's, disabled and visible minority communities across the country had been eagerly awaiting the report's release for months and those among them who expected something dramatic were not disappointed. Royal Commissioner Rosalie Abella had made a set of recommendations which, if accepted, would alter personnel and business practices across Canada and would improve the social and economic situation of women, the disabled, Natives and visible minorities for generations to come.*

Briefly the Report recommends that the Government of Canada adopt a comprehensive strategy for obliging Canadian employers to undertake a programme of "employment equity." The first step in this process would be a legislated requirement that all federally regulated employers implement employment equity programmes for women, the physically disabled, Native Indians and visible minority workers. Under this statutory requirement employers would be obliged to eliminate discriminatory barriers in the workplace and file workforce data annually; an enforcement agency would be established to receive data and enforce equity programmes. The Commission also urged that the Federal Government encourage provincial and territorial governments to implement equity legislation consistent with the new federal legislation. In the absence of such provincial and territorial legislation the Commission recommended that the Federal Government encourage employment equity in the private sector through the use of contract compliance.

The Abella Commission also recommended the implementation of a wide range of further measures which would improve the employment opportunities of the four designated groups. Fifty-three of the Report's 117 recommendations address the need to develop appropriate training and educational programmes for the designated groups and to ensure that qualified members of these groups receive a fair proportion of opportunities to take the training and education. In acknowledgment of the finding that a major barrier to equality in the workplace for women who are mothers is the absence of affordable childcare of adequate quality, the Commission recommended the passing of a National Childcare Act.

While some reacted in horror to the Report's recommendations — particularly those which called for a bureaucracy to enforce equity in the workplace, calling it more intrusion by government into private business — many lamented that Abella was telling "the same old story, a tale of well-known problems"[1] or that we have already been "waiting too long for equality".[2] Certainly Judge Abella did not exactly sneak up on the Canadian public with her revelations about inequality in the workforce and her recommendations that statutory measures be adopted to remedy the inequality. For over twenty years now we have been hearing about U.S. efforts to combat employment discrimination against Blacks, Hispanics and women through Affirmative Action programmes, and for nearly as long the debate has raged about whether Canada has a similar problem and whether Affirmative Action

measures should be taken to address it. A short review of the American experience and Canadian developments will help us to establish a context for the Abella Commission recommendations.

## The American Experience

The United States government has developed over the years two distinct bases for implementing programmes of equality in employment: contract compliance and Affirmative Action based on a finding of discrimination. The contract compliance programme dates back to 1941 when President Roosevelt issued an Executive Order applying to all defense contracts which imposed upon both employers and labour organizations a mandatory non-discrimination requirement applying to blacks. In its first twenty years this programme remained essentially a voluntary, anti-discrimination programme; the government exhorted, encouraged and threatened but did not enforce. In 1961 as a result of increasing concern expressed that there had been inadequate use of sanctions to deal with non-compliance in the programme, President Kennedy issued an Executive Order which established an enforcement agency with responsibility for receiving complaints, conducting compliance reviews and imposing sanctions. Another signficant development at the time was the addition to the non-discrimination requirement of a commitment by contractors to take Affirmative Action to ensure that applicants were employed, and that employees were treated during employment, without regard to their race, creed, colour and national origin.

In the years that followed controversy and criticism surrounded the Office of Federal Contract Compliance as it attempted to define and then enforce Affirmative Action. In its early years it established guidelines which initially prescribed anti-discrimination measures which employers must take but later focussed on the procedures which the employers must follow for establishing and achieving numerical goals.[3] It was, however, the complex reporting requirements and the enforcement and investigative hierarchy which the OFCCP established, not the Affirmative Action measures themselves, which generated the greatest public outcry and certainly influenced the opinion of Canadian employers on contract compliance and Affirmative Action.[4]

The legislative basis for mandatory Affirmative Action outside compliance is Title VII of the Civil Rights Act of 1964 which applies to all employers. The Federal Equal Employment Opportunity Commission (EEOC) is empowered by Title VII to investigate complaints of employment discrimination, redress grievances and prescribe a conciliatory remedy where discrimination is found to have occurred. Affirmative Action is usually the prescribed remedy. Despite the difference in jurisdiction the intent of the Executive Order and Title VII is the same: to ensure that employers' practices neither intentionally discriminate against, nor have an adverse impact on minorities and women. The goal of programmes under both jurisdictions continues to this day to be the elimination of all discriminatory conditions, whether purposeful or inadvertent and to bring the numbers of minorities and women in the employer's workforce more or less up to their percentage representation in the local community.[5] Although both of these programmes are perceived to have been under attack since the election of the Reagan administration in 1980 they remain intact.

## The Canadian Experience

Some observers claim that Canada had its first experience with Affirmative Action long before the public debate about its merits began or before any formal apparatus justifying such policies was in place.[6] In 1962 the Royal Commission on Government Organization expressed grave concerns about French Canadians who did not hold jobs in proportion to their numbers and who, when they did hold government jobs, were clustered in lower paying positions.[7] In its report, and later in the *Report of the Royal Commission on Bilingualism and Biculturalism (1969)* it was concluded that French Canadian citizens were probably not receiving adequate service from government officials and that, therefore, steps should probably be taken to increase their representation at all levels of government. In arguing the need to recruit and promote more Francophones the authors of both reports used comparisons of civil service representation to population proportions as a rough guideline. In response to the recommendations the Public Service Commission modified the principle of merit so that it took into account the differing linguistic and cultural attributes of Francophone and Anglophone applicants and also embraced the concept of representativeness: to be effective,

a civil service must be representative. The initiatives which grew from these recommendations were extremely effective in increasing the participation of Francophones throughout the civil service.

In 1970 the Royal Commission on the Status of Women tabled its history making report outlining the seriously disadvantaged position of women in the Canadian workforce. Discrimination, exclusion, job segregation and wage disparity were all said to characterize women's place in the work world. Included in the Report were recommendations calling for equal pay for equal value, the development of equal opportunity programmes for women within the Public service and the establishment of equal opportunities in the Banks and Crown Corporations. As a result of the report the government enacted equal pay for equal value legislation in the 1978 Canadian Human Rights Act. In 1972 the Equal Opportunity for Women (EOW) Office was established in the Public Service Commission. It was responsible for stimulating career opportunities for women as well as maintaining a watching brief of Public Service employment policies, practices and procedures as they relate to women. The value of this and similar equal opportunity programmes for the disabled and Native employees was seriously doubted by the members of the designated groups and in 1983 on the same day as the announcement of the establishment of the Abella Commission the Government announced that an Affirmative Action Programme, under the direction of Treasury Board would be implemented across the public service. The program would be superimposed on existing equal opportunity programmes and would include the establishment of goals and timetables as appropriate for women, the disabled and natives.

In further response to the Royal Commission Report on the Status of Women an Affirmative Action Consulting Service was established to assist organizations such as Crown Corporations and Banks in the establishment of Affirmative Action Programmes. Success with these voluntary programmes as well as those established by other levels of government has been limited.[8]

One of the most important developments in the evolution of equal opportunity and Affirmative Action in Canada was the proclamation of the Canadian Human Rights Act in 1978. Besides prohibiting intentional discrimination on a wide variety of grounds including sex, physical handicap and race the Act explicitly accepts the systemic definition of discrimination which formed the basis of American Affirmative Action and anti-discrimination programmes. Under this definition the Human Rights Commission examines the impact of an employment decision or transaction to determine whether it is discriminatory rather than the employer's intent.

The Canadian Human Rights Act also explicitly permits the implementation of special programmes which will prevent disadvantages to certain designated groups, reduce disadvantage to those groups or remedy the effects of past discrimination against those groups. The Act also gave the Commission the ability to order the implementation of Affirmative Action programmes where discrimination had been found. Canada further confirmed its commitment to the principle of Affirmative Action in the passing of the Constitution Act of 1982. After April 17, 1985 under Section 15(2) of the Charter of Rights and Freedoms the legality of special programmes or Affirmative Action will be unquestioned. In addition the courts will be entitled, pursuant to Section 24 to order ameliorative measures for disadvantaged groups.

The effect of legitimizing Affirmative Action in human rights law has been to accelerate the rate at which remedies for employment discrimination were being demanded by designated groups and advocates. *Obstacles,* the Report of the Special Committee on the Disabled and the Handicapped outlined the severely disadvantaged position of the disabled in the workforce and recommended, among other things the enhancement of the government's internal Affirmative Action Programme, mandatory Affirmative Action for federally regulated employers and contract compliance and the establishment of an enforcement agency. In 1984 the *Equality Now* Report of the Special Committee on Visible Minorities made identical recommendations. Members of these designated groups continue to wait for the implementation of the Affirmative Action/Contract Compliance recommendations of these two Reports.

In 1981 Affirmative Action proponents received a boost when the authors of the Report of the Task Force on Labour Market Development, *Labour Market Development in the 1980's* encouraged Affirmative Action as a good human resource planning tool. Its argument is that

inequities in employment, income and status in Canadian society for women the disabled and minorities will inhibit economic growth by restricting labour force growth. These inequities grow out of the use of various employment systems which disadvantage the designated groups. To eliminate the disadvantages facing these groups will require, according to the Report's authors, the adoption of comprehensive Affirmative Action progammes.[9] In the months which followed the release of this report its arguments about Affirmative Action Programmes helping the country to make the best use of its human resources received support from a number of prominent business organizations including the Canadian Manufacturers' Association.[10]

## The Abella Report

It was against the backdrop of the American experience, mounting public pressure for government action, and evolving definitions of discrimination and appropriate remedies that Judge Rosalie Abella was appointed as a one-person Royal Commission on Equality in Employment in June 1983.

Under the terms of reference of the Commission, Judge Abella was appointed to inquire into the most efficient, effective and equitable means of promoting employment opportunities for, and eliminating systemic discrimination against, four designated groups: women, disabled people, Native people and visible minorities. That visible minorities was included in the Commission's mandate was significant in that prior to that date visible or racial minorities had not been designated as a target group for employment programmes on a national basis; Blacks had, of course, been a special target group in Nova Scotia. There was, however, increasing recognition of the evidence that racial minority groups were experiencing more long-term disadvantage in the labour market than could legitimately be attributed to an "adjustment period."

The Abella Commission was able to avoid potential jurisdictional wrangles and widespread private sector indignation by focussing on the employment practices of 11 designated crown and government-owned corporations representing a broad range of Canadian enterprise. These corporations were Petro Canada, Air

Writing in the Foreword of the Report the authors indicate that it was clear to them from the outset that only a broad approach would serve to analyze the multi-dimensional nature of the barriers facing the four designated groups. They write: "The climate in any given corporation reflects the social, cultural, economic and political environment in which the corporation function. To study a corporation's employment practices, therefore, one must also study the realities of the wider community. To recommend effective remedial measures to neutralize obstacles to equality, one must concentrate at least as intensively on the societal as on the corporate reflection of the problem."[11]

The Commission then began in July 1983 an intensive analysis of the employment situation of the four designated groups at the same time as it undertook to study the Corporations. At the invitation of the Commission 274 written submissions were received from individuals, representatives of the designated groups, business, organized labour and Government. The Commission also held 137 informal meetings with interested parties over a 7 month period. There can be no doubt that during its seventeen months of existence the Commission was the subject of intense interest and speculation; the designated groups debated whether it would be sensitive to their needs and concerns; business and labour debated the merits of implementing voluntary programs while they still had the chance; and many policy decisions were said to be put "on hold" pending release of the report.

Simultaneous with its public deliberations the Commission conducted a substantial research programme. Papers on subjects ranging from the nature of discrimination through reviews of existing legislation, programmes and services to contract compliance and equal pay for work of equal value will make an invaluable contribution to this emerging field when they are released as Volume II of the Report. The 11 corporations were asked to complete comprehensive questionnaires which asked detailed information about the representation of the designated groups in all levels of their workforce and elicited comprehensive descriptions of their employment systems. After the questionnaires had been reviewed by Commission staff the Commissioner met with the Chief Executive Officer of each of the corporations to solicit views on possible remedies for the problems which they found in

the corporations and in the workforce at large.

The completed Report is divided into two parts: the findings and the recommendations. The findings, while in no way unexpected, are still very disturbing.[12] A survey of available data reveals that women, the disabled, Natives and visible minority workers continue to experience lower participation rates, higher unemployment rates, occupational segregation and low income levels. Women, although their participation in the labour force has increased dramatically, continue to be viewed as secondary workers. From 1969 to 1981, women had higher unemployment rates than men. Women working full-time, full-year in 1982 earned on average 64 cents for every dollar earned by men working full-time, full-year, while all working women earned on average 55 cents for every dollar earned by men. The wage gap between women and men narrowed by no more than 11 percent in 70 years. Women are substantially under-represented in high-income occupations. In 1981, as in 1971 just after the release of the Royal Commission Report on the Status of Women, they were concentrated in clerical, sales and service occupations. Women constitute about 72 percent of all part-time workers, though one in four in 1981-1982 would have preferred a full-time job.

There is a dearth of statistical information on disabled people, but informants spoke to the Commission of a population which lives outside the economic mainstream. The Canada Health Survey estimates that there were 1.7 million disabled adults of working age living in Canada in 1978-1979. Of these it is estimated that over 50 percent are unemployed.

Native people were discovered to have low participation rates, high unemployment rates and low income levels. Data from the 1981 Census show that the participation rate for Native men was 60.7 percent compared to 78.2 percent for the total male labour force. The participation rate for Native women was 36.7 percent, compared to 51.8 percent for the total female labour force. The unemployment rate for Native men in 1981 was 16.5 percent, compared to 6.5 for the total male labour force. For Native women it was 17.3 percent, compared to 8.7 percent for the total female labour force. The average earnings of Native males in 1981 were 63 percent of the average earnings of non-native males; Native women averaged 72 percent of the earnings of non-native females.

The Commission relied exclusively on the census for employment data on minorities. Such data are weak in that they report ethnicity and immigrant/non-immigrant status rather than racial membership; data on blacks are particularly inadequate. However, despite the paucity of data there is sufficient evidence that certain groups — in particular Blacks, Indo Chinese and Central/South Americans experience high unemployment, are concentrated in low status jobs and under-earn; women in these three groups and the Indo Pakistani group suffered particularly badly according to the data. Studies of the employment experience of minorities carried out in urban centres in Ontario would support the conclusions which the Commission drew from the sketchy data available.[13]

In addition to the statistical evidence, the Commission found the submissions of the designated groups to be very powerful. Representatives of all four groups enumerated employment barriers such as inappropriate education and training facilities, inadequate information about training and employment opportunities, no voice in the decision-making process in programmes affecting them, employers' restrictive recruitment, hiring and promotion practices and discriminatory assumptions. The members of the group had also spoken of their frustration over Government's failure to act on the recommendations of earlier reports such as the *Royal Commission Report on the Status of Women, Obstacles,* and *Equality Now.*

Within the designated crown and government-owned corporations which the Abella Commission studied information was generally available about the distribution and participation rates for women only. Where data on the other three designated groups existed, the information was either specific only to small units of the corporation or represented estimates. It became clear, however, in meetings with senior representatives of the organizations that disabled people, Natives and visible minority group members were not employed in significant numbers in any of these publically owned corporations.

Within the corporations women were represented in significantly smaller proportion than they are found within the labour force. In the nine occupational groupings developed by the Commission staff, women were under-represented in seven: upper management, pro-

fessional, semi-professional and technical operations, supervisor of white collar workers, supervisor of blue collar workers and the skilled crafts and trades. In fact in the upper management category women fill less than 4 percent of the upper manager positions. Of those women employed over seven of every ten are found in the other two occupational groupings: clerical and service. Women are also consistently under paid in the corporations, not only because they are in the lowest paid occupations but because they make salaries above the mid-point for their occupation less often than men do.

Although the situation vis à vis job segregation had changed slightly over the past five years in the eleven corporations, changes in general were so miniscule that it would, in some cases, take several generations for women to reach even a 30 percent level of representation in most occupations. The situation is less grave in those corporations which had implemented human resource planning programmes specifically to counteract inequities at the time of the Abella study.

Although all of the corporations indicated that equal opportunity was one of their corporate objectives, these objectives were usually expressed in anti-discrimination terms. Where there was not special corporate attention paid to equality issues and the natural forces of the market place were left to hold sway, there was generally a perpetuation of the status quo with no improvement for women, the disabled, Natives and visible minorities. Four companies, Canada Mortgage and Housing Corporation, CBC, the Export Development Corporation and Air Canada, had Affirmative Action Programmes at the time of the Commission's investigations; Canada Post, Atomic Energy of Canada, Petro Canada and CN have established programmes since then. What impressed the Commission was the diversity of approach which those corporations had to their Affirmative Action Programmes. There were, however, certain critical elements which each of these corporations had in common including the setting of internal corporate goals, establishment of accountability and holding of periodic reviews of programme progress. All of these corporations also have certain achievements in common such as the appointment of women to their board of directors, and an increase in the number of women in both management and technical areas.

The chief executive officer of each of these eleven corporations acknowledged that legislated mandatory requirements were the most effective path to widespread equitable participation by the designated groups. However, all eleven agreed that achievement should be measured in terms of results rather than activities. They all suggested strongly that the actual practices used to achieve equitable participation be left to each corporation.

In response to the overwhelming data and the presentations of organizations and individuals the Commission concluded that voluntary Affirmative Action measures were inadequate. Despite the existence of human rights laws permitting Affirmative Action, the Charter of Rights and Freedoms provisions in the Constitution Act supporting Affirmative Action which will be implemented in April 1985 and forceful recommendations in *Obstacles, Equality Now* and *Labour Market Development in the 1980's* there is no evidence of any widespread commitment by employers to changing the status of women, the disabled and minorities in the workforce. The Commission therefore recommended that all federally regulated employers be required by legislation to implement programmes of employment equity.

The Commission staff had been told many times that Affirmative Action was a negative term which elicited images of government intervention in business, unwieldy bureaucracies and capriciously imposed employment quotas, all of these resulting from a misunderstanding of the American experience. The Commission seemed to reason that it was easier to change the name than correct the misconception; in their words, "if there is a debate over the implementation of equal opportunity it should be between principles and not reflexes".

The choice of the term employment equity reflects, I believe, more than a convenient alternative to an unpopular term. Traditionally Canadians have used the term "equal opportunity" to identify equity programmes. In its strictest sense equal opportunity refers to a passive strategy of non-discrimination in employment; its focus is on access rather than results.[14]

Affirmative Action as a term refers to a comprehensive planning process for eliminating systemically induced inequities and redressing the historic patterns of employment disadvant-

age suffered by members of designated groups. Affirmative Action is a systemic-based approach. In an Affirmative Action Programme the impact of an employer's systems and practices is measured through the analysis of designated group employment within the organization and a realistic assessment of the number of target group members available in the labour market both in total and in job and skill groups. It also involves an analysis of the function of employment practices in facilitating or inhibiting the employment of the designated groups. Steps are then taken to neutralize discriminatory practices, set goals and timetables for achieving equitable representation of the designated groups within the organization and establish remedial measures which will redress past imbalance and make the achievement of numerical goals possible. Affirmative Action is a dynamic term and there is a heavy emphasis on process. There has been a tendency for Affirmative Action guidelines to be prescriptive, outlining the "key steps" in an Affirmative Action Programme.[15]

The introduction of the term employment equity seems to shift the emphasis from access and process to results. According to the report equity is still a systemically based approach. Its implementation requires no prior finding of discrimination and its goal is the development and maintenance of employment practices which would eliminate discriminatory barriers in the workplace and improve, where necessary, the participation, occupational distribution and income levels of women, the disabled, Natives and individuals in specified ethnic and racial minority groups. Among the areas where practices would be reviewed and adjusted would be recruitment and hiring practices, promotion practices, equal pay for work of equal value, pension and benefit plans, reasonable accommodation, workplace accessibility, occupational qualifications and requirements, parental leave provisions and opportunities for educational and training leaves. By Judge Abella's definition there is no tight prescription for achieving equity; employers are given flexibility in the redesign of their employment practices in order to accommodate the uniqueness of their structure, location and type of business. However employers are asked to establish their own numerical targets taking into account job openings, prior record and the realities of the local labour force. It is on the ability of their revised employment practices to achieve these targets that their equity programme will be judged.

This emphasis on results in the area of participation, distribution and salaries is consistent with developments in the U.S. where enforcement agencies which originally focussed on prescribed program components in their education and enforcement efforts later abandoned these and focussed on the achievement of goals.[16] It is also consistent with the advice of crown and government-owned corporation heads who argued that the corporation management and employees are in a better position than anyone else to know the best way to achieve results in that organization.

Judge Abella explicitly eschews quotas and yet she says that employers implementing employment equity programmes will set numerical goals based on human resource planning projections and achieve these within a specified time frame. This has led to accusations of double talk by the press and members of the public who are reluctant to apply to equity issues the numerical measures of success and failure which are applied to all other business undertakings.[17] In fact, without goals and timetables there is no way of measuring the success of one's equity measures.

The Commission's frustration with inadequate data in the 11 corporations is indicative of the importance of recommendations for more sophisticated data gathering procedures. Employers to whom the legislation applied would be required to collect from their employees information on the participation in their workforces of women, disabled people, Natives and specified ethnic and racial groups by occupational categories and by salary range. The Commission also recommends that data be collected on the representation of individuals from these groups in hirings, promotions, terminations, lay-offs, part-time work, contract-work, internal task forces, training and educational leave. Such data would, according to the recommendations, be filed annually after a three-year waiting period. Such data would, themselves, contribute to the bank of enhanced standardized workforce data on the designated groups which will be necessary for the administration of good-quality equity programmes. These standardized data will be collected in the Census so that in the future more

useful occupational data will be available for all the designated groups.

The Commissioner's decision to recommend Mandatory Equity programmes came as a surprise to many people. There seems little doubt that the American experience contributed to the decision. In the United States there is abundant evidence that women have increased their participation rates and their representation in senior management jobs much more rapidly than they have in Canada where there is no legislation. In the U.S. minority representation in the workforce has increased dramatically as a result of Affirmative Action. There is even evidence that employers have come to support Affirmative Action believing that it enhances their human resource systems and business practices.[18] In Canada it is still only in the rare case of some resource industries where any kind of mandatory program has been implemented. Where it has there is dramatic proof of its effectiveness in increasing the numbers of designated group members employed.[19] The Commission found, by contrast, that the success of voluntary Affirmative Action Programmes which have been promoted by both federal and provincial governments was either limited or impossible to measure.

In making the decision to recommend legislation the Commission claimed to be choosing to ensure the right to freedom from discrimination rather than merely hoping for it. It is argued that laws reflect commitment and clearly define the limits of acceptable behaviour. The authors write: "A government genuinely committed to equality in the workplace will use law to accomplish it and thereby give the concept credibility and integrity".

While the mandate of the Abella Commission limited its recommendations to federally regulated companies, recommendations were made which would ensure that the 89 percent of Canadian workers who work in non-federally regulated companies would benefit. It is urged that provincial and territorial governments pass equity legislation, with requirements being, insofar as is possible, consistent with federal legislation. In the absence of universal legislation the Federal Government is then urged to encourage employment equity in the private sector by the use of contract compliance. We have, of course seen how contract compliance was used to ensure equality for designated groups in the United States. The granting of contracts to enhance equality in employment would be completely consistent with Treasury Board policy which states that contracts will be let in such a manner as to relate to national policies and objectives.[20]

In the history of discussions about mandatory Affirmative Action and Equal Opportunity Programmes a recurring concern has been enforcement. Advocates of mandatory programmes fear that legislation without enforcement will make a mockery of the government's commitment to equality while at the same time eliminating the requirement for further action on behalf of the designated groups because the problem has been dealt with. Business fears intrusive enforcement which will be punitive and insensitive to business objectives and requirements. In her recommendations about enforcement mechanisms Judge Abella has presented four alternatives for enforcement, each of which takes into account the requirements for a good mandatory programme. These requirements include: facilitation and the issuing of guidelines; collecting, reviewing and assessing data; and enforcing equity. It remains, according to the recommendations, the responsibility of government to facilitate the establishment of good equity programmes through the provision of educational materials, guidelines and assistance. Data analysis is the key monitoring activity in a programme where bottom line results have prominence. The responsibility for making decisions about non-compliance with the law and imposing penalties would rest, according to the four alternatives proposed, with the Canadian Human Rights Commission or with a new independent agency. The type of penalties to be imposed on those who fail to comply is not specified in the Report.

While the recommendations about mandatory employment equity have been front and centre in the discussion of the Abella Report it is important to remember that the Commission recognized that a strategy designed to increase the employment opportunities of particular individuals cannot work unless those individuals have the skills to do the job. The Commission therefore reviewed the quality and nature of educational and training opportunities available to the target groups and made recommendations which would ensure that no claim could be made that the reason for the under-representation of

designated groups could be attributed to their lack of qualifications.

In acknowledgment of the fact that a major factor in female labour force participation continues to be their childcare responsibilities the Commission devoted considerable attention to this issue. Although by Canadian law both parents have a duty to care for their children, by custom this responsibility has generally fallen to the mother. Women are both inhibited from working, and the quality of their participation is impaired, by the absence of adequate childcare. While workplace childcare can be adopted by an employer as part of an equity programme the Commission preferred to address it as an issue of public policy. It recommends that a National Childcare Act be passed which provide universally accessible childcare and ensures quality care through specialized training and better pay for childcare workers.

## Conclusions

In its scope, in its thoroughness, in its courage and in the degree that it has attempted to be responsive to the various constituencies to which it has some relevance the Abella Report is a masterpiece. The report documents, from a perspective which no other Canadian study has taken, the impact of workplace discrimination on millions of Canadian workers. It traces the multiple sources of the discrimination and logs the efforts which this country and the United States have taken to remedy the discrimination and it describes, in objective terms, the options which are open in the future.

Its recommendations, though tough, seem to reflect a sincere commitment to equality and social justice at the same time as they take into account the concerns and fears of the employer community. They respect the right and ability of employers to develop programmes which are reflective of their own organization's style and culture while demanding accountability for results. Whether adopted or rejected the recommendations of this enquiry establish a benchmark against which a new chapter in Canada's efforts to achieve equity in its workforce.

*Paul Scott is a member of the Board of Directors of the Urban Alliance on Race Relations*

*The author acknowledges and thanks Shirley Fowlin and Maryka Omatsu for their comments and suggestions. Sophie Sitaridis assisted with editing and typing.

**Footnotes**

1. Sabia, *Toronto Sun* (22 Nov. 1984), p. 13
2. "Waiting Too Long for Equality", Editorial, *Toronto Star* (22 November, 1984) p.6
3. P.C. Robertson, *Affirmative Action and Contract Compliance in the United States of America.* Canada Employment & Immigration Commission (1984), pp. 6-7.
4. U.S. Senate Committee on Labour and Human Resources. *Committee Analysis of Executive Order 11246,* (1982), p. 28.
5. R.F. Drinan, "Affirmative Action Under Attack", *Human Rights,* 20, No.2 (1984), p.14
6. Lance W. Roberts, in "Understanding Affirmative Action", *Discrimination, Affirmative Action and Equal Opportunity,* ed. W.E. Block & M.A. Walker (Vancouver; The Frazer Institute, 1982), p. 166.
7. J.C.N. Johnstone et al. *A Survey of the Canadian Public Service.* Research Report for the Royal Commission on Bilingualism & Biculturalism. (1966)
8. See Canadian Advisory Council on the Status of Women, *As Things Stand: Ten Years of Recommendations* (1983).
9. Task Force on Labour Market Development. *Labour Market Development in the 1980's.* Canada Employment & Immigration Commission (1981).
10. Canadian Manufacturing Association, *CMA Bulletin,* Series of 10 articles (1982-83).
11. Silberman Abella. *Equality in Employment: A Royal Commission Report* (1984) p.v. Future references to the Report will be undocumented.
12. All statistics from Abella, op cit.
13. See E. Zureik & R. Hiscott, *The Experience of Visible Minorities in the World of Work: The Case of the MBA Graduates.* Ontario Human Rights Commission (1982).

    L. Muszynski & J. Reitz, *Racial & Ethnic Discrimination in Employment,* Social Planning Council of Metropolitan Toronto (1982).

    F. Henry & E. Ginzberg, *Who Get The Work: A Test of Racial Discrimination in Employment,* Urban Alliance on Race Relations & The Social Planning Council of Metropolitan Toronto (1985).
14. Board of Education for Toronto, Board of Education for the City of North York, *Glossary of Terms* (1982) p.3.
15. L.J. Gunther, "Affirmative Action", *Plant Management* (September 1983).
16. C. Robertson, p. 20.
17. "What the Judge Said", Editorial, *Toronto Globe & Mail* (23 November, 1984) p.4.
18. R. Gilbert Shaeffer, *Non-Discrimination in Employment & Beyond.* The Conference Board (1980).
19. J. Slovik & Associates, *Native Employment Programmes of Amok Ltd. Syncrude Canada, Eldorado Nuclear Ltd., Canada Employment & Immigration Commission* (1980).
20. N. Kinsella, *A Renewed Federal Contracts Program: An Instrument for Progressive Affirmative Action.* Canada Employment & Immigration Commission (1979), p.3.

# On Academics and Advocacy

Peter Harries-Jones

A couple of years ago it was fashionable to explain the onset of economic recession in the western industrial world in terms of long waves, or cycles, of economic development. Capitalism had a history of waves and troughs, supporters of this thesis claimed, and each trough coincided with a downswing in obsolescent technology, and an upswing in technological innovation. The current trough that the western world is experiencing coincides with a downswing in the efficiency of heavy manufacturing and a forthcoming upswing in the future technology of information processing. By the 1990's we will be on our way again. From the erudition of journals in economics, the hypothesis of the Kondratieff wave, as it is called, became a bestseller on the bookstands, Alvin Toffler's *The Third Wave.* From bookstand, it became a (very bad) script for a series on television, with the star himself transforming a doubtful metaphor into the public 'facts' of waves and troughs in economic life. All of this serves to confirm an intuitive feeling that the course of human events moves in waves. It suggests that if we sit tight for long enough entrepreneurial innovation will pull depressed western economies up the slope to prosperity once again.

The converting of metaphors into publicly agreed upon 'knowledge' of events is a dominant form of social control in the latter part of the twentieth century and one which my own discipline, sociology and social anthropology, needs to consider more seriously. With this reservation, I want to argue that social science is in a trough. Requirements of professionalism have eaten into the moral vision of our subject. The continuity between advocacy and theory has become shattered, and the activity of academic sociologists and anthropologists engaged in the practice of social reform has gone into sharp decline.

Finding a way to engage academics once more in social reform is no simple task. A large number of those currently holding academic positions in sociology and anthropology were both young and responsive in the sixties when advocacy for a brief time became a prominent part of the professional activity. But they have lived to see the conjunction of theory and advocacy die on the vine. 'Cut at the roots' would be a better expression, since the issues of civil rights, of aversion to war, and of Third World poverty did not go away. In many cases activism on these issues was stamped upon by a combination of university administrators, police and politicians. By the late seventies 'quietism' replaced advocacy on the university campuses, and today this remains the predominant mode of response to social issues.

Some instances show the position is not so bleak as I have painted. In sociology, the questions of women's rights and of feminism has resulted in female academics assuming an advocacy role at the same time as they have developed a strong theoretical framework for discussion. Where teaching flows to advocacy in anthropology — and practicing advocacy flows back to the classroom — has been particularly notable around issues of cultural genocide among indigenous minorities of developed or newly industrialised countries.

"Fourth World" issues, as they are sometimes called, have brought together representatives from minorities in New Zealand, Brazil, Australia, the Canadian Arctic, and the northern peoples of Scandinavia. Anthropologists have been active in promoting this "Fourth World" presence. In addition, they have supported these minorities on their most pressing issue — land claims. Both in and out-of-court anthropologists have advocated on the behalf of indigenous peoples. In Canada, for example, the whole issue of land claims and the possibility of cultural genocide was raised in the Report of the Mackenzie Valley Pipeline Inquiry (The Berger Report, 1977). Evidence from indigenous witnesses, together with supporting evidence from anthropologists was sufficiently compelling to support the Commission's call for a moratorium on industrial development in the North until the land claims issue was settled.

Outrages against the indigenous population of Brazil has spurred anthropologists to pamphletering, and, finally to the production of a journal, *Cultural Survival Quarterly,* addressing this and other related issues. In Australia anthropologists frequently appear in court as expert witnesses on Aboriginal rights. This has prompted at least one

Australian university to undertake the training of graduate students specifically for this task. In Norway, one university, Tromso, has been funded to advocate on behalf of the Saami (Lapp) — a model situation which could well be repeated in other countries.

Successes begin to falter when the observer turns from single issue topics to complex, interrelated issues of social reform. These swirl around the departments of sociology and anthropology, lodged as they usually are, in the metropolitan centres of North America. Yet these issues do not evoke the response of active engagement. The lack of advocacy in the 1980's appears in part to be sheer timidity in the prevailing hard times, but is also related to a diminished sense of 'the sociological imagination.' To be fair, continued underfunding of research, especially in Canada, has also played a significant part in the continuation of this state of affairs.

## Advocacy

At this point it is necessary to define 'advocacy' a little more carefully. Advocacy appears in two forms, which we may label 'big A' and 'small a'. 'Big A' Advocacy is closely tied to the court room, to formal pleadings, and to the position as 'expert witness' in specific cases. Now some sociologists and anthropologists may at some time in their lives be involved in 'Big A' Advocacy. Clearly training to become an expert witnesss or a court room Advocate on social issues could be improved in the universities, but on the whole, the current state of quietism in the universities does not concern court room Advoacy. 'Small a' advocacy concerns activism on social issues and the development of what left wing sociologists and anthropologists would call *praxis:* theoretical insight into social problems drawn from practical engagement in them. The lack of 'small a' advocacy is the real nub of concern. Here the concern is not so much over individual academics who continue to advocate, but in the orientation of the discipline towards advocacy.

For example, a questionnaire was sent to 29 [illegible] teaching introductory anthro[illegible] throughout the universities of Canada in [illegible] asked them to record contemporary issues discussed in their introductory course. A list of fifteen current primary issues came with the questionnaire. Surprisingly 23 of 29 course directors replied that racism was discussed. A total of 20 of 29 course directors said that sexual discrimination was discussed. These two issues topped the list. On the other hand, half of the instructors polled did not raise any of the following issues in the classroom: ethnicity, capitalism, class conflict, poverty, aging, sexuality, genocide, socialism, abortion, or unemployment.[1] It is hard to imagine that a discipline oriented towards 'small a' advocacy would leave such a lengthy list of contemporary topics untaught. It is also disturbing that racism and sexual discrimination and Native Rights (a topic which 17 out of 29 discussed) could have been presented without corresponding discussion of class conflict, poverty, and unemployment. The absence of *praxis* is noticeable.

In the rest of this article I want to concentrate on two issues which I see pushing sociologists and anthropologists to more active 'small a' advocacy in the near future. The first arises from an analysis of 'objective conditions' in the universities. The second is a brief discussion of a theoretical issue which in many ways is linked to the first. The only reasons for parading theory here is that academics *are* theoretical. Corporate directors dote on increase in net profits, actors dote on successful theatrical productions, academics dote on theoretical contributions which last. It is their equivalent of instant celebrity.

## New conditions, new practices

Most people who keep their eye on academic news are aware that universities are undergoing change, or are threatened with change. Claims about the necessity to cut back funding have drifted from country to country and, in Canada, from national capital to province. The universities have been accused of undertaking the wrong sort of education, and recently several corporate directors have accused the universities of ignoring the future economic well-being of the country. An example is the statement of Walter F. Light, Chairman and chief executive officer of Northern Telecom. Mr. Light told his company's annual general meeting that Canada "is facing a potentially crippling shortage in almost every body of knowledge we will need in the next two decades. And, the next two decades could decide whether Canada survives as a modern, viable, international, industrial power in the Information Age... Canada very simply has a crisis in its universities." He argued that the universities can blame themselves for much of their troubles, since each has pursued its individual growth objective without considering the national interest. Mr. Light declared himself to

be opposed to universality in higher education, which he believes leads to mediocrity. "At a time when the country is in dire need of a technological, business and government elite, we are concerned with academic universality," he was reported to have said in a scornful manner.[2]

Mr. Light is representative of the powerful lobby of high technology corporations who have so fascinated the politicians with their thesis of the coming information age, and the do or die international competition associated with it. Whatever scepticism in politicians' minds about magical economic solutions, Mr. Light's statements cannot be dismissed. For the universities are indeed confronted with the new conditions of the information age. Before our very eyes we are beginning to see the class contours of change resulting from the introduction of a new commodity: and where a commodity, information, replaces human skills, the classic result in the last century and a half has been to see the skilled, 'de-skilled.'[3]

The universities, then, are at the end of a long chain of processes which information technology — more correctly, data-flow technology — set into motion at the beginning of the 1960's. The first in the chain to be de-skilled were those most closely associated with the technology, the computer programmers. In the early days of computers, a computer programmer required a higher degree in physics or advanced mathematics to carry out and run the program. During the 1960's these highly skilled jobs associated directly with electronic data processing were broken down into a number of semi-skilled segments.[4] The next development came during the 1970's when jobs that were not directly associated with electronic data processing became de-skilled. In the 1980's and onwards, skills seemingly remote from routine tasks of search and record are progressively affected. Data-flow technology is leaving the semi-skilled activities of the business office and entering the arena of professionally skilled 'knowledge bearers.' Now it is the universities turn.

In the language of left-wing sociology there are signs already of a change in social formation stemming from a change in commodity production. In everyday language, the practice of education is at stake. As Mr. Light's remarks indicate, there is a clash between those who seek rapid implementation of information as a commodity, and those implicated in the occupational categories threatened by technological process. The ramifications of this are to be found in university policy meetings, in relation between the university and other vested interests in society — and even in the university classroom.

Mr. Light can feel comfortable about giving the universities a piece of his mind for the simple reason that his company is dedicated to the pursuit of productivity in the 'knowledge industries,' *and he views the universities as already being part and parcel of the 'knowledge industries' in society.* His statement is a sort of dressing down on the poor productivity record of a branch plant whose management and staff are in need of a thorough shake-up. His own firm, in his view, is an agency of progress in Canada. The universities also are 'agencies of progress,' since they belong to the knowledge industry as much as Northern Telecom. Yet from his point of view they just do not seem to realise that they have become crucial to the future economic viability of the nation, and they need to be shown the error of their ways.

I am not putting thoughts into the mind of the chairman of Northern Telecom. For some years a magnificent sociological analysis of this turn of events has indicated what the pattern was likely to be.[5] Mr. Light is a convenient example of the accuracy of the analysis.

General recognition that the universities are centres for the production of new knowledge, and that they are crucial to economic viability may bring new benefits. They will also increase the chance of state intervention. The state will wish to control productive processes as it has always attempted to do, and activity on the part of the state will inevitably clash with the universities traditional autonomy.[6]

This situation links to our previous discussion on advocacy. As the state intervenes, so pressure is increased on professionals within the university. The professoriate will soon face the choice of becoming either managerial agents of the state, or technical agents of it. Social class implications are profound. The professoriate could yield to calls for a 'technological, business and government elite' — in which case members become part of the ruling apparatus of society, by being agents through which capital (viz. knowledge) is accumulated. Or they could try to defend the autonomy of knowledge against established power and the corporate 'knowledge industries'. The real fear of the latter line of action is that political and industrial confrontation is bound to diminish, perhaps to destroy research activity. In either case the relation between research theory will

thrust advocacy to the foreground of academic life. Unlike the 1970's there will be little place for quietism on issues of social research.

## Revising Theory

My analysis of the new 'objective conditions' in which the universities find themselves hold that the traditional autonomy of the university will be systematically eroded. The universities will become an adjunct of 'knowledge industries', and their professoriate progressively de-skilled by the substitution of technology for routine tasks in teaching and research. There are glimpses of this situation already. The human skill most associated with a degree in geography is cartography, the drawing of maps. Recently, the academic and labour markets for skilled cartographers has fallen away to negligible proportions — as a direct result of the use of computer technology. While geographers teach other skills, the response in my own university has been for faculty members of the geography department to move away from teaching and research into university administration.

As with geography, so with social research. The pretensions of sociology as a 'science' began with the study of the American soldier during World War II. The scientific pretensions of the discipline grew stronger as the battery of scaling and ranking techniques became transferred from esoteric mechanical procedures to electronic computation. For a time during the 1960's computer technology was insufficiently advanced to handle the typical format of sociological research — the 80 column card punched with results from questionnaires that required cross-tabulation. Now there is a widespread demand from within and without the university system that all those majoring in sociology and anthropology know how to use fairly advanced statistical techniques. At the same time, the number of hours required to teach a student to gain this level of performance has dropped drastically. While skill is required in the design of sociological surveys, all that is required to run results of surveys is knowledge of particular statistical computer packages.

With easy access to computer time, students can learn to run these programmes like the Statistical Package for Social Science (SPSS) within a few weeks. This is a typical result of technology substituting for human skills and inducing 'de-skilling.' Just as the computer has taken much of the 'science' out of geography, so computer technology is proceeding along much the same path in 'social science.' The sure sign of de-skilling in social science methodology will be when faculty members of social science departments begin to compete with geographers for posts for university administration!

This brings us back once more to the question of advocate, and its link to theory and method in sociology and anthropology. De-skilling proceeds quickest along the path of routine procedures. In 'social science' routine procedures are all the obvious correlations that can be drawn from census data or market-type surveys. Non-routine procedures of social research remain in those areas of social experience which are difficult to quantify, such as 'values' and 'motivation'. They also remain in areas which previously have not been amenable to straightforward social research. In this latter category I would place a whole variety of advocacy issues. Peace Research is an example that comes most readily to mind. A holistic, rather than a piecemeal approach to global migration and racism is another. Environmental issues involving social effects of estimated parameters of global climate change (the greenhouse effect) is a third.

A shifted focus of enquiry from routine issues to advocacy issues will, I confidently predict, bring about a shift of interest, and hence a shift in sociological theory. As for the new content of theory routine conclusions drawn from "social cartography" – map-making of interrelated sets of social conditions– will be replaced by such questions as how information is constructed as public knowledge. In the jargon of today, the movement in theory will be from statement to meta-statement; from social knowledge to 'about social knowledge.'

Attempting to draw the difference between current theory and the evolving course of social theory, I use the distinction between 'knowledge' and 'knowledge-in-use.' In the first case, social frameworks of knowledge are taken as a given. The structure of social frameworks have to be learned by students, so that they acquire the skill of fitting together bits and pieces of social evidence in order to reveal a structured whole. This process is an important part of much sociological teaching. Knowledge-in-use takes a different assumption. It starts from the premise that the social frameworks of knowledge, are not a given, but are constructed through communication. What seems to be structured, objective, consistent, 'real' and 'inevitable' is often a partial, qualified and fragile knowledge that is being transformed into certain

and consistent fact and presented to the public *as if* it has certitude and authority. According to the second view all that passes for certainty in knowledge involves people monitoring, recording, aggregating and communicating separate and individual events into a sort of 'public reality' of those events. At every stage of this process human choices of selection and interpretation operate. In hard sciences such selection and interpretation is often hidden under claims of neutral method and non-political values. But such a process always incorporates hidden ethical and political decisions.

Now every 'small-a' advocate, from those advocating on so-called soft issues such as race relations, to those professionals who pushed the United States Environmental Protection Agency to challenging the giant Ethyl Corporation on the harmful effectives of lead additives to urban environments, know that they have to fight knowledge-in-use: that is, knowledge constructed for public consumption. It is not knowledge-as-fact that they are fighting but facts "picked out of a pile, scrubbed, polished, highlighted here and there, and offered as discoveries in the context of the particular and practical considerations of the finders."(7) The big question is when sociologists and anthropologists will realise what advocates already know.

'Doing sociology' in the nineteenth century, especially from a liberal or left-wing viewpoint, meant undoing the carefully constructed bourgeois delusion that economic activity had a logic quite separate from either social or political issues. The nineteenth century task was to reconstruct political economy from an alternative point of view. In the latter part of the twentieth century some theoretical elements of this task remain. On the other hand the practice of research in the field of social studies has radically altered. Marx's example of twenty years spent huddled over tables in the British Museum is now quite useless. What is required is the deepest understanding of how knowledge is constructed through communicative activity. In other words, the practice of sociology requires researchers to investigate who the aggregators and transmitters of 'public reality,' are, and what is selected as 'public reality' even where 'reality' flies in the face of common sense.

If this task merges research and advocacy, then so much the better. Social theory will be enriched and perhaps, just perhaps, the trough in which we find ourselves might turn to take on the pattern of another form. Dare we call it a "wave" of social engagement?

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**References**

1. Richard Lee and C.H. Filteau in Frank Manning (ed.) *Consciousness and Inquiry: Ethnology and Canadian Realities.* Ottawa: National Museums of Canada, 1983: 226-228.
2. *The Globe and Mail,* May 1, 1983, p.B2 (The Ronald Anderson Column).
3. Harry Braverman, *Labour and Monopoly Capital.* N.Y.: Monthly Review Press, 1974.
4. Philip Kraft, *Programmers and Managers: The Routinization of Computing Programming in the U.S.* N.Y.: Springer-Verlag, 1977
5. Alain Touraine, *The Self-Production of Society.* Chicago: University of Chicago Press, 1977
6. For example the U.S. Department of Commerce has drafted regulations in the past year that could require a scientific worker to obtain an export license before presenting a paper at a meeting where citizens of countries other than the U.S. are present. See "Science Under Wraps," *Scientific American* Vol. 251, No. 1, July 1984: 66
7. J.R. Gusfield, *The Culture of Public Problems: Drinking-Driving and the Symbolic Order.* Chicago: University of Chicago Press, 1981: 20

# Handling Prejudice and Racism in the Workplace

Valerie Yates

If minorities are to be treated equally with others, they need to have effective communicative relationships with the people who have power in the workplace, in particular with the immediate supervisor, shop floor representatives and people with personnel and training functions. The structure and organization of most workplaces is such that these are often white people who are, in effect, acting as "gate-keepers" to opportunities for promotion, training and development.

The Industrial Language Training Centre in England has developed not only language and communications training programmes for minority workers in industry, but also training for white workers, trade unionists and management. This training focusses on the white supervisor's role in the communicative relationship he or she has with the minority worker.

Approaching the subject of race relations through language and culture as it affects communication is very useful in that it is less threatening than, for example, human rights legislation, and it is something they can easily relate to.

We have decided that the best way forward is to tackle prejudiced and racist attitudes primarily at the point where they become transformed into discriminatory behaviour on the shop floor. Although one might argue that this is attacking the symptoms rather than the causes of racism, we feel it is of more practical value to minority workers, less threatening to white trainees and more achievable in the time available.

This view is backed up by evidence in psychological research which suggests that:

- attitudes are difficult to change and the process of change is a slow one;
- there is often a discrepancy between attitude and behaviour — that is to say, it is quite possible for people to behave in a way which conflicts with their attitudes. This is especially so if certain standards of behaviour are upheld by the organisation to which they belong and the groups they identify with;
- there is a chance that in the long term the effect of having to behave in a non discriminatory way in an environment where this is encouraged could bring about a change of attitudes.

## Aims and objectives

Our overall aim is to enable our trainees to communicate more effectively at work with people from different linguistic and cultural backgrounds. This aim can be broken down into specific objectives:

(1) to get trainees to look at the role and significance of communication, spoken and written in their jobs;
(2) to give trainees the analytical tools to examine communication in terms of language and culture;
(3) to examine negative assumptions and stereotypes and get trainees to relate to people as individuals
(4) to establish what background information is needed in order to communicate better with the workforce;
(5) to engage their sympathy for the problems a person from a different linguistic and cultural background faces in trying to communicate effectively in English;
(6) to get them to reappraise their own behaviour towards minorities in their work in the light of what they have learnt;
(7) to look at the system operating in the workplace to see how they can be changed to suit the workforce.

## The Industrial Language Training Approach

During a training programme which we might run for white staff in organisations or

mixed groups of white and black staff, we would focus on interaction as it occurs in the fulfilment of a professional role or a job and how the fair execution of this role can be affected by attitudes and feelings; as well as by the systems which operate, the language which is used and the cultural assumptions of the people involved.

We might begin the process by sensitising trainees to the fact that we all "suffer from" culture, even the white (English) people and that different groups have different cultural norms which affect the way they behave, think and speak. Our aim would be to get people to recognise that differences are just that — differences — and in the performance of our professional duty at least, we should not be in the business of making value judgements about them.

The process of sensitisation would continue as we look at how our view of the world is expressed through the language we use and the expectations we bring to an interaction. For example: "I expect this person to behave in an assertive, confident manner when he/she comes to job interviews, yet be able to mitigate what is said so that it does not sound too boastful". This is an unspoken rule which operates in the traditional British interview. If you come from a different ethnic group it is especially difficult to learn and even more difficult to gauge correctly.

It is our experience in the observation and analysis of many interviews between white and black people that expectations on the white interviewer's side and the implicit rules of interviewing expressed in language which is often indirect lead to the reinforcement of stereotypes and the "poor" performance of minority ethnic groups. For example, the question "You're working alone at the moment, do you prefer this?" might mean, depending on the way the question is said and the requirements of the job *Show me that you are someone who can work without supervision* or *Play this aspect of your experience down because this post demands teamwork.*

This indirectness in questioning and a demand for 'tailoring' the truth are, like the rule about not appearing too boastful, never made explicit. This makes the interview extremely demanding both culturally and linguistically in a way which everyday conversations rarely are. Minority ethnic groups can suffer enormously because of this.

We have authentic data on video film which shows very clearly the contrast in outcome between two interviews conducted by the same white official using almost exactly the same questioning techniques of one black and one white job seeker. Since there seems to be little doubt about the goodwill of the interviewer, the message comes across very clearly that the techniques for eliciting information, which are very successful for the white local man, are not sufficient for the Bangladeshi worker. The interviewer needs additional and alternative strategies for getting the same quality of information from him.

Some of these techniques can be acquired relatively easily, others demand more of a shift in mental attitude or perception, so that the interviewer can recognise and respond to "difficult" moments more easily. The interviewer has to be equipped with the understanding and the confidence to adopt a flexible approach and make many more things than normal explicit to the candidate or client.

This opportunity demands self-awareness, a willingness to change and an opportunity to practice new approaches and skills. In ILT courses we try to create the right conditions for these to develop and to be followed up on the actual job.

We would turn at some stage to feelings and attitudes and in a way which is supportive, uncover and "air" them. In recognising that they exist, we can begin to learn to use the positive feelings to good effect in our work and guard against the negative ones and the effects they can have on professional performance.

Depending on the organisation, the process of awareness-raising might extend to include a sensitisation to institutional racism. The survey of an organisation and the needs analysis which precedes every ILT project would reveal the context within which we would have to work. Since we see our role as working *with* organisations and not as a disruptive force within them, our philosophy must be that we start from where they are.

Our relationships with the Civil Service is an example of how conditions and training needs change during the course of a long term relationship with an organisation, and lead to changes in our training.

In 1976 we held a seminar for Department Training Offices at the National Centre for ILT. In 1978 a report was published on "Applications of a Race Relations Policy in the Civil Service" by the

Tavistock Institute of Human Relations. In 1979 we mounted our first training courses for black officers in language and communication skills, to enhance their job performance and hence their promotion prospects. We ran parallel communication courses for their white supervisors. But we knew we had to affect the promotion board system. At that time the "climate was not right" for the kind of change we envisaged, although we made the point in various papers and seminars that interviewers needed to be trained in "cross cultural communication". In the meantime we developed our own skills and methodology in this area. In the summer of 1981 there were the riots in British inner city areas and the publication of a major report — the Scarman report — on relations between the black communities and the police. The climate was changing and in autumn this year the Civil Service has instituted for the first time an Equal Opportunities Policy to which all Departments have to respond. Now, in any training we undertake we can talk about equal opportunities and fair treatment with official backing and trainees will openly mention racism and prejudice. But — and this is a measure of how far we still have to go — we still have to package our training in a certain way to make it acceptable to trainees — "advanced interview skills training". In our judgement very few in the British Civil Service organisation would at the moment accept the need for racism awareness training, or recognise the way that institutional racism impinges on their work.

The need to identify where we could make our most significant contribution to the fair treatment of minority ethnic groups both as co-workers and as clients has led us to concentrate on the interview in our training. This can be a counselling interview in a citizen's advice bureau; a job appraisal or a promotion interview inside an organisation; or selection (and promotion) interviews.

The need to make judgements and assessments which are fair, and the need therefore to give each person an equal opportunity to perform well in an interview are primary considerations in the implementation of an equal opportunities policy.

However to return to what was said at the beginning of this article the state of the art is not complete. We are continually evolving, debating the issues and changing ourselves.

The debate naturally centres on what is needed to implement an equal opportunities policy and what in particular our contribution can and should be. We discuss the relative roles and importance of different factors affecting equal opportunities such as information or knowledge, fair systems and practice, fair behaviour and personal attitudes. We wonder how far training can help and where it should be focussed. All these considerations have then to be balanced against what the "market" will bear. We cannot "sell" confrontational or anti-racist training if organisations and companies are not ready for them.

Our training has been likened to interpersonal skills training at one end of the spectrum and training for better race relations at the other. Holding onto the "givens" mentioned earlier, we try to maintain a high degree of flexibility in our approach. In this way we can be prepared to work within an organisation to counteract changes which work against improved relations and equally we can be prepared to respond and contribute to a climate of positive changes.

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**References**

Ed. Gumperz, J.J., *Language and Social Identity,* Cambridge University Press, 1982

Erikson, F. and Shultz, J., *The Counselor as Gatekeeper: Social Interaction in Interview,* Academic Press Inc., 1982

Eds. Yates V., Christmas, E. and Wilson, P., *Cross Cultural Training,* National Centre for Industrial Language Training, 1981.

Gumperz, J.J., Jupp, T.C. and Roberts, Celia, *Crosstalk — A study of Cross-Cultural Communications,* background material and notes to accompany the BBC film, National Centre for Industrial Language Training, 1980.

Gumperz, J.J., and Roberts, Celia, *Developing Awareness Skills for Inter-Ethnic Communication,* Seamo Regional Language Centre, 1980.

Gumperz, J.J., Jupp, T.C., and Roberts, Celia, *Crosstalk: The Wider Perspective,* National Centre for Industrial Language Training, 1980.

Thorpe, D., *Cross-Cultural Communication in an Industrial Job Interview,* National Centre for Industrial Language Training, 1981.

Furnborough, P., Jupp, T.C., Munns, R. and Roberts, C., Language, Disadvantage and Discrimination: Breaking the Cycle of Majority Group Perception, Article in *Journal of Multilingual and Multicultural Development,* Vol. 3, No. 3, 1982.

# Contract Compliance and the City of Toronto

In its simplest terms, "Contract Compliance" refers to a system implemented by a funding institution requiring employers who receive contracts or other money from that institution to establish their commitment to equal opportunity. It is using purchasing power as the leveraging tool.

The City of Toronto has established a Task Force to advise on the development of its Contract Compliance programme in order to advance equal opportunity employment practices. In order to submit its final report to Toronto City Council in August 1985, the Task Force has been mandated to obtain data from City Boards and Commissions as well as private sector organizations in receipt of municipal funds regarding the level of representation of equal opportunity target groups. The following are the individual data collection forms that these agencies have been asked to complete. Although one of the major reservations to contract compliance on the part of the corporate sector has largely focussed on paperwork, these forms appear to be reassuringly straightforward and easy to complete.

Although we tend to assume that the concept of contract compliance is an American import, it is of interest to note that the City of Toronto has had in place a Fair Wage Policy since 1911, which requires recipients of City contracts to pay their workers a fair wage (union rates). The present review is therefore looking at how existing contract compliance policy can be extended to further curtail unfair and exploitive labour practices.

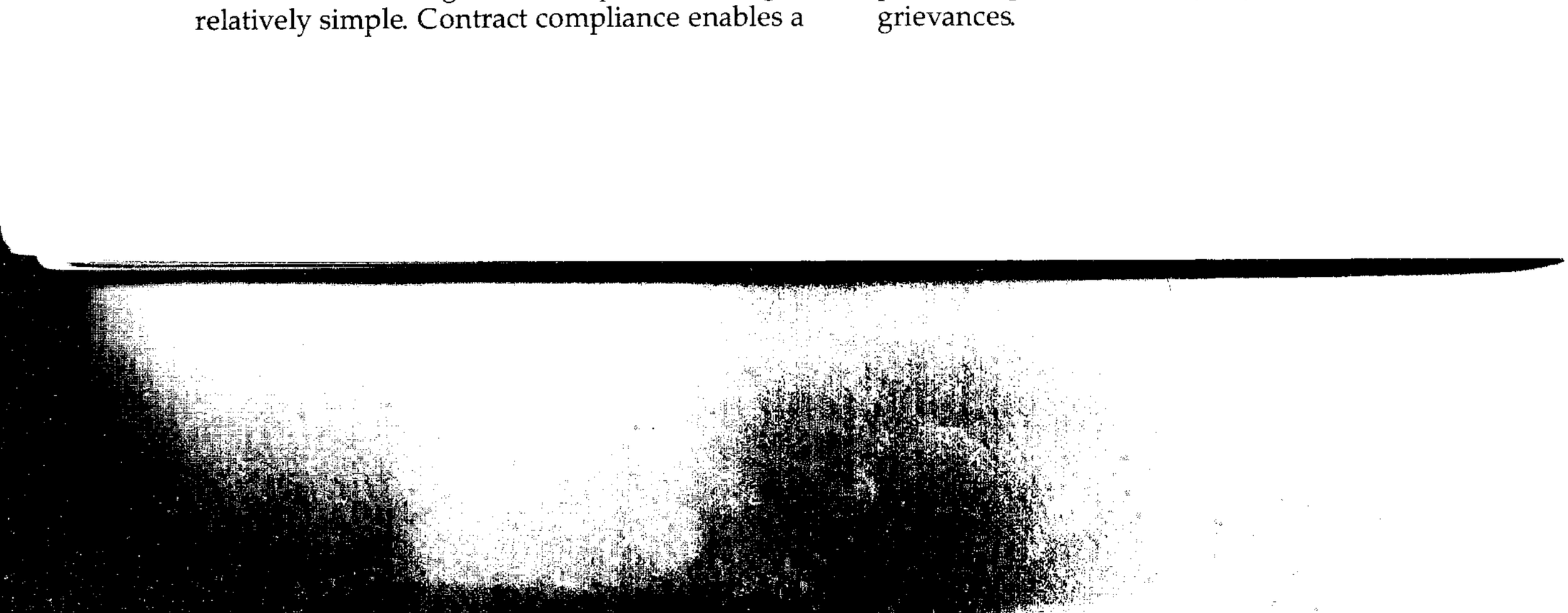
The expansion of existing contract compliance policies to all those organizations with which it is financially involved could place the City of Toronto in a unique position to influence labour market practices in Toronto. It has been estimated that the impact of extending the City's equal opportunity policies through a contract compliance programme affects some $1,120 billion annually of City money invested or contracts awarded.

Contract compliance has the advantage of crossing labour jurisdictions, and by the very nature of contracting relationships monitoring is relatively simple. Contract compliance enables a government to make a clear statement about its business priorities: only those employers who show a measurable commitment to equality in employment are welcome business partners.

A comprehensive, clear and well researched Background Report on Contract Compliance[1] published by the City in March 1983 offered three possible options by which the City could establish specific compliance programmes. The first option is to simply include a clause in all contracts whereby the contractor agrees not to discriminate against women, people with disabilities and minority group members. However, to merely include such a clause is not only redundant given the specific anti-discrimination provisions of federal and provincial human rights legislation, but is wholly inadequate given the persistent evidence that discrimination still occurs on a massive scale. Anti-discrimination statements do nothing to attack discrimination at its roots and experience shows that they do not improve the economic and labour market situation of visible minorities or other groups.

Acknowledging the systemic nature of discrimination, Option 2 proposes a number of "good faith measures" pertaining to such things as recruitment, hiring, training, promotion procedures that a contractor would agree to undertake to broaden the participation rates of women, people with disabilities and minorities in their business operations. The third option introduces a point system to these "good faith measures" and takes into account the size and type of company, and the size of the contract with the City.

By agreeing to undertake these "good faith measures", by this positive undertaking to advance the recruitment and promotion of the target groups, contract compliance is certainly seen by the private sector as a "better tasting pill" than mandatory affirmative action or quotas. Contract compliance is seen as essentially, forward-looking, concerning itself with current and future business policies and practices, and not with the punitive process of trying to redress past grievances.



# *Equal Opportunity Human Resource Policies*

**SECTION A**

1. Does your company have an Equal Opportunity program? YES NO
2. Does your company have an Affirmative Action program? YES NO
3. Does your company have a staff person to oversee its Equal Opportunity/Affirmative Action program? YES NO
4. As part of your company's program, does your company have a special recruitment program for:
   - Women? YES NO
   - Racial / Ethnic Minorities? YES NO
   - People with Disabilities? YES NO

**SECTION B**

| HUMAN RESOURCE POLICIES/PRACTICES | Is your company aware of these Human Resource Practices? | Does your company have systems or procedures to implement these Human Resource Practices? | Comments |
|---|---|---|---|
| 5. Provincial and Federal Human Rights Legislation. | YES NO | YES NO | |
| 6. Allow time off for Religious Holidays. | YES NO | YES NO | |
| 7. English as a Second Language classes for non-English speaking employees. | YES NO | YES NO | |
| 8. Prevention of Sexual Harassment. | YES NO | YES NO | |
| 9. Prevention of Racial Harassment. | YES NO | YES NO | |
| 10. Maternity/Parental leave provisions that go beyond those legislated by government. | YES NO | YES NO | |
| 11. Alternate work arrangements for pregnant women using video display terminals (V.D.T.) | YES NO | YES NO | |
| 12. Training or upgrading programs designed for women, minorities and people with disabilities. | YES NO | YES NO | |

13. Are there other initiatives your Company is taking with regard to Equal Opportunity/ Human Resource Practices?

## *Employment Utilization Survey*
## *Permanent Fulltime Workforce*

| | OCCUPATIONS | TOTAL PERMANENT WORKFORCE | | PEOPLE WITH DISABILITIES | | VISIBLE MINORITIES | |
|---|---|---|---|---|---|---|---|
| | | Women | Men | Women | Men | Women | Men |
| 1 | Upper-Level Managers | | | | | | |
| 2 | Middle Managers | | | | | | |
| 3 | Professionals | | | | | | |
| 4 | Technicians and Semi-Professionals | | | | | | |
| 5 | Supervisors | | | | | | |
| 6 | Foremen/women | | | | | | |
| 7 | Clerical Workers | | | | | | |
| 8 | Sales Workers | | | | | | |
| 9 | Service Workers | | | | | | |
| 10 | Skilled Crafts and Tradespeople | | | | | | |
| 11 | Semi-Skilled Manual Workers | | | | | | |
| 12 | Manual Workers | | | | | | |
| | TOTALS | | | | | | |

In a review of the American experience with the Federal Contract Compliance programme, the attitude of the private sector was "acceptance and perhaps even approval of the concepts of contract compliance ... It was universally agreed or accepted that contract compliance was a 'fact-of-life' for doing business with the United States government, and, provided that the rules and regulations are clear and impartially approved, there were few, if any, fundamental reservations. Just as any employer in the private sector has the right to specify the terms and conditions under which he or she will offer a contract, so to it is understood that the Federal Government, as the unique expression of the collection social will, has both a legal and moral right to ensure equal opportunity in the labour market".[2]

In addition, many corporations in the U.S. have used the contract compliance programme as a mechanism to examine current business practices with a view to correcting inequities in a step-by-step process, rather than retroactively and punitively. The experience of examining traditional personnel policies and practices has often yielded significant improvements in productivity, employee morale, absenteeism, and turnover.

Given the constructive and positive impact that a contract compliance programme can have, we look forward without undue delay to the City of Toronto implementing a comprehensive policy. In the absence of mandatory affirmative action or employment equity legislation, contract compliance offers the next best alternative.

TIM REES

**References**

1. "Contract Compliance. Equal Opportunity Background Report". City of Toronto, March 1983.
2. "A Summary of the American Experience with the Federal Contract Compliance Program".
Cohen, Leah. Canada Employment and Immigration Commission, Ottawa

# Confirming Discrimination in The Toronto Labour Market: An Empirical Study

Effie Ginzberg & Frances Henry

Until the publication of *Who Gets the Work?*, efforts at demonstrating that there is racial discrimination in the Canadian employment arena have been limited to census data analysis, self reports of victims of discrimination, and attitude studies. Each of these three types of research is very limited in its capacity to prove that discrimination based on race is actually the cause of discrepancies in income and access to employment. Critics and sceptics have been easily able to call into doubt the presence of racial discrimination due to the weaknesses inherent in the indirect measures of discrimination. *Who Gets the Work?* sought to directly test for the presence or absence of discrimination in the Toronto labour market through the process of field testing, a quasi-experimental research technique that attempts to gain control of the research question through a series of design controls. For the first time in Canada, this study field tests racial discrimination in employment by actually sending white and black job applicants to advertised positions in order to find out if employers discriminate by preferring white employees over black. We believe we were successful in proving definitively that there is racial discrimination in Canada that affects the employment opportunities of non-white Canadians. Racial minorities in Canada have less access to jobs than equally qualified whites.

Our study was guided by two questions. *One,* is there a difference in the number of job opportunities that white and black applicants of similar experience and qualifications, have when they apply to the same jobs? And *two,* are there differences in the ways in which black and white job applicants are treated when they do apply for work? Both questions were tested by two procedures: *In-person Testing* and *Telephone Testing.*

## Defining Discrimination

In the area of employment, discrimination can take place at any point in the employment process. It may exist in areas such as recruitment, screening, selection, promotions and terminations. At the level of employee selection for example, discrimination against non-whites can take place when job applicants are called to the initial interview. To the extent that the employer's staff or the employers themselves practice discrimination, either due to the racial attitudes of the interviewer or that they have been told to screen-out non-whites as a matter of company policy, non-whites will not get beyond the initial screening of job applicants. Similarly, in terms of promotion policies, non-whites may be hired at lower levels but their promotion to upper levels is effectively stopped by discriminatory barriers to their mobility. For example, the employer may believe that the other employees will not accept a non-white as their supervisor.

Discrimination in employment can be both unintentional and intentional. Employers may not realize that their practices and policies have the effect of excluding non-whites. Using standard tests of personality or intelligence to select employees places certain minority groups at a disadvantage as they come from cultures other than the one for which these tests were designed. Requiring Canadian experience and education can effectively eliminate non-whites, many of whom are also immigrants, from job opportunities, even though their education and experience are essentially satisfactory for the employer's needs.

Thus discrimination and the ways in which it can be carried out are numerous. Our study concentrates essentially in the entry point and/or

selection procedure. In this study, the dynamics of discrimination were studied as discriminatory practices occur, i.e. when a job seeker makes either an inquiry on the phone or comes in person to be interviewed. It is at this point that the applicant can run into a prejudiced employer or "gatekeeper" who either presumes that non-whites are not desired or is merely acting according to the company's policy. The telephone inquiry is particularly crucial at this stage since it is often the first approach made by the job applicant. An individual can be screened out, that is told that either the job has already been filled or that the applicant's qualifications are not suitable — quickly and efficiently. And that applicant will never be aware of the fact that they have been the victim of discrimination.

For the purposes of our study, we defined discrimination in employment as referring to those practices or attitudes, wilful or unintentional, which have the effect of limiting an individual's or group's right to economic opportunities, based on irrelevant traits such as skin colour, rather than an evaluation of their true abilities or potential.

## In-Person Testing

In our In-Person Testing we sent two job applicants, matched with respect to age, sex, education, experience, physical appearance and personality, to apply for the same advertised job. The only major difference between our applicants was their race — ONE WAS WHITE AND THE OTHER WAS BLACK. We created four such teams, one junior male and junior female and one senior male and senior female. The younger teams applied for semi-skilled and unskilled jobs such as gas station attendants, bus boys, waitresses, clerks and sales help in youth oriented stores. The senior teams applied for positions in retail management, sales positions in prestigious stores and for waiting and hosting positions in expensive restaurants. The senior team members were in real life, professional actors as it was felt that they would be required to present a more sophisticated image and respond to more demanding interview screening. In short, they were required to play very convincing roles. The resumes of the team members were constructed to be as alike as possible and were switched between the white and black testers half-way through the research so that any unconscious bias in a resume would be equally applied to both a black and a white applicant. In addition, the staff of testers was changed several times so that no individual personality could account for our results.

The younger teams used high school and university students who would in fact be applying to the same types of jobs that they applied for in our testing situation. Since we were not testing for sex discrimination and did not want this form of discrimination accounting for any of our results, the male teams were sent to traditionally male jobs and the females to traditionally female jobs. In some types of jobs, both males and females are acceptable such as waiter or waitress. Both males and females were sent to such jobs but were never sent to the same job. Each tester had a different resume for each type of position that they were applying to. Also each resume had legitimate references supplied by business people known to the research staff who had agreed to support our research. Our applicants could thus be checked out by a potential employer and provided with a reference pertaining to the quality of their work. In actuality, only two employers called for references.

### Research Procedure

Each evening we would select jobs from the classifieds for the next day. Some types of jobs had to be excluded. For example, drivers and couriers had to be excluded because driving licences and records would be checked. Also jobs which required detailed technical skills had to be excluded from our sample.

Generally, the field testers would go to the job within one half hour of each other so that there was little chance that the job would be legitimately filled before our second tester had the opportunity to apply. It is important to stress that all testers used Canadian accents since we did not want them to be screened out over the phone. After their interviews, each tester completed a summary sheet specially designed for this research where they detailed how they were treated and what they had been told. The resumes had telephone numbers listed that were in actuality lines connected to the research office. Call backs for second interviews or offers of employment were received by the researcher and were recorded. On the spot offers to the field staff were accepted by them. They then called back within one hour to inform the employer that they had accepted another position so that the employer could get on with filling the vacancy.

## Results

In the 3½ months of field testing, 201 jobs were applied to for a total of 402 individual applications.

For the purposes of this aspect of the research, racial discrimination in employment was tested in two ways. First, was an offer of employment made to either one of the applicants, both applicants or neither applicant? Secondly, during the interview, were there any differences in the treatment of the two applicants? We would expect that all persons would be treated the same. They were not. For 36 of the 201 jobs there was some difference in the treatment of blacks and whites. Blacks also received fewer job offers than whites. Whites received 27 job offers and blacks only 9. * There were 10 instances where both were offered the job but nine of these ten were for commission sales which involve no cost to the employer. Thus there were in total 37 valid job offers, 27 went to whites, 9 to blacks and 1 job where both were offered the job (commission sales jobs are excluded from these figures). **It is apparent that offers to whites outweigh offers to blacks by a ratio of 3 to 1.***

We had thought that the nature of the job might influence whether or not blacks or whites would be hired. Only whites received offers for managerial positions. Only whites received offers for waitressing or waiters, hosts or hostesses in the restaurant trade. A black was offered a job in the kitchen when he had applied for a serving position.

As noted, the second measure of discrimination was if differential treatment had occurred or not. In many ways, differential treatment results provide a great deal of insight into the nature of discrimination and its subtleties. Differential treatment was occasionally very blatant.

> Mary, the young black tester applied for a sales position in a retail clothing store and was told that the job had already been taken. Sylvia, our white tester arrived a half hour later and was given an application form to fill in and told she would be contacted if they were interested in her.
>
> In a coffee shop Mary was told that the job of cashier was taken. Sylvia, walked in five minutes later and was offered the job on the spot.

This pattern occurred five times. Another form of differential treatment was when the black was treated rudely or with hostility whereas the white was treated politely. This occurred 15 times.

> Paul, our white tester applied for a job as a waiter. He was given an application form and briefly interviewed and told that he may be contacted in a week or so.
>
> Larry, the black tester was also given an application form to fill out and an interview. But as the manager looked over Larry's resume he asked Larry if he "wouldn't rather work in the kitchen."
>
> Applying for a gas station job, the white was told that there was no jobs at present but that he could leave a resume.
>
> The black tester was told that there were no jobs but when he asked if he could leave a resume, he was sworn at, "shit, I said no didn't I!"

Another form of differential treatment occurred when the wage offers to blacks and whites were different. There were two occasions where the black was offered less money than the white for the same job. On a few occasions, derogatory comments were made about blacks in the presence of our white testers. The blacks being referred to were our own testers!

In summary, differential treatment between whites and blacks took place 38 times (19%). In all but one case, the white was preferred to the black. Black job seekers face not only discrimination in the sense of receiving fewer job offers than whites but are also subject to a considerable amount of negative and abusive treatment while job hunting.

The psychological effects of such experiences became evident in the feeling expressed by the research staff. The black staff felt rejected and doubted their ability. "I was beginning to wonder what was wrong with me and why Jean (the white tester) was so much better than me."

## Summary

In sum, the findings of the In-Person Testing reveal that in 48 job contacts or 23.8% of the cases, some form of discrimination against blacks took place. These findings indicate that whites and blacks do not have the same access to employment. **Racial discrimination in employment, either in the form of clearly favoring a white over a black, even though their resumes are equivalent,**

**Tests on these results indicate that they are statistically significant and thus could not have occurred by chance alone.*

**or in the form of treating a white applicant better than a black, took place in almost ¼ of all job contacts tested in this study.** When we examine the results of the telephone testing, this pattern of discrimination occurs again and, if anything, more clearly and strongly.

# Telephone Testing

We have all had the experience of calling for a job and being told that the job has been filled. We experience a twinge of disappointment but have we ever felt the need to seriously ask ourselves if we've been told the truth. If you're a member of a racial minority, you may well have good reason to disbelieve what you've been told about the job being filled.

In this stage of our research we had our testers call numbers listed in the employment classifieds, presenting themselves as job applicants.

In total we called 237 jobs. Each job was called four times, once by a white majority Canadian of Anglo descent, once by a white immigrant, once by a black West Indian caller, and once by an Indo-Pakistani. We called many different types of jobs from unskilled labour, secretarial, managerial, restaurant and service jobs, to skilled trades positions.

To exclude sexual discrimination as a factor our callers did not cross traditional sex role categories of jobs. Demographic and employee characteristics were held constant within each sex and job type. That is, all males were of the same age, eduction, years of job experience, marital status and so on, for each different type of job. Our callers were "older" for jobs requiring more experience and maturity for example. A profile was provided for each of the callers for each type of job so that they had a secretarial profile, a managerial one, one for waitressing and so on. Also, as callers can only be identified by their accents, a pretest was conducted to ensure that the caller's race could be correctly identified by inference based on the accent alone.

To reduce the possibility that callers would be told that the job was filled due to the employer having received sufficient calls, jobs were selected from among those that had not appeared in the newspaper the previous day. All callers within each sex were given identical lists of jobs to call on the next day and were instructed to begin their calls from the top of the list and proceed in order, down the list. All callers were to begin the calling at the same time, so that the time span between our callers would be minimized as much as possible. All callers were instructed to use proper English and full sentences so that lack of language would not be a discriminating factor against immigrants.

In the telephone testing, discrimination was said to occur when a caller is told that the job had been filled while another caller is told that the job is still available. Discrimination also takes place when one caller-applicant with a certain set of qualifications is screened-out and told that they do not qualify. Whereas other callers with the same qualifications are told that they do qualify and are invited to apply. Another level of discrimination takes place when callers are treated differently from one another in that some and not others are screened to see if they have the experience that the employer seeks. It may be argued that screening some applicants and not others is not necessarily discriminatory. However, if there is no systematic discrimination present, then we would expect all racial-immigrant groups to be subject to the same proportion of screening.

## Results

For 52% of all the jobs we called, there was some form of discrimination present, in that either at least one of our testers was told that the job was filled when another tester was told the job was open. Or that one of our testers was treated differently in that they were screened while other callers were not.

There were nine instances where our racial minority callers were told that they did not qualify for the job, even though they presented the same experience and qualifications as the white callers. Needless to say, our white callers were told by these same nine employers that they qualified and were invited to apply. Also, employers did not perceive the need to screen all of the four racial-immigrant categories to the same degree. When employers treated the callers differently, that is those 123 employers who discriminated in some form, the white Canadian callers were never screened. White immigrants were screened about 5% of the time. The two racial minorities received three times as much screening as the whites, between 15 and 20% of all their calls.

Racial minorities did not receive the same information about the status of the job as whites. Forty-eight percent of the jobs were closed to

Blacks and 62% were closed to Indo-Pakistanis, in that the employers told them the job was filled when the White Canadian was told that the job was open.

When we applied statistical analysis to our results, we found that there were significant differences in the treatment and type of information whites and non-whites receive about work. Toronto employers discriminate against immigrants in general but discriminate to a significantly greater degree against non-whites. That is, colour and not immigrant status was the source of the discrimination against non-whites. In our results, employers discriminated against blacks and Indo-Pakistanis to equal degrees. Both were equally unacceptable as potential employees.

The results of our telephone testing demonstrate that to secure 10 potential job interviews a white Canadian has to make about 11 to 12 calls. White immigrants have to make about 13 phone calls. The racial minorities must work harder and longer. They must make about 18 calls to get 10 potential job interviews. Clearly, there are differences in what whites and non-whites are being told over the phone about the availability of work in Toronto. And, as noted in the In-Person testing, the discrimination doesn't end once a job interview has been obtained.

## A Ratio of Discrimination

We developed an Index of Discrimination by combining the results of the In-Person testing and the Telephone testing, to demonstrate the degree of discrimination experienced by equally qualified persons prior to actual employment. On the phone, blacks were told that the job was closed to them 20% of the time. Whereas the job was closed to whites only 5.5% of the time. In the In-Person testing, blacks experienced discrimination in 18.3% of their job contacts. If we translate these figures into actual job search success likelihoods, the figures are very revealing. Blacks have a 64% chance of getting through a telephone screening. This means that they can secure 13 interviews out of 20 calls. But their chance of getting a job after an interview is only 1 out of 20. White applicants on the other hand, are able to pass through screening very successfully, 87% of the time. They achieve an interview for 17 out of 20 calls and gain 3 offers of employment. THE OVERALL INDEX OF DISCRIMINATION IS THEREFORE 3 TO 1. Whites have 3 job prospects to every one for blacks. This index demonstrates that blacks must indeed work much harder and longer to secure the same employment opportunities as equally qualified whites.

## Conclusion

The results of this study clearly indicate that there is very substantial racial discrimination affecting the ability of members of racial minorities to find employment, even when they are well qualified and eager to find work. We must not lose sight of the fact that this study examined discrimination only at the very early stages of employment, the pre-employment process. Once employed, discrimination can still affect the opportunities for advancement, job retention and level of earnings, to say nothing of the quality of work and the relationships with co-workers.

The results of this study also support the findings of other types of studies done in Canada. We know that indirect measures of discrimination such as those which reveal income disparities between whites and non-whites, all come to similar conclusions. Non-whites in this country are discriminated against in employment.

Our results also strongly suggest that racial discrimination in Canada and specifically, in Toronto, is not the result of a few racists. It is systemic in that there appears to be a system-wide bias against hiring non-whites and treating them fairly. The systemic nature of discrimination therefore implies that attempting to change the attitudes or behaviour of individual discriminators will not address the problem. What is required is redress at the system level which removes the barriers to employment for non-whites.

## Implications for Policy

The Abella Report, **Equality in Employment: A Royal Commission Report,** concluded that voluntary measures are an unsatisfactory response to systemic discrimination and therefore recommends that all federally regulated employers be required to implement employment equity. The Report also recommends the establishment of a monitoring agency and legislation to address discrimination in employment for racial minorities.

Our results support the conclusions of the Abella Report. Relying on employers' voluntarily to address racial discrimination is clearly insufficient. This study also draws attention to the lack of power in current human rights legislation. Far too many complaints of racial discrimination are

dismissed due to lack of evidence under the current operating mandate of the Ontario Human Rights Commission. We have demonstrated that there is very probably, real cause for the complaints by non-whites that they are being discriminated against in employment. The current situation in Human Rights Legislation appears to give employers an advantaged position to the detriment of the complainant.

Far reaching and powerful legislation is required to address the racial discrimination now present in Canadian society.

*The study "Who Gets the Work? A Test of Racial Discrimination in Employment" was funded by the Multiculturalism Directorate, Secretary of State and was sponsored jointly through the Social Planning Council of Metropolitan Toronto and the Urban Alliance on Race Relations. A copy of the report is available through either the Urban Alliance or the Social Planning Council. The report's authors are Dr. Frances Henry of the Department of Anthropology, York University and Ms. Effie Ginzberg, a graduate student at the same university.*

# *Defining the Minority Population*

Linda L. Schachter

The process of defining the term "visible minority" is a difficult one.* The discussion can be highly emotional in that it deals with aspects of human behaviour which have had dire consequences for many minority groups over the ages. What must be borne in mind is that in carrying out our task to remedy the effects of discrimination on particular groups in Canadian society we must reamin sensitive to the feelings of all groups who also have been victims of prejudiced behaviour elsewhere or in other times.

The term "visible minority" groups is not always clear. Is "visible minority" a synonym for "racial minority" or is it a term that includes in its meaning individuals who can be distinguished from the majority by virtue of their name, mode of dress, language and religious affiliation — in short, their cultural heritage?

According to the sociological literature, ethnic minorities are identified or defined on cultural and religious grounds while racial minorities are identified on the basis of physical characteristics. (J.W. Vander Zanden, **American Minority Relations,** p.11). Both ethnic and racial minority groups are identified and tend to identify themselves on the basis of common ancestry and heredity. However, when we look at the anatomy of prejudice, the distinction between ethnic and racial minorities can become somewhat blurred in the sense that the prejudiced eye can and does impute those categorized as "other" with a variety of physical traits and attributes even though the "other" may be considered from a different perspective to be a member of the same broad "racial" category. (Ibid., Vander Zanden, Ch. 3). To put it another way, a racial group is whatever the dominant group chooses to treat as a racial group.

Moreover, the issue of what constitutes a racial group cannot be clarified using scientific or anthropological classification systems. From a scientific perspective, classifying groups by racial categories based on genetic traits is a highly disputed and questionable exercise. It is, however, a social classification system which concerns us here, recognizing that "'race' is not so much a biological phenomenon as a social 'myth'" (Wilson Head, "The Concept of Race and Racism in Human Societies", p.9, from H.S. Cruz, Racial Discrimination) and that any classification is almost entirely arbitrary and depends upon the purpose of classification (Vander Zanden, P.41).

* This article is drawn from a Report, "Affirmative Action for Visible Minorities" prepared by the author for the Canadian Employment and Immigration Commission, Ontario Region, May 1984.

Thus, for our purposes, visible minorities are viewed as racial minority groups, that is, groups which are discriminated against on the basis of physical rather than cultural characteristics, bearing in mind that a program addressing the employment problems of visible minorities will have to take into account the diversity of cultural heritages that one finds in any broad visible minority grouping such as Black or South Asian.

The Special Committee on Visible Minorities chose to make a similar distinction. For their purposes, ". . . visible minorities have been defined as non-Whites who are not participating fully in Canadian Society". (**Equality Now**, p.2). The Report went on to note that many of its recommendations would serve to promote the participation not only of visible minorities, but also of ethnic groups, particularly those of recent immigration.

For the purposes of implementing an Affirmative Action Program which would include visible minorities as a target group, it is suggested that the definition of visible minorities be as follows:

> **those individuals who on the basis of race have experienced historical and systemic discrimination such that their employment experiences reflect a pattern of lower earnings, higher unemployment, limited occupational range, lower rates of labour market participation and limited career progression.**

Although native people would meet the definition of visible minorities as set out above, it is suggested that the target group of native people be retained as a group separate from the visible minority category. This position is based on the special status which native people have sought to have recognized in law, including First Nation status and because of their unique employment situation especially in remote communities.

**Visible Minority Groupings**

I have chosen to categorize the visible minority population in three broad groupings based, it can be argued, on a combination of the perceptions of the minority groups themselves and of the dominant group in our society. Furthermore, these groupings reflect working categories used by the Ontario Human Rights Commission and the City of Toronto among others.

In developing names for these categories, I have taken into account both the sensitivities of the visible minority groups in question and the fact that the names must have meaning for those who will be using the categories for program implementation. Where it has not seemed possible to devise a name which will be redolent of meaning for both groups, I have chosen to combine names for clarity rather than select one over the other for simplicity's sake. Thus, we have "Indo-Pakistani: South Asian Heritage", rather than either Indo-Pakistani Heritage or South Asian Heritage. Or again, we have "Asian/Southeast Asian Heritage" rather than using a term such as Oriental which does not pass muster with the Ontario Human Rights Commission and in any case, takes as its first definition in the Oxford Concise, "easterly; of the East of countries E. of the Mediterranean". The third major category is "Black", a name which emerged in the United States through the 50's and 60's to refer to descendants of those brought to the new world from Africa as slaves, but now refers to all people of African origin with the exception of Arabic people from Northern Africa. In the past a pejorative term, it has now taken on an honorific meaning. All of these broad categories include many cultural groups, each with its own distinct languages and customs.

These three broad groupings were created to increase the reliability of the data and also for programmatic purposes. Experience has shown that asking employers to identify employees based on country of origin or of ancestor's origin, can result in considerable difficulty if supervisor identification is chosen. If self-identification is opted for, the data will still need to be aggregated for purposes of comparing the internal workforce with data on availability. Moreover, we would not be asking employers to develop goals and targets based on the percentage distribution of over 100 ethnic categories found in the Canadian Census. Thus experience, reason and tradition would tell us to look at broad categories with the option of including additional groupings if it seemed warranted at a future date.

**Estimates of the Visible Minority Population**

Most of the data available is based on analysis of the 1981 Census undertaken by the Secretary of State, Social Trends Analysis Division, over the past year by John Kralt. What should be noted here is that it is recognized that many of the

## *Estimated Number and Percentage of Visible Minorities for Canada, Ontario and Toronto CMA, 1981 Census.*

| | % | CANADA | % | ONTARIO | % | TORONTO CMA |
|---|---|---|---|---|---|---|
| **Total Black** | (1.0) | **249,850** | (1.8) | **157,225** | (4.2) | **126,330** |
| Black | | 158,840 | | 99,250 | | 78,445 |
| Caribbean Assignment[1] | | 91,010 | | 57,975 | | 47,885 |
| **Total Indo-Pakistani: South Asian Heritage** | (.9) | **221,085** | (1.2) | **106,600** | (2.6) | **79,190** |
| Indo-Pakistani | | 205,370 | | 97,945 | | 71,910 |
| Indo-Pakistani Assignment[1] | | 15,715 | | 8,655 | | 7,280 |
| **Total Asian** | (2.1) | | | | | |
| **S.E. Asian Heritage** | (2.09) | **508,970** | (2.5) | **212,585** | (5.2) | **157,180** |
| Chinese | | 299,990 | | 122,630 | | 91,535 |
| Philippine | | 75,520 | | 36,670 | | 29,770 |
| S.E. Asian | | 56,220 | | 19,100 | | 9,585 |
| Japanese | | 46,065 | | 18,485 | | 13,515 |
| Korean | | 22,570 | | 14,175 | | 11,760 |
| Pacific Islanders | | 8,605 | | 1,525 | | 1,015 |
| **Total Visible Minorities** | (4.0) | 979,905 | (5.5) | 476,410 | (12.1) | 362,700 |
| Total Population | (100.00) | 24,343,181 | (100.00) | 8,625,107 | (100.00) | 2,998,947 |

Source: Unpublished paper, SOS Social Trends Analysis Division, John Kralt.

counts of ethnic origin groups are below the estimates provided by the ethnic groups themselves. Additionally, it should be recognized that anyone who included a visible minority origin as part of a multiple response to the Census question on ethnic origin (i.e. Chinese and British) is counted in these tables as a member of the visible minority group. This working assumption may serve to offset, in part, the extent of the undercount.

The Table shows the estimated numbers and percentage breakdowns of visible minority groups of Canada, Ontario and the Toronto Census Metropolitan Area (CMA). (The population of Toronto CMA exceeds that of Metropolitan Toronto by some 862,552 people, including as it does many bedroom communities as well as the five major boroughs). The visible minority population represents 4% of the total population of Canada, 5.5% of the population of Ontario and just over 12% of the population of Toronto CMA.

In estimating the visible minority population of Toronto CMA as a percent both of the total population of Toronto CMA and of Metropolitan Toronto (that is, the City of Toronto, East York, Etobicoke, North York, Scarborough and York), the percentage of visible minorities increases from 12.1% to 17.0%. Given the assumption that most of the visible minority population live in Metropolitan Toronto, the figure of 17% is most likely the better indicator of the size of Metro's visible minority population.* The City of Toronto

* The Toronto Census Metropolitan Area includes: Ajax, Aurora, Brampton, Caledon, East Gwillimbury, King Township, Markham, Mississauga, Newmarket, Oakville, Pickering, Richmond Hill, Vaughan, Whitchurch-Stouffville as well as the City of Toronto and the five boroughs of East York, Etobicoke, North York, Scarborough and York.

has estimated that the visible minority population of Toronto falls within the 12-20% range of the total population. These figures and others, for example, the 1982 study of the Institute for Behavioural Research (IBR), **Trends in Demographic and Socio-Economic Characteristics of the Metropolitan Toronto Population**, also indicate approximately 12% as the bottom of the range.

An estimated 48.6% of Canada's visible minority population live in Ontario and **fully three-quarters of Ontario's visible minority population live in Toronto CMA**. After Ontario, which has the greatest percentage of the visible minority population in all three broad ethnic categories (62.9% of the Black, 48.2% of the Indo-Pakistani: South Asian, and 41.8% of the Asian/Southeast Asian populations for a total of 48.6%) comes British Columbia with 22.2%, the Prairie Region (15.6%), Quebec (11.8%), with the Atlantic and Yukon/Northwest Territories regions comprising less than 2% of the total visible minority population of Canada. It should be noted that the order of the overall rankings by region varies by ethnic category. For example, British Columbia which ranks second overall, ranks fourth after Ontario, Quebec and the Prairie Region in terms of the Black category with only 4.1% of the total Black population. These figures seem to bear out the estimate that Ontario receives between 40-50% of total immigration to Canada.

Of the Black population in Ontario, 80.1% live in Toronto; with Ottawa and Hamilton showing the next largest percentages (4.1% and 3.3% respectively). This ranking persists when we look at the Indo-Pakistani: South Asian Heritage Group: 74.3% for Toronto, 6.0% for Ottawa and 4.8% for Hamilton. In the same vein, 74.0% of the Asian/Southeast Asian Heritage groups live in Toronto, 6.1% in Ottawa and 3.4% in Hamilton.

## Summary

The visible minority population of Metropolitan Toronto is between 12% and 17% of the total population. At the top of the range, the 17% estimate breaks out as follows: Black at 6.0%; Indo-Pakistani: South Asian at 3.7% and Asian/Southeast Asian at 7.4%. These figures are extremely important when determining which are appropriate utilization rates to apply in setting goals for implementation of any affirmative action programme. It can be noted here that in the United States where collection of Census data by racial group is an established practice and where sophisticated utilization rates can be generated, nevertheless the courts have fallen back on using the percentage of minorities in the total population (i.e. CMA, province, region, country) as the basis of establishing goals. (H.C. Jain and P.J. Sloane, **Equal Employment Issues**, 1981, p.102).

Canada's visible minority population is concentrated in Ontario, particularly in the Toronto Area which has three-quarters of the visible minority population in Ontario. These figures represent the changing source countries of immigration to Canada over the past 20 years and the fact that immigrants are being drawn to the major metropolitan areas.

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**Footnotes**

1. Two adjustments to the 1981 Census count which are of chief concern are outlined below:

A. **Black**

1. Secretary of State Black ethnic origin includes persons reporting the following ethnic origins whether as a single or multiple response: Canadian Black, Caribbean, Haitian, Other Black (not elsewhere specified (n.e.s.), Other African (n.e.s.), African Black.

2. Secretary of State Caribbean Assignment includes those people who were born in the Caribbean and Guyana, **and** who reported "British only" or "French only" as their ethnic origin **and** whose reported religion is not Hindu, Islam or Sikh.

B. **Indo-Pakistani: South Asian Heritage**

1. The Secretary of State Indo-Pakistani category includes persons reporting Bengali, Gujaratise, Punjabi, Tamil, Singhelese, Bangladeshi, Indian, Pakistani, Sri Lankan, Indian (n.e.s.), Pakistani (n.e.s.) and Indo-Pakistani (n.e.s.) or some 205,370 people.

2. This category also includes an additional 15,715 people who were born in the Caribbean and whose religion is Hindu, Islam or Sikh (3,755); people born in other areas and whose religion is Sikh (4,750); and people who reported themselves as native peoples who were born outside of Canada and the U.S.A. (7,215) or some 15,715 people.

# Human Rights Education at the Post-Secondary Level: A Course Survey

Iva Caccia

*The Human Rights Research Centre* of the University of Ottawa undertook, during the period from May 1982 to May 1983, an extensive survey of Canadian college and university courses which had a human rights component. It was launched jointly with the Federal Department of Secretary of State and included a survey of educational programmes of federal and provincial human rights commisions and non-governmental organizations.*

The objectives of the survey were threefold:
- to determine the extent and form of human rights education in presently taught courses
- to ascertain the subject areas with courses having a human rights component
- to determine the potential for reorganizing existing courses into interdisciplinary human rights programmes.

The questionnaire was sent out to some 1600 destinations across the country, namely to persons responsible for individual courses held at universities, colleges, CEGEPs (in Quebec), as well as human rights commissions and non-governmental organizations with educational programmes.

The questionnaire stated the following definition of human rights (based on the provisions of the Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms):

> "For our purposes, human rights include those rights that guarantee every individual an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discrimination practices (for example, in employment, accommodation and education) based on race, creed, colour, sex, nationality, ancestry, place of origin, age, language, mental or physical disability or marital status. Human rights also includes all of those rights and freedoms outlined in the new Charter of Rights. For example, the Charter guarantees to all Canadians the fundamental freedoms of religion, expression and opinion, freedom of the press and freedom of association. It further guarantees a number of legal rights, such as the right to life and liberty, as well as rights regarding arrest and detention. Finally, the Charter ensures every individual equality before and under the law and the equal protection and benefit of the law."

The response to the survey was encouraging in both tone and numbers. Fifty percent of the questionnaires were returned with 39.5 percent of the answers confirming that the course about which the Centre had been inquiring did include a human rights component. Among those, 26.7 percent indicated that the entire course focused on the study of human rights.

Courses existed in a broad spectrum of subject areas (Tables 1 and 2). The human rights component was often limited, general rather than specific, or implicit throughout the course, rather

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TABLE 1

## *Breakdown of Courses with a Human Rights Component According to Grounds and Areas of Concern*

| SUBJECT AREA | GROUNDS OF CONCERN | AREAS OF CONCERN |
|---|---|---|

| | | Accomodation | Education | Employment | Physical Disability | Mental Disability | Language | Age | Place of origin | Ancestry | Marital Status | Nationality | Sex | Colour | Creed | Race |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Administration | 9 | 8 | 9 | 10 | 7 | 10 | 6 | 6 | 8 | 7 | 7 | 7 | 14 | 7 | 3 |
| 2 | Economics | 7 | 4 | 6 | 10 | 4 | 4 | 1 | 1 | 5 | 2 | 1 | 1 | 12 | 6 | 0 |
| 3 | Education | 21 | 17 | 17 | 21 | 17 | 10 | 18 | 16 | 14 | 20 | 26 | 25 | 22 | 27 | 13 |
| 4 | Ethics | 2 | 2 | 2 | 2 | 2 | 3 | 2 | 2 | 6 | 2 | 7 | 7 | 1 | 0 | 0 |
| 5 | Graduate studies | 2 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 4 | 3 | 1 |
| 6 | Journalism | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 2 | 2 | 2 | 3 | 2 | 2 |
| 7 | Law/Law Enforcement | 65 | 63 | 60 | 76 | 54 | 61 | 53 | 52 | 63 | 50 | 55 | 51 | 50 | 44 | 40 |
| 8 | Management | 3 | 3 | 2 | 3 | 2 | 2 | 2 | 2 | 3 | 2 | 0 | 0 | 3 | 1 | 1 |
| 9 | Native Studies | 3 | 1 | 2 | 3 | 0 | 0 | 2 | 1 | 0 | 1 | 0 | 0 | 1 | 2 | 1 |
| 10 | Nursing | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 3 | 3 | 4 | 4 | 3 | 3 | 3 |
| 11 | Social Sciences | | | | | | | | | | | | | | | |
| | a) Anthropology | 36 | 21 | 29 | 20 | 26 | 12 | 32 | 26 | 11 | 29 | 5 | 5 | 36 | 35 | 21 |
| | b) Canadian studies | 2 | 1 | 1 | 3 | 1 | 3 | 2 | 1 | 0 | 1 | 0 | 0 | 3 | 3 | 1 |
| | c) Child care | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | d) Gerontology | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | 1 |
| | e) History | 36 | 29 | 25 | 36 | 30 | 14 | 26 | 29 | 13 | 26 | 6 | 5 | 36 | 38 | 11 |
| | f) Humanities | 4 | 2 | 4 | 3 | 3 | 2 | 2 | 3 | 3 | 2 | 2 | 2 | 4 | 3 | 3 |
| | g) Interdisciplinary studies | 3 | 2 | 1 | 5 | 2 | 3 | 2 | 1 | 3 | 1 | 0 | 0 | 5 | 6 | 2 |
| | h) Philosophy | 18 | 12 | 13 | 29 | 14 | 12 | 8 | 7 | 11 | 10 | 13 | 13 | 23 | 19 | 9 |
| | i) Political Science | 16 | 13 | 12 | 21 | 13 | 11 | 11 | 11 | 13 | 10 | 11 | 11 | 17 | 16 | 8 |
| | j) Psychology | 7 | 2 | 6 | 10 | 4 | 2 | 3 | 3 | 3 | 4 | 1 | 1 | 7 | 7 | 2 |
| | k) Social Sciences | 32 | 20 | 25 | 33 | 28 | 25 | 26 | 29 | 23 | 30 | 17 | 19 | 36 | 35 | 24 |
| | l) Social work | 14 | 7 | 9 | 22 | 9 | 16 | 8 | 5 | 16 | 7 | 16 | 13 | 20 | 12 | 14 |
| | m) Sociology | 57 | 32 | 44 | 65 | 47 | 34 | 35 | 33 | 32 | 38 | 14 | 18 | 69 | 59 | 37 |
| 12 | Theology | 5 | 4 | 5 | 5 | 3 | 3 | 2 | 3 | 4 | 3 | 4 | 4 | 4 | 4 | 2 |
| 13 | Women's studies | 5 | 2 | 2 | 21 | 3 | 13 | 2 | 2 | 6 | 2 | 2 | 2 | 18 | 14 | 3 |
| | Total | 353 | 251 | 280 | 406 | 275 | 247 | 248 | 240 | 246 | 254 | 195 | 192 | 393 | 347 | 203 |

than explicitly a topic of study. For example, an anthropology course may spend one class looking at the rights of a particular group of people, but it is not a central theme of the course. Other courses, such as one concerning anti-discrimination law in Canada, focus on the theme of human rights. Most courses in some programmes of study, such as nursing or teaching, may imply an awareness of the rights of individuals without explicitly stating or discussing them. Some areas, such as law, native studies and women's studies, obviously lend themselves more readily to the study of human rights. Both the largest number of courses with a human rights component and the greatest number of courses centred entirely around human rights were found in the field of the law / law

TABLE 2

## *Breakdown of Courses with a Human Rights Component Dealing with Three Distinctive Areas of Civil Liberties*

| | Subject area | Fundamental freedoms | Legal rights | Equality before the law |
|---|---|---|---|---|
| 1 | Administration | 11 | 6 | 12 |
| 2 | Economics | 5 | 2 | 5 |
| 3 | Education | 24 | 18 | 23 |
| 4 | Ethics | 5 | 10 | 4 |
| 5 | Graduate studies | 2 | 3 | 2 |
| 6 | Journalism | 5 | 4 | 3 |
| 7 | Law/Law Enforcement | 79 | 85 | 99 |
| 8 | Management | 1 | 0 | 2 |
| 9 | Native Studies | 3 | 1 | 1 |
| 10 | Nursing | 4 | 4 | 3 |
| 11 | Social sciences | | | |
| | a) Anthropology | 33 | 30 | 35 |
| | b) Canadian studies | 1 | 1 | 3 |
| | c) Child care worker | 1 | 1 | 1 |
| | d) Gerontology | 0 | 0 | 1 |
| | e) History | 36 | 29 | 35 |
| | f) Humanities | 1 | 3 | 2 |
| | g) Interdisciplinary studies | 5 | 4 | 5 |
| | h) Philosophy | 25 | 34 | 27 |
| | i) Political science | 23 | 23 | 21 |
| | j) Psychology | 5 | 4 | 6 |
| | k) Social sciences | 29 | 23 | 27 |
| | l) Social work | 8 | 18 | 20 |
| | m) Sociology | 50 | 44 | 62 |
| 12 | Theology | 4 | 4 | 4 |
| 13 | Women's studies | 7 | 7 | 16 |
| | Total | 367 | 358 | 419 |

enforcement.

Although the study indicates seven interdisciplinary courses with a human rights component, there is scope for a much greater number. The breadth of subject areas with courses having a human rights component indicates the potential for having specific interdisciplinary courses focused on human rights and related issues. The intent of the survey was to gather information that could form the basis of, or impetus for, (any number of) projects designed to further the use of the vast resource provided by educational institutions in the promotion of human rights.

The Centre has all the material on file and accessible for further analysis and study by any researchers who wish to visit its Resource Library.

*Iva Caccia is Librarian with the Human Rights Research and Education Centre.*

# Equality and The Charter of Rights

Carol Tator

*Held in Toronto, January 31 and February 1 & 2, a National Symposium on Equality Rights, sponsored by the Canadian Human Rights Reporter, brought together 200 scholars and experts from various fields to assess the implications of Section 15 of the Canadian Charter of Rights.*

April 17th, 1985 will signal the beginning of a new era for equality rights in Canada, when Section 15 of the Canadian Charter of Rights and Freedoms comes into effect. The recent symposium provided an important forum for participants to explore for the first time, both the substance and impact of the Charter. As well, the conference provided an opportunity to consider many of the unresolved issues which emerge out of the Charter and especially the Equality Rights Section.

Perhaps the most fundamental and profound issue raised by almost every presenter was the question: What is Equality? Until now, the concept of equality which has shaped much of our thinking and public policy, has been based on the assumption that equality means treating equals the same, i.e. non-discrimination. Our laws have developed out of the commonly-held view that equality is a neutral action which produces the same results for everyone. However, the Charter offers the possibility of an interpretation of equality which is far more open and flexible.

Judge Rosalie Abella as the Symposium's opening speaker gave a passionate and eloquent analysis of the meaning of equality. Her presentation will surely echo in the hearts and minds of all those who were privileged to hear her that evening. I quote from her words: "Equality is a process of constant and flexible examination, of vigilant introspection, and of aggressive open-mindedness. . . The goal of equality is more than an evolutionary intolerance to adverse discrimination. It is to ensure that the vestiges of arbitrary restrictive assumptions do not continue to play a role in our society. Equality is *not* a concept that produces the same results for everyone. It is a concept that seeks to identify and remove, barrier by barrier, discriminatory disadvantage."

## Systemic Discrimination

Another related and very significant issue raised by the presenters at the conference was the question of remedies within the Charter which address the problem of systemic discrimination. Section 15.2 specifically refers to the rights of the courts to order "any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups. . ." However, while the courts have the authority to order Affirmative Action programmes, presenters emphasized that they will have neither the resources nor the mandate to guide their implementation.

Thus emerges another challenge posed by the Charter which is to create a new partnership between the judicial and political arms of government. To achieve real equality will require a new and vigorous collaboration between those who form the laws of the land (the legislators) and those who are given the authority to enforce those laws (the judiciary).

## The "Equality-Seekers"

Finally, where are the equality seekers in the delicate balance which is required in order to ensure equality rights? What responsibility rests with the victims of discrimination and their advocates? The answer to these questions is neither simple nor reassuring. In the view of the speakers at the symposium, it is unrealistic to assume that from now on, the courts, judges and lawmakers will automatically undertake to remove all the arbitrary barriers which presently exist and prevent women, minorities and other groups from fully participating in society. Each

presenter stressed the importance of viewing the Charter as only one critical component in a complex process which still requires the full participation of equality seekers. In other words, the Charter provides us with a motivating principle but it does not negate the importance of further research, of advocacy, education, lobbying and monitoring. A clear message communicated by the speakers was that those of us who are committed to the creation of a more equitable and just society must continue to define the problems and engage in the solutions.

Perhaps the most encouraging aspect of this Symposium was the number and diversity of people who participated, including members of the legal and judicial systems, senior bureaucrats responsible for equal opportunity programmes, as well as corporate executives in both the private and public sectors. While some were struggling, a few for the first time, with issues such as systemic discrimination and affirmative action, it will certainly not be the last. Together the speakers and the participants represent a new and powerful group of people who are concerned about the achievement of equality rights.

## The Charter as a Panacea

Inevitably this Symposium did not provide all the answers. There were many unresolved questions. Potential conflicts and limitations within the Charter were identified by a number of speakers. The question of jurisdiction was raised. While the Charter clearly applies to both federal and provincial governments, it is unclear whether its authority extends to municipal levels of government, crown corporations, universities, etc. Does it apply to the private sector? Another very significant problem is the high cost of using the courts. A third concern is the overlap and potential conflict of mandates between administrative procedures available through Human Rights Commissions and those provided by the Charter. Still another problem falls within the realm of attitudes. There has been a long-standing reluctance on the part of judges to become involved in political matters. Although the politicians have the initial responsibility at creating public policies, it is the courts which must ensure that policy options which secure rights are pursued. There is some question about whether judges will be comfortable with this proactive role. Furthermore, there is little doubt that the judges in this country are an elite group which reflects more the Establishment rather than equality seekers. Will this affect the judges' ability to understand and interpret creatively the principles which underlie the Charter?

Given the above concerns, the Charter does not appear to offer a panacea for all the historic inequalities experienced by minorities in this country. However, it expresses a societal ideal and it provides a signal to the public and its authorities that equality is now a right which is guaranteed to all Canadians. In the final analysis, it appears up to all of us, i.e., legislators, judges, lawyers, public servants, human rights practitioners, communities and groups to help translate the vision of the drafters of the Canadian Charter of Rights and Freedoms into reality.

# Ethnic Economic Development

Tim Rees

## SELF-HELP IN URBAN AMERICA

**Scott Cummings, editor**
**National University Publications,**
**Kennikat Press,**
**Port Washington, N.Y./London**

When access to the mainstream of economic opportunity is severely restricted, and when avenues are closed to upward mobility people have often turned to self-employment as their only hope.

As the findings of the Abella Royal Commission Report "Equality in Employment" states many members of visible minorities "feel that the only real opportunities they have are as self-employed business people." Entrepreneurial activity within minority communities as one means towards attaining economic equality has in fact been argued as something that should be actively promoted within government multicultural policies. It has been suggested, for example, that business successes in European-origin groups have been crucial to their occupational mobility and protection from discrimination in Canada.[1]

Yet relatively little data exists in Canada on the commercial and economic activities of ethnic minorities, despite the evident history of their having responded collectively to the economic and employment conditions posed by life in Canada.

Ethnic self-help institutions have provided not only social services, but also a number of financial and economic services. These have often included the provision of life insurance benefits, unemployment benefits and job referrals, and employment and business networks. Also, many ethnic communities have established financial institutions to provide capital at beneficial rates to purchase real estate and finance small businesses and related commercial ventures. These activities by ethnic communities have emphasized collective rather than individualistic modes of economic development. Ethnic groups throughout Canadian history have created explicitly economic institutions for purposes of influencing the distribution of income and wealth and expanding the employment opportunities of their members.

It would seem then that the notions of community economic self-help and a proactive acceptance of the entrepreneurial ideology may be much stronger among immigrant and ethnic communities than the larger White Canadian workforce who are more readily prepared to accept and pursue salaried and wage employment in the corporate and public sectors.

### Ethnic Enterprise: Contributing Factors

A number of reasons have been offered to explain the degree of collective ethnic economic development and the high level of interest and involvement in self employment and small business.

First is the negative and reactive factor of ethnic and racial discrimination in the labour market. "Who Gets The Work?", by Frances Henry and Effie Ginzberg is the most recent study to clearly indicate the extensive and pervasive nature of racial and ethnic discrimination in the workplace. Those who suffer under employment and unemployment as a result of discrimination therefore find self-employment as the means to overcome, avoid, and escape this injustice. In this context, discrimination becomes the motivating spur to innovative and high-risk endeavours. And group resources such as business and professional associations, and ethnic institutions such as credit unions, have been established to help support and facilitate these endeavours.

A second factor is the importance of cultural, religious and familial roots. As Max Weber's classic study "Protestantism and the Rise of Capitalism" first showed, the values and motivations in a number of cultural, religious and family traditions have helped to foster significant activity in small business and self-employment. Business enterprise will clearly prosper in a community that espouses the values of diligence in a

calling, thrift, profit and individualism.

It is within this context that the volume under review "Self-Help in Urban America" makes a valuable contribution in helping to rectify some of the deficiencies in knowledge about ethnic economic development in urban North America.

The economic experiences and activities of 13 ethnic groups in the United States are discussed in this book: Japanese, Chinese, Korean, Greek, Mormon, Polish, Slovak, Irish, Finnish, Serbian, Croatian, Slovene and Jewish. The unifying theme to the essays is collective adaptation to urban and industrial life.

The book is organized in four sections. The first two essays examine the cultural and familial sources of collective economic development. The second section contains three essays describing the religious roots of ethnic business enterprise and social service delivery. All three studies in this section stress the idea, that certain types of religious principles provide a collective basis for the accumulation of capital.

The third part examines the political bases of collective economic development, and the last section explores the unique history of Jewish economic development in North America.

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The importance of the psychological state associated with alien status is another factor that has been offered to explain the high level of entrepreneurial activity among minorities. Immigrant and alien status can indicate or provide a psychological release to take risks. Immigrants throughout Canadian history have been willing to accept low money returns, long hours, and domestic poverty in order to build a business. Another contributing factor to this acceptance of such adverse conditions is that, compared to the conditions in their country of origin it may still be preferable.

A further explanation is the whole sense of social solidarity: Cultural minority status has encouraged well-developed social networks which in turn has created resources from which members of that minority can draw for business purposes. This communal solidarity, it is argued can encourage ethnic entrepreneurship which otherwise might not have developed. In addition, it allows minority entrepreneurs to make use of language and cultural barriers and ethnic affinities to gain privileged access to markets and sources of labour.

In a broader societal context, it is suggested that many minorities recognize that economic and financial strength through cooperation can offer an important means for their own linguistic and cultural survival. The support of community economic development activity can in turn help to reinforce participation and social cohesion within their communities.

It can be said then that ethnicity not only supports the ethnic economy but also the ethnic economy supports the maintenance and development of ethnicity, of Canada's cultural diversity.

The notion of "sojourning" is another factor that is said to contribute to the disproportionately high level of entrepreneurial activity of immigrants. There is a number of what have been labelled "jet-set immigrants" — people who come to Canada to gain professional experience or to amass as much money as possible and then return to their country of origin. Such "sojourning" implies a whole battery of entrepreneurial motivations that encourages the development of ethnic enterprises.

Finally, there is what has been defined as class resources. By class resources one refers first to the material resources such as having money to invest, and secondly to the cultural resources such as bourgeois values, attitudes, knowledge and skills. Present Canadian immigration policies actively pursue immigrant entrepreneurs who can bring all these resources with them. In its refugee policy too, Canada has not only sought the wealthy refugees, but the entrepreneurial class.

## Ethnic Enterprise: Inhibiting Factors

Despite the above positive factors encouraging the development of ethnic enterprises, the evidence indicates that "minority business persons do experience far more difficulty in establishing and maintaining a business than do members of the majority."[2]

The major problem is capital formation and access to finance. Access to capital may in certain cases be controlled by the country of origin. Currency controls for Jamaica during the seventies for example, allowed a maximum of $200 to be taken out of the country. Frequently, lack of personal financial resources of any kind means that minority businesses are almost totally dependent on the traditional credit-giving institutions. Although data is scarce, there appears to be considerable perceptual evidence

that a significant level of discrimination is operating against minorities in being able to obtain finance for start-up and intermediate loans. The Abella Report found "that obtaining credit from lending institutions is unusually difficult for them."

Other factors with which minority ethnic enterprises face particular difficulties include lack of managerial experience, lack of knowledge of the assistance available to small business, racial prejudice, abuse and harassment, and vandalism and other security problems.

Another problem for ethnic businesses established to meet the special needs of that particular minority, is that they are of course closely linked to the growth of that market. These businesses are expected to succeed within a limited ethnic market which more often than not has income levels that are below the national average.

## Conclusions

Although it has been beyond the scope of this article to attempt a quantification of ethnic economic development activities in Canada, it can be stated with some confidence that it is extensive. It should be recognized however, that this activity is not consistent and uniform for every community. Some ethnic groups have well developed support systems while for others it is neglible.

It is clear however, that Government economic and employment policies should take much greater cognizance of ethnic economic experiences and activities that can help to strengthen and develop ethnic community resources and encourage greater autonomy.

Failure to recognize the key role of collectivism in ethnic economic development, on the part of many planners and legislators, is to ignore the importance of collectivism in shaping minority economic development, and the many effective ways to support and reinforce this experience to accomplish community prosperity and economic equality.

Management training and specialist business advice should be provided and geared to the needs of the minority entrepreneur. In addition to specialist technical assistance, the barriers to equal access to capital should be carefully assessed and evaluated. If more concerted efforts are made to enable ethnic minority businesses to overcome the main obstacles to their economic development, such businesses would be in a better position to make a more positive economic contribution to their local economies and to the wider national economy.

**References**


1. Chan, Janet B., and Cheung, Yuet-Wah *"Ethnic Resources and Business Enterprise: A Study of Chinese Businesses in Toronto"*. Paper presented at the Annual Meeting of the American Sociological Association, 1982.
2. *Contrast Newspaper*, Toronto, January 28, 1983.
3. Herman, Harry V. *"Dishwashers and Proprietors: Macedonians in Toronto's Restaurant Trade"* in *'Ethnicity at Work'*, ed. Sandra Wallman, London, Macmillan, 1979.
4. Kallen, Evelyn and Kellner, Merrijoy *"Ethnicity, Opportunity and Successful Entrepreneurship in Canada"*, York University, 1983.
5. Reitz, Jeffrey G. *"The Survival of Ethnic Groups"*. Toronto, McGraw-Hill, 1982. *"Ethnic Group Control of Jobs"*. Paper presented at the Annual Meeting of the American Sociological Association, 1982.
6. Rhyne, D. *"Some Factors Facing Non-White Entrepreneurs in Toronto:, Currents: Reading in Race Relations*, Vol. I, No. I, Toronto, 1983.
7. Thompson, Richard H. *"Ethnicity & Class: Analysis of Conflict in a North American Chinese Community"*. Ethnicity 6:306-26, 1969.


**Footnotes**

1. Reitz, Jeffrey G. *"Race Relations in the Contemporary Canadian Labour Market"*, University of Toronto, July 1982.
2. Henry, Frances *"Minority Business" Currents: Readings in Race Relations, Vol.I, No. 2*, Toronto, 1983.

# LETTERS TO THE EDITOR

## *Advocacy and Media*

The Summer, 1984 issue of Currents was highly readable — professional — and generally enjoyable. You and your co-workers should be congratulated on a fine publication.

However, two thorough readings of the article on "Visible Minorities in Advertising" left me puzzled. The piece appears to report on the "Advocacy in the Media" Conference held last December. But at no point does it make reference to the all-day involvement of the Advertising Advisory Board. At no point is there any reference to the long discussions held on the advertising process, the input of various peoples to that process and of equal importance, the background of those people. For example, the Nivea Cream advertisement is not discussed (as it was at the Conference) from the viewpoint of the creator, who may have related to his or her high school days when productions of Gilbert and Sullivan's "Mikado" were common. Instead the review article implies that the creator is guilty of racism and stereotyping when in fact he or she was using a positive image presumed to be familiar to the majority of the target audience.

As the author noted" The advocacy role is not to become a censor. Rather, it is to point out the distortions and ask that more thought be given to avoid such distortions". I thoroughly agree. The avoidance of distortions in reporting on a highly successful **co-operative** effort of the Urban Alliance on Race Relations and the Advertising Advisory Board — or any other business group for that matter — will in itself contribute to more understanding and lead to continued co-operation in our joint endeavours.

SUZANNE KEELER
Director, Public Affairs
Advertising Advisory Board

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It is essential for us to be concerned with the omnipotence of the media in shaping society's attitudes, beliefs and expectations outside and inside the classroom.

Our commitment to the principle of freedom of the press however, means that no one is responsible for what and how news is reported. In Ontario, a very weak mechanism exists for newspapers. It is the Ontario Press Council (OPC). An equivalent mechanism for the electronic media nationally is the Canadian Radio and Television Commission (CRTC).

It seems that the Ontario Press Council should go beyond their case-by-case approach and take a stand on major issues based on principle. In the case of Racism, it seems that the Council has failed to do it yet by any serious commitment of its resources.

Would-be complainants to the Press Council should note that it is not a Court or even a quasi-judicial body. It is of interest to note the comments of the Minnesota Supreme Court Justice and the first chairperson of the Minnesota Press Council in the American Bar Association journal in August 1980:

"The differences in dispute resolution by a Court and by a News Council are noteworthy. Litigation involves judgement on legal issues with remedies and sanctions enforced by government; disputes before a News Council primarily involve determination of ethical issues, backed only by the force of public opinion . . .

The end product of a Council proceedings is a publicized, advisory opinion, which on a case-by-case basis creates a body of professional standards for journalists . . .

The Minnesota experience has been that whether the grievant wins or loses, acrimony or frustration tends to diminish and the credibility of the media is enhanced by their demonstrated willingness to engage their critics in a public forum".

The Ontario Press Council constitution allows specific complaints within six months of its occurence, but that eliminates complaints that may require a long-term monitoring process to show bias, stereotyping and prejudice.

The weakness of the OPC is understandable in view of our commitment to the freedom of the press, but its moral suasion on journalists and editors trying to meet deadlines is ineffective indeed. "OPC undoubtedly has an influence on its members, but it is marginal and is limited to correcting minor failings", admits its 1983 report. It elaborates, "Consumer associations, pressure groups and press ombudsmen have a stronger and more determining influence."

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## *In the next issue:*

### RACE RELATIONS AND MUNICIPAL GOVERNMENT

*Public policies and programmes to improve race relations in this country has largely been seen to be the responsibility of the two senior levels of government. This issue will assess the growing and far reaching role that municipalities can play.*