

Implementation of the Employment Equity Policy

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Introduction

The following quotation summarizes the aim of this paper, which is that,

“In a society that prides itself as a mosaic, diversity must give Canadian institutions a universal competitive edge in the global market. Diversity is an advantage only when it is valued and nurtured, not when it is merely accommodated. The legislative obligation under the Employment Equity Act is the foundation on which to build diversity. In turn, inclusiveness is what turns diversity into advantage.”

TBS EE Positive Measures Program.

The Employment Equity Act was first passed in the year 1986 after a series of attempts at addressing some of the inequalities that existed in access to job opportunities for different segments of the Canadian population. This act is a culmination of the findings that were addressed by the 1984 Royal Commission on Equality, also known as the Abella report. Earlier on there were various attempts made at addressing some of the inequalities as shown in the historical overview provided at the end of this paper. Needless to say, enacting a policy is easier than its implementation. Over the years, the challenge has been to find effective means to bring into reality the laudable objectives of the policy. As would be expected, the successes that have been achieved have not been without many challenges. The aim of this paper therefore is to explore some of the modes of implementation and to demonstrate the successes and the challenges that the policy implementation process still faces. This paper concludes that the main barrier or challenge to the implementation of this policy is the attitudes of the majority peoples towards the various designated groups. This is reflected through faulty and biased recruitment and promotion practices. Furthermore, unless these attitudes are changed, the implementation of the employment equity policy cannot be described as a complete success.

This paper is divided into seven segments. The first segment discusses the methodology of the research. The second segment introduces the Employment Equity Act and related issues such as the "merit principle" and reverse discrimination. The third deals with the processes involved with the implementation of the act and related issues of targets and quotas. The fourth segment focuses on the successes of the process, and the fifth the challenges that are faced by the implementation process. The sixth segment will try to relate some of the findings about the implementation of the EEA to the Theory of Policy Implementation. The final segment incorporates conclusions and recommendations drawn from the discussions and observations gathered from documents and the people that were interviewed.

I. Methodology

The research methodology includes the review of government documents and other literature on the issues of employment equity. Personal interviews were also conducted with public sector officials from different departments. (This research was

particularly interested in Health Canada because of its troubled past with EE issues¹. We wanted to know how those issues are being resolved since the Canadian Human Rights Tribunal reprimanded the department. Needless to say that department has made a lot of progress and we thought there would be a lot to learn about EE issues from their representatives. Statistics Canada was also of significant interest because of their relatively good reputation with the hiring of EE group members. The others were not of any special interest but chosen because their officials were willing to grant us the interviews.) This method afforded us the opportunity to hear and interpret the opinions expressed for ourselves. Secondly it enabled us to ask follow up questions which would not have been possible without this means. In addition it enabled us to observe and interpret the body language of our interviewees on issues, which could not have otherwise been so appropriately articulated. Even though such interpretation comes with our personal biases, it is believed that we could not have formed the opinions and conclusions we came to, without the use of this method.

This study is unable to include the perspectives of some of the key stakeholders such as the unions, advocacy groups like The National Council of Visible Minorities, Association of First Nations, Associations for the disabled, Women's advocacy groups, employers from the private sector and representatives from the third sector (non-profit organizations). This is acknowledged as a shortfall of this study due to time constraints and inability to establish contact with these stakeholders within the given time period. An improvement on this study in the future will be to include the perspectives of all those other stakeholders. It is strongly believed that this study would have been more insightful if it included those other perspectives.

Despite the shortcomings enumerated above, the contention is that the findings of the study are relevant to those individuals and organizations that are charged with implementing the policy. There might have been deviations in opinions about the processes of implementation and the recommendations for improving the process.

The hypothesis going into this research was that the implementation of the policy depended too much on individual human perceptions and behavior, which unfortunately in this case cannot be adequately controlled. It could only be altered if influenced adequately (e.g. An enforceable accountability framework). This is an invariable truth for all cases. As the conclusion of this paper indicates this hypothesis is more than adequately fulfilled. Indeed there is a limit to how far human attitudes and behavior can be controlled by legislation.

II. The Employment Equity Act (EEA)

As already mentioned the EEA was introduced in 1986 as a response to the Abella Report (1984) that revealed systemic discrimination in Canadian federally regulated industries. The Act was later replaced in 1995 to include the federal Public Service and includes federally regulated services, Crown corporations, and federal contractors. The

¹ Health Canada as a department had to face a Canadian Human Rights Tribunal and was found guilty in March 1997 for its discriminatory practices in hiring and promotion of members of EE groups.

purpose of the Act is “to create workplace equality by extending opportunities to previously excluded groups and to altering recruitment and promotion practices that are contributing to workplace barriers. The perimeters are not limited to simply creating equal opportunity, but to extending beyond this scope to the application of special measures and the accommodation of differences in order to create a workforce that better reflects Canadian society” (Weiner, 2002:505). The four designated groups outlined in the EEA are, Aboriginal peoples, persons with a disability, visible minorities and women. The EEA puts approximately 12% of the Canadian workforce under federal jurisdiction. The remaining workforce falls under provincial jurisdiction. At the federal level, the Act applies to the following entities:

- Legislated EE programs at Human Resource Development Canada - 420 federally regulated private sector companies and Crown Corporations, employing 620,000 people.
- Federal Contractors Program for EE - 800 private employers with combined workforce of 1.1 million - employ 100 or more people, make \$200,000 per annum or more.
- Public Service EE program at Treasury Board - 66 federal government departments - 150, 000 employed by 2000
- Separate EE program at Treasury Board - 15 Special Operating Agencies, 60,000 people (i.e. Canada Customs and Revenue Agency, Parks Canada)².

The establishment of special measures that assists some groups more than others is not in conflict with the Canadian Charter of Rights and Freedoms that was promulgated in 1985. The charter allows for special measures to be taken to assist disadvantaged individuals or groups and to correct policies that put some segments of the population at a disadvantage for opportunities. This is clearly indicated in Section 2 of the Canadian Human Rights Act, which states

“Every individual should have an equal opportunity with other individuals to make himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and as a member of society”

Basically the EE policy is meant to facilitate greater workplace cultural diversity and reduce the potential for labour market discrimination. The following points of illustration of should make the reasons clearer.

Moral obligation and Discriminatory practices (Health Canada as a classic example)

In reflecting upon the headlines of The Toronto Star about Health Canada’s “Shameful Record”³, Kernaghan and Seigel noted that “senior management wrongfully concluded that cultural differences amongst visible minorities would not be suitable for

² http://info.load-otea.hrhc-drhc.gc.ca/workplace_equity/downloads/review/progress.pdf

³ This refers to the CHR tribunal in 1997, which found Health Canada guilty of discriminatory hiring and employment practices.

management positions in the public service. There were no indicators that the excluded visible minorities fell short in technical or professional skills”(Kernaghan and Siegel, 1999:Chp.24). The Canadian Human Rights Commission (CHRC) also characterized the discrimination found with Health Canada as “systemic” and proceeded to provide corrective measures to ensure the hiring and promotion of visible minorities into executive and senior management categories. These measures were meant to bring about fairness, to put the disadvantaged groups on the same footing as the advantaged groups and to help change attitudes. This case very simply and appropriately explains why the EEA is necessary.

Demographic changes

Apart from the moral obligations (such as fairness) that makes the implementation of EE imperative, the demographic changes that are occurring in Canada as the twenty-first century unfolds also makes the implementation of EE a necessity, if not mandatory. The rates at which these changes are occurring are unprecedented. According to Krahn and Lowe (2002:45),

"Until quite recently the majority of immigrants to Canada were from European countries; most were white. For instance in 1981, two-thirds of all immigrants living in Canada (including those who have been living here many decades) were born in Europe. By 1996, immigrants from Europe were a minority (47%). The source countries have changed dramatically in the past few decades, leading to much greater cultural diversity in society and in work places. In fact, 57% of all immigrants that arrived between 1991 and 1996 came from Asia. This is because the demand to immigrate to Canada has declined in Europe whilst increasing dramatically elsewhere. Consequently, more immigrants are members of visible minority groups with distinct cultural backgrounds. According to the 1996 Census, 11.2% of Canadians (3.2million people) identified themselves as members of visible minority group (excluding Aboriginal Canadians), up from 9.4% only five years earlier. In Toronto and Vancouver, visible minorities made up almost one third of the city population. Chinese Canadians made up the largest visible Minority group in Canada in 1996 (3% of all Canadians), followed by South Asians (2.4%) and Blacks (2%). Given current immigration patterns, the proportion of visible minorities in Canada is expected to increase to about 20% by the year 2016. Moreover, 2.8 % of the nation's population is of Aboriginal origin. This figure is expected to increase in the decades ahead, given the much younger age profile of Aboriginal Canadians (about 10 years younger than the total Canadian population, according to the 1996 census). Immigrants are also younger on average, so both Aboriginal Canadians and immigrants will make up a growing share of the workforce as older Canadians retire."

Obviously these are relevant and compelling arguments, which justify the enactment of the Employment Equity Act.

There are many stakeholders whenever the issue of EE arises .The Canadian society at large is the main stakeholder because the entities involved are all legitimate members of the Canadian society. There are however particular ones, which include visible minority advocacy groups such as The National Council for Visible Minorities, The Government of Canada, Assembly of First Nations, Associations of the disabled, etc.

There are some key institutions, which are tasked with the duty of facilitating the success of EE policies within the federal Public Service. The first and ultimate responsible body is the Treasury Board, which acts as the employer for the public service. Through its Secretariat, the Treasury Board (TB) reports to Parliament on all matters including the success and, or failure of EE. The TB establishes EE priorities, provides policy advice, guidance, and strategic direction, coordinates, monitors, and evaluates the ways in which EE policies are implemented. The second set of responsible institutions are the departments and agencies that act on behalf of the TB in following the advice and strategies, to ensure that EE is integrated into their corporate culture and human resource management procedures. The third are the bargaining agents who represent the employees and must be consulted by employers on the issues surrounding the implementation, preparation and revision of EE as outlined in section 15 of the EEA. The fourth body is the Canadian Human Rights Commission (CHRC), which ensures that employers meet their obligations by conducting compliance audits (as outlined in section 22 of the EEA). The last and dual role rests with the Public Service Commission (PSC), which is responsible for recruiting public servants. The Commission is accountable to Parliament and must abide by the rules described in the *Public Service Employment Act (PSEA)* while adhering to the TBS employer obligations under the EEA. The act and obligation simply demands that the PSC ensures that improvements are made regarding workplace equalities and that existing flaws are corrected.⁷

Employment Equity versus the Merit Principle and Reverse Discrimination

This paper will not be complete without mentioning some of the issues that have swelled around the EE act. These have been the criticisms that the act undermines the "merit principle" and amounts to reverse discrimination. "These are criticisms that have been leveled against the policy by uninformed and misinformed people. The basis of this argument is yet to be proved and documented, it is unfounded."⁴ While respecting the merit principle, it is understood by most and echoed by Mr. Pendakur, that "merit" is an ambiguous term. The Public Service Commission defines merit as a "dynamic principle" that includes "responsiveness, representativeness, fairness, equity, and economy"(Kernaghan and Siegel, 1999:584). Armit (2002)⁵ states

"Merit is not a single concept. Merit is a composite of values of competency, representativeness, non-partisanship and the process values of fairness, equity and transparency. For a example, merit is not achieved if we do not give equal access to opportunities or if we are not transparent in how staffing and promotion processes are conducted or if we do not use selection tools objectively to assess a candidate."

⁴ These are the explicit views expressed by all the interviewees especially Ms. Knight, Farinaccio and Clément.

⁵ This is part of a statement in the unpublished speaking notes of Ms. Amerlita Armit, Vice President of the Public Service Commission on May 29, 2002 at an Interdepartmental Forum on Employment Equity (IDF-EE)

What is more, advocates of a representative public service emphasize some key considerations that relate to these values. First, that “public servants exercise significant power in the political system” (Kernaghan and Siegel, 1999:576). It is therefore necessary that there is a significant representation of all the segments of the society in the public service. The second relates to the responsibility that the government assumes in providing services to the public. It is believed that these responsibilities can be better determined, planned, and implemented through a collective body of a representative public service. Although there is no empirical evidence that a representative public service is a better public service, it might as well be that the formal implementation of EE is still underdeveloped.

Given that these arguments are relevant, the issue of the sacrificing of the "merit principle" is baseless. As far as the issue of reverse discrimination is concerned, the EE policy is a policy meant to correct a societal problem, not to complicate it. Hence just like the issue of the "merit principle", all the people interviewed think this line of argument only distracts from the major issues at stake, which is to bring about a more equitable and representative public service.

III. Implementation of the EE Policy in the federal Public Service.

Although many Canadians agree that the EE policy has good intentions and potential benefits for the society as a whole, it is also a policy, which presents many challenges, when it comes to implementation. There are however some bold and distinct measures, which have been outlined by the Treasury Board towards the achievement of its goals of bringing about equity into hiring processes, diversity and representativeness in the workforce to reflect the make up of the Canadian society. The following are some of the processes that are used in the federal Public Service.

Employment Systems Reviews⁶

This is a 12-step procedure, which analyzes the composition of the work force of any federal government department in order to determine any gaps and barriers in the representation of the qualified personnel of a department. These processes involve a thorough review of the human resource policy, which might reveal any systemic barriers, within that department. Systemic barriers are those which do not offer fair opportunity to all qualified citizens to obtain jobs in the department. They include a hostile working environment for members of the EE groups, non-provision of access and specialized tools and equipment for peoples with disabilities, refusal to recognize and promote the contribution of members of EE groups, refusal to recruit from all the regions of Canada, non-recognition of foreign degrees, non- accommodation of religious practices, flexible working time for women who might have domestic obligations, etc. Subsequently this

⁶ Employment Systems Review: PSC's General Recruitment and Priority Administration Systems May 1999. s. 3.1 pg. 4-5 Information Management and Review Directorate Policy, Research and Communications Branch Public Service Commission,

review then puts into place what is known as an EE plan. This plan addresses the gaps, and systemic barriers that are found by initiating activities or processes, which should correct or remove the identified barriers. The plan sets targets and identifies persons who are responsible for its implementation and sets a time frame within which it should be accomplished. The plan usually has a monitoring component and is updated as the need arises. In a nutshell this is the plan, which is to be followed by government departments. The next few segments are a description of what some of these processes are and how they work in reality. Some of these processes are termed Positive measures as outlined in the “ Embracing Change Program”⁷.

Positive Measures-These include a number of measures which are undertaken and advocated to hiring managers to ensure equity and representativeness in the federal public service, for instance the use a representative interviewing panel. Mentoring and coaching of EE group members is also advocated to make the work place friendlier. "Tools and Tips" are provided to human resource specialists to educate them on how to attract and recruit members of the EE groups. Equipment is provided for those who may need them e.g. Special computers for the blind and those who have problems with hearing etc.

The human resource community is also encouraged to use the Public Service Commission EE inventory list for recruitment of under represented groups. Managers are urged to demonstrate leadership and creativity by supporting flexible work arrangements in the workplace and to create options to help balance work and family. The human resource community is also encouraged to spread the recruitment net wider to those areas that might have the qualified EE groups.

It is recognized that most of the so-called positive measures cannot be effectively enforced. Whether these measures are actually implemented depends on the commitment of the leadership in a department . In instances where the leadership is committed there is evidence of improved representation. This is clearly articulated by Ms. Clément and demonstrated by Statistics Canada where the current diverse representation is an indication of what can be achieved if the leadership is committed to change. It is therefore unknown how effective these measures are without the commitment of the leadership. Most of the people interviewed echoed my personal sentiments on the effectiveness of these measures, which is simply put, ineffective.

There are some special programs which are meant to cater for the career needs of the EE groups such as Career Development Programs, Executive Development Programs, Language training etc. These are meant to prepare EE group members for executive positions .The only problem is, there seems to be excess in the demand in comparison to the opportunities that are available for participation in these programs⁸.

⁷ This refers to all the initiatives that were advocated after the Perinbaum Report. See <http://www.visiblepresence.com>.

⁸ From the report by Booker D, Kierstead, J et al- *Executive Succession Reconsidered: Planning for Public Service Renewal*. Labour Market and Research Unit, Research Directorate. Public Service Commission of Canada.

Posters and notices declaring that the Federal Government is an EE employer are usually posted on job sites (especially the Public Service Commission electronic website) to attract members of the EE groups to apply for federal government jobs. EE group members are required to self identify and some of the jobs are sometimes targeted towards EE members only. This method has been noted to be particularly effective in attracting visible minority applicants who do not seem to have the social networks that are frequently used by non-visible minorities.⁹ However it should be noted that the rate of recruitment of EE group members fall far short when compared with the rate of applications put in by members of EE groups.¹⁰

Posters and advertisements showing the diversified face of Canada are also featured in work places with the intention of conditioning people's mind towards a diversified workforce. The effectiveness of this posters and adverts cannot be measured however one would like to believe that in the least, it is an indication of the intentions of the public service and a goal which needs to be achieved.

Forums and Conferences are held to educate and encourage people to embrace diversity in all work places. These forums and conferences usually outline the benefits of so doing and seek to broaden people's minds to all the aspects of the EE act. Hopefully this will make it easier for people to accept and implement EE. Selection and featuring of prominent champions and advocates are very important at such forums in order to bring the message home. For instance The Lt.Gen.Romeo Dallaire (Rtd)¹¹ gave an inspiring speech at a Diversity Conference held in Ottawa at the National Arts Council in October 2002. This conference was titled "Diversity it Works". Some of these forums are able to draw large crowds but there are no documented indicators of their effectiveness in solving the problem, apart from drawing attention to the issues.

Special recruitment drives and job fairs are held for EE group members in order to select the **qualified** persons. One such job fair was held at the Ottawa Congress Center in the winter of 2000, for visible minorities and other EE group members. This job fair was successful in showcasing the interest of visible minorities in Public Service employment by the huge turn out. However like the conferences and forums, there is no formal documentation of how successful this method has been in swelling the numbers of EE members recruited into the public service.

Consultations with Unions and grass roots groups are usually held to solicit their input for potential initiatives, which can bring equity and diversity into the federal Public Service. The effectiveness of these processes is also not documented.

⁹ See Chatterton and van Gaalen

¹⁰ From the report by Faulkner P, Mc Donald, V et al- *Final Draft Report on Drop-off in the Federal Government General Recruitment Process*. Joint Production PPC & IMRD. Public Service Commission of Canada.

¹¹ He was the special advisor to the Chief of Defence staff and currently the advisor to the Minister of CIDA on matters relating to War Affected Children around the world.

Targets versus Quotas

The issue of targets and quotas cannot be ignored whilst addressing issues of EE. Prior to the release of the Perinbaum¹² report that led to the "Embracing Change" initiative, there was no issue of numbers when EE was advocated. The aim of EE then was to ensure that there was equity in employment for all segments of the Canadian population. However, since the release of this report there has been a change in emphasis. This was upon the realization that the policy was not being given much attention if there were no targets to be achieved. Amongst the recommendations that were tabled by the report was the target of a 20% representation of visible minorities for external recruitment to the public service by the end of the year 2003 and 2005 for appointments into executive feeder and executive groups¹³. This implied that every one in five public servants recruited and promoted should be a visible minority. This target was based on the 1996 labour market availability of qualified visible minorities and a statistical projection of the labour market availability of qualified visible minorities by the year 2005. The report felt that without a target there was no incentive to implement the policy. The target is seen as the push that the policy needs. It is meant to encourage managers to take the EE policy seriously and to implement it. Unlike quotas, the targets are benchmarks. They may be exceeded or otherwise depending on the labour market availability of qualified visible minorities. Currently there are no penalties for managers who are not able to meet these targets but there are proposals to tie the achievement of these targets to the performance reviews of managers.

IV. The Successes of the EE Implementation Process

Since the new Employment Equity Act came into place in 1995, much has been accomplished to build a workforce that truly values and respects the abilities of persons in the employment equity designated groups - Aboriginal peoples, women, members of visible minorities, and persons with a disability. In the Treasury Board's 2000-2001 annual report on the implementation of employment equity in the Public Service of Canada, it suggests that progress has been made in improving the representation for all designated groups, although many challenges still remain. The report concludes "that the Government of Canada's commitment and the leadership and diligence on the part of many players is bearing fruit, as evidenced not only by statistical performance but also by the programs and initiatives that departments have been undertaking to implement employment equity and strengthen diversity."¹⁴

Statistical Evidence

These are some highlights of the progress by the numbers. As of March 31st, 2001, 52.1% of the public service workforce were women compared to 46.1% in March ,

¹² See <http://www.visiblepresence.com>.

¹³ See the Perinbaum report.

¹⁴ Treasury Board Secretariat of Canada. "Employment Equity in the Federal Public Service 2000-1. http://www.tbs-sct.gc.ca/empequi/2001/ee-01_.html

1993. For Aboriginal peoples, the number rises from 2.0% to 3.6%. For persons with disabilities, it increased from 3.1% to 5.1% and for members of a visible minorities, it rose from 3.8% to 6.1%.

Interviews with the managers from various departments of the federal government also confirms the gradual development of a more representative public service after the Employment Equity was put into place. For instance about 5 years ago, there were only 75 (5%) employees who belonged to visible minority groups among the total of 1500 employees in the department of Canadian Heritage. As at the time of the interview with EE implementation in force, they have achieved the target of 6.5%. To be more specific, in Mr. Pendakur's division for instance, currently 47% of the employees are women, 6.7% are members of visible minority groups, whilst 6.7% are aboriginals. In Mr. Lalonde's (another manager from Canadian Heritage) division for instance, the situation is even better. 50% of his staff is women, 18% are persons with disabilities, 18% aboriginal peoples, and 27% are members of visible minority groups. Mr. Pendakur also referred to a research conducted by his division, which shows the closing up of the earnings gap between the white population and visible minority groups from early 1990 to 1995. This contrasts with a wider earnings gap of employees in jurisdictions, which do not implement EE. (Pendakur and Pendakur, 2002:4)

Some of the programs and initiatives include the "Embracing Change" initiative, which was launched by the government after the release of the Perinbaum report. This is a program, which was being advocated in all the departments to encourage the recruitment and retention of EE group members. These initiatives as outlined and demonstrated as positive measures are in practice in some of the departments for instance a representative-interviewing panel.

V. Challenges to the implementation process

Shortcomings of the EE Act

Even though this segment concentrates on discussing some of the challenges that the implementation process faces, it will be appropriate to outline some of the shortcomings that are expressed by some of the people who were interviewed about the EE act. Pendakur (2000:149) for instance thinks, the EE act is not adequate enough to support all groups. He thinks that the term "visible minority" is not specific enough, for it assumes homogeneity within the group. This is because different groups within a designated group have different needs and these are not adequately addressed by the EE policy. For instance to put Chinese peoples in the same category as Black peoples may be erroneous because it assumes these members of the so-called "visible minority" group are faced with the same type of barriers when it comes to access to employment opportunities. He thinks that even though there are political advantages to being treated in a homogenous fashion (since a larger group has more influence); there is also the disadvantage of losing the "minority-specific" treatment. There is no suggestion however on how this can be resolved in the provisions of the act. One would imagine that it would be a very complicated if not a difficult task to undertake given that there may be so many

sub groups within a group. At this point this appears to be the most convenient thing to do both politically and administratively.

It is also thought that the EE act does not address the training and educational needs that EE group members have in order to advance into managerial and executive ranks, even though it might help to improve representation at the recruitment stage,” (Pendakur, 2002:157). There is evidence to support this fact, which is that there is less EE group representation at the executive positions in the federal Public Service.¹⁵ Furthermore even though EE attempts to achieve equality in representation it does not necessarily ensure equity in wages as most of the EE group members such as women are concentrated in lower paying jobs such as clerical and administrative assistants. These are some of the shortcomings of the act, which might need to be resolved in the near future.

The Challenges of implementation

The process of implementation is generally considered as a “never ending process” as long as there are imbalances. Canadian society, just like all societies is not homogeneous. There are bound to be inequities and under representations at any point in time. The important thing as echoed by Ms. Knight is to "keep working" at it.

From our interviews we gathered that it is very difficult to get the middle managers that do recruitment to be involved because they are overloaded with work. They are not available to attend the information and training sessions, which are meant to educate and help them on EE issues.

The implementation process requires accountability from both employers and employees and that is difficult to do. Employees are accountable for how they help accommodate EE groups just as much as the employers are accountable for letting them in. The policy needs positive and good publicity in order to spread to all sectors. i.e. private, public and third sectors.

To change some of the present human resource practices is a very slow process. It can only be accomplished over a long period of time. Some of these processes involve recruitment through social contacts. Many of those interviewed claim that the PSC 's official process of recruitment is too slow, inefficient, and cumbersome. Managers therefore resort to social contacts to recruit candidates who eventually become experienced enough to win a competition.

Some of the departments expressed the need for additional staffing authority i.e. a delegation of staffing authority to the individual departments in order to overcome the tedious and cumbersome processes carried out by the PSC. They claim the PSC's

¹⁵ From the report by Booker D, Kierstead, J et al- *Executive Succession Reconsidered: Planning for Public Service Renewal*. Labour Market and Research Unit, Research Directorate. Public Service Commission of Canada.

processes gives room to hiring managers to recruit people of their own choice and kind in order to fill a position in the shortest period of time. Hence the issue of casuals and temporaries who eventually acquire enough experience to fill the positions when eventually advertised.

Another challenge is to be able to keep up the momentum for the implementation agenda and to have funding for the systems. The momentum usually slows down when the emphasis is dropped. This may be caused by changes in government or events within and outside the country. The availability of funding or a severe economic recession can also impact the momentum of implementation adversely.

Another challenge is the discomfort that is expressed by EE members about the policy. Many EE members do not want to be perceived as being favored. They want to be seen as people who were hired because they are the best qualified for the job. They therefore refuse to self identify. This makes it difficult to know whom the qualified people are to fill the gaps with. Employment Equity group members also fear a backlash from their fellow employees, and there have been reported cases of unkindness and negative attitude towards them in the work place. EE group members also do not like to self identify because of possible future repercussions in which they could become the targets of lay off, no promotions etc. A person with hearing impairment might be afraid that the information provided could actually be used against him/her in the recruitment process. These demonstrates some of the misconceptions that is held about the EE Act. The policy needs positive and good publicity in order to make it more acceptable to all citizens.

Another challenge faced by EE implementation is the uneven progress made by the four different designated groups. The progress made for recruiting members for visible minorities and disabled persons have been less favorable than for women and Aboriginal peoples. As explained by some of the managers, women benefit from the straightforward identification process and have gained acceptance while acceptance for visible minorities and disabled peoples have been much more difficult. This leads to another concern that many managers share.

Since the EE implementation is based on self-identification, some of the information provided is sometimes inaccurate and misleading. This is so particularly for peoples with disabilities. With the exception of obvious physical disabilities such as blindness, hearing impairment or paralysis of the limbs, other disabilities such as mental depression etc. are not easily determined and consequently not often reported for fear of victimization. Ms. Knight claims this makes it difficult to know the types of accomodation that can be provided for such peoples. On the other hand, it is envisaged that there might be people with disabilities which are not relevant to the work they may be hired to do. No evidence was however provided to that effect.

The corporate culture which favours the majority is aknowleged to be the major barrier to the implementation of EE. Many managers seem to think it is a difficult and costly process trying to find qualified peoples who belong to these groups. They think

their qualifications are not in the range of current requirements for the different job categories. However the view among those interviewed on this issue is to the contrary. They think the problem lies more with the corporate culture rather than the availability of qualified EE group members. Managers are more comfortable hiring people who are like them.

Some of the managers that were interviewed were critical of the targets that are set for the recruitment of EE group members. In the case of the Canadian Heritage for instance Mr. Pendakur thinks the 6.5% target set for members of visible minority group is too low considering that the visible minority population currently accounts for about 11.5% of Canadian population and calls for a reassessment of these targets. A report from *Ottawa Citizen*¹⁶ in August 2002 suggests that the federal government has started working on the issue. It claims to have spent nearly \$30 million to lay the groundwork for an ambitious plan which begun in March 2000. This is the same plan, which calls for calls for a 20% recruitment and promotion of visible minorities in the federal Public Service.¹⁷

VI. How the findings about the implementation of the EEA relate to the Theory of Policy Implementation

The implementation of the EEA as discussed only confirms the sentiment that "the study of implementation appears to be the dismal science of policy analysis since much of the work here tends to emphasize how tough it is to get anything accomplished" (Pal, 2001:181). It is also dismal because there does not seem to be any clear-cut and quick method of achieving all the laudable objectives of the policy.

The first observation to be made with regards to the theory of implementation is that the implementation of the EE policy appears to have benefited from the conventional "forward mapping" technique. This process as observed with the EE policy, begun with a clear statement of the intentions of the policy, which is to bring equity in employment for the designated groups. At the time of the promulgation of the act in 1986, there was no clear indication of how the policy was going to be implemented. The implementation process has had to evolve over the years and is still in the process of evolution. One cannot help but also notice that the act itself has undergone revision over the years to include other objectives such as bringing about diversity and representation in the public service workforce. (See attached historical overview of EE.). It was in 1998 that the goals of the act were clearly specified which is to set a target of 20% visible minority recruitment and promotion in the government labor force. The Embracing Change initiative was the document that spelled out exactly how some of processes of implementation should be. It is no wonder that for the time period between 1984 and 1995, not very much was accomplished by way of bringing about either employment equity or diversity in the public service. This process of policy making, unlike backward mapping, does not anticipate and incorporate the difficulties that the process of implementation might encounter into the policy statement. Obviously the EE

¹⁶ *The Ottawa Citizen*, Ottawa, Aug 19, 2002, p.1

¹⁷ This refers to the Perinbaum Report also known as Embracing Change

implementation process has encountered its share of obstacles as already indicated and has a long way yet to go before becoming a completely successful policy. This policy would probably have benefited more from the backward mapping technique, which would have spelled out the specific processes of implementation, anticipated the possible obstacles to this policy and incorporated them in the initial statement of the policy (if that is possible at all).

The Theory of policy implementation demands a number of conditions for successful policy implementation. They include the following," no insurmountable external constraints such as uncooperative organizations, individuals or acts of nature; adequate time and sufficient resources, money and people in the right order and mix; valid theory- meaning good design, especially cause-and -effect relationships; dependency relationships should be clear -authority is not fragmented or dispersed; agreed objectives-everyone sings from the same song sheet; communication- clear communication and understanding, compliance -no sabotage , recalcitrance , or rebellion .etc "(Pal,2001:184). Obviously the implementation of the EEA has not enjoyed all the above listed conditions rather it has encountered and is yet to surmount all the negatives of all these conditions, such as misinformation, recalcitrance on the part of employers, inadequate resources to spread the message, uncooperative organizations and individuals etc. It is no surprise then that the process still has a long way to go.

The good news however is that policy

"Implementation is evolution. Since it takes place in a world we never made, we are usually right in the middle of the process, with events having occurred before and (we hope) continuing afterward... When we act to implement a policy, we change it. When we vary the amount or type of resource inputs we also intend to alter outputs, even if only to put them back on the track where they were once supposed to be. In this way, the theory is transformed to produce different results. As we learn from experience what is feasible or preferable, we correct errors to the degree that these corrections make a difference at all, they change our policy ideas as well as the policy outcomes because the idea is embedded in the action. "

as indicated by Majone and Wildavsky and quoted by Pal (2001:189). There is hope that the process will eventually get it right and be declared a success, this requires time. The next segment contains some recommendations to that effect.

VII. Conclusions and Recommendations

According to the interviewees the EE policy needs "more teeth."¹⁸ It is regarded as weak and does not hold any serious consequences for employers who choose to ignore it. There has to be an enforceable accountability framework within the policy, which will impose some form of penalty or punishment on defaulters and serve as a deterrent for future ones. Currently even though the Deputy Ministers are to be held accountable, the only penalty for a defaulting employer is at most, some embarrassment for the department. There is no real penalty. Although many departments have tied the EE

¹⁸ An appropriate expression used by Mr.Pendakur

implementation with managers' compensation package, there is a need for more accountability and consequences for non-compliance at the managerial level in all the departments. According to Mr. Pendakur

"In an ideal world, we should not be needing EE, since a well represented workforce should happen naturally. However, experiences show us that there are barriers. If we don't have EE, the situation could be much worse. Setting up strict penalties maybe not be an ideal way to solve the problem either, but it seems to be a practical way".

These measures should however be exercised with caution in order not to bring divisions and dissension into society.

The availability of EE group members and the targets, which are set, are not realistic in all parts of the country.¹⁹ The process and the goals, which are set, need to take account of the reality of the situation. The labour market availability of EE group members is not evenly distributed in the country. For instance cities with larger numbers of EE group members (Toronto, Vancouver, Montreal) need to exceed those targets; whilst those with fewer or no members cannot be expected to meet those goals. However it is suggested that efforts should be made to give potential EE employees the opportunity and the choice to move to those areas where their services are needed. Ottawa for instance has most of the federal jobs. It is believed that if there are not restrictions on the location of those who can apply for jobs in Ottawa, (as is the case currently for most federal jobs) members of EE groups will be prepared to move if they are offered stable jobs.

There is the need to design a module, which integrates EE in human resource management and practices and is seen as a "smart" way of doing business as echoed by Ms. Knight. This will make the process more uniform and efficient.

Finally it is widely agreed that the biggest challenge yet to the implementation of EE has a lot to do with people's attitudes especially of the majority towards the minorities – unfortunately attitudes cannot be legislated – that is where we need to start working from. (A follow up of this paper could be to explore issues on how to change the attitudes of the majority towards the minorities).

To conclude, one would like to say that even though the implementation of this policy has encountered many challenges and shortcomings, it is also widely agreed that some significant progress has been made and everything is not so bleak. This paper ends with a quote, which was used by the Hon. Jean Augustine²⁰ to that effect at a diversity conference, which goes,

"We ain't where we should be, we ain't where we could be, we ain't where we ought to be, but thank God, we ain't where we was."

¹⁹ One in five should be a visible minority from the Perinbaum report

²⁰ MP for Multiculturalism and the Status for Women.

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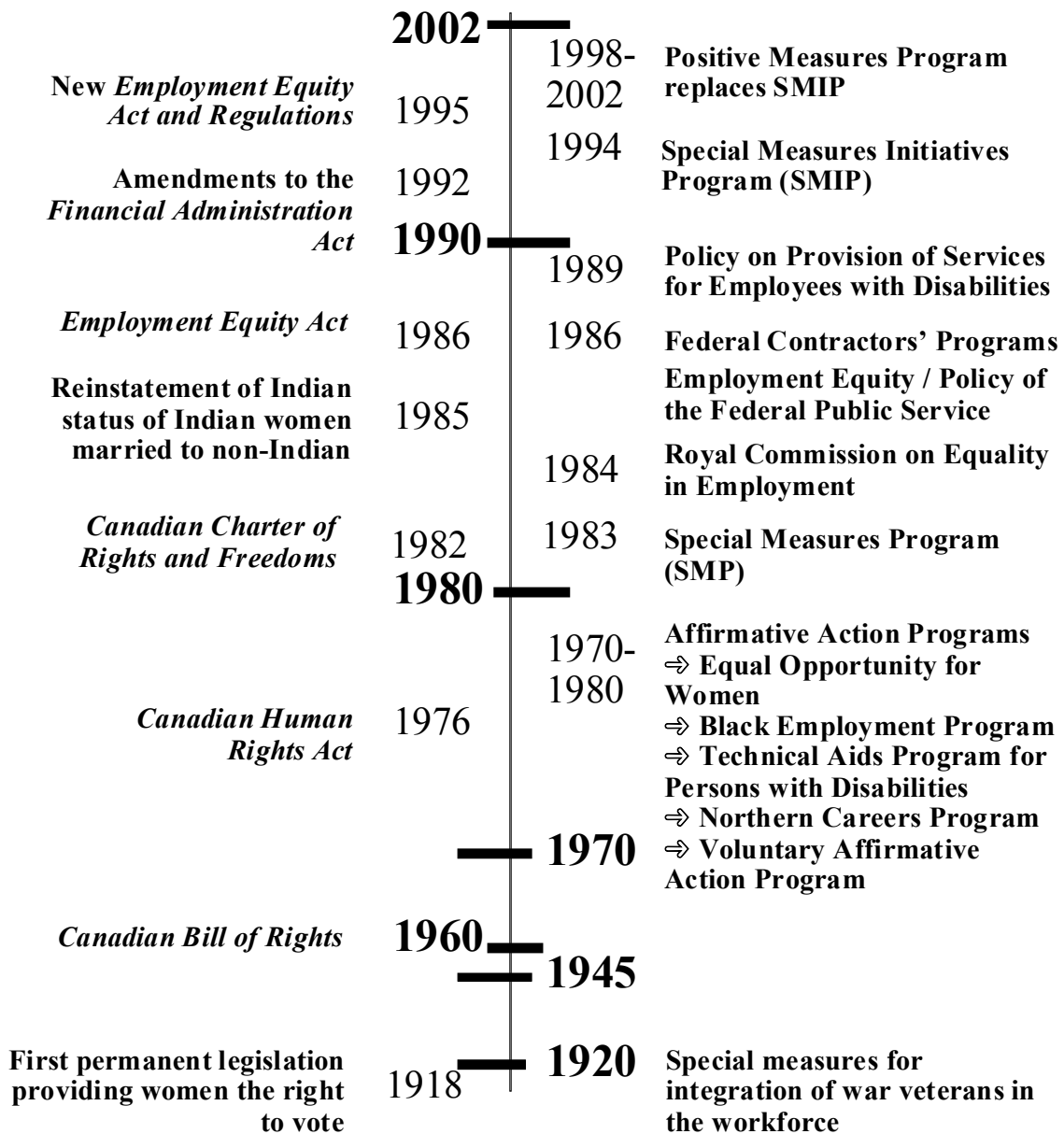
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Historical Overview



The Cost-Benefit Analysis of EE

<u>Costs</u>	Benefits
<ul style="list-style-type: none"> • Time to develop EE process • Time and resources to implement EE process, including conducting an organizational assessment • Communicating EE information internally and externally • Conducting training and education programs • Expanding benefit programs to address diverse needs • Monitoring the EE process • Preparing various reports, including organizational assessment report, EE evaluation reports, EE plan etc. • Reporting findings <p>Source: <i>Employment Equity and Diversity: From Compliance to Reality</i> - Participant Manual for Environment Canada</p>	<ul style="list-style-type: none"> • Compliance with EE Act • Increased employee morale and job satisfaction • Decreased employee turnover • Decreased employee absenteeism • Increased retention of high potential employees • Increased employee productivity • Increased effectiveness of teams • Decreased legal costs for employee grievances and human rights complaints • Enhanced departmental reputation • Increased and improved customer services • Increased customer (stakeholder) satisfaction, loyalty, retention and growth • Increased long-run profitability and financial health