

# **Equality: Workplace Rights and Building the Labour Movement**

## **Executive Summary**

The Ontario Federation of Labour (OFL) has championed the cause of equity since the earliest days of its mandate.

In the early 60's delegates at Convention passed a resolution calling for legislation to address barriers to employment. In 1983 the OFL Constitution was amended at Convention to establish five affirmative action seats for women on the OFL Executive Board. Further Constitutional updates established seats for Aboriginal workers, Persons with Disabilities, Gay, Lesbian, Bisexual and Transgender workers and Visible Minority people.

In 2005 statistics consistently show that women, people of colour, persons with disabilities and Aboriginals are entering the workforce in larger numbers than ever before, and studies continue to show that they experience discrimination in employment opportunities.

The goal of employment equity means unions must strive for a representative workforce that

reflects society. Employment equity initiatives must identify and eliminate existing discrimination and remove the barriers faced by equity groups.

Federal and provincial employment equity legislation must be strengthened in order to achieve its objective – equity in employment -- and unions must have the ability to participate fully in the development and monitoring of employment equity plans.

Inside our own unions we must convince our members that strong, enforceable legislation is needed to remedy the discrimination that exists. We must debunk the myth that equity groups will have access to jobs and promotions that they are unqualified for and that equity in the workplace will undermine collective agreements.

Workers and their unions must join in solidarity, alongside our Aboriginal Brothers and Sisters and restore humanity, hope, opportunity, dignity and respect for the People who made up 100 percent of our population just 600 years ago. Aboriginal peoples, with over 51 per cent under 25 years of age, are the fastest growing population within Canada and will

be an important part of closing the expected gap in the labour force.

Discrimination in employment for visible minorities – racism – has been well documented. The 2003 Federal *Employment Equity Act* Annual Report confirms that visible minority women remain behind women in every salary group and that the salaries for all women trail behind those of men in every salary group. This is double jeopardy for visible minority women who face the combined impact of gender discrimination and racism.

The road to workplace equality remains full of obstacles for the vast majority of women. Even after 20 years of voluntary and legislated workplace equity programs, barriers exist in the form of harassment, lack of access to training, fewer chances of promotion, lack of child care programs, growth in casual work with no benefits and the horrible trend of increased violence in the workplace.

The inclusion of gay, lesbian, bisexual and transgender people as a designated group under Employment Equity is strongly supported by labour and equity advocates. Whenever systemic action is being taken against sexism, racism, and ableism, action against heterosexism and homophobia must be added.

Statistics Canada reports that there are approximately 1.5 million Ontarians with a disability. Many Ontarians with disabilities are suffering in lives of poverty because

they have not had the opportunity to enter and stay in the paid labour market.

The cost of accommodating workers with disabilities is quite reasonable. A recent estimate by the Canadian Abilities Foundation puts the cost at under \$1500 for almost all workers with disabilities. Cost has often been used by employers as the reason for not hiring workers with disabilities. The barriers which challenge these workers are systemic and attitudinal more than physical.

It is clear that changing demographics should be of critical importance to the labour movement. According to Statistics Canada by the year 2016 one in every five Canadians will be a person of colour or a member of a visible minority. Our survival as a strong movement depends on our ability to attract new workers to unions. This means reaching out primarily to women and people of colour who will be the majority of new entrants into the labour market over the next decade.

Unions bring unmatched expertise in workplace issues as well as important insights and decades-long commitment to equity issues. The OFL and its affiliated unions will continue to educate, inform, lobby, negotiate, and lead by example - never losing sight of the goal of equity in employment.

## **Plan of Action**

Over the next two years the Federation will:

- Organize a provincial educational campaign to build support for legislation.
- Work with the Ontario New Democratic Party and community groups to lobby the McGuinty Government to re-introduce Employment Equity Legislation.
- Organize an Aboriginal Conference to discuss and address the historical, systemic discrimination of Aboriginal peoples.
- Organize workshops on equity issues (i.e. organizing in racially visible communities, negotiating equity).

## **Union Action**

Assist affiliates with strategies to do in the workplace which:

- Move equity issues higher on their agenda.
- Negotiate equality clauses.
- Press employers to implement employment programs in the workplace.
- Demonstrate commitment to equity by strengthening Equity Committees.
- Develop mentoring programs within locals and equity groups.

- Develop Employment Equity programs for the inclusion of equity groups on staff to reflect the membership.

## **The OFL and Affiliates**

### Legislation

- a) Lobby the McGuinty government to reintroduce legislation to ensure equality in the workplace.
- b) Lobby the McGuinty government to amend the *Labour Relations Act* to extend card certification to all workers, so that if 50 percent of employees sign a card to join a union, they would be automatically certified as a union.

### Human Rights Commission

- a) Lobby the McGuinty government to properly fund the Commission.
- b) Lobby the Chief Commissioner to use Section 29 of the Ontario Human Rights Code to ensure the rights of all workers are protected.
- c) Lobby Chief Commissioner to re-introduce the Race Relations and the Systemic Unit of the Commission.

## **History of Leadership**

A review of our history indicates that the OFL has a very long and proud history of advocacy on Human Rights and Equality Issues.

Indeed, in the early 1960s, long before the voices of people with disabilities were being heard, delegates to our Convention passed a resolution calling for legislation to address barriers to employment.

This early effort was followed by a series of ground-breaking policies and actions relating to the promotion of human rights and equality issues for the labour movement. These policies and actions which followed, positioned the Federation as a champion for the rights of equity groups marginalized by racism and other forms of discrimination in the workplace. Undoubtedly, this demonstration of leadership not only changed the face of the labour movement in Ontario but, indeed, across Canada.

### **Equity on the OFL Executive Board**

At the 1983 Convention, delegates endorsed a resolution to amend the Constitution to establish five affirmative action seats for women on the Executive Board.

Following this significant policy shift to include women on the Executive Board, another constitutional change made it possible for two representatives for workers of colour. Since then, with the support

of the Executive Board and Convention delegates, seats were established for representatives of Aboriginal Workers, Persons with Disabilities, Gay, Lesbian, Bisexual and Transgender Workers and Visible Minority for a current total of nine equity seats on the Board.

By any historical marker, it is fair and accurate to say that the Federation has been in the forefront of equity issues, consistently promoting and affirming the right of members of equity groups to participate at all levels of the labour movement, thereby moving the equity agenda forward through policies and practices.

Much has been done but much more remains to be done.

### **Unions and Equity – Ending Discrimination in Employment**

Undoubtedly, many of our affiliates, both in the public and private sectors, have developed policies to address discrimination, equity and general human rights issues in the workplace. In fact, in many unions, human rights education through conferences and training are now routinely offered to local leadership and members. However, ending discrimination in employment will require more than education and training of our members.

Unions must demonstrate a solid commitment to proactive legislative policies to ensure fair hiring practices. Workers cannot rely on the goodwill of employers to ensure diversity at all levels of the

workplace. Rather we, as members of our unions, must continue to lead the struggle for social change.

### **Why Legislation is Necessary**

*It is not that individuals in the designated groups are inherently unable to achieve equality on their own; it is that the obstacles in their way are so formidable and self-perpetuating that they cannot be overcome without intervention ... equality in employment will not happen unless we make it happen.*

*Judge Rosalie Abella –  
Equality in Employment (1984).*

Unions, as representatives of working people, must make it happen. Indeed, the labour movement has always been in the forefront of progressive change in society. Over the years, we have lobbied for many pieces of progressive legislation to improve the lives of working people and against legislation that would hurt our sisters and brothers.

Among our successes are legislations regarding issues such as health and safety, maternity benefits, pay equity, unemployment insurance, vacation pay and sick benefits.

All of these early struggles, which at the time seemed unattainable, were met with government and employer resistance. However, we were not deterred because we knew we were acting in the best interests of working people.

With this rich history behind us, it is clear that now is not the time to abandon our vision of equality. Rather, this is the time to embrace our successes, trumpet the advances we have made for the workers of Ontario and continue to strive for more. We must never allow ourselves to become complacent.

### **Been There Done That – Must Do It Again**

The labour movement fought long and hard for legislation to promote and encourage a proactive approach to end discrimination against all peoples in the workplace.

In Ontario, ground-breaking Employment Equity Legislation, introduced by the Rae Government in 1994, was designed to help women access jobs traditionally held by men, make workplaces accessible to persons with disabilities and address discrimination in hiring and promotions experienced by Aboriginal People and visible minorities. This legislation would have provided for labour to play an active role in identifying and removing discriminatory practices for the hiring, promotion and retention of workers.

In the end, the struggle was set back when this progressive legislation, passed by the Ontario New Democratic Party in the mid 90s was repealed by the Conservative Harris government when it came to power.

Since the repeal of the employment equity legislation, the landscape has changed and it is time to be even more determined to promote and protect the rights of all workers, especially seeing the removal of barriers faced by equity groups.

Women, people of colour, persons with disabilities and Aboriginals are entering the workforce in larger numbers than ever before, and studies continue to show that they experience discrimination in employment opportunities. For example, Statistics Canada tells us women of colour are found primarily in employment sectors characterized by low income and poor benefits. Yet, Bill 144 on Labour Law Reform, recently introduced by the Liberals, will have an adverse impact on the ability of workers from these groups to organize. This Bill gives the right to card-based certification solely to workers in the construction industry.

### **Facing Facts – Employment Equity at the Federal Level**

People from certain groups have been denied equal opportunities in the labour force and on the job. Many studies have shown that Aboriginal people, people of colour and persons with disabilities, as well as women, have historically faced and continue to face barriers in employment.

The goal of Employment Equity is just that, equity in employment. This means striving for a *representative workforce* that reflects society. In order to do this,

Employment Equity initiatives must identify and eliminate existing discriminations in employment which have prevented certain groups from being hired or promoted in the same way as other groups.

Let us breakdown the wording of the *Act* whose purpose is to achieve “equality in the workplace”. It states that:

*“no person shall be denied employment opportunities for reasons unrelated to ability”*

*“no person shall benefit (from employment opportunities) for reasons unrelated to ability”*

As such, Employment Equity aims to “correct the conditions of disadvantage in employment experienced by women, Aboriginal Peoples, persons with disabilities and members of visible minorities” (Section 2 of the *Act*).

The *Employment Equity Act* was first introduced by the Federal government in 1995 and it updated existing federal legislation in effect since 1986. This *Act* applies to federally regulated employers and employees. Since then, there have been some gains for workers of the designated groups – Aboriginal peoples, people of colour, persons with disabilities and women. Yet much remains to be done. However, recent studies still indicate that women earn between 71 and 78 cents for every dollar a man earns.

This figure is even lower for women of colour who face double jeopardy, being both a woman and a member of a visible minority.

Studies also indicate that the designated groups are still under represented in employment, that is, below their availability in the labour market.

Despite existing Employment Equity law, barriers to employment are not disappearing. And for the most part, the voice of labour is not heard as unions in federally regulated workplaces do not have an active role in the development and monitoring of Employment Equity plans.

A 2004 report stated that managers in the federal public service continue to hire friends and family rather than comply with regulations to ensure that all workers have a fair chance at government jobs.

This legislation needs to be strengthened in order to achieve its objective. Unions must have the ability to participate fully in the development and monitoring of employment plans.

### **The Challenge for Labour – Promoting an Inclusive Image of Unions**

In a previous equality policy document, we said “unions are not only representatives of working people, they are also employers.”

We encouraged affiliates to ensure that the staff of unions – at all levels

- reflect the membership they represent and serve. If we are to be considered part of the solution and not part of the problem, we must demonstrate our commitment to equality in the workplace by our hiring practices. Our credibility as being in the forefront of the struggle for human rights and equity is threatened when our own workplaces do not reflect the diversity of working people in Ontario.

An ongoing challenge for the labour movement is the need to convince union members that Employment Equity Legislation is necessary as a remedy for systemic discrimination and not about discriminating against current workers.

Another important challenge for unions is to debunk the many myths that surround Employment Equity. The Conservative Harris government deliberately misled workers and the general public when it said that Employment Equity Legislation would impose hiring quotas on employers. And, there are those who have successfully persuaded unionized workers that:

- programs to address systemic discrimination in employment are somehow unfair
- implementing these programs will result in reverse discrimination
- unqualified people would be hired and promoted.

These very pervasive myths allow those opposed to equity programs to believe that groups targeted for equity will have access to jobs and promotions they are not qualified for and will undermine provisions within collective agreements.

We must challenge these erroneous beliefs. These myths have been used to ignore the daily reality of many members of equity groups who continue to experience racism, discrimination and violation of their basic human rights in finding suitable employment and, all too often, in the workplace when they do find work.

Therefore convincing our members that the need for legislation is to remedy discrimination and not to discriminate against current employees is central to our success for a legislative remedy to workplace discrimination.

We must strengthen our efforts to ensure that workplaces across this province reflect all those who live and would like to work in Ontario. All too often, efforts by unions to end discrimination in the workplace are met with employer resistance.

Too many managers are adept at pitting workers against each other, at times, even co-worker resistance is experienced. But unions can no longer accept nor condone this resistance to programs which are necessary to ensure that workers are treated fairly without any form of discrimination or violation of basic human rights.

Resistance to fair hiring practices must be seen for what it is. It is an effort to undermine the solidarity of working people and the labour/union movement in general. Employment Equity equates to fair hiring practices and fairness in the workplace.

In Ontario, there are two key pieces of legislation to redress workplace discrimination, the Ontario Human Rights Code and the *Ontario Pay Equity Act*. However, a decade of severe budgetary restrictions and limited governmental support has been experienced by both agencies.

The time has come to lobby for significant change to put the teeth back into enforcement surrounding both pieces of legislation. This clearly means wholesale changes to the way in which the complaints-driven and individualized process that underlies the mandate of the Ontario Human Rights Code and its Commission.

All this is not to say that the sky is falling and that we are in grave danger of losing tomorrow the many gains that have been achieved in moving forward equity groups within the organized workforce in Ontario. But, we cannot rest on what has been achieved.

We must be prepared to continue to fight, not only for progressive legislation in support of workers, but to make sure what we have remains and is not eroded bit by bit by regressive legislation or tough contract negotiations.

Employment equity is about basic rights and fair hiring and promotion practices in the workplace. It impacts us all and when it comes right down to it, this is an issue that impacts not just the individual worker but our families, communities and society in general.

### **Equity Equals Union Density**

#### *Aboriginal Peoples*

It is important to remember that just over 600 years ago, Aboriginal People made up 100 percent of the population of this continent and this hemisphere. The percentage is now in the single digits for the continent.

It is important to remember that just 500 years ago, a squirrel could climb a tree on the east coast and not have to leave the canopy until it reached the Mississippi River. The entire eastern woodlands was a vast virgin hardwood forest.

It is important to remember that just over 400 years ago, the waters of this continent were so clear and clean that if it was not for the abundant life in them, you could see the bottom of any river or lake. Now, our waterways are not fit to wash in, fish in, let alone drink.

Just 100 years ago began the residential schools and the destruction of the family system of native peoples. Governments of the day began to take the young and put them into boarding schools.

These youngsters were beaten if they spoke their language, refused to cut their hair, or spoke to their brothers and sisters. In the name of assimilation, children as young as four years of age were sentenced to physical, emotional and sexual abuse. The last residential school closed only in 1986, after nearly 100 years of destruction of family, culture and innocence.

We must recognize that this history of abuse and wrongs lives on.

Aboriginal People have been dehumanized and discriminated against since the first explorers arrived in North America. Aboriginal Peoples have been ridiculed in plays, as sports mascots, in motion pictures and cartoons. These stereotypes have continued to foster the ongoing systemic discrimination that Aboriginal People face every day in their communities, in the workplace and in society.

We must remember Dudley George, unarmed native protester who was killed trying to defend an ancestral burial ground. Remember also native political prisoner, Leonard Peltier, incarcerated for over 20 years in a U.S. prison for a crime he did not commit.

The year is now 2005 and Aboriginal People across the province of Ontario and throughout Canada are still fighting for their very lives to be recognized, respected and included.

“Aboriginal communities face high unemployment rates, lack of adequate housing, inadequate access to healthcare, barriers to post secondary education and training.

*High Unemployment Rate:* The unemployment rate for all Aboriginal groups continues to be more than double that of the non-Aboriginal population (24 percent).

*Labour Force Participation:* The gap between Aboriginal and Canadian labour force participation has decreased over the past decade, 58 percent for Aboriginals and 66 percent for all Canadians.

*Aboriginal Women:* While discrimination and prejudices, with respect to both race and sex prevailed in employment, many Aboriginal women, however, consider that being a “Native” is more of a barrier to employment than gender.”<sup>1</sup>

“There are at least 500 “**missing**” Aboriginal women. A significant percentage have been murdered, many of the cases are unsolved.”<sup>2</sup>

Forty percent of the children in foster care in Canada are native even though Aboriginal People only make six percent of the population.

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<sup>1</sup> Canadian Labour Congress, Equity Groups, Aboriginal Workers, retrieved from CLC Website 21/09/2005, [http://canadianlabour.ca/index.php/Aboriginal\\_Workers/](http://canadianlabour.ca/index.php/Aboriginal_Workers/).

<sup>2</sup> First Nations Health Bulletin, Assembly of First Nations’ Health and Social Secretariat, 2005, p. 2.

These children are often taken thousands of miles away to foster homes.

“Over 52 percent of Aboriginals are in part-time work with very little job security in mostly marginalized sectors with low income, reflecting both the seasonal nature of their jobs and discrimination in hiring practices.

*Low Income and High Poverty:* 46 percent of the Aboriginal population has an average annual income of \$10,000, which is well below the poverty line.

*Low Education Attainment:* The Canadian educational system and the curriculum has been developed and refined by, and for, a white, urban, middle-class culture. It is no wonder that this system and its values are alien and meaningless in the context of life on a reserve and bears no relation to local Aboriginal concerns.”<sup>3</sup>

Our history books do not deal with the real history of Aboriginal People. If they did, it would be on the record and recognized that genocide was carried out against native peoples.

*“Aboriginal Peoples and Health Care:* The health status of Aboriginal Peoples in Canada should be a source of shame for all politicians in this country.

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<sup>3</sup> Canadian Labour Congress, *ibid.*

We must also accept the responsibility that colonialism and European influence destroyed the Aboriginal health care system. Historically, First Nations had a collective health system in which care was delivered through healers, herbalists and spiritual practices. Access was universal, without charge and was embedded in a “wellness” approach to health.

The diminishing and poor state of health care in this community is also linked to the huge economic and social disparities which exist between the Aboriginal population and the general population of Canadians.

*Housing Conditions of Aboriginal Peoples:* The housing conditions of Aboriginal Peoples are severely substandard.

The situation is worse on reserve. Half of on reserve households were in “core housing need”, meaning that the housing failed the test of adequacy, suitability and affordability.

*Aboriginal Youth and Urban Aboriginals:* The emerging demographics will have an impact on the future labour scene in Canada:

- Aboriginal population is young and growing at a rate almost twice that of the Canadian population.
- Aboriginal Peoples, with over 51 percent under 25 years of age, are the fastest growing

population within Canada and will be an important part of closing the expected gap in the labour force.”<sup>4</sup>

“First Nations are not attaining education and employment levels equal to Canadians, even though most First Nations are under the age of 25 and represent the workforce of tomorrow.”<sup>5</sup>

Workers and their unions must join in solidarity, alongside our Aboriginal Brothers and Sisters, and restore humanity, hope, opportunity, dignity and respect to our Aboriginal Peoples across Canada.

*Visible Minorities*

*“Racism prevents us all from working together to achieve those very benefits which are guaranteed to us under the law” – OFL racism hurts everyone campaign.*

Discrimination in employment for visible minorities – racism – has been well documented. Not surprisingly, several recent studies have all indicated a systemic pattern of discrimination in employment for this group.

In 2003, a McGill University study entitled “The Shaping of Toronto’s Black Identity” and based on census data from 1996 was published. The year 1996 marked the first year that census data included the self-description category “black”.

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<sup>4</sup> Canadian Labour Congress, *ibid.*

<sup>5</sup> First Nations Health Bulletin, *ibid.*, p.3.

This study presented some alarming facts:

- Black unemployment was over twice the overall unemployment rate, 17.8 percent versus 8.6 percent.
- This ratio remained even for blacks with university degrees (who experienced approximately 12 percent unemployment).
- Blacks are under-represented in occupations of high responsibility, authority and pay and over-represented in low-paying precarious employment.
- Some 44,000 black children are living in poverty.
- The full-time salary of blacks is 30 percent below the average full-time salary.

More recent studies have confirmed similar data. A joint study released in May 2005 by the Canadian Race Relations Foundation and the Toronto Centre for Social Justice shows that the unemployment rate for visible minorities is twice as high as the national average of 6.7 percent.

The 2003 *Federal Employment Equity Act* Annual Report states that visible minorities remain “significantly under-represented” in upper level employment (including senior, middle or other management) as per their workforce availability. For the report year (2002), there were few hirings of visible minorities to positions of

power and visible minorities faced a lower share of promotions to these positions. As a result, visible minority representation actually dropped in administrative and senior clerical positions for the report year.

Visible minority women remain behind women in every salary group and given that all women remain behind all men in every salary group; this creates a situation of double jeopardy for visible minority women who face the combined impact of gender discrimination *and* racism.

The 2003 *Federal Employment Equity Act* Annual Report confirms this double jeopardy. It states that visible minority women in the lower salary bracket are found in a ratio of 6:2 with visible minority men whereas in contrast, there is a ratio of 4:2 for all women and all men in the lower salary bracket. This report also states that visible minority women earn 95.5 percent of all women’s salaries.

#### *Changing Demographics*

It is clear that changing demographics should be of critical importance to the labour movement. The latest Statistics Canada data shows that by 2016, one in every five Canadians will be a person of colour or a member of a visible minority. Within the next twelve years, the majority of the citizens of the City of Toronto will be people of colour or members of diverse ethnic communities and in Windsor, visible minorities will be 25 percent of the population.

Accordingly, unions must begin to examine the reality of these demographic projections as well as the future impact they will have on the labour movement.

Our survival as a strong movement depends on our ability to attract new workers to unions. In order to sustain current rates of unionization and perhaps more importantly, to increase union density, organizing the unorganized must become a priority.

This will entail reaching out primarily to women and people of colour who, as projected, will be the majority of new entrants into the labour market over the next decade.

However, recent changes to the Ontario *Labour Relations Act*, (Bill 144) will have an adverse impact on these groups. While all workers need and will benefit from card certification, women and minority workers, who are generally found in precarious employment, will be most hurt.

### *Women*

The coming of age of the baby-boom generation brought with it a dramatic growth in the participation of women in the labour force. But, despite the continued growth in numbers of women in the workforce - 58 percent in 2003, up from 42 percent in 1976 - the road to workplace equality remains full of obstacles for the vast majority of women.

Even after two decades of voluntary, and, at times, legislated workplace

equity programs, significant barriers still exist in the form of workplace harassment, lack of access to training, fewer opportunities for promotions, lack of affordable quality child care programs, growth in casual work with no benefits, and the horrible trend of increased violence in the workplace.

There is no question there is an employment gap related to gender. The federal government's own *Pay Equity Task Force Report* presented in 2004, lays out stark statistics that show the employment gap is wider for women who earn, on average, 71 percent of the salary of their male counterparts. If that woman is a person of colour, under 30 or an Aboriginal, the gap is even worse. If she is disabled, she is lucky if she can find gainful employment.

That report also makes it clear that a high percentage of women are caught in lower paying positions where there are fewer chances for promotion. There has been very little movement in women employed in non-traditional sectors.

In 2003, only 29 percent of workers in manufacturing were women and they made up just seven percent of workers in transportation, trades and construction work. Add to this, the factor that many working women have experienced loss of employment mobility after a decade of job cuts, pay freezes or roll-backs that have seen many of the relatively good jobs for working women in government, health, education and social services disappear.

All this has another somewhat hidden consequence in that the wage gap between men and women in all groups is resulting in an increased number of women living in poverty in their senior years thanks to lower pensions – estimated at about 58 percent of the pension amount received by men.

In Ontario, since the repeal of the *Employment Equity Act* by the Harris Conservative government, the majority of working women have not made employment equity gains throughout the workforce. But, all is not lost as things are brighter for women who organize.

Various studies on women and work over the past two decades indicate women who unionize fare better than their non-unionized sisters. It is little wonder then that the unionization rate for women has increased to 30 percent in 2004 from 10 percent in 1977.

For the first time in our history, women's rate of unionization was higher than men's. This is no accident but it is still far from enough. Unions have been in the forefront of the struggle for women's equality and must remain so. We must continue to strive for and support equality in the workplace, at the bargaining table and, most importantly, in government policies and legislation.

We must find ways to organize women of all ages, education, colors and creeds as they are flowing into the workforce in ever increasing numbers and have a major role to

play in the continued strength of organized labour across the board.

It is incumbent on us as a progressive labour community to make sure women, and indeed all our workers, enjoy the full benefits of a workplace that is free from harassment in its many forms and supportive of basic human rights and a good quality of life for workers of Ontario.

#### *Gay, Lesbian, Bisexual and Transgender Workers*

The inclusion of gay, lesbian, bisexual and transgender people as a fifth designated group under Employment Equity is strongly supported by labour and equity advocates.

No one knows how many lesbians, gay men, and bisexuals there are in the population at large or their locations throughout the labour force. Although the figure in most common usage is 10 percent, studies have estimated from 1-20 percent. The numbers of transgender people are estimated to be 2-3 percent of the population. All the studies have been criticized.

Harassment or the threat of harassment is a day-to-day reality for many GLBT workers. To be openly GLBT at work can be unsafe, thus the employment equity requirement of numerical representation, at present, is not a demand of this group.

However, it is strongly supported that lesbians, gay men, bisexuals and transgender people be counted as a designated group for the purpose of workplace environment measures. Whenever systemic action is being taken against sexism, racism, and ableism, action against heterosexism and homophobia should be added. Measures such as:

- policy review to ensure that gay, lesbian, bisexual and transgender workers receive the same rights and benefits as heterosexual workers
- measures to end harassment, from anti-gay, anti-trans cartoons pinned on the wall, through name-calling, to violence
- measures to ensure that gay, lesbian, bisexual and transgender workers can choose to be themselves at work without facing prejudice or losing career opportunities
- including sexual orientation, gender identity/expression issues in education and anti-harassment programs
- providing a process to deal with anti-gay, anti-trans incidents in the workplace
- ensure that criteria for hiring and promotion do not discriminate against people who choose to be openly gay or transgender.

### *Persons with Disabilities*

According to Statistics Canada, there are approximately 1.5 million Ontarians with a disability - or about 13 percent of the population.

By 2025, it is expected this number will increase to 20 percent of the population - or three million people. Many Ontarians with disabilities are suffering in lives of poverty because they have not had the opportunity to enter and stay in the paid labour market.

The 2001 *Participation and Activity Limitation Survey (PALS)* which was conducted in 10 provinces contains a wealth of disability specific information. Information such as employment, income, education, type and severity of disability, availability of assistive devices and other supports and transportation barriers.

The data on the central working-age population (age 25 to 54) illustrates the relationship between persons with disabilities and the world of work, and when working the differences between them and their fellow workers without disabilities.

Only some 51 percent of people with disabilities in this age group were employed, compared to 82 percent of persons without disabilities. There is a significant gap in household income - \$52,835 people with disabilities compared to \$72,951 people without disabilities.

People with disabilities were more than twice as likely to have a household income of \$20,000 or less (22 percent versus 10 percent). When working, workers with disabilities were more likely than those without disabilities to earn wages in the lowest wage quartile (31 percent compared with 24.6 percent) and they were less likely to earn wages in the top quartile (22.9 percent compared to 24.8 percent).

According to *PALS*, just under one-quarter (22.3 percent) of employed persons with disabilities reported having at least one period of unemployment in the previous year. Younger workers with disabilities are more likely than their older counterparts to face employment within the previous year.

Unemployment levels for younger workers 15 to 34 were at 30.5 percent, compared with 20.6 percent for workers 35 to 44, and 19.9 percent of those aged 45 to 64. This kind of disadvantage can have cumulative impact on an individual's desired career path. For 13 percent of workers with disabilities, their employment is not permanent in nature. In every province and territory in 2000, persons with disabilities were more likely than those without disabilities to have had no employment during the year.

There is part of the labour market which is covered by employment equity. The Federal *Employment Equity Act* covers four sectors - communications, transportation, banking and other.

The Federal *Employment Equity Annual Report 2004* contains some sobering information such as the representation of persons with disabilities decreased, continuing a trend that started in 1996. At 2.3 percent, the representation of persons with disabilities in the workforce under the *Act* in 2003 was down from 2.7 percent in 1996.

In 2003, persons with disabilities share of the hirings in this workforce rose slightly, from 1.0 percent to 1.1 percent. This was the only designated group whose share was substantially below its representation in the workforce (1.1 percent as against 2.4 percent).

Persons with disabilities accounted for 1.9 percent of all terminations in 2003, slightly lower than the 2002 figure of 2.0 percent. The same year, the share of promotions that went to employees with disabilities fell by 0.1 percent to 1.9 percent. In 2003 the salary gap between women with disabilities and all women narrowed, as did that between men with disabilities and all men.

Workers with disabilities often need some kind of accommodation in the workplace with the cost of this quite reasonable. In 2004, the Canadian Abilities Foundation estimated that the workplace accommodation costs are under \$1,500 for almost all workers who have a disability. The cost of accommodation is often cited as the reason why workers with disabilities cannot be accommodated in the workplace.

The barriers which challenge these workers are systemic and attitudinal more than physical.

The *Accessibility for Ontarians with Disabilities Act (Bill 118)* received Royal Assent on June 13, 2005. Like some groups in the disabilities community, the OFL raised concerns about the too long a time (20 years) to establish accessibility in Ontario and about the generalities and vagueness of this legislation. This flawed legislation is now law and the OFL should work with our allies in the disabilities community to use it to make whatever positive changes are possible.

The OFL has a long history of working with our members to end discrimination against persons with disabilities. Indeed, more than four decades ago, in 1963 to be specific, an OFL Convention Resolution called on the Ontario government to immediately enact legislation to deal with barriers to employment.

In 1981, the OFL *Statement on Employment of the Disabled* endorsed by the Convention called for equal access for disabled people to a full range of opportunities in employment, accommodation, education, transportation, recreation and community services. In 2001, the OFL Convention endorsed the Convention Policy Paper *Persons with Disabilities - Labour's View*.

Unions bring unmatched expertise in workplace issues, as well as important insights and decades-long commitment to disability and accessibility issues. We have extensive experience in dealing with the issues of “return-to-work” and “modified work” and developing workplace accommodations that are often required by workers with disabilities. And, we are experienced in a range of human rights issues that affect members in the workplace.

The advances we have made and will make are as a result of the active involvement of labour activists with disabilities who worked within their respective unions and the broader labour movement to develop understanding and support for these issues.

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