

**PARTIAL LIST OF ORGANIZATIONS THAT CAN HELP  
YOU WITH PROBLEMS OF RACIAL OR RELIGIOUS  
DISCRIMINATION.**

National Committee on Human Rights  
**CANADIAN LABOUR CONGRESS**  
100 Argyle Avenue, Ottawa, Ontario.

**JEWISH LABOUR COMMITTEE OF CANADA**  
4848 St. Lawrence Blvd., Montreal, Que.

Fair Practices and Anti-Discrimination Department  
**UNITED AUTOMOBILE WORKERS UNION, REGION 7**  
1568 Ouellette Avenue, Windsor, Ontario

**CANADIAN JEWISH CONGRESS**  
493 Sherbrooke Street West, Montreal, Quebec

Human Rights Division, Legislative Department  
**UNITED STEELWORKERS OF AMERICA**  
20 Spadina Road, Toronto

Human Rights Committees of the Labour Movement in the following  
areas:—

**MONTREAL**—4848 St. Lawrence Blvd., Montreal, Que.  
**TORONTO**—11½ Spadina Road, Toronto, Ont.  
**WINNIPEG**—2nd Floor, 370 Hargrave St., Winnipeg 2, Man.  
**VANCOUVER**—435 West Broadway, Vancouver 9, B.C.  
**HALIFAX**—55 Melwood, Arndale, Nova Scotia.  
**SYDNEY**—14 Coady Street, Sydney, N.C.  
**WINDSOR**—1568 Ouellette Avenue, Windsor, Ontario.

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# Fair Employment Practices —A Good Beginning

A Discussion of Federal Anti-discrimination Legislation, F.E.P. Research  
Projects and Labour's Position on Discrimination in Employment\*

By **FRANK HALL**

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## FEDERAL ANTI-DISCRIMINATION LAW

The Canadian Fair Employment Practices Act has been on the statute books since May, 1953. . . Among other things, the law says in its section 4, under the heading "Prohibited Employment Practices":

No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of race, national origin, colour or religion.

No employer shall use, in the hiring or recruitment of persons for employment, any employment agency that discriminates against persons seeking employment because of their race, national origin, colour or religion.

No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry in connection with employment that expresses either directly or indirectly any limitation, specification or preference as to race, national origin, colour or religion unless the limitation, specification or preference is based upon a bona fide occupational qualification.

Whether through ignorance of the law or otherwise, there have been serious violations of these anti-discrimination provisions by some employers. There has been complaint, too, of some administrative functions, such as job referrals by local offices of National Employment Service.

## RESEARCH ON DISCRIMINATION

Many years ago *Maclean's Magazine* published an article on a test which was tried on 47 employers. Two young women with almost identical qualifications were selected to answer advertisements for stenographers, typists, book-keepers and filing clerks. One girl took the name of Greenberg, the other the name of Grimes. Forty-one of the forty-seven employers offered appointments to Miss Grimes. Only seventeen out of the forty-seven offered an appointment to Miss Greenberg.

More recently two labour committees on human rights, one in Vancouver and one in Toronto, made small studies on the extent to which the Fair Employ-

\* Adapted from a radio talk on the "Discrimination in Employment" broadcasts sponsored by the Federal Department of Labour.

ment Practices Act was being complied with by private firms in their employment application forms. In Vancouver the committee found that 63 per cent of the companies asked questions about the applicant's nationality, 70 per cent asked his place of birth, 18 per cent asked his religion and 14 per cent asked his racial origin. These questions are deemed illegal under Fair Employment Practices legislation.

In Toronto, the committee found some 30 per cent of the firms — and these included insurance companies, banks, and manufacturing companies — had illegal questions on their job application forms. The committee also found that in three out of four placement agencies, the employer was usually told by the agency personnel the ethnic, racial or religious extraction of the applicant.

Understandably these are small, very limited studies. But they provide an indication of the extent to which Fair Employment Practices laws are violated, and also of the lack of knowledge of the general public of the existence of anti-discrimination legislation.

We realize that, in a country as large as Canada, with its great number of minority groups, discrimination may operate against different minority groups in different areas. In the Maritimes, the discrimination against Negro job applicants is perhaps the most serious problem. In Central Canada, discrimination may be directed against Jews and New Canadians, as well as against Negroes. In the Prairies, Indians who leave the reservations to participate or who attempt to participate in outside community life may constitute the No. 1 problem in this field. On the West Coast, Chinese-Canadians and Japanese-Canadians are probably more affected by discrimination in employment than in other areas.

These are the problems which could be the subject of a research program and which should be studied by the government agencies administering fair practices laws.

## PUBLIC EDUCATION

Education is another area that should be examined more closely. The federal Department of Labour has made available some excellent pamphlets and booklets on the legislation and its operation. This radio series is another example of its educational program. But the provincial governments,<sup>1</sup> there are six at present with Fair Employment Practices laws, have provided no educational material whatsoever, except perhaps a copy of the law that was enacted. The provincial agencies administering Fair Employment Practices laws should be prepared to obtain and make use of common educational material — if it were available to them. At least some discussions on the subject would be of advantage to both federal and provincial agencies. We would like to see such a meeting arranged. The result would be more information, interestingly prepared, on the problem of discrimination in employment and fair practices laws, made available to wider sections of the Canadian public than has heretofore been the case.

In such a project the experience of the National Employment Service, which handles more than 1½ million job referrals a year, should not be overlooked. It would be worthwhile to send a questionnaire to the 1,500 referral officers of the National Employment Service to determine what experience they have had with this problem.

## FEDERAL F.E.P. COMPLAINTS

Federal Fair Employment Practices complaints, since the Act went into effect in 1953, have involved three types of discrimination:

*One:* the use of discriminatory questions in the employment application forms of firms under federal jurisdiction. These questions were usually dropped and new forms instituted when the matter was brought to the attention of the firm. Only in one case, where the supposed powers of the head of a

<sup>1</sup> Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan, British Columbia.

government agency were challenged, was there any difficulty. The questions complained of were finally revised — after the case had been on the books nearly two years.

*Two:* the denial of employment to applicants from minority groups. The complaints in this category are not very numerous. Where they have occurred they have been quickly settled by the conciliation and persuasion method. In British Columbia there were complaints about a telephone company's attitude and hiring policies towards Japanese and Chinese-Canadians, particularly for telephone operators. The management denied the charge and shortly thereafter employment ads for the company appeared in the Chinese and Japanese language press. In one case a branch bank manager in Victoria turned down a Jewish applicant for a position in the bank. In another case, a bank manager in Winnipeg had circulated a letter to high school principals in the city on the employment opportunities in banks.

*Three:* the denial of promotion to qualified applicants from minority groups. In almost all cases, complaints under this heading have been against railroads, and involved charges of discrimination because of colour. The cases against a railway for denial of promotions to qualified porters who applied for sleeping car conductors jobs were settled after considerable discussion and resulted in the historic hiring of the first Negro sleeping car conductors on Canadian railroads.

## POSITION OF CANADIAN LABOUR CONGRESS

The Canadian Labour Congress and its Human Rights Committees hold that the test of employee eligibility should be ability of the applicant to do the job efficiently. This, surely, is the intent of the law. Refusal of job referral, or employment, on grounds of colour, race or creed violates that intent and outrages the sensibilities of the individuals concerned as well as of all well-meaning people.

An encouraging feature is that the great body of employers want to comply with the law. Employment application forms which formerly required statement of racial origin and other such objectionable particulars have been changed to conform with the statute.

The Congress Committee on Human Rights has requested that the Government set up a Citizens' Advisory Committee for the purpose of more effectively implementing the Canada Fair Employment Practices Act. Such a committee would no doubt be representative of all interested parties. We expressed to the Government our feeling that in this legislation, where so much emphasis is placed on education, persuasion and conciliation to secure compliance, a Citizens' Advisory Committee can serve a valuable function. The establishment of an advisory body would make available to this Department, on a regular basis, the experience of community, church, labour and employer organizations in dealing with problems of prejudice and discrimination. It would afford the interested non-governmental bodies an opportunity to meet with the Department, to discuss such matters as the special problems of discrimination which might exist in certain occupational or geographic areas of employment: new and more effective methods of providing information on fair practices legislation to the public, and the assistance of voluntary agencies in furthering the elimination of discrimination.

## ALL MEN EQUAL

As all men are equal in the mind of the Creator, and equal before our laws, so must they have equality in our social, industrial and economic life. This is implicit in the Fair Employment Practices Act.

Canada is still a young country, already great in the eyes of the world, respected by all. No one can doubt that its destiny is to become even greater — to be a leader among the nations, accepted as such by peoples of all colours, races and creeds because of the example we will have set within our own community and lives.

