



HUMAN RIGHTS ISSUES

Both collective agreements and the *Canadian Human Rights Act* (CHRA) prohibit discrimination by the Employer on any of the eleven grounds. These are:

- race;
- national or ethnic origin;
- colour;
- religion;
- age;
- sex (including pregnancy and childbirth);
- sexual orientation;
- marital status;
- family status;
- disability (including mental conditions, alcohol or drug dependency), and;
- pardon for criminal conviction.

In addition to the above, the collective agreement also provides freedom from discrimination by reason of membership or activity in the Alliance.

If a member believes he/she has been discriminated against based on one or more of the prohibited grounds under the CHRA, a complaint to the Canadian Human Rights Commission (CHRC) can be filed. The timeframes for filing a human rights complaint is one year from the alleged incident and/or circumstances which are believed to be discriminatory. The process for filing a complaint can be found on the CHRA web site:

<http://www.chrc-ccdp.ca/>

While, in the past, a grievance could also be filed on these prohibited grounds, adjudicators did not have the jurisdiction to deal with them unless redress could be provided under the terms of the collective agreement. However, with the introduction of the *Public Service Labour Relations Act*, (PSLRA) members can now file grievances involving issues under the CHRA, except in relation to pay equity, and be awarded monetary relief as provided under the new PSLRA (s. 208). The CHRC is entitled to be notified of such grievances and can make submissions to an adjudicator. A grievance must be filed within 25 days of the incident and/or event which is alleged to be discriminatory.

Employment Equity

Employment equity is a positive, proactive policy that aims to equalize employment opportunities for all qualified job candidates. It exists to minimize economic differences between all groups in society.

The Employment Equity Act, adopted by Parliament in 1986 and subsequently amended in 1995, removes hiring barriers for four groups who have been recognized as historically-disadvantaged in the workplace: women; Aboriginal peoples; persons with disabilities; and, members of visible minorities.

The law applies to all federally-regulated employers – including the federal public service and its agencies. The Act is administered by the Canadian Human Rights Commission, which conducts periodic workplace audits to ensure compliance.

Employment equity in Canada is often unfairly confused with American ‘affirmative action’ policies. Employment equity is *not* about preferential hiring. Rather it is designed to level the playing field for *all* qualified candidates.

(February 2011)