



a workplace for all

Bargaining Equality

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**A Workplace
that Reflects
the Community**

Many of our workplaces do not reflect the diversity of the communities in which we live. Groups that are traditionally not represented – or under-represented – include women, workers of colour, Aboriginal workers, workers with disabilities, lesbian, gay, bisexual, and transgender workers.

These inequities are often the result of years of hiring practices that have excluded certain groups, usually unintentionally. Intentional or not, we need to make sure our workplaces are open to everyone in our communities including disadvantaged groups.

Changing the workplace to better reflect the community is the goal of employment equity. To achieve this, some governments have introduced employment equity legislation.

Legislated programs are usually complaint-based or proactive. The former relies on complaints by individuals or third parties. Proactive programs require employers to implement employment equity. The goal of good employment equity laws is to eliminate barriers, such as discriminatory employment systems, and to ensure appropriate representation for designated groups throughout the workplace.

Cleaning up employment systems is good for all workers. For example, an employer may require an unnecessary qualification of Grade 12 for a position of cleaner. This could be a barrier for designated groups that don't complete Grade 12 in high numbers, such as Aboriginal peoples. By eliminating the unnecessary requirement, others who have not completed Grade 12 will also benefit.

Through employment equity programs, designated group members not only get fair access to jobs, they also have a work environment that encourages them to stay and advance within their workplaces. In addition, special measures such as training and career development opportunities for all group members, and accommodations for persons with disabilities, will be necessary. This does not mean that people would be placed in positions for which they are not qualified, nor would performance expectations be different.

But, we don't need to wait for legislation. CUPE locals can bargain concrete steps in their collective agreements to improve the workplace.

Resources:

Equality in the Workplace: An Affirmative Action Manual, CUPE.

Phebe-Jane Poole, *Communicating Employment Equity: Preparing for Change*. CCH Canadian Limited, 1994.

Barriers to equality

Look for the following barriers to equality in your workplace. You will find other examples. Barriers in policies and practices exclude or have an adverse impact on women and minorities. When you see barriers like these, negotiate an employment equity clause to examine the workplace carefully and to remedy the problems.

1) Recruitment (how an employer attracts people for jobs)

- a) Advertises in the employer's human resources office only.
- b) Specific height requirements for the job (for example, 5'9").

2) Selection (how an employer chooses the best candidate for the job)

- a) White, male manager alone, with no definite criteria or questionnaire, selects candidate.
- b) Interview question about whether a woman candidate plans to get pregnant.

3) Classification (how an employer decides job duties and job worth)

- a) Jobs done mostly by women have little or no chance for advancement.
- b) Jobs done mostly by women and minorities are paid less.

4) Promotion (how an employer decides who will advance and how)

- a) Promotion criteria are not related to the job.
- b) Manager alone decides: no application or interview process.

CON'T...

Barriers to equality

5) **Training** (who gets training: type, frequency, conditions)

- a) Only male-dominated or “professional” jobs get training. No training for advancement in female-dominated jobs.
- b) Training is on weekends.

6) **Working Conditions** (hours of work, working atmosphere, job site)

- a) Women and minority workers experience harassment.
- b) Minority workers get assigned worst job duties.
- c) Job site requires men and women to share washroom facilities.

Basic elements of an employment equity clause

- Policy statement of commitment to Employment Equity (EE) by the parties.
- Definition of an EE plan.
- Scope of an EE plan.
- Process to set up a joint union/management EE committee.
- Identification of designated groups.
- Communication with and education of workers and management.
- Internal workforce analysis (representation, distribution).
- External workforce analysis (availability).
- Employment systems analysis to find discrimination.
- Analysis of wages and benefits.
- The EE plan:
 - a) Statement of commitment.
 - b) Scope of plan.
 - c) Designated groups.
 - d) Process used for analysis.
 - e) Results of analysis.
- EE measures – qualitative and quantitative
 - a) Qualitative:**
 - Remove discriminatory, policies and practice.

Basic elements of an employment equity clause

- Positive measures to help designated groups have equitable treatment; for example, mentoring and bridging programs.
- Accommodation measures such as technical devices to help a person with a disability to do the job.
- Support measures such as flexible hours that would specifically help the designated groups but would benefit all workers.

b) Quantitative

- Numerical goals for each designated group to make the workforce more representative of the community.

c) Timetable

- Timeframes to achieve both qualitative and quantitative goals.

d) Implementation Strategy

- Responsibilities and accountabilities.
- Training budget provisions.
- Monitoring

LANGUAGE

CUPE Local 500 and the City of Winnipeg

Employment Equity

In accordance with the Letter of Agreement regarding employment equity, the City and the Union agree to cooperate in formulating and implementing a program designed to ensure employment equity for all employees.

Statement of Purpose

The program objectives are:

- a) To ensure that current and future employment systems are non-discriminatory;
- b) To redress disparities in the City's present workforce distribution, thus pursuing a workforce composition which reflects workforce availability of designated group members in the City of Winnipeg; this includes active recruitment and hiring of target group members;
- c) To prepare the organization for the increasing role designated group members will play in the workforce.

Mandate

The Committee is mandated to:

1. Analyze the representation and distribution of employees covered by the CUPE bargaining unit to identify areas of under representation;
2. Examine current employment systems to identify possible systemic discrimination;
3. Make recommendations where required to the respective Parties on all elements normally associated with an Equity and Diversity Initiative, including:
 - a) the elimination of systemic and employment barriers;
 - b) the establishment of objective and non-discriminatory employment systems;
 - c) the setting of goals and timetables for the program;
 - d) the development of special measures to redress past and present employment barriers;
 - e) the development of policies that support achievement of goals.

4. Monitor and evaluate the progress of the program;
5. Co-ordinate educational sessions on equity and diversity directed at all employees;
6. Submit a report on the program annually to senior administration and the executive of CUPE Local 500.

CUPE Local 3903 and York University

Article 5 – Labour Management Committees

5.03 Employment Equity

The union and the employer agree to maintain an Employment Equity Committee to meet within one month of the signing of the 2002-2005 collective agreement.

The Employment Equity Committee will have access to the non-confidential findings of a census of all members of the bargaining units and graduate students at York University to be conducted by the Employment Equity Office following the ratification of the 2002-2005 collective agreement. The Employment Equity Committee may ask the Institute for Social Research to do specific analyses of data collected in connection with the Employment Equity survey. The employer shall not unreasonably deny the Employment Equity Committee's recommendation for funds to conduct the survey(s).

The Committee's mandate will further include setting goals and timetables for the elimination of discriminatory practices and systemic barriers to equal opportunity. Issues to be addressed will include: recruitment of employees, selection procedures, job postings, employer required and provided training, salaries and benefits, and working conditions (including accommodation for persons with disabilities).

The Employment Equity Committee shall, within twelve months of first meeting, develop an Employment Equity Plan for approval by the parties. This plan will address the removal of employment barriers in order to achieve the ultimate goal of fair representation of the following designated groups in bargaining unit employment: aboriginal peoples, persons with disabilities, visible minorities and women. Fair representation will be taken to mean a reflection of the population of these groups in the Greater Toronto area.

The Committee will consist of three representatives of each party and the Employment Equity Co-ordinator as ex officio member. Preference will be given

to members from each of the designated groups. A representative of each party shall be designated as joint Chair and the two persons so designated shall alternate in the chair. Either Chair may call meetings on at least two weeks' notice to the other members of the Committee.

Canadian Union of Public Employees (Saskatchewan) and Saskatchewan Association of Health Organizations (SAHO) and Saskatchewan Intergovernmental and Aboriginal Affairs

Representative Workforce for **Aboriginal** Workers:

The parties agree to the principle of a representative workforce for **Aboriginal** workers. The Employment Strategy Committee will be charged with the responsibility to develop, implement, monitor and evaluate proactive initiatives designed to ensure **Aboriginal** People are present in all occupations in their proportion to the provincial working population. When hiring new employees, the **Aboriginal** representative principle will be applied, providing there are qualified **Aboriginal** applicants for the vacancy. The parties agree to facilitate educational opportunities, which may include literacy training and career path counselling/planning. At the request of the employee, an Elder will be present when dealing with issues affecting **Aboriginal** employees. The parties agree to implement educational opportunities for all employees to deal with misconceptions and dispel myths about **Aboriginal** People. This will include enhanced orientation sessions for new employees to ensure a better understanding of respectful work practices to achieve a harassment-free environment. The parties also agree to make every reasonable effort to accommodate an employee who wishes to attend or participate in a spiritual or cultural observance required by faith or culture.

CUPE Local 2929 and the Syndicat des Employés de la Société Immobilière du Québec (SESIQ) Agreement

Retraining Program

A retraining program has been established to ensure the succession for workers who are retiring and thereby reabsorb certain employee surpluses. The trades targeted by this project are electricians, plumbers, and stationary machine mechanics III. The program objective is to provide retained candidates with qualification certificates in the trades targeted. These certificates will be awarded following the successful completion of an examination at the end of the training and apprenticeship periods. When the employee obtains his qualification certificate, he will be assigned the classification of the targeted trade.

During the first phase of the program, in the Winter of '95-'96, nine (9) electricians, five (5) plumbers and five (5) stationary machine mechanics will begin their training.

This first institutional training phase will take place in Quebec City, in view of the future needs of the *Société Immobilière du Québec* (SIQ) in this region and the clientele targeted.

Conditions for Participation

- Agree to be reclassified as an apprentice (general helper, grade 7, trade group, **38.75 hours**);
- Accept the work schedule and training and apprenticeship methods;
- Agree to remain with the SIQ for a period equal to the program duration, once the training has been completed.

Conditions for Eligibility

- Be a permanent employee of the SIQ in the "Office*/Technical" group;
- Have a Secondary IV diploma;
- Be capable of occupational studies;
- Be capable of exercising the targeted trade;
- Be a surplus employee or, in the employer's judgment, be able to be replaced by a surplus employee.

A selection process including exams and interviews will be held to screen the participants. If necessary, seniority will be applied in determining the choice of participants between eligible candidates.

* This retraining program allowed clerical staff who were being laid off, to train as electricians, for example, and be hired in full-time jobs at SIQ.

CUPE Local 1975 and University of Regina (Memorandum of Agreement)

Employment Equity Initiatives

The following provisions shall come into effect on January 1, 1996.

Notwithstanding the provision in the Collective Agreement, the parties agree that the following initiatives supersede the specified provisions of the agreement, and are provided in order to improve the participation of employment equity designated

members (Aboriginal people, persons with disabilities, visible minorities, and women) in all types of employment at the University of Regina.

1. Human Resources may deem certain postings for positions as “Employment Equity Designated Positions” in order to pursue the University’s employment equity goals.

Positions will be considered for designation only if it cannot be filled by an employee who has received notice of layoff (Article 12.1.4) or an employee with recall rights (Article 12.1.7).

2. The number of such positions shall not exceed four at any given time.
3. Such designations may include permanent, seasonal, term, full-time and part-time positions.
4. The University will undertake to fill the designated position from among the current employees who are members of the employment equity designated groups. Selection from among these candidates will be made on the basis of possessing the greatest seniority, required qualifications, and efficiency demonstrated in the applicant’s current or previous position with the University.

If there is not a qualified applicant, the University will consider on the same basis outlined above, the applications of employees who are close to possessing the required qualifications before considering any external candidate. If appointment is made of an applicant who does not possess the required qualification(s) for the position the University may, as a condition of appointment, require the applicant to obtain the qualification(s) within a specified time limit.

If no suitable candidate is available internally, the University may appoint an external candidate from members of the designated employment equity groups.

If no suitable external candidate from these groups is available, the position shall be reposted and filled in accordance with Article 8.

5. The University may advertise at any time for appropriate employment equity candidates. Designated equity positions will not be advertised until the close of internal posting.
6. A candidate appointed to a designated equity position will be granted, on date of appointment to the position, enough seniority to bring the total up to three years. If the employee has three years or more of seniority at the time of assuming the position, seniority will continue to accrue in the normal fashion. If the employee is

granted seniority to bring it up to three years at the time of the appointment, it will be held until the amount of seniority the employee would have earned under normal circumstances reaches three years, and then it will continue to accrue in the normal fashion. Any extraordinary seniority which may have been added to the total of a candidate in a designated position may be exercised in the event the employee is affected by Article 12: Layoff and Recall. Such extraordinary seniority may not be used for bidding purposes.

7. Equity employees in designated positions may be provided with special training as Human Resources deems necessary. Such training shall be provided from funds in addition to the funds generally associated with Article 15.
8. The University may conduct training for management and employees in the unit with one or more employees in designated equity positions, in cross-cultural awareness and related fields.
9. Without disrupting the normal working conditions of other employees, the University may undertake measures to assist equity candidates to fit into the work situation, such as designating the hours of work at different times of the day or week, granting leaves of absence, etc.
10. When a designated position with an equity member as incumbent is vacated, it may or may not be posted as one of the designated employment equity positions.

The University of Regina will provide the Union with an equity report which will include statistical data on the progress of University of Regina equity objectives. If there are two consecutive years during which new hires from equity groups fall below new hires in the equity groups from the previous period, this memorandum will be terminated.

CUPE Local 3851 and Nelson House, Ottawa, Ontario

Article 4 – Human Rights

4.03 Employment Equity

a) Nelson House Recognizes:

- that societal oppression is systemic and is maintained and manifested within relationships between individuals and groups; this prevents certain marginalized groups from fully participating within society;

- the links between woman abuse and other forms of oppression experienced by women and children; and how multiple oppression further impacts the way women are treated by our health, legal, law enforcement, regulatory and social welfare systems.

Furthermore, Nelson House acknowledges that as a result of societal oppression, diverse groups of women have been prevented from participating and/or do not feel welcome to participate in many women's organizations.

In accordance with values of social justice and accountability to the community, Nelson House is committed to providing services which reflect and support the demographics of its catchment area.

Nelson House staff must be representative of community diversity; and have the sensitivity necessary in order to work effectively with diverse groups.

b) Promotion of Employment Equity

Nelson House shall promote employment equity through the following actions:

- hiring women from traditionally excluded groups;
- recruiting women from traditionally excluded groups as volunteers (including Board members);
- providing training to Nelson House employees which will sensitize and educate employees in regards to identifying and confronting their own bias and the bias of others;
- ensuring the location (the shelter and outside meeting space where possible) is physically accessible and has a welcoming décor;
- the dissemination of material that reflect the diversity of the catchment area (e.g. diverse languages, issues);
- active networking and information sharing with local organizations whose services are aimed towards traditionally excluded groups;
- implementation of anti-harassment policies, with the intent of protecting Nelson House members from abusive treatment;

- promotion of the commitment of Nelson House to diversity within the catchment area;
- the parties agree to work together to identify and remove systemic barriers that stand in the way of employment equity.

Traditionally excluded/oppressed groups include but may not be limited to: women, persons with disabilities, Aboriginal people, members of racial minorities, immigrants and refugees, lesbians, gays and bisexuals, women who have been in conflict with the law, seniors, Francophones, and people with low-income.