

A SUBMISSION TO  
THE GOVERNMENT  
of the  
PROVINCE OF ONTARIO

EQUALITY FOR WOMEN IN  
EMPLOYMENT  
THROUGH AFFIRMATIVE ACTION

Submitted by  
The Ontario Committee on  
the Status of Women  
and  
The Mayor's Task Force on  
the Status of Women in Toronto  
January, 1975

Over the last few years many levels of government and industry have been occupied with the problems of fair employment practices, equal pay and affirmative action programmes. Yet the gap in wages and opportunities between men and women is increasing.

One of the main reasons for the failure of legislative and affirmative action programmes to improve the status of working women is that the failure is guaranteed by the weakness of the provisions. The legislation is inadequate to produce social change on the scale required.

Measures which are designed to look as if justice is being done and opportunities are being opened, but do not in fact do so, are damaging to individuals, groups and government. To bring about effective change we suggest that the following recommendations be implemented:

A) ONTARIO PUBLIC SERVICE

1. The Affirmative Action Programme be issued as a policy directive immediately.
2. Ministries be given adequate funds to carry out the programme.
3. Annual salary increments for all managers in the Ontario Public Service to be tied to their performance appraisal in relation to the goals set out in each Ministry's plan filed in the Annual Report to the Legislature after March 31, 1975.
4. Results of the Affirmative Action Programme should be published in the annual report of the Management Board. A comparison should be made between the status of women on March 31, 1975, and March 31, 1976 to gauge what progress has been made. As titles can be conferred without entailing responsibilities and as salaries may also be increased without carrying a change in status, we suggest one of the most important measures to be used to compare

the status of women in 1975 and 1976 will be the number of women who manage budgets and the size of those budgets. For purposes of comparison, such tables should be prepared for both men and women.

B) INSTITUTIONS AND FIRMS RECEIVING PUBLIC FUNDS

1. A directive should be issued by the Management Board to the effect that from June, 1975 onwards any firm with 25 or more employees must, before being awarded a government contract, prove that it is an equal opportunity employer. What this means, -- as most employers currently discriminate, -- is that the firm must file with the Ontario Government an affirmative action plan which will show how and when the employer will bring about equal employment conditions in the firm. The same regulation would apply to institutions in receipt of government funds.
2. A department will have to be established in the Ontario Public Service to review the plans so filed. The department would have powers to investigate to see if the plans are being carried out. If no progress is being made or if the plan is unsatisfactory, the department would be empowered to issue directives to prohibit the granting of contracts or to cancel existing contracts.
3. The directive establishing this contract compliance requirement should specify that it refers to sex and race.

C) LEGISLATION

1. The Human Rights Code be amended so that the Commission on Human Rights would be authorized and funded and staffed to conduct routine investigations.

Violations of the Code found by the investigations would be prosecuted. Fines for offenders should be

punitive. Routine investigations should start by June 1975.

2. All cases investigated by the Commission and found to involve violations of the Code should be made public on completion of the investigation. The present policy of secrecy does not protect the complainants so much as the violators. As little publicity reaches the public, the existence of the Commission is not well known so that its effectiveness is greatly hampered. People with complaints don't know where to go, and firms violating the Code continue in ignorance and comparative safety. The Human Rights Commission should make an annual detailed report of its work and this should be published and distributed widely.

3. The Employment Standards Act should be amended so that equal pay must be given for work of equal value based on criteria of skill, effort and responsibility. Women workers should have redress to a third party for job evaluation.

4. Legislation should be introduced which would allow individual women to sue individual company servants to recover damages consequent upon the discriminatory behaviour of the servant, that discrimination being the result of individual prejudice, not company policy.

5. Legislation should be introduced to allow Ontario courts to issue injunctions in Class Action cases and to make it possible for civil actions for damages to follow.