

Model Equity Clauses for Inclusion in the Collective Agreement

**A Report by the Diversity Committee to the Executive and Negotiating
Committees of the Mount Royal Faculty Association**

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Committee Members:

Carmen Nielson, Chair

Leah Hamilton

Mohamed El Hussein

Aliyah Mawji

Douglas Murdoch

Renaë Watchman

Preamble

Mount Royal University (MRU) “promotes a trustful, inclusive environment of respect and dignity, and free from harassment for all students, faculty and employees of the campus community¹” and the Mount Royal Faculty Association (MRFA) also endorses respect for diversity: “We have a duty to be respectful of our differences and diversity.”² Universities are considered a societal focal point for equity issues as socialization and change agents³. There is a need to address not only overt exclusions and inequities (so called first generation inequities) but also embedded university policies, procedures and practices that form barriers to full equity (or so called second generation inequities).⁴ The Canadian Department of Justice states:

Employment equity is achieved by employment practices that prevent and correct disadvantages in employment for these designated groups through special measures, reasonable accommodation of differences, and programs to remove barriers to equitable employment opportunities.⁵

However, there is currently no mention of employment equity in the Collective Agreement between the MRFA and MRU. While there is a non-discrimination clause (22.1), this is not the same as actively promoting equity in the workplace nor is there any mechanisms specified for monitoring and promoting equity. This is not just an issue of social justice but of mental health and well-being.⁶ The MRFA Diversity Committee at the request of the MRFA president therefore undertook the task of reviewing the collective agreements of other universities to ascertain what provisions existed for the promotion and protection of diversity with a view to identify current best practices.

The committee conducted a survey of fifty-four collective agreements at universities across Canada and identified twenty-three with equity policy clauses. The Committee identified three principles we deemed necessary for inclusion in future collective agreements if MRU is to establish a thorough and functional equitable working environment. The first principle is that the responsibility for the promotion and protection of diversity is jointly shared by the university and the faculty association and thus there should be a standing, active joint committee to implement and monitor equity efforts. The second principle is that equity must be measured and monitored. There must be provisions to collect and transparently report the status of equity at the university. Thirdly, equity must be *actively* promoted and this requires training.

We therefore respectfully present what we felt were the best samples clause from the collective agreements of Canadian universities that may be useful as guiding principles for preliminary negotiations. These are:

¹ <https://mtroyal.ca/CampusServices/CampusResources/DiversityHumanRights/index.htm>

² MRFA Bylaws 16.2.2.2: http://mrfa.net/files/MRFA_Bylaws_2013.pdf

³ Sturm, S. (2006). The architecture of inclusion: Advancing workplace equity in higher education. *Harvard Journal of Law and Gender*, 26, 247-334.

⁴ Sturm, S. (2002). Lawyers and the practice of workplace equity. *Wisconsin Law Review*, 26, 277-329.

⁵ <http://www.justice.gc.ca/eng/abt-apd/la-man/equit.html>

⁶ Kivima, M., Elovainio, M., Vahtera, J., Virtanen, M., & Stansfeld, S.A. (2003). Association between organizational inequity and incidence of psychiatric disorders in female employees. *Psychological Medicine*, 33, 319–326. DOI: 10.1017/S00332917020065

Model Equity Clauses for Inclusion in the Collective Agreement

1. Joint Committees

Example 1

Wilfrid Laurier University

Clause 22.5 p. 89

http://www.wlufa.ca/wp-content/uploads/2012/07/FT-CA-2011-July-31-2012_2-Final.pdf

22.5 Bilateral University-Association Employment Equity Advisory Committee:

22.5.1 To assist with the implementation of the provisions of this Article, the Parties agree to establish a Bilateral University-Association Employment Equity Committee within 60 days of the ratification of the Agreement. This committee shall consist of:

three (3) representatives appointed by the Association, at least two of whom shall be members of one of the designated groups and at least one of whom shall be from Laurier Brantford;

(b) three (3) representatives appointed by the President, at least two of whom shall be members of one of the designated groups and at least one of whom shall be from Laurier Brantford;

(c) the Employment Equity Coordinator, who shall be a non-voting member.

One of the Association representatives and one of the University representatives shall serve as co-chairs of the Committee.

22.5.2 The Bilateral University-Association Employment Equity Committee shall, with respect to Members:

(a) at the call of the co-chairs, meet as required to fulfil its mandate and obligations under this clause 22.5;

(b) assist the Employment Equity Coordinator with the planning and preparation of the annual workshop on employment equity policies and procedures under 22.6.1, and consider requests for exemption from the workshop under 22.3.1 (b);

(c) review Statistics Canada data and information on the composition of academic sub-units and units, and submit a report under 22.3.3;

(d) receive and review the report which the University submits to the federal government under the Federal Contractors Program and Employment Equity Regulations, and the reports of the Employment Equity Coordinator;

(e) identify any systemic barriers in recruitment, employment and promotion policies and procedures that discriminate against aboriginal peoples, people with disabilities, persons in a visible minority, women, and persons in a sexual and/or gender minority;

(f) review on an on-going basis employment equity plans at other universities in Canada;

(g) provide information and recommendations to the University Employment Equity Advisory Committee concerning the realization of the University's commitment to non-discrimination and equity in the employment of members of the designated groups;

(h) provide copies of all Committee reports and recommendations to the President and the Association.

Example 2

Brock University

Clause 20.03 p. 65

http://www.brocku.ca/webfm_send/21442

Joint Committee on Employment Equity (JCEE)

a. The Joint Committee on Employment Equity (JCEE) shall monitor the employment equity processes described in this Article. The Committee shall consist of six (6) tenured/permanent members appointed jointly by the President of the University and the President of the Union. Appointment to the Committee shall be for three (3) year overlapping terms. The Committee shall be gender balanced with representation of other designated groups, where possible, and shall elect a chair from among themselves.

b. Prior to the consideration of applications, the JCEE shall meet with the Employment Equity Advisors (see Article 20.01(c)) to review the employment equity provisions of Article 20. Prior to June 1 each year, each Dean/University Librarian will provide the JCEE with a summary of the number of self-identified members of designated groups who made applications, were short-listed, recommended, and/or appointed within the Faculty/Library during the previous twelve (12) month period. This information combined with the Employment Equity Plans will be used by the JCEE to review procedures, actions, and outcomes related to recruitment and appointment of members. The JCEE shall report annually by July 1 to the President of the University and the President of the Union on the success of these employment equity procedures and the need for revision to these procedures, if any.

c. A member of the JCEE who is also a member of a Department or the Library forwarding a recommended short-list for review shall not vote on that recommendation in the JCEE.

2. Reporting and Data collection Clauses

Example 1

Queens:

<http://www.queensu.ca/provost/faculty/facultyrelations/qufa/collectiveagreement/WEBSITECAWITHLKNKSSept252012.pdf>

Accessed 2014-04-11

24.4 Data Collection, Monitoring and Reporting

24.4.1 When notified that an Appointment Committee is commencing a search process under this Agreement, the Equity Office will provide an updated report of the number of faculty members who have self-identified as Aboriginal persons, persons with a disability, visible minorities and women in the Unit to the Appointments Committee member designated as the Equity Representative pursuant to Article 24.2.2. The report will also identify which Designated Groups are under-represented (using the diversity of the populations of Canada as the benchmark) so that Committees may comply with Articles 24.3.3 through 24.3.4. 24.4.2 The Committee's Equity Representative shall have explicit responsibility for the Committee adhering

to the rules and expected practices that assure equity, data collection, and submitting requisite information to the Equity Office.

24.4.3 The form of data collection and reporting on process of Appointments Committees for Faculty, Librarian and Archivist positions, or on Personnel Committees (at each stage) shall be agreed upon by the Parties within six (6) months following ratification of this Agreement, but should be detailed enough to allow a monitoring function by the Parties.

24.4.4 The Equity Office shall monitor the progress made in employment equity in the Bargaining Unit and report its findings every three years to the Parties. The report of the Equity Office will document the progress made in meeting the goals of Article 24.1 and Article 9. The JCAA shall review the report of the Equity Office and shall (i) discuss means for improving employment equity, including striking a sub-committee on equity as appropriate, and (ii) report any recommendations for improving employment equity to the Council on Employment Equity and the Senate.

26.2.2 The Employment Equity Committee shall report annually by 1 October to the Association and the Council.

Example 2

University of Northern British Columbia

http://unbcfa.ca/wp-content/uploads/2013/01/UNBCFA-FacultyAgreement2010-2012-January28_2011.pdf

Accessed 2014/4/15

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11.3 Employment Equity Information

11.3.1 To assist with appointment procedures, the Provost by July 1 of each academic year, shall provide the Deans, the University Librarian, and the Program Chairs or equivalents with the following information for each Program:

- (a) the number of searches for Member positions in the previous year; for each search, where known, the numbers of female and male applicants, the numbers of female and male applicants with doctorates, and the gender of the appointee, and where possible the number of self-identified applicants and appointees of designated groups;
- (b) the composition by gender of the Members in each academic unit and sub-unit by rank and status of appointment, and where possible, the number of self-identified members of designated groups;
- (c) the percentages of women and men, by discipline, in doctoral degree programs in Canada and in graduate degree programs in librarianship in Canada;
- (d) the percentages of doctoral degrees, by discipline, and graduate degrees in library science awarded in Canada to women and men; and
- (e) a statement as to whether the Program is subject to the definition(s) of underrepresentation provided for in this Article.

11.3.1.1 The Provost shall also provide the Association with copies of this information.

3. Training Clauses

Example 1

Queen's University

<http://www.queensu.ca/provost/faculty/facultyrelations/qufa/collectiveagreement/WEBSITECAWITHLI NKSSept252012.pdf>

24.2 Appointments and Personnel Committees

24.2.1 Persons (including students) chosen to serve on Appointments Committees for Faculty, Librarian or Archivist positions, or on Personnel (Renewal/Reappointment, Tenure/Continuing Appointment and Promotion) Committees and administrators with a recommendatory or decision-making role in an appointments or personnel process may only carry out such functions after successfully completing a familiarization and training workshop which shall cover the principles, objectives, recent history, best practices, and rules and institutional expectations with respect to employment equity. The program of such workshops shall be agreed between the Parties, with advice from the Equity Office.

24.2.2 While all Appointments Committee and Personnel Committee members shall adhere to the principles of employment equity, one (1) Member (normally with tenure) of each such Committee shall be designated as the Equity Representative and shall have explicit responsibility for the Committee adhering to the rules and expected practices that assure equity, and for data collection and reporting per Article 24.4. The Committee member charged with this responsibility shall be selected by the Committee, and shall be a person who understands and is sympathetic to the objectives of this Article. Persons with this responsibility will require training in excess of that foreseen in Article 24.2.1 unless waived by the Parties.

Example 2

York University (12.24)

<http://www.yufa.org/docs/ca/12-15/CA2012-2015.pdf>

The Joint Affirmative Action Committee shall organize workshops to inform unit Chairs, Affirmative Action Representatives, all members of hiring committees, and members of tenure and promotion committees on Collective Agreement provisions, principles, objectives, recent history and best practices with respect to employment equity, including in particular the recruitment of qualified members of visible/racial minorities, aboriginal people, and persons with disabilities. Affirmative Action Representatives shall complete a workshop and other persons who serve on hiring committees shall be strongly encouraged by the Dean/Principal/University Librarian to attend a workshop prior to assuming their responsibilities. Workshops should be no more than fifteen (15) people and can cross units. Such workshops will be facilitated by the Affirmative Action Officer. The program of such workshops will be approved by the Joint Affirmative Action Committee. In addition, the Affirmative Action Officer or designate may be invited to meet additionally at least once per year with the hiring committee(s) of each academic unit.