



Job Barriers in the Public Service

By Dr. Lorne Foster

One of the reasons that many anti-racism experts argue for “statistical equality” (that is, hiring on the basis strict population numbers and ethno-racial percentages) to be scrupulously applied in the workplace is that our society is structured on both formal and informal bases of organization.

So, while fair employment laws and public policies such as affirmative action and employment equity may be enshrined into the fabric of society to promote a representative workforce, no amount of formal legislation or political ordinance can neutralize the inequality caused by informal and hidden cultural bias that is embedded in the standards and measures for job selection, recruitment, promotions and rewards.

Formal and informal barriers to employment negatively impact people of colour in different ways. The “*formal barriers*” to income equality occur at the level of institutions – when the system-wide operation of the workplace rules, procedures, and practices deliberately exclude minorities or place them at an unreasonable disadvantage in accessing job opportunities. Many anti-racism experts would concede that formal discriminatory barriers in public workplaces have been virtually eliminated, legislated out of existence under the provisions of the Charter of Rights and Freedoms as well as various provincial human rights codes. And it is specifically prohibited by The Employment Equity Act (1995) and Regulations (the EEA), which came into force on October 24, 1996. But the “*informal barriers*” preventing people of colour from having full and equal involvement in society occur at the level of norms and values – when the dominant White culture maintains control of the job-skills assessment and appraisal process, and ensures its monopoly ownership of high positions within organizations.

Anti-racism experts are coming to understand that invisible and informal employment barriers still prevail in the Canadian work world, and act like an odorless toxin to minority social mobility and the goals of multicultural democracy.

Consider a recent and ironic example.

In a review of the contemporary hiring practice of the federal government (which, of course, both makes and subscribes to hiring laws based on merit) an internal audit report conducted by the research division of the Public Service Commission found that managers in the federal public service continue to hire people they know – including spouses, siblings and cousins – rather than comply with prescribed rules to ensure all Canadians have a fair chance at government jobs.

According to the report, in 51% of placements it was unable to conclude competency and fairness were respected, because key documents were missing. They were missing even though the commission requested the documents “well in advance” of its on-site visits. The commission also found in many cases the files had no evidence at all. And attempts made to locate the missing information were unsuccessful.

The 147-page report was completed in September, 2002, and is based on an analysis of some 1,000 hiring's across Canada at several departments: Fisheries and Oceans, Human Resources Development Canada, the International Joint Commission, the National Library, the National Archives, the Office of the Information Commissioner and Privacy Commissioner and Veterans Affairs Canada.

In this wide ranging overview, the report sites recurring examples in which managers avoided hiring employees through an open competition. In 115 cases where individuals were referred by name for a job, 110 were listed as if they had been hired through a public competition.

In what appears to be a classic understatement, the report described such activity as "misleading" and the fact managers had prepared lists of possible candidates when no competition was ever held "particularly troubling."

The consequences of this troubling managerial procedure are not only anathema to a fair and equitable work environment, but also, as the report indicates continued bureaucratic patronage has a decidedly negative impact employee morale. A section of the report includes anonymous comments submitted by public servants to the commission that are highly critical of the hiring environment in their offices.

Several public servants wrote that it is an open joke that managers list job qualifications in such a specific way that employees can accurately predict who in the office will get the job.

"This is done so blatantly that most staff are able to identify the 'successful applicant' from a cursory review of the poster and statement of qualifications," one employee said. "This practice has become so blatant that some managers will joke about circumventing the competitive process. Not only does this abuse prevent the best candidates from competing but tends to be somewhat demoralizing."

Several employee comments are listed in the report under the heading "Nepotism/Patronage."

"We have two sisters and a first cousin, all managers, in our area," wrote one.

"I was quite surprised by the amount of people related to each other in this department. There seems to be quite a few parents and children here," another wrote.

A third public servant stated: "I find that in my department they hire a lot of family members and friends, which I find to be unfair. There are quite a few husband-and-wife teams along with sisters and brothers working together."

Note that in the end, even departments of the federal government, which created hiring laws and practices based on merit, are not immune to nepotism, patronage, and other informal dynamics of undue privilege and unfair advantage. Moreover, since people of colour cannot as a rule even engage in the discretionary, non-merit intrigues of nepotism and patronage – having no uncles or other close relatives to speak of who occupy high places in the first place – this further surreptitiously increases racial marginalization in the workplace.

Informal barriers to employment equity that continue to covertly contribute to the lower hiring and promotional rates of people of colour in comparison to their White counterparts; and the under-utilization and concentration of visible minorities at the lower levels of an organization and in non-decision making positions throughout the work world; present the critical race relations challenge in contemporary society.

Until merit is seen as a process and not a thing-in-itself (or set of things); and until people of colour are able to participate in the process of determining the standards and measures of

merit; then hiring-by-the-numbers is the only recourse to a semblance of racial equality this country will ever have.