

They felt that consultation should be established through joint labour-management committees on employment equity and by accommodating the implementation of employment equity into the bargaining process.

- None of the witnesses questioned the government's right to establish employment equity goals and timetables, which would not be bargainable. However almost all trade union representatives felt that, because of the impact of employment equity plans on the workplace and on clauses of existing collective agreements, implementation of employment equity should be a part of the bargaining process. I support this view.

**NDP Recommendation #3:**

**I recommend that trade unions and employee organizations be considered full partners in employment equity, and that employers under the *Employment Equity Act* be required to consult fully and effectively with their employees in the development and implementation of employment equity plans.**

### 3. Seniority

- There appeared to be a great deal of misunderstanding concerning the possible effect of seniority clauses on employment equity.
- Because employers' traditional hiring practices tend to discriminate against women and designated group members, many of those currently protected by seniority clauses are white able-bodied males. The fault is not with the seniority clauses but with discriminatory hiring practices on the part of employers.
- Nonetheless, because of those discriminatory practices, seniority clauses can result in members of target groups being first laid off or last promoted and therefore, unless modified,

seniority clauses could be a barrier to speedy implementation of employment equity.

- A number of witnesses pointed out that trade unions have led the country in negotiating the implementation of employment equity through collective agreements. This has often involved modification of seniority clauses, at the initiative of unions, to provide for greater representation of designated group members in promotions and greater job security.

- Although unions have played a leadership role in achieving employment equity through the bargaining process, they were under-represented among the witnesses who appeared before the Committee. Those who did appear made it quite clear that they would not like to see seniority clauses removed from collective agreements in order to permit senior workers to be removed from their jobs, and members of the designated groups hired in their place. Unions felt that senior workers should not become today's victims of past discriminatory hiring practices by employers. Union representatives were convinced that employment equity could be achieved without jeopardizing the job security of senior workers. I agree with that position.

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**If you look at collective agreements in Canada, 5% of them have pure seniority clauses.**

**Employers have been ignoring seniority provisions in collective agreements for as long as there have been unions, and I am sure will continue to do so for many years to come.**

**So I don't subscribe to the view that seniority provisions are always a barrier.**

**I think it's possible for the parties to sit down and decide what works in that workplace.**

BONNIE PEARSON, CO-CHAIR  
SASKATCHEWAN WHEAT POOL EMPLOYMENT EQUITY COMMITTEE

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