



THE UNIVERSITY OF BRITISH COLUMBIA

FREQUENTLY ASKED QUESTIONS
**EMPLOYMENT
EQUITY &**
CENSUS QUESTIONNAIRE



THE UNIVERSITY OF BRITISH COLUMBIA

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Frequently Asked Questions about Employment Equity

WHAT IS THE PURPOSE OF EMPLOYMENT EQUITY?

The purpose of employment equity is to ensure that no person is denied employment opportunities and benefits for reasons unrelated to ability. The Canadian Employment Equity Act requires employers to correct disadvantages in the workplace experienced by members of the four designated groups:

- Women;
- Aboriginal peoples;
- Persons with disabilities; and
- Visible minorities.

In addition, employers must implement the principle that employment equity means more than treating people in the same way; it also requires special measures and the accommodation of differences. The goal of employment equity is a discrimination-free workplace where all current and prospective employees receive equitable treatment in hiring, training and promotion.

Employment equity means hiring and promoting people based on their skills and abilities to do a job. The process of identifying the essential duties of a job, as well as the skills that are actually required to perform it, eliminates unfair barriers that may now be screening out the designated groups and others who are qualified.

Employment equity requires that we remove barriers and overcome both direct and indirect discrimination. In this way, the pool of excellent people increases substantially. It is important to know that employment equity is focussed on hiring the best person for the job; it attempts to include members from the designated groups so that everyone has a fair chance for employment and or promotion.

WHY IS EMPLOYMENT EQUITY NECESSARY?

The federal government identifies four groups – women, persons with disabilities, Aboriginal people, and visible minorities – that had limited employment opportunities and therefore are under-represented in the Canadian work force. These disadvantaged groups experience high unemployment rates, lower than average salaries, and concentration in low-status jobs. Employment equity measures remove discriminatory barriers that may prevent members of these four groups from full participation in the workplace.

WHAT IS THE FEDERAL CONTRACTOR'S PROGRAM (FCP)?

The FCP ensures that organizations that do business with the Government

of Canada achieve and maintain a workforce that is representative of the Canadian workforce population. Under the terms of the FCP, companies or institutions seeking contracts for goods and services from the federal government are required to be committed to employment equity and to have a plan in place that contains specific initiatives through which employment equity will be accomplished. UBC has been a member of the FCP since 1988.

WHAT IS THE DIFFERENCE BETWEEN PAY EQUITY AND EMPLOYMENT EQUITY?

The objective of pay equity is to ensure that women receive equal pay for work of equal value to that performed by men. The objective of employment equity is a workplace in which women, persons with disabilities, Aboriginal people, and visible minorities are fairly represented at all levels of responsibility.

DOES THE GOVERNMENT IMPOSE QUOTAS FOR HIRING MEMBERS OF THE FOUR DESIGNATED GROUPS?

No. Employment equity programs in Canada do not contain mandatory quotas. Instead, they allow institutions to set their own realistic goals and timetables to increase the representation of members of target groups in their workforce.

Employment equity is about hiring the best person for the job, not about hiring and promoting unqualified or less qualified persons. It attempts to include members from the designated groups in the applicant pool so that everyone has a fair chance for employment and/or promotion. Employment equity means hiring and promoting people based on their skills and abilities to do a job.

UBC continues to hire the best-qualified candidates, and employment decisions are based on job performance criteria, such as skills, knowledge, and abilities. Employment equity requires that we remove barriers and overcome both direct and indirect discrimination. In this way, the pool of excellent candidates increases substantially. Hiring quotas are not involved.

WHAT DOES EMPLOYMENT EQUITY MEAN FOR UBC EMPLOYEES?

UBC's employment equity program includes a review of employment policies and practices. Changes are being made so that all current and prospective employees of equal qualifications have fair access to training, retraining, job assignments, transfers, and promotions. Employment policies and practices presently covered by

collective agreements between UBC and unions prevail unless renegotiated.

The Employment Equity Act requires that employers identify and eliminate employment barriers for designated group members that result from the employer's employment systems, policies and practices. The goal is to institute positive policies and practices and make reasonable accommodations so that the representation of persons in designated groups in the employer's workforce reflects their representation in the Canadian workforce.

To ensure that UBC attracts the best available candidates in accordance with the University's goals and timetables for achieving employment equity, efforts are made to enlarge the pool of qualified applicants from which appointments are made. However, because employment equity seeks to eliminate barriers so that everyone has an equal opportunity to compete for jobs, all applicants will compete against an expanding group of candidates when applying for jobs or promotions.

DOES EMPLOYMENT EQUITY MEAN REVERSE DISCRIMINATION?

No. Discrimination in employment is illegal. The B.C. Human Rights Code

permits and encourages employment equity programs to redress past discrimination through positive action plans for women, Aboriginal persons, visible minorities, and people with disabilities.

DOES THIS MEAN THAT CERTAIN CANDIDATES WILL RECEIVE PREFERENTIAL TREATMENT?

No, Employment Equity does not impose barriers on, or deny employment opportunities to those people who are not from the designated groups. UBC continues to hire the best-qualified candidates and employment decisions are based on bona fide qualifications such as skills, knowledge and abilities.

To ensure that the University attracts the best candidates, efforts are being made to enlarge the pool of qualified applicants from which appointments are selected.

This involves advertising job vacancies more widely, encouraging application from members of the four designated groups and ensuring that recruitment and selection are free of bias or systemic discrimination.

WHAT IS MY INVOLVEMENT IN EMPLOYMENT EQUITY?

Since February 1990, UBC has asked every faculty and staff member to complete the employment equity census, a workforce questionnaire in which they are asked to identify whether or not they belong to one or more designated groups. This information is necessary to determine the present makeup of UBC's faculty and staff; that is, how many employees belong to one or more of the four designated groups. Completion of the survey is voluntary and all results are kept confidential. Completion of the survey helps the Equity Office get a clearer picture of who is employed in the workplace and how UBC is faring in its progress toward equity. The Equity Office maintains employment equity data in strictly confidential records.

WHAT USE IS MADE OF THE EMPLOYMENT EQUITY DATA?

The Equity Office produces numerical reports for the purpose of reviewing and improving UBC's employment practices and maintaining UBC's participation in the Federal Contractors Program. Responses to the employment equity census are reported in aggregate form and are not used in individual personnel decisions.

To develop UBC's employment equity program, the Equity Office tracks hiring, promotions, and departures on a continuing basis.

Frequently Asked Questions about the Employment Equity Census

WHY SHOULD I PARTICIPATE IN THIS CENSUS?

The information you provide in the employment equity census is the only way the Equity Office can obtain as complete information as possible about the composition of the UBC work force. Your answers help the University develop and maintain fair and equitable employment practices.

HOW WILL I BENEFIT FROM THIS CENSUS?

UBC's employment equity program promotes full opportunity for all faculty and staff. Thus, by completing your census questionnaire, you help UBC expand job opportunities for all employees and ensure that UBC treats all current and prospective employees fairly.

Removing barriers opens up new opportunities for all people in the workforce. For example, organizations may find new ways to advertise jobs, so they can reach a wider pool of candidates.

DOES ASKING THE EMPLOYMENT EQUITY CENSUS QUESTIONS VIOLATE THE HUMAN RIGHTS CODE?

No. Because the census questions are a necessary part of UBC's employment

equity program, the University has received an exemption from the British Columbia Human Rights Tribunal that allows collection of this information.

COULD I BE DISADVANTAGED IN ANY WAY BY PROVIDING THIS INFORMATION?

No. The information that you provide on the survey is stored separately from your personnel file and is kept strictly confidential. Information is presented in summary aggregate form only.

IF THIS CENSUS IS CONFIDENTIAL, WHY IS MY EMPLOYEE NUMBER OR NAME ON IT?

The census is confidential, but not anonymous. The information you provide is entered with your employee number on confidential computer records that only the Equity Office can access. The link between your employee number and the information you provide is essential because the Equity Office must update census records when new employees are hired or current employees are promoted or leave the University.

Your employee number is included on the survey form to track the percentage return rate as required by the Federal Contractors Program.

Response to the questions is voluntary and confidential, however, returning the census form is required.

- The information you provide will be treated in the **strictest confidence**.
- The census information will be used only to comply with the Federal Employment Equity Act and Regulations. All census information remains strictly confidential and will not be used or disclosed except to comply with Act 9(3), Regulation 3(6) (b) of the Federal Employment Equity Act, 1995. No individual is ever identified.
- The information you provide will be stored in a secure database accessed only by designated staff in the Equity Office and Planning & Institutional Research (PAIR). IT Personnel from Human Resources Management Systems provide technical support.
- The information you provide will not form part of your personnel file.
- The census data will not be made available for purposes other than employment equity programs, and will be reported in an aggregate, summarized form which does not identify individuals, to protect your privacy.
- The census data will not be made available to any other organization.

- Individuals will not be provided with information on others.

WHY ISN'T THE QUESTIONNAIRE ANONYMOUS?

The questionnaire is confidential but not anonymous. To be able to develop aggregate statistics based on occupational codes, the University must be able to link your equity data to the occupational code your position is classified under. In addition, the FCP may ask the University to report on aggregate promotions, training, terminations, etc. To do so, the University must be able to track the changes. In all reports provided to the FCP and any internal University report, only aggregate data is used. Equity data on individuals is never reported to ensure confidentiality.

CAN I CHANGE THE INFORMATION I PROVIDE ON THE CENSUS AT A LATER DATE?

Yes. At any time in the future, you can contact the Equity Office and change the information you provide today.

WHAT DO YOU MEAN BY THE TERM "MINORITY"?

The Employment Equity Act requires UBC to ask about people who self-identify as a "visible minority".

The Canadian census, to which employment equity data is compared, uses similar language. Thus, in order to compare UBC data with national data, we are required to use this term. However, we acknowledge that this term may be offensive to some and may also not reflect the reality of the numerical concept of "minority" at the local level, especially in large urban centres, where people of colour may in fact be in the statistical majority. This term is not intended to connote any sort of values statement about the worth or merits of any one group over another.

WHAT DO YOU MEAN BY "VISIBLE MINORITIES"? WHY ARE YOU USING THIS PHRASE?

In the federal Employment Equity Act, visible minorities are defined as "persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour". Statistics Canada identifies the following categories of visible minorities: Chinese, South Asians, Blacks, Arabs and West Asians, Filipinos, Southeast Asians, Latin Americans (except Chileans and Argentinians), Japanese, Koreans and Pacific Islanders. It does not include persons of Portuguese, Spanish, Greek, Italian, or Ukrainian descent, or other

ethnic groups who are considered to be white or Caucasian in origin. The definition of "visible minorities" is not based on place of birth, citizenship or religion. Some members of visible minorities were born in Canada, others were not; some are Canadian citizens, some are immigrants to Canada; and they all have different religious affiliations.

At UBC, we recognize that "race" is a socially constructed concept that (along with classification of peoples by distinct skin colours) has been used to justify the hierarchical ranking of peoples and to support racist ideologies and practices and consequences. Recognition of persons as "persons of colour" or "visible minorities" is intended, in the Employment Equity context, to recognize and directly address the reality that belonging to a "visible minority" or being a "person of colour" still has social implications in employment. As stated in the federal *Employment Equity Guideline 4: Collection of Workforce Data*, the "rationale for including 'visible minorities' in the law is rather straightforward: people who are visibly in a minority because of their skin colour or identifiable "racial" background may face various types of employment barriers. This does not mean that

anyone believes “race” is a valid scientific category. (As some have pointed out, there is only one race, the human race.)

Rather, it means that we recognize that belonging to a visible minority still has social implications, and that the creation of a truly integrated society must start with the efforts to identify and address these consequences in a direct and systematic manner.”

At UBC, we wanted our concept of visible minorities to reflect the reality of racism and its impact. In human rights contexts, the overwhelming majority of people who experience racism are people whose skin colour is perceived as “non-white”. (Aboriginal people are not considered part of this group, because they are identified as a separate designated group for the purposes of equity programs.) At UBC, we did not want to define this group in a way that positioned “whiteness” or Caucasian as the “norm”, “invisible” or “standard” and thus positioned “visible minorities” as “other(s)”, visible because they differ from the “standard”. Hence we defined visible minorities as “persons of colour” rather than as “non-Caucasian in race or non-white in colour”.

However, we did want to acknowledge that those who appear to be persons of colour, as distinguished by their physical appearance and recognized as a separate factor from their ethnicity, language, place of origin or culture, may be discriminated against in employment.

Of course, the term “visible minority” or “person of colour” does not identify a uniform group and, as such, is problematic. We are therefore asking a supplementary question, using the Canadian census language to have a basis for national comparison, about how one further self-identifies to be able to identify distinctions within the broader concept of “visible minorities”.

IF I AM OF MIXED RACIAL HERITAGE, SHOULD I IDENTIFY MYSELF AS A MEMBER OF A VISIBLE MINORITY?

People whose racial heritage is mixed, and who consider themselves to be persons of colour, should identify as members of a visible minority group.

IF I WAS BORN IN CANADA, CAN I STILL IDENTIFY AS A MEMBER OF A VISIBLE MINORITY GROUP?

Yes, for purposes of employment equity, if you are non-Caucasian in race or non-white in colour, you should

indicate that you belong to a visible minority group (even if you have never experienced discrimination because of the colour of your skin, were born in Canada or are a Canadian citizen).

SHOULD I IDENTIFY MYSELF AS A PERSON WITH A DISABILITY IF MY CONDITION HAS BEEN ACCOMMODATED AT UBC?

Yes. Even if your condition has been accommodated in UBC’s workplace, you should still answer yes.

SHOULD I IDENTIFY MYSELF AS A PERSON WITH A DISABILITY IF I HAVE A CONDITION – SUCH AS DIABETES OR EPILEPSY – BUT I CONTROL MY CONDITION WITH MEDICATION?

Yes.

SHOULD I IDENTIFY MYSELF AS A PERSON WITH A DISABILITY IF, FOR EXAMPLE, I WEAR GLASSES?

No. Disability is **not** intended to include relatively minor conditions that are experienced by large segments of the population. The determining factor is the severity of the condition and the impact it has on your ability to perform your job.

CAN I SELF-IDENTIFY AS BEING A MEMBER OF MORE THAN ONE DESIGNATED GROUP?

Yes. Where appropriate, employees may identify themselves as belonging to more than one designated group. This is justified by the fact that each designated group faces particular kinds of employment barriers. A person who belongs to more than one of these groups is likely to experience multiple barriers.

It is possible for a person of mixed ancestry, both Aboriginal and visible minority, to self-identify as both a member of a visible minority and an Aboriginal person.

The definition of “members of visible minorities” in section 3 of the Act, refers to “persons, other than aboriginal peoples...” This, however, should not be taken to mean that a person of mixed heritage could not self-identify in both groups, Aboriginal and visible minority.

Aboriginal persons who do not have a visible minority heritage should not identify as a “member of a visible minority”. Such individuals should self-identify only as “aboriginal persons”.

(Source: *Guideline 4, Collection of Workforce Information, Human Resources Skills Development Canada Labour Program, Government of Canada, 2003*).

WHAT IS SEXUAL ORIENTATION?

Sexual orientation refers to how one identifies oneself in relation to one's sexual, affectional and romantic interests (i.e., to members of similar gender, different gender, or both/all genders). Some people experience their sexual orientation as an unchanging, lifelong part of their nature, and others experience it in a more fluid way that changes over time or across situations. Whether sexually active or not, everyone has a sexual orientation.

WHAT IS GENDER IDENTITY?

Gender identity refers to one's internal and psychological sense of themselves as female, male, both or neither. A person's self-concept of their gender may be the same as or different from their sex at birth (male, female or intersex). A person may also define their gender identity as being more fluid than either male or female. In other words, their gender identity may encompass parts of masculinity, femininity and/or other non-traditional gender expressions.

Transgender refers to a person who identifies with a gender other than the one ascribed to the biological sex of their birth; or a person who views their gender as being more fluid than the strictly male or female genders

allow. It is also used as an umbrella term for those who identify themselves as transexual, transgender, gender variant, or an analogous term. Gender identity is not the same as sexual orientation. Trans persons may be gay, lesbian, bisexual, queer, two-spirit or heterosexual.

WHY ARE YOU ASKING ABOUT SEXUAL ORIENTATION AND GENDER IDENTITY IF IT'S NOT REQUIRED BY LAW TO DO SO?

UBC is working to ensure that all employees are treated fairly, including those who contribute to the further diversification of our workforce. We recognize that there are groups outside of the four designated groups which have historically been discriminated against in society in ways that limit their full and active participation in the workforce. The inclusion of sexual orientation and gender identity questions in this survey is intended to signify the University's recognition of the historical discrimination against these groups and its commitment to a discrimination-free workplace.

In 1984, when Rosalie Abella's report which identified the four designated groups under-represented or disadvantaged in the workplace, was published, the visibility of gay, lesbian, bisexual,

queer, two-spirit, transgender, transsexual and gender variant people and communities was limited, in large part due to societal discrimination and disadvantage. A similar report, researched today, would likely find that sexual orientation and gender identity are both grounds on which biased employment related decision are made. Hence, to better reflect the demographics of UBC's population and to reflect the intent of employment equity legislation to identify and remove barriers to employment and to create a more inclusive workforce, sexual orientation and gender identity have been added. This move has been taken by some other post-secondary institutions across Canada as well.

Although no national comparative data currently exists, the data at UBC can create a baseline and data from other institutions and similar resources may also be used as a basis of comparison for statistical purposes.

