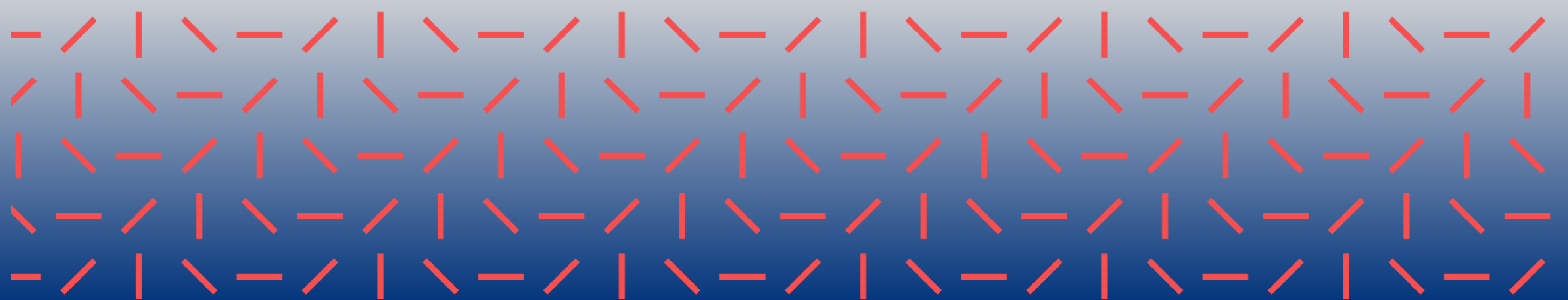


**WHITHER THE TRANSFORMATIVE FRAMEWORK TO ACHIEVE  
AND SUSTAIN EMPLOYMENT EQUITY, ONE YEAR LATER?**

SEFTON-WILLIAMS MEMORIAL LECTURE **2024**



# TRADITIONAL LAND ACKNOWLEDGEMENT

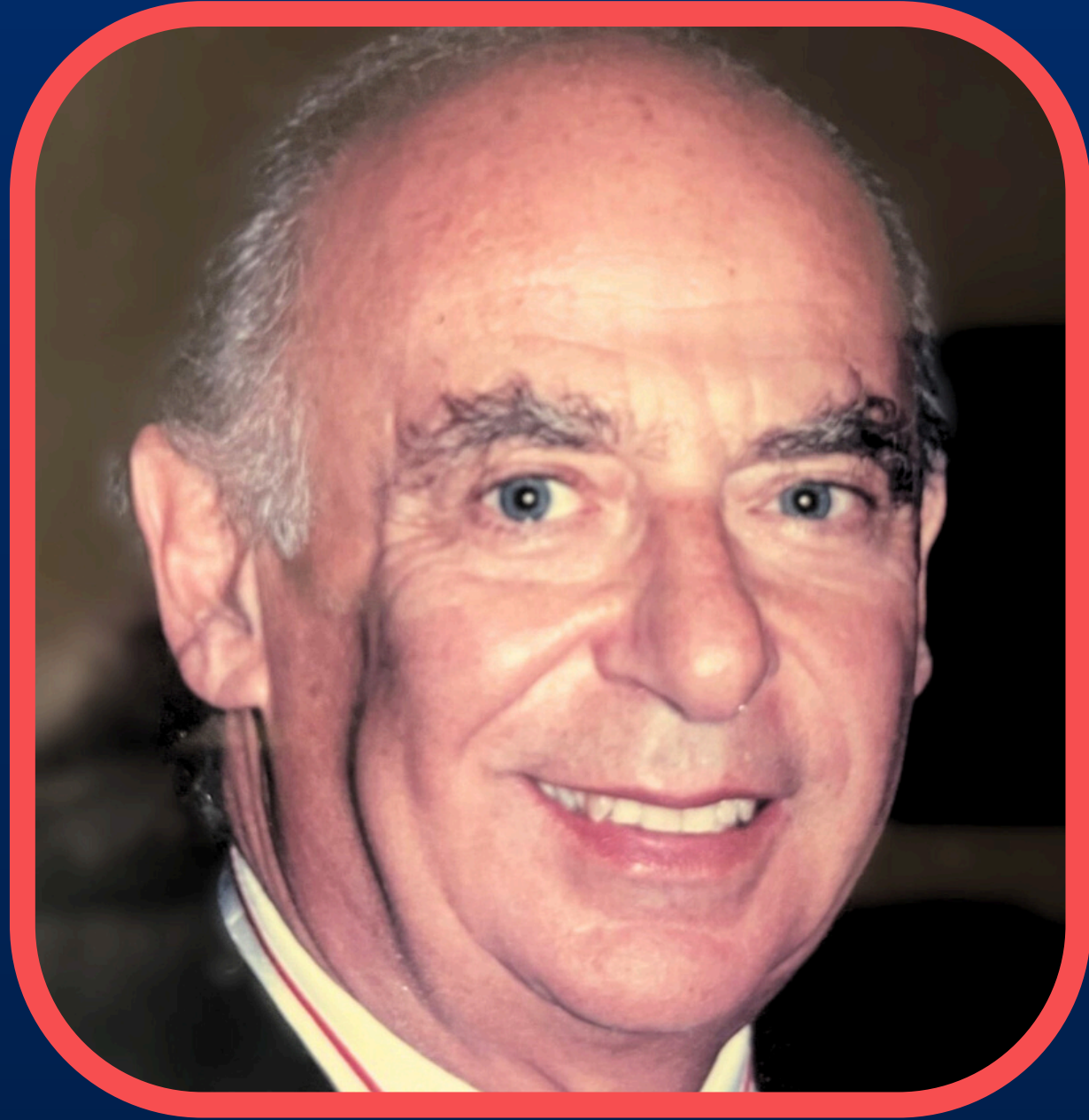
We wish to acknowledge this land on which the University of Toronto operates. For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and the Mississaugas of the Credit. Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work on this land.

# ITINERARY

- 4:00 PM Welcome Remarks and Acknowledgement of Traditional Land
- 4:15 PM Presentation of Sefton-Williams Award for Contributions to Labour Relations to **Owen Shime**
- 4:25 PM *Whither the Transformative Framework to Achieve and Sustain Employment Equity, One Year Later?*  
with **Adelle Blackett**
- 5:30PM Questions and Final Remarks



## OWEN SHIME | 2024 SEFTON-WILLIAMS AWARD RECIPIENT



Owen B. Shime was called to the bar in 1962, launching an illustrious career that has spanned more than six decades. He has acted as a lawyer practicing civil and criminal litigation; an instructor and special lecturer at Osgoode Hall Law School, York University, and the Faculty of Law, University of Toronto Law School; and Chairperson with both provincial and federal appointments that include the Public Service Staff Relations Board Arbitration Tribunal (Ottawa), Ontario Public Service Labour Relations Tribunal, Education Relations Commission for Ontario, and the Ontario Crown Employees Grievance Settlement Board.

He has acted as Chairperson and Mediator for innumerable labour arbitration and conciliation boards throughout his career, and he is currently the President of Dispute Services, engaged in the resolution of commercial, labour, and community disputes through mediation and arbitration. He is also a member of the Law Society of Upper Canada, the National Academy of Arbitrators of Canada and the U.S., the Society for Professionals in Dispute Resolution, and the Ontario Labour-Management Arbitrators' Association. He is the first Canadian recipient of the Willoughby Abner Award for public service labour relations, and he counts among his honours the Law Society Medal and the Queen's Jubilee Medal.






## ADELLE BLACKETT | 2024 SEFTON-WILLIAMS LECTURER

Adelle Blackett, F.R.S.C., Ad. E., is Professor of Law and the Canada Research Chair in Transnational Labour Law at the Faculty of Law, McGill University. She holds a B.A. in History from Queen's University, civil law and common law degrees from McGill, and an LL.M. and a doctorate in law from Columbia University.

An elected fellow of the Royal Society of Canada, she has been awarded the Bora Laskin National Human Rights Fellowship & the Pierre Elliott Trudeau Foundation Fellowship and was a visiting professor at Cornell ILR School cross appointed at Cornell Law School, the Inaugural Chancellor Janice Fukakusa Racial Justice Scholar in Residence at Toronto Metropolitan University, a visiting professor at the Global College of Law at UC Louvain, a Centenary Visiting Fellow at SOAS London, the Innis Christie Visiting Professor at Dalhousie University, a Parsons Visitor at the University of Sydney, and a Distinguished Visiting Faculty Member at the University of Toronto. Professor Blackett is also widely published in the field of transnational labour law, with a focus on decolonial approaches. Her 2019 book manuscript entitled *Everyday Transgressions: Domestic Workers' Transnational Challenge to International Labor Law* (Cornell University Press) garnered the Canadian Council on International Law's (CCIL) 2020 Scholarly Book Award.





# Whither the Transformative Framework to Achieve and Sustain Employment Equity, One Year Later?

SEFTON-WILLIAMS LECTURE, UNIVERSITY OF TORONTO

28 NOVEMBER 2024

PROFESSOR ADELLE BLACKETT, FRSC, ADE

CANADA RESEARCH CHAIR IN TRANSNATIONAL LABOUR LAW, MCGILL  
UNIVERSITY; 2024 WILLIAM MULLIGAN DISTINGUISHED VISITING  
PROFESSOR, FORDHAM LAW SCHOOL

# Outline

- ▶ Part I: Employment Equity: What Happened?
- ▶ Part II: On Transformation: A Three Pillar Framework
- ▶ Part III: Employment Equity as Labour Law

Part I:  
Employment  
Equity:  
What  
Happened?



Employment  
Equity:  
Reversing  
Discrimination  
Changing  
Relationships

1984 Royal Commission on Equality in  
Employment (Abella Report)

Proactive Approach with a focus on Substantive  
Equality including an understanding of group  
rights emerging from Canadian bilingualism

1986 & 1995 Employment Equity Act

Aboriginal  
Peoples

Women

Visible  
Minorities

Persons with  
Disabilities

# So what happened?



- ▶ Diversity is a Fact, Inclusion is a Choice, & in Canada, **Equity is the Law**





HISTORY  
MATTERS

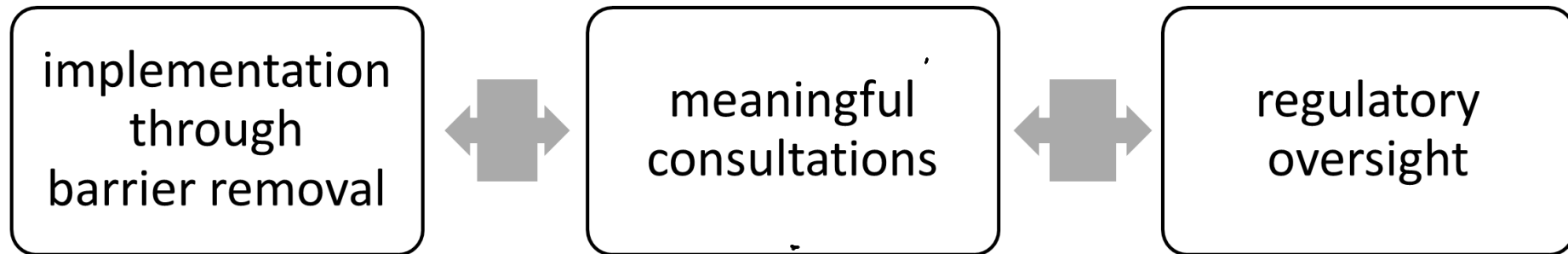
Historic  
Announcement  
on 11 December  
2023 by then  
Minister of  
Labour Seamus  
O'Regan:

- ▶ Creating two new designated groups under the *Employment Equity Act*:
  - ▶ Black people
  - ▶ 2SLGBTQI+ people;
- ▶ Replacing the term “Aboriginal Peoples” with “Indigenous Peoples,” and updating the definition to include First Nations, Métis and Inuit and to ensure it is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples Act*;
- ▶ Replacing the term “members of visible minorities” with “racialized people” and updating the corresponding definition; and
- ▶ Aligning the definition of “persons with disabilities” with the *Accessible Canada Act* to make it more inclusive.



# Part II: On Transformation: A Three Pillar Framework

# A three pillar transformative framework



IMPLEMENTATION  
THROUGH  
BARRIER REMOVAL



MEANINGFUL  
CONSULTATIONS



REGULATORY  
OVERSIGHT



# PILLAR I: BARRIER REMOVAL

Beyond a Deficit Model of Equity



IMPLEMENTATION  
THROUGH  
BARRIER REMOVAL



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OVERSIGHT

# The Distinctiveness of barrier removal

Rootedness in substantive equality, in Canadian jurisprudence and in international law

Proactive framework that decentres the focus on individual accommodations and focuses on structural change



IMPLEMENTATION  
THROUGH  
BARRIER REMOVAL



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# Recognizing Barriers through an Intersectional Approaches to Gender

- ▶ **There are 516 “unit groups” of jobs in the 2021 National Occupational Codes of Canada.**
- ▶ **Almost one fifth – for a total of 98 occupations - remain, in 2021, over 90% men+.**
- ▶ **E.g.**
  - ▶ drillers and blasters in surface mining, quarrying and construction (99.25% men+)
  - ▶ industrial electricians (98.06% men+)
  - ▶ railway carmen/ women (97.06% men+)
  - ▶ transport truck drivers (95.50% men+)
  - ▶ railway conductors and brakemen/ women (94.52% men+)
  - ▶ air pilots, flight engineers and flying instructors (92.53% men+)

# Data Justice

The Human Rights  
Purpose of  
Collecting Equity  
Data

The Grandmother  
Principle

- ▶ Recommendation 2.8 ff: disaggregated, intersectional data collection
- ▶ Recommendations 2.11 – 2.12: clarifications on purpose and privacy laws
- ▶ Recommendation 2.13ff: self-identification data collection



IMPLEMENTATION  
THROUGH  
BARRIER REMOVAL



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CONSULTATIONS



REGULATORY  
OVERSIGHT

PILLAR II:  
'NOTHING ABOUT US WITHOUT US': EQUITY THROUGH MEANINGFUL  
CONSULTATIONS





IMPLEMENTATION  
THROUGH  
BARRIER REMOVAL



MEANINGFUL  
CONSULTATIONS



REGULATORY  
OVERSIGHT

# Pillar II: Regulatory Oversight

# Part III: Employment Equity as Labour Law

# Employment Equity IS Labour Law

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The Employment Equity Act framework cannot stand alone – it is part of a comprehensive law of work

---

It is unabashedly about making sure that all workers have an equal opportunity to be represented in good, stable jobs

---

Employment equity was never meant to be a complete response but it can be part of the response, by correcting a distinct set of problems



IT TAKES ALL OF US –  
ON THE FIERCE URGENCY  
OF NOW

**Q&A**

**THANK YOU FOR JOINING US THIS EVENING**