

Equal Access Employment Programs in Quebec's Private Sector: A Disappointing Status Quo

MARIE-THÉRÈSE CHICHA

Université de Montréal

ÉRIC CHAREST

École nationale d'administration publique

Abstract: Equal access employment programs reflect the Quebec government's desire to take a proactive stance against employment discrimination, which affects visible minority workers in particular. Yet the results of these programs are rather disappointing: the contributing factors seem to include failure to understand the objectives, the persistence of prejudices and human resources management practices that are potentially discriminatory, under the guise of neutrality, and a lack of commitment from business leaders. Lack of government oversight and sanctions reinforces the observed stagnation of these programs in the private sector.

Introduction

In recent decades, Quebec society has frequently reiterated the importance of attaining occupational equality among individuals, regardless of national or ethnic origin. Yet despite the progress that has been made, it would clearly be premature to conclude that any real equality has been attained (Déom and Beaumont 2008). While the proportion of visible minorities is growing steadily (according to the most recent Canadian census, nearly 9% of Quebecers identify themselves as belonging to a visible minority) and Quebec increases its immigration targets year after year¹, a number of labour market indicators demonstrate that members of visible minorities still occupy a relatively disadvantaged position. (The article by Bourdabat, Boulet and Zhu in this publication gives a detailed analysis.) Yet in 1985, the Quebec government's desire to

combat systemic discrimination² was enshrined in the *Charter of Human Rights and Freedoms*, a chapter of which is devoted exclusively to equal access employment programs. By obliging organizations to conduct a structured analysis of their management policies and practices in order to eliminate any discriminatory aspects and at the same time set quantitative objectives for representation of target groups, these programs are designed to accelerate the attainment of equality.

Evaluation of equal access employment programs: A disappointing picture

In 1987, a contractual obligation program was established in Quebec, requiring all private employers who have at least 100 employees and who obtain government grants or contracts worth at least \$200,000 to adopt an equal

¹ In 2008, Quebec admitted 45,264 immigrants, most of whom were members of a visible community. For 2009, Quebec hopes to admit between 47,000 and 50,000 immigrants, with a maximum target of 55,000 admissions in 2010 (MICC 2009a; MICC 2009b).

² Systemic discrimination may be defined as [Translation] «a situation of inequality that develops as a cumulative result of the interaction of labour market practices, decisions and individual or institutional actions having intentionally or unintentionally harmful effects in the members of target groups» (Chicha-Pontbriand 1989).

access employment program. In 2001, under the *Act Respecting Equal Access to Employment in Public Bodies*, public bodies were also required to establish equal access programs. At present in Quebec, the compulsory approach is limited to these two groups³.

To assess the effectiveness of the contractual obligation program, two evaluations were done simultaneously: one internal (CDPDJ 1998) and the other, external, by means of a survey of all firms subject to the program (Chicha 1998). Both found that the implementation of equal access programs in the private sector was far from successful. The survey, which produced more complete and more specific data than the internal evaluation, showed that only a tiny number of businesses had met the requirements of equal access employment programs by reviewing their human resources management practices to eliminate potentially discriminatory aspects and had succeeded in making any progress in the area of representation of visible minorities⁴.

The main contributing factors identified were the persistence of prejudices and stereotypes, failure to understand the objectives of an equal access employment program and the concept of indirect discrimination in human resources management practices, and lack of commitment by senior managers. To these was added a significant contextual element: a lack of political will on the part of the Quebec government, reflected in a lack of oversight and an almost total absence of sanctions for non-compliant firms.

These results should have sounded the alarm and led to a new approach by the government and the private sector, resulting a few years later in

3 It should be noted that the contract compliance program is very limited in its scope and applies to only about 170 private employers. This contrasts sharply with the pay equity programs that apply to all private employers who have at least 10 employees.

4 Progress with respect to representation of women was more significant, although still very limited. As for Aboriginal persons, they were completely disregarded by the firms.

a much-improved situation that appropriately reflected the importance of equal access programs to Quebec society, as attested to by their enshrinement in the Charter of Rights. In the absence of a new assessment by Quebec's Commission des droits de la personne et des droits de la jeunesse [human and youth rights commission] (CDPDJ), we conducted a new survey in 2005.

For this survey, we contacted the 87 firms in the Montréal census metropolitan area with an equal access employment program under the contractual obligation program; 35.6% of them agreed to participate in the research, which was conducted by means of semi-directed interviews with the person responsible for the equal access program. These companies represented a broad spectrum of economic activity and had a total of about 113,000 employees. Although we cannot generalize our analysis, it is reasonable to think that, unlike the firms that ignored our request, the firms that took the trouble to respond are those that had some commitment to equal access programs.

The findings of the new survey: A surprising inertia on the part of business

An unexpected result of our analysis is the mismatch between the interest expressed in diversity by those we interviewed and the dearth of measures taken to attain it. While they perceive many potential benefits to increasing the representation of visible minorities in their workforces, in practice these companies implement few measures to achieve this. How can this paradox be explained? Responsibility for the surprising inertia that impedes the implementation of equal access programs in Quebec's private sector appears to lie in the series of contributing factors presented below.

First, it seems that negative prejudices and stereotypes regarding the productivity of visible minority workers are still current among

employers. As one respondent said:

[Translation]

Oh, I've had that nationality working here and they're no good; send us other people, all white And, unfortunately, most of the time it's against the Blacks. We still see that a lot

Managers also consider members of visible minorities capable of working under any conditions and at any time:

[Translation]

So they're readily available. When we call them at the last minute, they're happy to come back to work. In contrast to other people who aren't as enthusiastic, I'd say

Clearly, such a perception is not very consistent with the objectives of equality that these employers are supposed to meet!

Employers also mention employee fears to explain the lack of initiatives:

[Translation]

... there was a lot of resistance from people who had already been in the warehouse for many years, who don't have much education, and who still saw visible minorities as "You're going to come and do my job"

These prejudices are exacerbated by distrust of the objectives of the equal access programs, perceived by employers as contrary to the merit principle and counter-productive. The managers interviewed regularly returned to the idea of qualifications, stating that they would never hire less-competent people to meet the equal access objectives:

[Translation]

You bring us people from these three target groups [women, visible minorities

and Aboriginal people], and I have another person, a white man and, this is important, he is more competent than the others, what do you want me to do? Am I going to take someone who is less qualified?

Or:

[Translation]

It's normal for the best candidate to get the position and yes, we try to encourage those people [members of visible minorities]. [But] we don't do affirmative action. We're going to hire the best person for the job

Moreover, the comments illustrate the fact that the firms do not see their own responsibility in this situation:

[Translation]

The people [from visible minorities] have to learn to take responsibility for what they have to do. Imagine the work we do here, that's not my problem: you bring it to me [your diploma and your equivalences], you have it [the interview]; you don't have it, I don't meet you, that's all! Make the effort

The interviews clearly show, therefore, that there is still a serious need for educating employers and raising their awareness in order to combat these preconceptions about equal access employment programs.

Moving on to human resources management practices and their review, we see that, as in the 1998 survey (Chicha 1998), the respondents do not seem to grasp how their usual practices may be indirectly discriminatory. For example, most firms continue to recruit by word of mouth or networking. At the same time, they complain of not receiving applications from members of visible minorities, failing to recognize that this is because of their recruitment methods, which only add to the demographic homogeneity of their workforce!

At the stage of the selection interview, the growing demand for interpersonal skills increases the risk of discrimination against visible minority applicants. The majority of firms contacted say that the kind of employees they look for have good communication skills and an aptitude for sales and negotiation and are motivated and competitive. Since interpersonal skills are a matter of attitudes, personality traits and social skills, they are harder to measure objectively than professional knowledge. Furthermore, they are often dependent on context: for example, having a good relationship with clients largely depends on one's colleagues, supervisors and ... clients! (Moss and Tilly 2001).

Although we cannot give a complete account of the survey's findings in this brief article, the overall picture that emerges from the 2005 survey does not seem very different from the situation in 1998, at least for the firms in question. In our view, two important contextual factors, one internal and the other external, contribute to the stagnation of the equal access programs. Internally, the involvement of senior management is imperative if any real change is to occur, as the CDPDJ has repeatedly observed (Dowd 2009). The literature on management of diversity also emphasizes this success factor (Cornet and Warland 2008).

However, despite their legal obligations and their interest in diversity, most of the firms surveyed stated that the equal access program was not a strategic issue—quite the contrary. Senior managers have little involvement in these programs, as the following comment makes clear:

[Translation]

The CEO ... every time he passes my office he stops and asks me how it's going. But you know, I don't think he knows how it works, what these things are [the equal access program]. I'd be very surprised if he had ever seen it

The external factor responsible for this situation is the lack of political will on the part of the government to ensure that equal access employment programs are implemented in the private sector. This is reflected in the absence of oversight or sanctions, just as in 1998. As a recent International Labour Office report based on a broad review of the literature states, proactive policies need to be closely monitored by government authorities and require the application of real sanctions in case of failure to comply (ILO 2007).

The vast majority of firms surveyed mentioned having very little contact with the CDPDJ. This lack of monitoring leads the firms to think of equal access programs as secondary in importance:

[Translation]

I wouldn't say that it [the program] is taken lightly, but it may not be a company's first priority

Others recognize that:

[Translation]

... if there is no penalty at the end of the day ... they [senior management] are not going to worry about it. Only if the Commission had a committee that would force us to make changes, or else [we would lose] the grant ... Then, it would be a different story

Conclusion

This analysis shows that the mere passage of time is not sufficient to combat the barriers to the hiring of visible minorities. Yesterday's obstacles appear to be alive and well in the private sector: misunderstanding of the phenomenon of systemic discrimination, the prevalence of stereotypes and prejudices, a simplistic, even caricatured view of equal access employment programs and lack of commitment on the part of senior managers. The pressure of a legal obligation is necessary, but it is illusory to think that it will have any

positive effect without the constant vigilance of the authorities responsible for its application. Without the force of a legal obligation, very few firms will make an effort to rectify the underrepresentation of visible minorities in their workforce and conduct a critical analysis of their employment system in order to identify biases.

Without appropriate intervention, it is to be feared that the "politically correct" discourse on the advantages of a diversified workforce, coming from both public authorities and employers, will not succeed in changing the status quo characterized by the continued existence of a serious inequality for members of visible minorities in Quebec's private sector.

About the Authors

Marie-Thérèse Chicha is a full professor at the Université de Montréal's School of industrial relations and a researcher with the Quebec Metropolis Centre-Immigration et Métropoles. An expert in equality with the International Labour Office, she conducts research in areas including immigration policies, employment equity, management of diversity and pay equity.

Éric Charest is a professor of human resources management at the École nationale d'administration publique [Quebec school of public administration] and a PhD student in industrial relations at the Université de Montréal. His thesis examines the connections between employment equity and management of diversity in Quebec businesses.

References

- Cheung, L. 2005. *Le statut racial et les résultats sur le marché du travail*. Canadian Labour Congress. Research Report 34, 42 p.
- Chicha, M.-T. 1998. *Portrait et analyse des programmes d'accès à l'égalité soumis à l'obligation contractuelle du Québec*. Montréal: Ministère des relations avec les citoyens et de l'immigration, 95 p.
- Chicha-Pontbriand, M.-T. 1989. *Discrimination systémique – fondement et méthodologie des programmes d'accès à l'égalité en emploi*. Cowansville: Les Éditions Yvon Blais, 197 p.
- Commission des droits de la personne et des droits de la jeunesse (CDPDJ). 1998. *Les programmes d'accès à l'égalité au Québec : Maintenir les acquis, élargir le champ d'action*. Research Report, Montréal, 149 p. + appendices.
- Cornet, A. and P. Warland. 2008. *GRH et gestion de la diversité*. Paris: Dunod, 147 p.
- Déom, E., and M.-P. Beaumont. 2008. "Le Québec : toujours à l'avant-garde en matière d'équité en emploi?" *Santé, Société et Solidarité : revue de l'observatoire franco-québécois de la santé et de la solidarité*, 1, pp. 75–84.
- Dowd, M.-A. 2009. "Les programmes d'accès à l'égalité : pourquoi sont-ils nécessaires et quelles sont les conditions de leur succès?" In Eid, P. (ed.), *Pour une véritable intégration : droit au travail sans discrimination*, Montréal: Commission des droits de la personne et des droits de la jeunesse Québec and Fides, 297 p.
- Holzer, H. J., and D. Neumark. 2000. "What Does Affirmative Action Do?" *Industrial and Labor Relations Review*, 53, 2, pp. 240–271.
- International Labour Office. 2007. *L'égalité au travail : relever les défis. Rapport en vertu du suivi de la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail 2007*. Geneva: International Labour Conference, 96th Session, Report I (B), 135 p.
- Lee-Gosselin, H. 2009. "Les PAE – est-ce une solution adaptée pour l'intégration des minorités visibles et culturelles au travail?" In Eid, P. (ed.), *Pour une véritable intégration : droit au travail sans discrimination*, Montréal: Commission des droits de la personne et des droits de la jeunesse Québec, Fides, 297 p.
- Leonard, J. S. 1984. "Antidiscrimination or Reverse Discrimination: The Impact of Changing

Demographics, Title VII, and Affirmative Action on Productivity." *The Journal of Human Resources* 19, 2, pp. 439–463.

Ministère de l'Immigration et des Communautés culturelles (MICC). 2009a. *Fiche synthèse sur l'immigration au Québec – année 2008*. Direction de la recherche et de l'analyse prospective, 3 p.

Ministère de l'Immigration et des Communautés culturelles (MICC). 2009b. *Plan d'immigration du Québec pour l'année 2009*. 10 p.

Moss, P., and C. Tilly. 2001. *Stories Employers Tell: Race, Skill, and Hiring in America*. New York: Russell Sage Foundation, 317 p.

Statistics Canada. 2006a. 2006 Census Data, No. 97-562-XCB2006017.

Statistics Canada. 2006b. 2006 Census Data, No. 97-563-XCB2006060.

Canadian Diversity / Diversité canadienne Citizenship in the 21st Century: International Approaches

The Fall 2008 edition of *Canadian Diversity / Diversité canadienne* provides a comparative perspective on international approaches to citizenship, broadly defined in terms of legal status, civic identity and civic practice.

The issue includes articles profiling Australia, Austria, Belgium, Canada, Finland, France, Germany, Greece, India, Israel, Italy, Japan, Korea, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States.

It also features thematic articles on the relationship between citizenship and transnationalism, multiculturalism and integration; stakeholder citizenship; dual citizenship; non-citizen voting; as well as recent debates about Canadian identity and the "value" of Canadian citizenship.

This issue of *Canadian Diversity / Diversité canadienne* is the latest in a series of international comparisons on migration and diversity topics. Past issues looked at the Integration of Newcomers, National Identity and Diversity, International Approaches to Pluralism, and Negotiating Religious Pluralism.

To obtain a copy: <www.canada.metropolis.net/publications/publication_form.htm>

