

August 29, 2024



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

Employment and Social Development Canada
Labour Program
(Mailstop # 911)
140 Promenade du Portage, Phase IV
Gatineau, Québec, K1A 0J9

Sent via email to: edsc.lee-eea.esdc@labour-travail.gc.ca

Dear Minister of Labour and Seniors:

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit civil rights organization committed to promoting fairness, understanding, and humanity. With tens of thousands of members and chapters across Canada and the United States, our work is further detailed on our website, fairforall.org. We are responding to the Employment Equity Act Review Task Force's request for feedback on the consultation for modernizing Canada's Employment Equity Act (EEA).

We appreciate the Task Force's thoughtful approach to updating the EEA, particularly its focus on addressing the needs of marginalized and underrepresented groups in the Canadian workforce. We also recognize the consideration given to defining the term "woman" to ensure that protections for females under the EEA are appropriately directed. However, we have concerns about a fundamental aspect of the EEA and the Task Force's proposed questions that, in our view, conflict with the pro-human principles that prioritize our shared humanity.

The EEA currently classifies Canadian citizens into various identity groups, offering benefits to specific groups based on perceived challenges or victimhood to promote workplace equity. While grouping individuals by real or perceived differences can sometimes be appropriate, it often relies on stereotypes that may not accurately reflect the diversity within those groups. For example, making assumptions about privilege, marginalization, or the need for accommodation based solely on skin color, ethnicity, or race can lead to broad generalizations that are neither accurate nor suitable for policy-making. Grouping by sex may be relevant when biological differences are consequential to the job at hand, but this is rare in the employment context. When a framework groups individuals based on historical trends of marginalization rather than biological differences, it wrongly assumes that all members of an identity group share the same traits, needs, experiences, and challenges. This approach oversimplifies and erases individual uniqueness and is likely to exclude marginalized individuals who may not fall neatly into a specific category. Ultimately, this approach flattens the human experience and attempts to use a broad brush to address complex issues.

The EEA's current practice of categorizing Canadian workers and providing benefits to certain groups is overly broad, often inaccurate, and results in systematic discrimination against others. As advocates of antiracism efforts that are non-divisive and pro-human, FAIR supports policies that uplift marginalized groups and acknowledges the good intentions underlying certain forms of preferential treatment. The EEA's approach, however, fosters regressive stereotyping and undermines equality, ultimately leading to civil rights violations. FAIR urges the Task Force to eliminate groupings that are not based on biological or physical differences directly related to job performance in the workplace.

To the extent the EEA contemplates differential treatment of males and females in order to accommodate biological vulnerabilities that, on average, exist for female workers and are consequential to their employment opportunities, we support the Task Force's suggestion to set out a clear definition of the word "woman." In fact, it is our position that biological differences that pose vulnerabilities for a group of individuals in the employment setting is the only justification for differential treatment of Canadian workers. Since biological differences clearly exist between males and females, and those differences can be measured and accommodated, defining these groups and treating them differently in these limited cases is an appropriate undertaking of the Task Force. Accordingly, any definition of "woman" that the Task Force adopts should be grounded solely in scientifically-proven, biological differences between males and females.

In conclusion, FAIR respectfully urges the Task Force to prioritize policies that recognize the individuality and unique contributions of every Canadian worker, rather than relying on broad, identity-based groupings that risk reinforcing stereotypes and perpetuating inequality. We believe that any differential treatment under the EEA should be based solely on scientifically-proven, biological differences that directly impact employment duties. By focusing on these principles, the Task Force can ensure that the modernization of the EEA promotes genuine fairness and equality, upholding the dignity and rights of all individuals in the workplace. We appreciate the opportunity to provide feedback and look forward to the Task Force's continued efforts to create a more equitable Canada.

Sincerely,

The Foundation Against Intolerance & Racism