

# **Planning for Gender Equitable Employment**

By

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# 1.0 INTRODUCTION

The Government of Newfoundland and Labrador is committed to advancing the status of women. Women comprise 51 percent of the population and 47 percent of the labour force and have a right to share equitably in the economic and social development of the province.

The purpose of this document is twofold. Firstly, this document is intended to provide readers with information about: (i) women's entitlement to equality as a matter of human rights; (ii) the provincial, national and international commitments to gender equality; (iii) the status of women in Newfoundland and Labrador; and (iv) the responsibility of individuals to take action.

The second purpose of this document is to provide guidelines for reviewing employment systems and implementing plans for gender equitable employment. These guidelines are intended to help: (i) identify policies and practices that may have a negative impact on women; (ii) identify barriers that may exist to women's employment; and (iii) develop and implement an employment plan for gender equity.

## 1.1 Background

Statistical evidence indicates that women represent the largest disadvantaged group in our society and strongly calls attention to the need for intervention to correct this inequity. According to the 2001 census information, the average income for a man in Newfoundland and Labrador is \$28,114 while the average income for a woman is 61 percent of that, \$17,181. The average income for an Aboriginal woman is even lower at \$14,786, almost half of that for the average man in the province. Newfoundland and Labrador ties with Nova Scotia and Ontario for having the second highest gender income gap in the country. Alberta has the highest gender income gap where the average income for women is only 56 percent of that for men.

There are several factors contributing to the gender income gap. Firstly, women account for almost 70 percent of the part-time workforce in the province. While some may believe that women just do not want to work full time, evidence points to the contrary. The Statistics Canada Labour Force Survey reports that in 2004, of the women in Newfoundland and Labrador who worked part time, only 19 percent indicated it was a personal preference and approximately 21 percent indicated it was because they were going to school. However, almost 50 percent of women who worked part-time indicated that they did so due to business conditions and they could not find full-time work.

Another reason contributing to the gender income gap is the propensity for women to work in a narrow range of occupations where wages are low. In each of the ten broad occupational categories identified by Statistics Canada, men on average earn more than women. According to the 2001 census, even in occupational categories such as health where women represent 79 percent of workers, women earned only 49 percent of the average men's earnings. This is partly due to the fact that men account for 69 percent of the highest paying occupations in the sector: physicians, dentists and veterinarians in the province with average annual salaries of between \$123,000 and \$183,000. However, women account for 95 percent of significantly lower paying nursing positions with an average annual salary of \$37,671.

Similarly, while women account for 58 percent of people in teaching professions, men account for 71 percent of university professors with an average annual salary of \$61,652, while women account for 79 percent of elementary and kindergarten teachers with an average annual salary of \$35,187.

Women in Newfoundland and Labrador are significantly under-represented in senior management positions where men account for 73 percent with an average annual salary of \$82,616. Men also account for 82 percent of all occupations in natural and applied sciences, 97 percent of people in construction trades, 81 percent of people employed in occupations unique to primary industry and 85 percent of supervisory positions in manufacturing with average annual salaries of \$41,960, \$21,378, \$22,637 and \$40,592 respectively.

The fact that women are under-represented in these occupational areas is not an indication that women simply do not want to work in these jobs because of travel, shift work, remote work locations or because they do not want to get dirty. As highlighted in the report, *At a Snail's Pace*, released by the Women in Resource Development Committee (WRDC), women in nursing and social work positions work in isolated communities across the province, women working as domestics on oil rigs are away from family for extended periods of time. Women caring for children, the disabled and the elderly are accustomed to getting their hands dirty and women working as flight attendants are familiar with unconventional shifts. Alternatively, WRDC suggests that these issues are much less significant barriers for women's employment than the traditionally held views of where, when and how women should work.

The fact that women are largely absent from occupations related to science, trades and technology is highly disconcerting. The occupational areas that largely exclude women are those identified in relation to the economic growth sectors of the province. Therefore, if the growth projected in oil and gas for example is realized without the participation of women, the gender income gap will escalate. Greater economic and income imbalance translates into greater power imbalances between men and women. This imbalance gives rise to greater oppression of women and girls and increased violence against women and girls.

## 1.2 Human Rights

The Human Rights Code was passed by the Newfoundland Legislature in 1969. The Code, which is part of the law of Newfoundland and Labrador, was proclaimed fully in force on September 1, 1971. The Legislature of Newfoundland and Labrador believes implicitly in the Universal Declaration of Human Rights as proclaimed by the United Nations. To reaffirm the Legislature's faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, the Code was made law. The provisions of the Code allow for the regulation of all matters concerning human rights that fall within the competence of the Legislature.

The Code prohibits discrimination by an employer, or any person or agency acting on the employer's behalf, against any individual with regard to advertising, hiring practices, continued employment, or any term or condition of employment on the basis of race, religion, religious creed, sex (including pregnancy), marital status, physical disability, mental disability, political opinion, colour or ethnicity, sexual orientation, national or social origin, or age if between 19 and 65 years. However, it should be noted that the prohibition against discrimination does not apply if the employer can establish that a limitation, specification or preference which would otherwise amount to discrimination can be explained in that it is based on a bona fide occupational qualification.

The Code prohibits harassment in an establishment because of race, religion, sex, etc. It also prohibits sexual solicitation by any person in a position to confer, grant or deny a benefit or

advancement to another person; particularly where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

The Code provides that male and female employees working in the same establishment performing the same or similar work, requiring the same or similar skill, effort and responsibility shall be paid equal wages except where payment is increased pursuant to a merit or seniority system. The Code also provides that employees also be given equal opportunity for training and promotion and be accorded equal insurance and pension benefits.

Under Section 19 of the Code, employers may implement employment equity programs designed to eliminate disadvantages that may be suffered by any group of individuals. Employers may submit their program description to the Human Rights Commission for approval. Once approved, the program would not be a violation of the provisions of the Code.

The Human Rights Commission in Newfoundland and Labrador reports that in 2005, the Commission received 117 complaints. Approximately 22 percent of the complaints concerned issues relating to sex, sexual harassment and marital status (4 by men and 22 by women). Of the ten matters that were referred to the Board of Inquiry three cases involved complaints from three men and seven cases involved complaints from 25 women.

The Canadian Human Rights Act provides protection for women's equality by prohibiting discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted. The Act provides a mechanism for addressing complaints made by individuals or groups that involve government programs, policies or legislation and discriminatory acts in employment or services involving federally regulated companies which includes 11 percent of the Canadian work force — the Canadian Charter of Rights and Freedoms is restricted to government actions only. The Act explicitly prohibits sexual harassment and requires all employers to provide equal pay for work of equal value to all employees.

### **1.2.1 Direct Discrimination**

In the early 1980s, the courts were of the view that human rights legislation was meant to deal only with intentional (or direct) discrimination. This was consistent with the idea that equality meant that everyone should be treated in the same way. As long as an employer did not intend to deny employment because of religion or race, then there was a sufficient amount of equality. This has become known as a formalistic kind of equality. It meant that as long as employees could comply with rules made with the majority in mind, then there was no harm to be alleviated by human rights law. However, courts have since broadened its view of what constitutes discrimination to include adverse effects and systemic discrimination.

### **1.2.2 Adverse Effect Discrimination**

In *Bhinder v. Canadian National Railway* (1985), the Supreme Court of Canada decided that the broad aim and purpose of the Act covered adverse effect discrimination. The Court held that an employment rule that required all employees to wear hard-hats for safety reasons discriminated against Sikh employees whose religious principles forbade any head-covering but a turban.

This decision meant that the Act prohibited not just acts of direct discrimination where individuals were expressly excluded from employment or services because of personal characteristics connected with the listed grounds of discrimination, but also that the Act prohibited conditions of employment and accessibility to services which did not expressly single out a group of employees but had a negative effect on them because of their personal

characteristics. The Court felt that the purpose of the Act to eliminate and remedy discrimination required the recognition of the fact that a discriminatory act was harmful whether intended or not.

The concept of adverse effect discrimination was an important step towards a more comprehensive understanding of discrimination. It meant that employers and service providers could not ignore the effect of their policies on employees and customers based on the prohibited grounds.

This development initiated a legal recognition of the fact that each person is different and has different needs and capacities. The Supreme Court of Canada held in the companion case to *Bhinder, O'Malley v. Simpsons-Sears* (1985), that where a company policy adversely affected an employee because of her religion (Mrs. O'Malley could not work on Saturday because she was a Seventh Day Adventist), the employer had to show that it tried to accommodate her religious needs to the point that it caused undue hardship to the business. In *Alberta Human Rights Commission v. Central Alberta Dairy Pool* (1990), the Court decided the duty to accommodate was triggered whenever an employment rule had an adverse discriminatory effect on an employee.

### **1.2.3 Systemic Discrimination**

In *Action Travail des Femmes v. Canadian National Railway* (1987), the Court decided that a purposive approach to interpreting the Act required the recognition of another form of discrimination with potentially greater consequences in terms of the number of people affected. This was called systemic discrimination.

The Court stated that "...systemic discrimination in an employment context is discrimination that results from the simple operation of established procedures of recruitment, hiring, and promotion, none of which is necessarily designed to promote discrimination... ." It called for systemic remedies, such as the employment equity order made by the Tribunal in that case. The Court wrote that "to combat systemic discrimination, it is essential to create a climate in which both negative practices and negative attitudes can be challenged and discouraged."

Looking at discrimination in this way recognizes that human activities, such as employment and the provision of services, proceed on the basis of assumptions and value judgments about the capacities and needs of individuals. These assumptions often reflect ideas about the place in society of certain individuals because of their personal characteristics. This in turn may be reflected in the way the workplace is ordered, in the terms and conditions of employment, and in decisions about who should be hired and promoted. While some of these assumptions may be accurate, others are harmful, in that they create barriers to the full participation of individuals in the workplace or in access to services.

The idea of systemic discrimination exposed the underlying causes of much discrimination in the workplace. These causes related to the way employers and service providers treated differences between individuals. Differences in the needs and capacities of employees based on their disabilities, their family responsibilities or religions were assumed to be of insufficient importance to be accommodated in the system or were simply overlooked. For example, a workplace designed with the assumption that all employees are able-bodied will create barriers for others. These barriers exist and prevent some people from participating, whether or not the assumption is conscious or whether the effects are intended.

Systemic discrimination is discrimination that results from systems regardless of whether or not discrimination is intended. In an employment context, the policies and procedures related to recruitment, hiring, retention and promotion or elements of the work and work environment itself may result in the exclusion of women. This exclusion then fosters the belief that the inherent inequity is the natural balance, women do not want certain jobs or women are not capable of performing certain work. In effect, the discrimination is perpetuated by the system.

Women's entitlement to equality is enshrined in other international, national and provincial commitments.

### **1.2.4 Universal Declaration of Human Rights**

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Under Article 23 of the Universal Declaration of Human Rights: (i) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment; (ii) Everyone, without any discrimination, has the right to equal pay for equal work; (iii) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection; and (iv) Everyone has the right to form and to join trade unions for the protection of his interests.

### **1.2.5 Convention on the Elimination of Discrimination Against Women**

In 1979, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) further defined the objectives and measures necessary to achieve gender equality in both public and private life. CEDAW recognizes that the effects of legislation must be taken into account in determining whether it is discriminatory, and that positive-action measures are sometimes necessary to correct historical patterns of discrimination. Canada ratified CEDAW in 1981. The U.N. Declaration on the Elimination of Violence Against Women, adopted by the General Assembly in 1993, was a Canadian initiative.

### **1.2.6 Beijing Declaration and Platform for Action**

In September 1995 in Beijing China at the Fourth World Conference, participant countries, including Canada, signed the Beijing Declaration. Of the 38 sections in the document the participating countries committed to: (i) take all necessary measures to eliminate all forms of discrimination; against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women; (ii) promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women; (iii) prevent and eliminate all forms of violence against women and girls; (iv) ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls.

### **1.2.7 The Canadian Charter of Rights and Freedoms**

The Canadian Charter of Rights and Freedoms provides constitutional protection for gender equality. Section 15 prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. Section 28 provides that the rights and freedoms described in the Charter are guaranteed equally to women and men. Generally speaking, the Charter applies to relationships between an individual and government, rather than between individuals.

In *Andrews vs. the B.C. Law Society*, the Supreme Court of Canada affirmed that the purpose of the equality provision in the Charter is to protect from discrimination, groups that suffer social, political and legal disadvantage in our society. Discrimination can result if either the purpose or effect of a law is to impose a disadvantage on members of such a group compared to other members of society. To approach the ideal of full equality before and under the law, the main consideration must be the impact of the law on the individual or group. The Court firmly rejected the "same or identical treatment" standard of equality, recognizing that "... every difference in treatment between individuals under the law will not necessarily result in inequality, and, as well, that identical treatment may frequently produce serious inequality."

Discrimination is not a mere finding of distinction between the treatment of groups or individuals: it must involve a disadvantage. Equality, therefore, is served by policies that recognize and take account of the specific circumstances of Canadians who, on the basis of an inherent attribute such as gender, are in a position of social, political or legal disadvantage.

### **1.2.8 Government of Newfoundland and Labrador Commitments**

In the 2006 Throne Speech the Government of Newfoundland and Labrador committed to advancing the status of women in Newfoundland and Labrador by:

- Ensuring women share equitably in the social and economic benefits of our society;
- Integrating women's voices and perspectives, including those of Aboriginal women, when formulating public policy;
- Advancing women's participation in leadership and decision making;
- Employing special measures to increase women's opportunities to acquire positions in trades and in non-traditional occupations and sectors of our society; and
- Implementing a six-year plan for violence prevention.

It is not only government's responsibility to act in support of and to ensure gender equality, but also the responsibility of employers, employees, unions and every other individual. The following sections provide guidelines for organizations to review their employment systems and to take deliberate action to create better work environments for both men and women.

## **2.0 REVIEWING EMPLOYMENT SYSTEMS**

The focus of this section is to help organizations identify and eliminate discrimination inherent in their employment systems. In the context of gender equity, an employment system review is an examination of human resource policies and practices for their impact on women. The review also includes an analysis of the measures required to ensure women's full participation in an organization's workforce.

The employment systems review (ESR) is an analytical tool that can help reveal human resource policies and practices that negatively impact on the full participation of women, in the employer's workforce.

The ESR pinpoints human resource policies and practices—whether formal or informal, written or understood—that need to be replaced, modified or expanded upon. In pinpointing human resource policies and practices that adversely impact women, it often becomes apparent that they have a negative effect on others in the workforce as well. Thus, the ESR is a vehicle to create a workplace that is fair and equitable for everyone and benefits all employees.

Human resource policies and practices, also referred to as employment systems, which unfairly exclude women from taking part in an employer's workplace are known as systemic barriers. They usually result from a lack of awareness of their impact on women.

Such systemic barriers can be subtle and therefore hard to detect. Even a policy or practice that was never designed to exclude the women may result in systemic barriers. Employment policies and practices which appear neutral and are applied equally may have a disparate effect on women. For example, a requirement for five years experience may not be an indication of job performance or business necessity and exclude women who are just entering the occupational field in question.

Sometimes a human resource policy or practice that excludes or limits the full participation of women may be required. For instance, a degree in geophysics may be a genuine requirement for a job in mining. Although fewer women might have the opportunity to apply for the job because only a small proportion may study geophysics, the job requirement is necessary for the business. Exclusion does take place in this case, but the particular job requirement is not unfair.

In effect, systemic barriers exist when women are unfairly hampered in their participation by the employment policy or practice so they may not reach the same level of achievement and may not be valued as highly as others. Eventually, this may affect their opportunities for developmental assignments, training, promotion or just being able to keep their job in a time of downsizing. The key to detecting systemic barriers is to ask the following basic questions:

- Does the human resource policy or practice in any way unfairly exclude or limit women?
- Does the policy or practice benefit women as well as men?

An ESR can pinpoint such examples of systemic barriers, and helps the employer determine where changes are needed to ensure that everyone is treated fairly.

However, employee behaviours are equally important in ensuring a fair and equitable workplace. No matter how fair an organization's policies may be, if individual managers do not apply them consistently and fairly, the organization will not be equally accessible to everyone. Attitudes are one factor in shaping behaviour, and the attitudes and behaviours of individual employees help form the organizational climate as a positive or negative experience for women.

It is also important to note that an ESR benefits all employees. An ESR means ensuring employment policies and practices are fair for everyone. It identifies barriers that may affect others from fully participating in the workplace.

The results from the ESR are used to determine which policies and practices need to be neutralized so that all qualified people can be recruited, promoted and retained. The ESR can also help to determine where positive policies and practices would further the integration of women into the employer's workforce.

The goal of the ESR is to ensure equality for women and men by implementing neutral policies and practices.

The approach to use in conducting an ESR is to ask the following basic questions as each policy or practice is examined:

- Does this policy or practice in any way unfairly exclude or limit women?
- Does the policy or practice benefit women as well as men?

These basic questions can be subdivided into five specific criteria for determining if employment policies and practices comply with the law and employment equity goals:

1. **Legality:** Does the policy or practice conform to applicable human rights, health and safety, labour, employment and other legislation?
2. **Adverse impact:** Does the policy or practice have a disproportionately negative impact on women?
3. **Job-relatedness:** Is the policy or practice reasonable and is it related to the job? Is the content of a job test “reasonable”; does it predict how well an employee will do on the job? Requirements that are job related are known as “bona fide occupational requirements.” For instance, is there a relationship between psychological tests and performance on the job? Or, is a Grade 12 certificate needed to work as a building cleaner? If a policy, practice, standard or other requirement has an adverse impact, it is wise to remove or amend it unless it is essential for the safe and efficient operation of the organization. To demonstrate that the policy or practice is essential, there must be a demonstration that the requirement is consistent with the requirements of the job or predictive of performance.
4. **Special Measures & Accommodation:** If the policy or practice is determined to be job related, but tends to exclude women, can an accommodation be made or special measure implemented that would result in less or no adverse impact? It is important to remember that even if a job requirement is important to performing the job, accommodation must be made if possible.
5. **Consistency:** Is the policy or practice applied consistently? For example, are developmental and training opportunities available only to managers and, conversely, rarely to women? Are only women asked about their availability to work overtime? An employer may wish to treat the ESR as an effectiveness audit which will also pinpoint possible areas of inadequate results. The question to ask here is “Will the policy or practice be effective in reaching the intended goal?” If the ESR is positioned as an effectiveness audit, it can be an important link between improving employee management practices as a business objective and eliminating barriers for women. The ESR may be treated as an effectiveness audit.

Conducting an ESR involves the following seven steps:

1. Involve the organization’s employment equity committee, if one exists, in conducting the ESR. The committee may need some training from outside experts on how to undertake an ESR. It is particularly important that women have the opportunity to provide input because they have first-hand experience on how human resource policies and practices can affect them. If a standing committee on employment equity does not exist, a group representing a cross section of employees could be established to conduct this process.

Many other people in the organization can be helpful in doing an ESR - human resource specialists, line managers and union representatives. Unions can play a critical role as part of the team in identifying practices that are barriers to employment equity. In unionized settings, employees will often speak to their union representative about employment practices. If a senior manager is not already part of your employment equity committee, it is helpful to have such a person to ensure that the recommendations have an advocate from senior management. The ESR should be carefully planned and coordinated to ensure its effectiveness and efficiency.

The committee also needs the full support of the entire senior management team. It may be a good idea for senior managers to communicate to all employees that an ESR is taking place. The communication could state that senior management looks forward to the results and hopes all employees will cooperate with the review. This communication could be signed by both senior management and union officials.

2. Determine in which occupational groups under-representation exists for women by examining the workforce statistics. This will pinpoint the occupational groups for which an ESR is necessary. Where an employer has many employees in a single occupation (such as computer analysts), it is important to examine these jobs individually and not just the broad-based occupational categories.
3. Determine which human resource policies and practices apply to these occupational groups where under-representation occurs. This process may be relatively complex since formal policies and formal and informal practices and procedures as well as how they are implemented should be identified. This includes developing an inventory of all documentation that can affect the employment relationship. The process may reveal documents being used in individual branches that were developed by the branches, corporate documents that are policy but not being used, corporate policies that are selectively applied, and corporate documents that have been phased out but are still being used. In addition, this phase will reveal practices that are used but not documented.
4. Examine statistically which employment policies and practices create an adverse impact on women. For instance, in the area of recruitment, compare the number of Aboriginal applicants to their representation in the labour force for particular occupational groups in which they are underrepresented. Are they applying at an appropriate rate? Or, in the area of promotion, compare the percentage of promotions awarded to women in the underrepresented occupational groups to their representation in the feeder groups. This examination may provide clues as to where unfair exclusion exists.

Statistical analysis may be inappropriate for occupational groups in which very small numbers work. In this case, statistical analysis may be more appropriately done on an organization-wide basis or by rolling up two or three related occupational groups for analytical purposes.

Sometimes statistical analysis does not reveal that an employer's employment policy or practice has resulted in under-representation of women. However, external data or various studies may indicate that such a policy or practice probably has a negative effect on women. It is wise to eliminate or adapt the policy or practice to eliminate any possible negative impact in such a situation.

5. Examine how each of the human resource policies may have created an adverse impact on women. Policies are formal procedures that a company requires its employees to follow, and normally are written in a policy manual. Input from women to this examination is crucial to understand how a seemingly neutral policy can exclude female employees from fully participating in the workforce. Anyone involved should be familiar with barrier issues.
6. Examine how each of the human resource practices may have created adverse impact on women. They are also actions that occur as a result of a common understanding or perhaps on a random basis by individual employees. Examine practices by interviewing women and other employees, supervisors and managers; undertaking statistical analysis; talking to human resource staff and union representatives; and reading procedural manuals. These interviews should be clearly designed to elicit experiences and observations, not attitudes and opinions. Interviewers should be competent to assess and interpret experiences and observations for their potential to have adverse impact.
7. Write the report outlining where barriers exist for women and recommendations to eliminate them. These recommendations become part of the employment equity plan and should be shared with all employees.

Once an organization has completed the ESR, it should be kept up to date. Every time a new human resource policy or practice is proposed, it is good idea to review it for employment equity considerations (i.e. its impact on women). Some organizations do this by having those responsible for employment equity sign any human resource proposal before it receives final approval from senior management. Other organizations pre-test policies with women by using focus groups and other testing methods. Policies and practices need to be monitored regardless to ensure that they fit the changing market and organizational requirements. An ESR is dynamic, ongoing document and should be updated as part of annual monitoring.

## **2.1 Recruitment, Selection and Hiring**

Hiring encompasses issues related to the creation of the employer/employee relationship. In order to hire, recruitment and selection must take place. These processes should be fair and unbiased which will help to ensure that women are recruited and selected at a rate at least equivalent to their representation in the workforce.

The recruitment process is designed to attract a representative group of qualified job applicants to fill available employment opportunities.

The focus of the recruitment system review is to determine whether the applicable policies and practices encourage qualified women to apply for employment opportunities within an organization.

Employers may recruit from within their existing workforce through promotions and transfers, or externally through newspaper advertising, employment agencies and other methods. Employers who do not have a representative workforce often say it is because women do not apply for jobs. However, women may lack access to employment opportunities because of the recruitment methods being used. Sometimes women are inadvertently screened out of the recruitment process.

For example, word-of-mouth recruiting may inadvertently perpetuate the exclusion of women from being hired. People tend to have friends and relatives like themselves, so it is less likely they will be in contact with members outside their own socio-economic and gender group. On the other hand, word-of-mouth recruiting works well when extended to all groups in the community.

The recruitment method is a major factor in determining the final outcome of the recruitment process. In other words, recruitment methods or practices dictate the makeup of the pool of job applicants. For example, years of exclusion of women from many workforces mean that many standard approaches to recruitment do not reach qualified women.

To ensure that women know about job opportunities, go where they are and make sure they are included in your invitation.

The following section provides examples of how some recruitment policies and practices may exclude women. Each organization, through its own review, will discover what policies and practices exclude or limit women in its workplace.

### **2.1.1 Seniority and other next-in-line approaches**

An organization that uses only internal candidates for job vacancies is likely to perpetuate under-representation if there are very few women currently working in the organization. Women are often the people who are the most recent entrants to the labour force and therefore have little seniority. Employers should consult with employee representatives on seniority issues to determine if they create an adverse impact on the employment of women and find ways to minimize it.

### **2.1.2 In-house advertising**

Employers are not always aware of the qualifications of all their staff, and therefore may wish not to restrict those who can apply to fill a vacancy. Employers should also keep in mind that limiting individuals who can apply by their classification or level in the organization may screen out many qualified employees. Appointing individuals to positions without advertising the jobs can restrict the access of women to senior levels in the organization. Employers may wish to post job vacancies on bulletin boards and in other relevant communication vehicles, such as e-mail, so all those who qualify may apply. Reviewing job posters helps to ensure that they accurately emphasize the qualifications and duties most central to the job. Limiting individuals who can apply by their classification or level in the organization may screen out many qualified employees.

### **2.1.3 Succession planning systems**

Succession plans are helpful to organizations in planning their future human resource needs, but can exclude women if they are not consciously included in the plan.

### **2.1.4 Assignments and acting positions**

Increasingly, special assignments and acting positions are stepping stones to permanent promotions. It is crucial that access to these opportunities is equitable. During the ESR, employers should examine their policies on how individuals gain access to such opportunities because they are often the result of informal appointments by individual managers. It can be helpful to compare the percentage of women members who receive such positions to the percentage of all employees. Having proactive policies and practices on training in place will help to ensure that women can take advantage of special assignments when they occur.

### **2.1.5 Word-of-mouth referrals**

People tend to tell friends about job vacancies that occur within their organizations. This can result in duplicating the gender, attitudes and beliefs of current employees as people are likely to have friends and relatives with similar value systems. Supplementing this practice with other external recruitment methods, such as use of employment agencies, community groups and advertising, can help to ensure that all groups of people have every opportunity to apply for available jobs. Word-of-mouth referrals can work both for and against women.

### **2.1.6 Walk-ins**

Relying on “walk-ins” as a means of recruitment can restrict an employer’s applicant pool to those who know about the organization. This could have a negative effect on women if they are unaware of the employer’s existence, or if they believe, even incorrectly, that there are no opportunities for them. The employer may need to widen the applicant pool by using other methods of recruitment.

### **2.1.7 Referrals from employment centres and agencies**

Human resource referral agencies are not always aware of an organization’s gender equity goals and interest in interviewing women. They may need to be reminded so that qualified women are referred and not screened out.

Agencies representing women, schools and universities can be useful sources of qualified women. Organizations may need to contact these bodies on a regular basis, as well as professional associations, education and training institutions to widen the pool of qualified applicants.

### **2.1.8 Advertising**

Employers may need to examine their advertising, and their publications available to the public, to ensure they are inclusive of women. Employers should examine if women are reading their advertising. If not, they may need to advertise in publications read by women to ensure they are aware of available jobs.

Organizations may find their advertisements are not attracting responses from women. One way of finding out is to ask on the applicant form where the individual heard about the job opening. Perhaps the perception of women is that they are not welcome in the organization, although this may be far from the truth. In this case, the organization may wish to advertise that it is interested in having women apply for positions.

Depicting women in stereotypical ways can adversely affect their participation rate. On job advertisements, slogans such as “Applications are welcomed from women”, can be helpful.

### **2.1.9 Recruitment campaigns**

Organizations that are expanding or looking for specific skill sets often undertake extensive proactive recruitment campaigns. To ensure applications from women, these campaigns could include visits to universities and high schools with a high representation of women and community groups representing women.

### **2.1.10 Mergers and acquisitions**

A business transaction, such as the merger or acquisition of a new business, can result in a challenge to maintaining or increasing women's representation. It is important to review any new policies and practices for their impact on women.

### **2.1.11 Selection System Issues**

Selection determines which candidates from a group of applicants are most likely to be successful in performing the job. The focus of ESR on selection is to determine whether the applicable policies and practices unfairly screen out women during the selection process.

Problems of unfair treatment often occur in both recruitment and selection systems. If an organization is not clear exactly what criteria it will use to determine the best person for the job, non-job-related criteria often creep into the selection process. This situation can happen even when the criteria are clearly specified. An interviewer may choose a particular candidate because that person seems more "suitable" for the job than other candidates. Upon close examination, this may happen because the interviewer found the candidate "easy to talk to" or because they had interests in common, such as sports or even a favourite television program. Interviewers need to ask themselves if they are choosing a candidate strictly on job-related criteria.

The following examples show how some selection policies and practices may exclude women. Each organization, through its own review, will discover what policies and practices exclude women in its workplace.

### **2.1.12 Application forms**

Applicants, who have been out of the labour force for a period of time, may have developed many skills in volunteer work. Application forms may need to be redesigned to allow this information to be included.

Sometimes staff who screen applications penalize applicants for career gaps due to family responsibilities. Test for this and make adjustments as necessary.

### **2.1.13 Job requirements**

Undue emphasis on specific job skills and state-of-the-art knowledge can screen out those who have generic skills and the potential to learn. Inflated job requirements may screen out women. Avoid this by determining minimum job-specific requirements and by eliminating any that are not. For instance, do not request that employees be available to travel if only a small portion of the time is spent traveling-this could cause many applicants not to apply when short trips could be arranged. Specifying "desirable" personality traits can screen out women. Desirable personality traits tend to reflect the values of the dominant culture. An example is asking for an "aggressive" individual. This could also be seen as a positive personality characteristic in men and a negative characteristic in women. Essential duties and critical requirements should be reflected in job descriptions to ensure that qualified and competent people are hired.

### **2.1.14 Testing and simulations**

Tests can unfairly screen out women if they are not demonstrably reliable predictors of future job performance and are bias free. All tests may need to be reviewed. For instance can all existing fire fighters in the province pass the entry test?

### **2.1.15 Interviews**

An all-white, all-male interviewing board may give the wrong impression to women. By including women on the interview team, when possible, the organization conveys a message to women applicants that they are welcome and an accepted part of the organization.

Sometimes, interviewers ask questions based on stereotypes of women only, which can alienate these candidates. For instance, do not ask women about child-care arrangements. This question would not only fail in obtaining the necessary information (e.g. the availability of the candidate to work overtime,) but could also result in a human rights case. However, you may ask all applicants if they are available to work overtime or to travel as long as they are actual requirements of the job and an accurate estimate of the overtime and travelling is provided. Standardize all interviews and document responses to questions to indicate why a particular candidate was chosen.

There is a variety of different models of job interviewing. It is useful to examine whatever model is being used for any adverse impact on women and its relevance to the job. However, it is important that whichever model is used, a set of fair, equitable and predetermined questions is asked of all interviewees.

Ask job interviewees, before they arrive for the interview if they need accommodation during the interview. This could include a child care or transportation.

### **2.1.16 References**

Selection should include a standardized reference check and not include questions which might discriminate on a ground prohibited by the Human Rights Code.

### **2.1.17 Letters of offer**

Sometimes organizations offer temporary positions to candidates before offering permanent positions. Offers of temporary and permanent jobs could be tracked to ensure that women receive an equitable share of permanent jobs and that movement from one type of job to the other is fair.

## **2.2 Training and Development**

Training and development improve an employee's performance in the current job and enable the employee to acquire the necessary skills and knowledge for future opportunities. An organization's training and development program may range from on-the-job training to educational leave with all tuition fees paid. While many organizations offer training and development opportunities, all employees may not have access to them. Training and development are an extremely important part of an employee's career, because it influences competencies and upward mobility within an organization. As such, it is vital to review training policies and procedures for their impact on women. The following examples show how some training and development policies and practices may exclude women. Each organization, through its own review, will discover what policies and practices exclude women in the workplace.

### **2.2.1 Policies**

Examine the overall corporate policy on training. If training is linked to seniority, job type and level, earnings, or next-in-line status, women may be adversely affected. Some training policies do not provide developmental training or sufficient resources for women in all types of work.

### **2.2.2 Participation rate of women in training**

Sometimes women do not participate in all training and development programs at the same rate as other employees. This could be a result of the jobs initially assigned to them. Employers may wish to keep records of women's participation in training events to determine if training policies and procedures exclude women.

Women might be excluded from some types of training because of the assumption that they may be away from work for maternity and child-rearing leave. Employers need to ensure managers are not working under such an assumption when developing training plans for employees.

### **2.2.3 Dissemination of information**

Dissemination of information is crucial to the full participation of women in training opportunities. Employers need to determine if training information is reaching all staff. Employees need to know how information on training and development is disseminated and how to apply. All new recruits need to have the same access to health and safety training that may be necessary for their job. Check if this is the case. All new recruits need to have the same introduction to the company's policies, rules of conduct, dress standards and introduction to appropriate personnel. Check if this is the case.

### **2.2.4 Training selection**

If selection for training is restricted solely to the discretion of supervisors, women may be excluded. Employers may need to allow employees to nominate themselves for training. Criteria for taking training should not be inflated, otherwise women may not apply.

### **2.2.5 Type of training**

Sometimes, training for employees at the lower level of the organization is given to enhance current job skills, not to prepare for different or more advanced jobs. More senior-level employees often have the option of taking courses to prepare them for promotion. This practice could adversely affect women, if they are located at the lower levels of the organization. It can be useful to compare the kind of training extended to women to training given to senior staff. Employers need to support all employees, including women, to be marketable.

### **2.2.6 Trainers**

Sometimes, trainers themselves require instruction on the needs and issues of women and on how to encourage them to participate during training sessions. It is important that trainers who are hired on contract are made aware of the organization's employment equity policies and cross-cultural issues in a training context. Material can contain gender bias and may need to be reviewed to delete it.

### **2.2.7 Career counselling**

Employers may need to offer career counselling to all employees. It can be helpful to appoint women as counsellors. Ensure that all counsellors are sensitive to women's issues.

### **2.2.8 Location and time of training**

Some training sites and times may be inaccessible to some women due to care giving and family responsibilities. Consider the impact of remote location training sites and training after normal work hours.

### **2.2.9 Mentoring**

Informal mentoring of junior employees by more senior employees is a frequent form of training on the job. Because it is informal, women can get left out if there are few or no women among senior staff. Informal mentoring often takes place between junior staff who are most like managers in terms of interests and personality because managers feel most comfortable with them. Informal mentoring can be helpful to female employees if there are women among senior staff. Participation of women at senior levels in mentoring programs should be encouraged to provide role models. Women should have equal access to mentoring, whether formal or informal.

### **2.2.10 Specialized equity and human rights training**

The culture of an organization can effectively “make or break” the success of a female employee in an organization. If managers are unaware of how to manage a gender equitable workforce, training could include interviewing techniques and the responsibility of managers for implementing gender equity within their area of responsibility. This training should be included as part of other management training instead of as a “stand-alone” package. This will encourage managers to see gender equity as part of the organization's culture and a goal similar to other business goals. If it is determined that some employees are hostile to women through a climate survey, the organization may wish to consider gender awareness training for all employees. The Women in Resource Development Committee offers gender awareness training.

### **2.2.11 Lateral moves**

Lateral moves in organizations help employees receive broad-based experience which makes them ready for promotions when they arise. Organizations may wish to track if female employees are taking advantage of such opportunities at the same rate as male employees.

## **2.3 Promotion**

The promotion system is the process by which employees are chosen for more senior positions. A promotion system also helps employees define and acquire the skills and experience needed for promotion.

The following examples show how some promotion policies and practices may exclude women. Each organization, through its own review, will discover what policies and practices exclude women in its workplace.

### **2.3.1 Information Dissemination**

Do not assume that the manager always knows the best person for the job. Other people may have qualifications unknown to him or her. One way of ensuring that all possible internal candidates are aware of available jobs is to post job opportunities throughout the organization.

### **2.3.2 Seniority or union restriction**

Seniority may be a barrier to women if they are the last people to be hired, which is often the case. Consult with unions on measures that may be taken to minimize adverse impacts. Any changes to seniority found in the collective agreement may be the subject of negotiations.

Some organizations restrict applications for jobs based on levels or salary ranges. In other cases, moving from one union to another within the same company affects seniority status. These issues may need to be examined for their impact on women.

### **2.3.3 Performance evaluation**

If promotions are based on formal performance evaluations, undertake a statistical analysis to see what percentage of women receive the same proportion of excellent, good, fair and poor ratings compared to men in the workforce. Measuring employees on the same basic criteria helps to eliminate bias against woman. For instance, if clerical staff are valued for “following instructions well,” while more senior staff are measured for “initiative,” it may be difficult to determine which clerical staff would be good candidates for promotions.

There are many different types of performance evaluations in use, and all need to be examined for possible adverse impact on women. Upward feedback, team-based performance evaluations and evaluations that include an employee’s community work need to be examined for how they may affect women.

### **2.3.4 Access to funds for transfers**

Some organizations provide moving expenses only to people above a certain occupational level within the organization for company initiated moves including moves for jobs that have been won through a competitive process. This practice can adversely impact women if they are clustered at the lower levels of the organization.

### **2.3.5 Succession planning**

Succession planning often depends on job rotations, secondments, special assignments and having the opportunity to act temporarily in more senior positions, when they are vacant for a period of time. Information about and access to these possibilities needs to be available to everyone to ensure that female employees have an equal opportunity to benefit. Succession plans can adversely impact women if they are not consciously included.

### **2.3.6 Managerial accountability for promotions for women**

Individual managers may exhibit bias within their area of responsibility. Statistical analysis reveals this bias. Managers need to be accountable for the rate of promotions and lateral transfers of women within their area of responsibility. This can be done through managerial performance evaluations.

### **2.3.7 Blockages or bottlenecks in the upward movement of women**

Sometimes “bottlenecks” occur, creating difficulty in upward mobility for staff. Organizations may have many positions at the clerical or other entry levels, a much smaller number immediately above the clerical positions, and a larger number of more senior positions. In effect, the small number of positions between the clerical and the senior positions creates a bottleneck for those seeking to gain a senior position. An examination of the organizational chart reveals bottlenecks and can be remedied by “bridging” positions and lateral moves to appropriate jobs.

### **2.3.8 Dead-end jobs**

“Dead-end” jobs can create a problem for women. Consider whether or not a bridge can be made from a senior clerical position to a junior researcher position. If this cannot be done without further training, perhaps this can be made clear to the incumbents and mechanisms can be put in place to help them receive further training.

### **2.3.9 Criteria to select employees**

If employees are not aware of criteria or other methods used to evaluate candidates for promotions, they may not be well prepared for job interviews or other methods used for evaluation. This information needs to be accessible to everyone.

## **2.4 Retention and Termination**

Retention ensures that high-performing employees stay with an organization and that there is an overall low turnover employee rate. Termination ends the employment of an employee or group of employees. Layoff and recall, disciplinary action, and firing are employer-initiated actions in response to such factors as a downturn in the economy, job obsolescence, poor employee performance or insubordination, restructuring and mergers of organizations.

Voluntary employee termination refers to employees leaving employment on their own volition for such reasons as the need to change jobs, better pay and benefits, better working conditions or career opportunities.

An ESR of retention and termination includes an examination of all policies and practices that affect these two areas, including the culture of an organization. A supportive and flexible culture will help reduce the turnover rate of female employees.

### **2.4.1 Identifying Barriers**

Undertake exit interviews to determine the reasons why women and men are leaving and if their reasons for leaving are different. The questions need to be designed very carefully to ensure the information sought is elicited. Analyze the information on a statistical and qualitative basis. Sometimes the results of such exit interviews reveal that female are leaving for exactly the same reasons as male employees. Exit interviews and climate surveys help to pinpoint why women are leaving the organization.

Undertake a climate survey of the organization. Ask respondents to identify their gender and compare the results of women to men. The survey could include such questions as the perceived fairness of promotions and the performance evaluation system. A climate survey will indicate whether women as a group are as comfortable as men in the organization. The following examples illustrate how the application of human resource policies and practices may contribute to a high turnover of women.

### **2.4.2 Harassment policies**

Sexual harassment can cause many women to leave an organization. Developing anti-gender discrimination and anti-harassment policies can help to eliminate this problem. These policies should be well communicated and a mechanism to address complaints needs to exist and be available to all.

### **2.4.3 Family-related matters**

Balancing family and work is a difficulty many employees face. Providing a child-care or elder-care referral service or an on-site child care centre can help alleviate these problems. Policies which provide for leaves of absence for family-related matters and alternative work schedules are also helpful. These policies are becoming increasingly important as the population ages and as women's participation in the labour force increases.

### **2.4.4 Benefits**

Sometimes health insurance plans do not apply equally to men and women. For example, a company's health insurance policy does not cover a husband, because it is assumed that he will have his own benefits, while male coworkers have their wives covered by the policy. Alternatively, because a woman's husband is between jobs, she is required to pay increased health benefits on his behalf that her male co-workers do not pay for their wives. Finally, a health insurance plan may exclude prescriptions for contraception. Health insurance plans may need to be examined to ensure that they do not prevent anyone from getting or keeping a job and that they are fair in their coverage. Ensure that bonuses are fairly distributed among qualified employees. Benefits should be extended to part-time employees.

## **2.5 Termination Issues**

### **2.5.1 “Last Hired, First Fired”**

A last hired, first fired policy may adversely affect women. They are often the newest recruits to the labour force. In situations where collective agreements exist, consultation with the appropriate union(s) should take place.

Many organizations have a small group of core workers and many employees working on contract to work on an “as-needed” basis. Organizations need to examine the representation of women among core and contract workers to determine if equal access to the core jobs exists for everyone.

### **2.5.2 Disciplinary measures**

Establishing formal procedures when addressing disciplinary actions helps ensure that all disciplinary procedures are the same for everyone. Providing counselling to employees who are disciplined can also be helpful-however, the counsellors need to be sensitive to the needs of female employees.

### **2.5.3 Criteria for layoff and termination**

Layoff and termination decisions need to be based on clearly defined, job-related and objective criteria. Communication problems often account for difficulties between an employee and supervisor; these problems could be based on cultural-specific communication styles.

### **2.5.4 Communication**

Employees need equal access to information on the organization's policies and procedures respecting layoff, recall, disciplinary action and termination. This will help ensure women are fully informed. It is important to examine both formal and informal communications. Often, the informal network is effective in communicating information, but women can be excluded, which is an indication that formal forms of communication need to be improved.

### **2.5.5 Financial considerations**

- Phase in building design changes (e.g female bathroom facilities and change rooms)
- Use special budgets or any external sources of funding that may exist in the community.
- Shift tasks between employees that can ensure the work is done and women are accommodated with minimum or no expense.

### **2.5.6 Pre-employment considerations**

- Before a job interview, interviewees should be asked if they need any accommodation.

### **2.5.7 Accommodation issues relating to women**

- Provide family-related leave for employees with family responsibilities such as child and elder-care.
- Implement a policy on part-time and flex-time work.
- Provide accommodation for pregnant women, if necessary. This may mean modifying their jobs during part or all of the pregnancy.
- Ensure off-site training or conferences are held within commuting distance so that employees with family responsibilities can return home at night if necessary. Some employers provide a child or elder care-referral service.

## **3.0 GENDER EQUITY EMPLOYMENT PLAN**

A gender equity employment plan is the core of an employment equity program. The plan represents the critical link between analysis of possible shortcomings in human resources policies and procedures, and the creation of fair systems and a representative workforce. It is the document that actually represents the employer's and employee representatives' commitment on how the organization will move from "here" to "there." As such, the plan should: (i) set out goals, including a timetable for implementation, for making employment systems fair and neutral and the workforce more representative within a reasonable period of time; (ii) be "do-able";(iii) include benchmarks that will permit assessments of success; and (iv) clearly indicate who is accountable and responsible for the implementation of the various components of the plan. Implementation of the plan should also be monitored, to ensure that reasonable progress is being made.

A plan may be a separate, free-standing document or a component of a broader document such as a business plan. If the latter approach is chosen, the employer should be able to extract the elements that comprise the employment equity plan when it is being audited.

Similarly, in terms of its organization, the plan may closely follow the sections of the Act and the relevant sections of this Guideline, or may be organized differently. If the latter is preferred, the employer should be able to explain how and where each statutory requirement in section 10 of the Act is reflected in its plan.

### **3.1 Elimination of Barriers**

Identification of barriers takes place during the employment systems review. The findings of this review are critical in determining what measures should be included in the plan. In essence, the review identifies the problems and the plan provides solutions. Therefore, this aspect of the plan should flow directly from the employment systems review. It should specify: (i) each system,

policy, or practice that will be replaced or modified; (ii) where a system, policy, or practice is to be replaced, (iii) what will replace it or how the replacement will be developed.

## 3.2 Positive Policies and Practices

Key to employment equity: Identifying and removing barriers to the employment of women is the first step towards achieving employment equity. However, simply eliminating something, taking down a wall that has existed for some time, is not enough. It is only half the picture. The elimination of a barrier may be called a neutralizing measure to achieve equity. Also required are positive measures, to counteract the residual effects of that barrier which could still be evident, for example in under-representation.

Positive policies and practices are those initiatives which help to create a respectful, responsive working environment for women and to attract increased numbers of women into the employer's workforce. They relate to the hiring, training, promotion and retention of women. They relate as well to the provision of reasonable accommodation. Positive policies and practices go beyond the mere elimination of barriers. They replace barriers with policies and practices that actively promote a representative workforce.

Fair treatment for everyone: One aspect of positive policies and practices may be formal policies and procedures aimed at ensuring that people are treated fairly. For example, policies permitting flexible work arrangements, parental leave policies, and sensitivity training. Although these sorts of policies and procedures are often of special significance to women, they are generally of benefit to the entire workforce. They will tend to improve the workplace environment for everyone.

Targeted or special measures: A second aspect of positive policies and practices is targeted or special measures. These are initiatives aimed specifically at attracting, retaining, and promoting women. Targeted Measures may include: (i) outreach programs; (ii) mentoring programs; (iii) internal networks; (iv) bridging positions and (v) targeted training programs.

The objective of such initiatives is to address the ongoing effects of under-representation by ensuring that the organization reaches out to and welcomes women, supports women as they enter new occupations, and promotes the creation of a "critical mass" of women in areas where they have traditionally had little representation.

There are many examples of targeted or special measures, and each employer should select and design measures that reflect the organization's situation and needs. Options may include the following:

- launching outreach efforts exclusively targeting women. This could include active participation in the co-op programs of universities and other educational organizations;
- organizing workplace activities to mark dates of special significance to women (e.g., International Women's Day);
- establishing internal mentoring and networking initiatives for women;
- creating special training programs or bridging positions to prepare women for non-traditional occupations; and

- deciding that, for a limited period of time, the applications of “qualified” or “qualifiable” women will be given careful or priority consideration for a certain percentage of new openings.

Special measures are measures which, for a limited time, use gender as one criterion among many for acceptance into training programs; or as one criterion among many in hiring or promotion decisions. The purpose of special measures is to establish a “critical mass” of women in a workplace or an occupational group. While such measures should be carefully designed and normally approved by the Human Rights Commission, they can play an important role in terms of making change self-perpetuating. In addition, they are supported by the Canadian Charter of Rights and Freedoms (s. 15(2)); the Canadian Human Rights Act (s. 16); the Human Rights Code (s. 19). The Human Rights Code supersedes all other legislation. Special measures approved under the Human Rights Code are defensible outside a collective agreement.

Timetable: The plan should also contain a timetable for the implementation of every positive policy and practice. The timetable should ensure a smooth and continuous progression towards a representative workforce. Employers are cautioned against lumping target dates at the end of the period to which the plan relates. In particular, where a plan relates to more than one year, activities should be undertaken in each year. Steady progress should be ensured by the timetable.

### 3.3 Hiring and Promotion Goals

Goals versus quotas: The purpose of hiring and promotion goals is to serve as a tool for planning and evaluating gender equity measures. Unlike quotas, goals are based on rational considerations and do not automatically result in penalties if they are not met. However, as with any business goal, it is important to examine the factors at work and re-evaluate strategy if performance eventually falls short of expectations. Goals are an indication of what the organization thinks it can and should achieve in terms of the representation in hiring and promotion of women currently under-represented in its own workforce.

Goals for each occupational category: Separate goals for hiring and promotion should be established for women. Employers should set goals to increase representation of women in each occupational group where under-representation has been identified. Normally this will mean a separate goal for women in each occupational group where under-representation has been identified. However, where occupational groups are very small, the only practical option may be to set joint goals for a combination of them, with the understanding that the objective is to improve women’s representation in each occupational group where under-representation exists.

Absolute goals or percentage goals: Hiring and promotion goals should be numerical and cover a period of one to three years, though annual goals are normal practice. They may be expressed either as absolute numbers or percentages. An example of the former would be: “*we aim to hire five women into engineering positions over the next two years.*” An example of the latter would be: “*we aim to have women account for 30 per cent of all hiring into engineering positions over the next two years.*”

Setting goals: These goals should, at minimum, reflect the results of the workforce analysis, the representation (“availability”) of qualified women in the workforce, and to achieve reasonable progress towards a representative workforce. In the context of the reasonable progress

requirement, it is important to consider statistical trends that might affect the impact of a goal over time (for example, particularly low retention rates for women or particularly high or low rates of total hiring).

Where goals are expressed as absolute numbers, they should also reflect anticipated changes in workforce size and anticipated turnover. For example, where an employer knows that a certain number of employees will be retiring within the year, or where specific downsizing or expansion is planned (such as the closing or opening of a branch operation), these factors would be taken into consideration in setting goals expressed as absolute numbers.

Rates of promotion of women are set based on their representation (“availability”) in those positions in the employer’s workforce which together constitute a reasonable “feeder group” for promotional opportunities in the organization. Promotion goals should not be below availability rates in the relevant feeder groups.

Sufficiency of goals: A percentage goal, (e.g. a goal expressed as a percentage of all hires), should not be lower than the relevant representation figure (see Attachment A). In other words, employers should aim to achieve rates of hiring and promotion of women which are at least on a par with their representation in the relevant grouping, thus indicating the likelihood of barrier-free systems, policies and practices. Where little or no hiring is expected to take place, in situations of downsizing, for example, a percentage goal on a par with representation would still be appropriate. It would apply only if there were in fact any new hires. Similarly, a goal expressed as an absolute number should, if converted to a percentage, also be at or above representation figures.

It is recommended that goals exceed the representation figure, because this figure is inherently conservative. The representation figures for the Employment Equity Occupational Groups (EEOGs) and the National Occupational Classification (NOC) four-digit unit groups only include persons who have had some work experience in the seventeen-month period prior to the Census. Therefore, these representation figures do not include all women who may be qualified and potentially available to work. For example, they would not include those who have not yet entered the labour force or those who have become discouraged because of systemic or attitudinal barriers and have dropped out of the labour force. Thus, one would expect that in reality the availability of qualified women is higher than that indicated by the representation figures for the EEOGs and NOC unit groups. A “fair” employment equity plan would take this into consideration and set goals above such conservative representation figures. The appropriateness of the goal should be determined on a case-by-case basis.

Measures each year: Hiring and promotion goals should be accompanied by a description of the measures to be taken each year in order to achieve them. These measures are likely to overlap with elements of the plan required in connection with removal of barriers, positive policies and practices, and reasonable accommodation.

This requirement means that an employer who has set two or three year goals, should still implement specific measures each year, rather than leaving it all to the last year of the period covered by the plan.

### **3.4 Longer Term Goals**

Purpose: The purpose of longer term goals is to require the employer to step back, away from immediate operational requirements, and to consider the broad picture. Where is the

organization going, what are the industry trends, what are the global economic trends, and how do these relate to the implementation of employment equity in that particular workplace over the long term. Qualitative or quantitative longer term goals may be numerical, qualitative, or both.

Longer term goals lay out the organization's objectives over a period of more than three years (there is no maximum), with respect to increasing the representation of under-represented women in its workforce. Longer-term goals should be accompanied by a description of the strategy for attaining them. Again, this strategy may overlap with elements of the plan outlined above. For example, a longer term numerical goal could be to achieve equitable representation of women in all management positions within five years.

Longer term non-numerical goals may include:

- the completion of building modifications to improve access for and accommodation of persons with disabilities;
- the establishment of an on-site day care facility; and
- achievement of a truly welcoming and hospitable work environment for women.

Plan sufficiency and reasonable progress:

Taken together, the elements of the plan described above should be capable of producing reasonable progress towards the implementation of gender equity. In other words, the plan as a whole should be sufficiently comprehensive and well-designed to result in the elimination of discriminatory employment barriers and the achievement of a more gender balanced workforce within a reasonable period of time.

In implementing gender equity, what is reasonable will vary according to the:

- particular situation and circumstances of the employer;
- industrial sector in question;
- local, regional, national and global economies;
- employer's past history;
- kinds of barriers identified;
- anticipated growth or reduction of the employer's workforce;
- turnover of employees in the employees workforce;
- availability of qualified women;
- degree of under-representation in each occupational group in the employer's workforce; and
- many other considerations.

Employers should use their own best judgment, made in good faith, in collaboration with external sources (e.g. Women's Policy Office, Women in Resource Development Committee), to assess what is reasonable.

Employers may want to consider the following four factors which together constitute a minimum standard of reasonable progress:

- employers should achieve appropriate representation of women. Employers should move towards this goal at an appropriate rate of progress.

- In some cases, overall representation of women in the workforce cannot be altered significantly in the short term, either because the employer is downsizing or not hiring at a rate that could significantly affect overall representation.
- In such cases, where improvement in overall representation is evolving slowly, the actual rates of hiring and promotion of women (often referred to as “flow data”) cannot be lower than representation figures (sometimes referred to as “availability” data). In most cases, they should exceed this level, particularly in situations of serious under-representation. This means that goals should be at levels that do not fall below representation of the women in the relevant occupational group and the relevant recruitment area. Furthermore, they should normally exceed this level, to ensure progress in overall representation.
- Finally, the plan should contain measures that are likely to achieve the results described in the above point.

These factors together constitute a minimum standard for measuring the sufficiency of the plan, (i.e. whether the plan would represent “reasonable progress” if implemented). In other words, this represents a floor below which progress towards gender equity would not be taking place at a reasonable rate. The degree to which numerical goals should exceed the representation rate (“availability”) will depend on the factors discussed above.

It should be pointed out that where actual rates of hiring and promotion fall below expected levels, based on representation, this is an indication that barriers may continue to exist. Therefore, the focus of the inquiry should be to identify barriers that may continue to be responsible for the inadequate flow levels (rates of hiring and promotion).

### **3.5 Implementing the Plan**

The employer should make all reasonable efforts to implement the plan. Effective implementation of gender equity requires the support by all partners in the workplace. Employers should implement the gender equity plan in consultation with employee representatives (which includes bargaining agents). What constitutes reasonable efforts will vary from situation to situation. However, some of the relevant considerations include the following:

- the degree to which various components of the plan have been implemented according to schedule;
- an indication of ongoing senior-level support, on the part of both the employer and union, for employment equity generally and, in particular, for implementation of all elements of the plan;
- the setting up of a joint labour-management committee or forum;
- the establishment of clear lines of responsibility and accountability mechanisms for implementation;
- the devotion of adequate financial and human resources to facilitate implementation of each element of the plan;

- utilization of the expertise of female employees and external sources, such as the Women's Policy Office, Women in Resource Development Committee, Provincial Advisory Council on the Status of Women, community and advocacy organizations, employer associations, regional and national labour federations, government departments and agencies, and consulting firms; and
- the establishment of regular review mechanisms to ensure that, as much as possible, time frames are adhered to and goals are met.

Full attainment of a plan's qualitative and quantitative goals can be taken as evidence that all reasonable efforts have been made, assuming the sufficiency of the plan in the first instance. Where goals have been missed, the employer should be able to show that this was the result of factors beyond its control; that is, all reasonable efforts to implement the plan, were made but the stated objectives were not achieved because of extenuating circumstances.

### **3.6 Monitoring Implementation of the Plan**

Monitoring the implementation of the plan on a regular basis is essential to its successful implementation, and is key in achieving reasonable progress towards gender equity.

## **4.0 CONCLUSIONS**

Gender equity will not be achieved without the conscious, deliberate effort to make change. While achieving gender equity is an important issue of human rights and social justice, it is also an important factor in increasing the competitiveness of business.

In Newfoundland and Labrador, skill shortages are projected in occupations related to marine transportation, industrial and construction trades, science and engineering which drive oil and gas, mining, manufacturing, as well as other technology and knowledge based industries. Facilitating women's increased participation in occupations related to these growth industries helps to meet the demands for future labour.

The increasing participation of women in university and the workforce makes the labour market more competitive. Effectively reaching women to consider working in a particular occupation or particular organization automatically and significantly increases the employers access to labour. In 2000, the Conference Board of Canada identified that the employer who supports women in the workplace will have a competitive advantage in attracting and retaining the best and the brightest from an increased pool of talent and will become an employer of choice.

Creativity is identified as a key component to business competitiveness. Because the experiences and perspectives of men and women are different, there is more opportunity for creativity to emerge within an organization if women are included.

The 2004 Catalyst study of 353 Fortune 500 companies in the United States found that companies with a higher representation of women in senior management positions financially outperform companies with proportionally fewer women at the top. The report asserted that companies that recruit, retain and advance women will have a competitive advantage in the global marketplace. A 1999 study by R. D. Adler entitled *Women in the Executive Suite Correlate to High Profits* found that 25 Fortune 500 companies with the best record of promoting

women to high positions are between 18 and 69 percent more profitable than the median Fortune 500 companies in their industries.

Internationally, the drive to achieving gender equity has been largely based in human rights and social justice. However; increasingly, the business case for gender equitable employment is becoming undeniable. Organizations must adapt to the changes in the labour market to stay competitive. Increasingly, communities are holding business accountable for creating a workforce representative of the population in which it operates and serves. These guidelines are a mere introduction to what organizations can do to meet the challenges and encouragement for employers to take action.

# ATTACHMENT A: EMPLOYMENT EQUITY OCCUPATIONAL GROUPS

TABLE 6  
Workforce Population  
by Employment Equity Occupational Groups (2001 NOC)  
for Women, Aboriginal Peoples, Visible Minorities and Persons with Disabilities by Sex

Canada Employment Equity Occupational Groups (NOC)	Workforce Population Aged 15 Years and Over									Workforce Population 15-64 years			
	Total			Aboriginal Peoples			Visible Minorities			Total <sup>1</sup>	Persons with Disabilities <sup>2</sup>		
	Total	Males	Females	Total	Males	Females	Total	Males	Females		Total	Males	Females
<b>Total</b>	<b>16,961,075</b>	<b>8,942,050</b>	<b>8,019,025</b>	<b>436,485</b>	<b>223,545</b>	<b>212,945</b>	<b>2,144,325</b>	<b>1,116,680</b>	<b>1,027,640</b>	<b>16,485,930</b>	<b>865,670</b>	<b>426,150</b>	<b>439,510</b>
Senior Managers	216,305	161,980	54,325	5,505	3,520	1,985	17,685	13,390	4,300	202,725	*4,200	*2,190	--
Middle and Other Managers	1,484,410	928,205	556,210	21,360	11,395	9,970	174,945	110,265	64,680	1,439,160	35,380	18,880	16,500
Professionals	2,588,165	1,221,240	1,366,920	40,015	13,910	26,105	356,945	196,275	160,675	2,515,640	104,390	37,340	67,060
Semi-Professionals and Technicians	1,310,010	624,525	685,485	35,620	13,650	21,770	156,865	83,130	73,735	1,285,455	50,250	21,870	28,370
Supervisors	216,860	93,915	122,940	4,540	1,805	2,740	25,960	12,315	13,640	213,310	*4,190	*860	*3,330
Supervisors: Crafts and Trades	529,125	425,595	103,530	8,780	7,430	1,350	25,235	19,645	5,595	471,045	*19,800	*14,730	--
Administrative and Senior Clerical.....	911,765	137,125	774,640	18,140	2,200	15,935	84,335	16,290	68,045	879,795	35,350	*3,690	31,650
Skilled Sales and Service Personnel	702,005	391,075	310,930	17,940	8,550	9,395	98,385	61,515	36,875	683,105	28,460	*13,910	*14,550
Skilled Crafts and Trades Workers	1,357,360	1,277,140	80,220	42,965	40,400	2,560	110,205	97,255	12,945	1,326,485	55,240	52,660	--
Clerical Personnel	1,609,140	438,995	1,170,155	35,225	7,505	27,715	234,635	77,540	157,095	1,579,475	69,440	21,470	47,960
Intermediate Sales and Service.....	1,916,030	603,565	1,312,470	52,765	12,555	40,210	250,260	82,160	168,105	1,873,255	86,060	26,710	59,360
Semi-Skilled Manual Workers	1,839,635	1,428,340	411,295	57,665	47,885	9,775	277,635	183,735	93,900	1,792,095	94,310	75,470	18,840
Other Sales and Service Personnel	1,616,500	713,490	903,005	63,160	25,760	37,395	242,640	113,430	129,210	1,572,035	77,810	36,510	41,300
Other Manual Workers	663,765	496,870	166,890	32,810	26,780	6,025	88,590	49,745	38,850	652,350	39,430	*29,550	*9,880
Not Applicable <sup>3</sup>											161,360	70,320	91,050

Totals may not equal the sum of components due to rounding and suppression.

See technical notes for designated group definitions and Aboriginal peoples undercount.

\* Amount too small to be expressed.

\*\* Figures are suppressed when coefficient of variation of the estimate is higher than 33.3%. In this case, percentage calculation is not suitable.

\*\*\* If an \* precedes the figure, the figure should be used with caution. The coefficient of variation of the estimate is between 16.7% and 33.3%.

Workforce population figures include those aged 15 years and over who worked in 2000 or 2001.

Persons with Disabilities (Employment Equity defined) figures include those aged 15 to 64 who worked anytime between 1995 and 2001.

<sup>1</sup> - The population excludes persons living in institutions, on Indian reserves, and in the Yukon, Northwest Territories and Nunavut.

<sup>2</sup> - Canada totals exclude the Yukon, Northwest Territories and Nunavut.

<sup>3</sup> - Only applies to Persons with Disabilities data, please see technical notes for details.

Date: March 2004

Source: Unpublished data, 2001 Census of Canada (20% sample data), 2001 Participation and Activity Limitation Survey (PALS)

Prepared by: Policy, Reporting and Data Development, Labour Standards and Workplace Equity, Operations Directorate,  
Labour Program, Human Resources and Skills Development

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TABLE 7

**Workforce Population Showing Representation  
by Employment Equity Occupational Groups (2001 NOC)  
for Women, Aboriginal Peoples, Visible Minorities and Persons with Disabilities by Sex**

## Newfoundland and Labrador

Employment Equity Occupational Groups (NOC)	Workforce Population Aged 15 Years and Over									Workforce Population 15-64 years			
	Total (%)			Aboriginal Peoples (%)			Visible Minorities (%)			Total (%)	Persons with Disabilities* (%)		
	Total	Males	Females	Total	Males	Females	Total	Males	Females		Total	Males	Females
<b>Total</b>	100.0	53.3	46.7	3.6	1.9	1.7	0.8	0.5	0.3	100.0	4.6	2.3	2.3
Senior Managers	100.0	72.7	27.1	3.8	2.9	0.8	1.3	0.8	0.4	100.0	--	--	--
Middle and Other Managers	100.0	60.7	39.3	2.0	1.0	1.1	1.2	0.7	0.4	100.0	*4.9	--	--
Professionals	100.0	44.5	55.5	2.2	0.9	1.3	2.3	1.6	0.7	100.0	*2.7	--	*2.2
Semi-Professionals and Technicians	100.0	52.0	48.0	5.1	2.3	2.8	0.8	0.5	0.3	100.0	--	--	--
Supervisors	100.0	36.0	64.0	2.5	1.4	1.3	0.6	0.5	0.3	100.0	--	--	--
Supervisors: Crafts and Trades	100.0	89.8	10.2	4.4	4.0	0.4	-	-	-	100.0	--	--	--
Administrative and Senior Clerical.....	100.0	15.7	84.3	3.1	0.3	2.8	0.8	0.1	0.6	100.0	--	--	--
Skilled Sales and Service Personnel	100.0	47.4	52.7	2.8	1.1	1.7	0.9	0.4	0.5	100.0	--	--	--
Skilled Crafts and Trades Workers	100.0	91.1	8.9	3.7	3.3	0.4	0.3	0.3	0.0	100.0	*1.8	*1.7	--
Clerical Personnel	100.0	26.9	73.1	3.1	0.8	2.3	0.6	0.2	0.3	100.0	*2.2	--	*1.7
Intermediate Sales and Service.....	100.0	24.6	75.4	3.6	0.7	2.9	0.6	0.2	0.4	100.0	*3.3	--	--
Semi-Skilled Manual Workers	100.0	80.4	19.6	4.0	3.2	0.8	0.4	0.3	0.1	100.0	*1.9	--	--
Other Sales and Service Personnel	100.0	39.2	60.8	4.6	1.7	2.9	0.4	0.2	0.2	100.0	*2.3	*1.2	--
Other Manual Workers	100.0	70.8	29.2	5.8	4.2	1.6	0.3	0.2	0.1	100.0	*4.1	*3.5	--

Totals may not equal the sum of components due to rounding and suppression.

See technical notes for designated group definitions and Aboriginal peoples undercount.

-- Amount too small to be expressed.

\*-- Figures are suppressed when coefficient of variation of the estimate is higher than 33.3%. In this case, percentage calculation is not suitable.

\*\*\* If an \* precedes the figure, the figure should be used with caution. The coefficient of variation of the estimate is between 16.7% and 33.3%.

Workforce population figures include those aged 15 years and over who worked in 2000 or 2001.

Persons with Disabilities (Employment Equity defined) figures include those aged 15 to 64 who worked anytime between 1996 and 2001.

\* The population excludes persons living in institutions, on Indian reserves, and in the Yukon, Northwest Territories and Nunavut.

Date: March 2004

Source: Unpublished data, 2001 Census of Canada (20% sample data), 2001 Participation and Activity Limitation Survey (PALS)

Prepared by: Policy, Reporting and Data Development, Labour Standards and Workplace Equity, Operations Directorate,  
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## **ATTACHMENT B: RESOURCES**

### **Women's Policy Office**

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Website: <http://www.exec.gov.nl.ca/exec/WPO>

### **Women in Resource Development Committee**

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Fax: 709-738-3743  
Email: [info@wrdc.nf.ca](mailto:info@wrdc.nf.ca)  
Website: [www.wrdc.nf.ca](http://www.wrdc.nf.ca)

### **Human Rights Commission**

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Email: [humanrights@gov.nl.ca](mailto:humanrights@gov.nl.ca)  
Website: [www.justice.gov.nl.ca/hrc/](http://www.justice.gov.nl.ca/hrc/)

### **Status of Women Canada**

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