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MAY 1999

CLC TRADE UNION GUIDE TO THE FEDERAL *EMPLOYMENT EQUITY ACT*

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THE FEDERAL *EMPLOYMENT EQUITY ACT*

The Federal *Employment Equity Act*, ("the *Act*") gives unions another tool to use in the struggle to end employment discrimination and bring equity and fairness to the workplace for women, aboriginal peoples, persons with disabilities and visible minorities. It also alters the legal human rights framework within which unions operate in the federal sector. The *Act* also can be used by unions working in the provincial sector with employers who have Federal contracts.

WHO DOES THIS LAW HELP?

Trade Unions Working in the Federal Sector

This Guide suggests creative ways for trade unionists in the federal sector to use the *Act* to further the equality rights of their members both directly under the *Act* and through other tools such as collective bargaining, grievances and the anti-discrimination provisions of the *Canadian Human Rights Act* ("CHRA").

Trade Unions Working in the Provincial Sector

Unions working in provincial labour jurisdictions can also use the Guide for employers covered by the Federal Contractors Program, as employers who employ 100 or more people with Federal Government contracts valued at \$200,000.00 or more must implement similar employment equity plans or risk losing future Federal contracts.

KNOWLEDGE ABOUT THE ACT WILL HELP UNIONS TO:

- Ö Take advantage of the opportunities the *Act* presents to achieve equity objectives;
- Ö Understand the way that the changes in the legal framework affect their equity strategies and existing liabilities under human rights legislation;
- Ö Meet their legal obligations under existing human rights legislation;
- Ö Assess the legitimacy of employer and other challenges to the collective agreement originating in the employment equity process.

WHAT DOES THE GUIDE DO?

- Ö Informs unions and their members about employment equity rights, obligations and procedures;
- Ö Helps unions to communicate with their staff, local union decision-makers and their members about employment equity;
- Ö Helps unions to be aware of the impact of the *Act*, and of how unions can use the *Act* to advance their equity objectives;
- Ö Is a working reference document to the *Act*, the *Regulations* and *Guidelines* for trade unionists active in implementing employment equity in their workplaces.

HIGHLIGHTS OF THE *EMPLOYMENT EQUITY ACT*

- Ö Clarifies and strengthens employer obligations and gives the Canadian Human Rights Commission (“CHRC”) the mandate to monitor, verify and enforce compliance.
- Ö Gives unions a right to be consulted by, and to collaborate with, employers on the implementation of employment equity, including the preparation, implementation and revision of the employment equity plan.
- Ö Enables unions to challenge employers on an ongoing basis to change workplace practices of every sort, including those employers argue are “management rights”.
- Ö Provides unions with an important opportunity to identify and address their human rights responsibilities as co-signatory of collective agreements.
- Ö Continues the profound change to the process and content of collective bargaining resulting from the enforcement of human rights legislation in unionized workplaces.

- Ö Specifies that seniority rights are generally not barriers to employment equity unless found discriminatory under the *Canadian Human Rights Act*.
- Ö Amends the *CHRA* to limit the application of the *CHRA* where the *Act* applies.

UNIONS AND EMPLOYMENT EQUITY

Mandatory employment equity legislation has been widely supported by equality seeking groups and unions. Unions recognize that their attempts to remedy discrimination through collective bargaining, grievance arbitration and human rights complaints will not, alone, combat the systemic problem of discrimination.

REASONS UNIONS SUPPORT EMPLOYMENT EQUITY LEGISLATION

- Ö It provides minimum standards and protection for workers who do not have the power to bargain for employment equity provisions in their workplaces;
- Ö Employment equity provisions help to advance the principles which lie at the heart of the labour movement - principles of collective responsibility, fairness, equality, justice, workplace democracy and worker solidarity; and
- Ö The process of implementing employment equity legislation is an opportunity for unions to require employers to review longstanding conditions of work which need to be changed - often in areas otherwise covered by management rights.

IF YOU HAVE ANY QUESTIONS ABOUT THE GUIDE OR THE ACT, THE REGULATIONS AND GUIDELINES, PLEASE CONTACT MARY CORNISH, KAREN SCHUCHER OR AMANDA PASK.