



Employment Equity Act Review Consultation

World Education Services (WES)

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About WES

WES is a non-profit social enterprise dedicated to helping international students, immigrants, and refugees achieve their educational and career goals in Canada and the US. Through the WES Global Talent Bridge (GTB) and social impact initiatives, WES works with institutional partners, community-based organizations, and policymakers to advance equitable economic and employment outcomes for immigrants and refugees.

WES welcomes the federal government's launch of the Employment Equity Act (EEA) Task Force, an important step in ensuring that legislation governing equity in federally regulated workplaces is current, evidence-based, and able to more effectively articulate and protect against workplace discrimination on the basis of specific human characteristics.

The goals of the EEA Task Force align closely with the mission and vision of WES, which aims to ensure that every person who migrates to Canada is able to fully utilize their skills and experience in commensurate employment.

Background

The Employment Equity Act (EEA, or “the Act”) came into effect in 1986 to address systemic discrimination in employment by defining and addressing differences for four designated groups: women, Indigenous persons (“Aboriginal persons”), disabled persons, and racialized persons (“visible minorities”).

Today, the total workforce covered by the EEA totals less than **13%** of the Canadian workforce, roughly 760,000 individuals. Employers who fall under the Legislated Employment Equity Program (**LEEP**) include approximately 500 private sector employers, 30 Crown corporations, and 5 other federal organizations.

While the scope and number of workplaces covered by the Act is limited, once the legislation came into force it helped establish a pathway towards achieving workplace equity amongst interested nations within the international community. It continues to serve as an important beacon for sub-

jurisdictional levels of government to benchmark what can and should be done for the rest of the workforce.

The workplaces covered by the EEA include a significant number of leaders amongst the employer community, including from air transportation and telecommunications. Their leadership championing employment equity or representative workforce initiatives (or Equity, Diversity and Inclusion efforts) has potential to cascade into other parts of the labour force not covered by the EEA.

Considerations & Recommendations

Immigrants and refugees account for almost 100% of labour market growth in Canada ([Statistics Canada](#), 2022), and yet continue to face persistent, systemic barriers to employment and career progression.

Overall, employment outcomes data show that recent immigrants and refugees have lower salaries, higher unemployment rates, and greater concentration in lower-paying occupational groups than Canadian-born counterparts. While earnings and employment gaps have **narrowed** for some immigrants and refugees in recent decades,¹ factors including race, gender, country of origin, and immigration status **continue** to affect employment outcomes. In the Greater Toronto Area, for **example**, only 4.2% of executives are racialized immigrants, and only 2% are racialized immigrant women.

The disproportionately negative economic and labour market impacts from the COVID-19 pandemic have exacerbated existing inequities for certain population groups. Racialized immigrant women saw a greater increase in unemployment than Canadian-born women during the pandemic, partly due to their **overrepresentation** in low-wage occupations and sectors. Racialized immigrants who have been in Canada for less than 10 years are also significantly more likely than other population groups to work in **precarious**, non-standard employment.

Given that conditions of employment inequity perpetuate economic injustice for immigrants and refugees and contribute to widespread underemployment in the labour market, **WES is recommending that the EEA Task Force expand the EEA designated groups to include immigrants and refugees** and adopt/extend measures in support of equitable employment outcomes for this growing and increasingly diverse population group in Canada.

¹ Notably for **male** principal applicants through Express Entry and individuals with Canadian work experience.

Considerations

(A) Designation of Equity-Seeking Groups under the Act:

Presently, immigrants and refugees are not defined as an equity-seeking group under the EEA. A number of questions should be considered in order to effectively address the inclusion of immigrants and refugees as an equity-seeking group as part of EEA modernization efforts.

- How can terminology be more inclusive and encompassing, rather than selective, in defining characteristics of equity-seeking groups?
- How can current understandings of intersectionality most effectively inform recommendations towards modernization of the Act?
- How can understandings of individual and collective self-identification be acknowledged in modernization of the Act?
- How can meaningful consultations with individuals from representative groups best inform recommendations towards modernization of the Act?
- How can analysis of economic and employment outcomes for immigrants and refugees most effectively and equitably inform modernization of the Act?
- To what extent can definitions of immigration status (e.g. citizenship status) be referenced in defining equity seeking groups?

(B) Gathering Evidence of Employment Inequity:

*Collection of disaggregated data is **critical** to allow granular analysis of the factors that intersect to impact employment outcomes, including race, gender identity, country of origin, and immigration status.*

- How can the collection of disaggregated data on economic and employment outcomes most effectively enable the identification and prevention of systemic barriers to equitable employment for immigrants and refugees?
- Which stakeholders need to play a role in developing and implementing a cohesive data strategy linked to the EEA that includes quantitative, qualitative and longitudinal considerations?
- How can employers best be supported to abide by guidelines from the Office of the Privacy Commissioner of Canada related to **meaningful consent** in employer collection of personal data?

(C) Acknowledging the Changing Nature of Employment:

*The influence of disruptive technologies in the workplace risks **compounding** existing employment inequities facing immigrants and refugees in Canada.*

- How can modernizations to the Act most effectively account for the rapidly evolving nature of work in the 21st century, including **documented** increases in the proportion of individuals in non-standard, temporary, or precarious employment?

(D) Enforcement of the Act:

*Despite updates to the Act in 1996, monitoring, enforcement, and sanctions for non-compliance with the EEA have been largely **ineffective**. These elements are key to ensuring effective implementation of the EEA and its goals.*

- How can modernizations to the Act enable supports (including adequate funding) that would enable appropriate implementation, auditing, and enforcement of legislation under the Act, with consideration towards the roles of the Canadian Human Rights Commission, the Employment Equity Tribunal, and the Labour Program?

(E) Legislative Alignment:

*Existing federal legislation provides **protection** from discriminatory practices on the basis of race, country of origin, religion, age, sexual orientation, gender identity or disability.*

- How can modernization of the Act most effectively account for alignment with federal legislation supporting nondiscrimination and equitable employment, including: the Canadian Human Rights Act; the Canadian Charter of Rights and Freedoms; the Public Service Employment Act (where applicable), and; the Canadian Labour Code?

Recommendations

1. WES recommends that immigrants and refugees be added as a designated group under the Employment Equity Act.
 - a. Because of the broad nature of these categorizations and the intersectionality of people's identities related to immigration status, race, gender identity, socioeconomic status, and many other factors, it is important to consider the nuances of how these groups are named and defined in any revisions to the Act.
 - b. WES also encourages the Task Force to engage with the immigration and settlement sector and with immigrant and refugee communities to debate specific terminology options such as 'citizenship status' as alternative means to denote how certain types of immigrant classifications perpetuate workplace inequities. For example, immigrants arriving with temporary work permits or study permits and who have plans to transition to permanent residents are a) more likely to be racialized and b) face systemic barriers to employment opportunities.

2. WES supports updating the definitional understanding of the 4 historically identified designated groups to better reflect contemporary realities, and recommends retiring the term "visible minorities" for the term "racialized persons"
 - a. The Canadian government is aiming to welcome over **1 million newcomers** by 2024, and 8 out of 10 of the **top source countries** are populated by predominantly racialized persons.

3. WES supports strengthening the Act's acknowledgement that intersectionality among and between designated group statuses continues to impact workplace inequities and discrimination.