

**March 13, 2021**

**Employer Proposal re Unit 2 Article 5.03**

corresponds to CUPE 3903 proposal #40

Replace existing Article 5.03 with new Article 5.03, 5.03.1 and 5.02 and renumber existing Article 5.03.1 as follows:

5.03.1 Employment Equity Committee

- (a) The Union and the Employer agree to maintain an Employment Equity Committee, which will consist of three representatives of each party. A representative of each party shall be designated as joint Chair and the two persons so designated shall alternate in the Chair. Either Chair may call meetings on at least two weeks' notice to the other members of the Committee.
- (b) The Employment Equity Committee will have access to the non-confidential findings of regular self-identification surveys of all members of the bargaining units. The self-identification survey data will be correlated with information about salaries, terminations and promotions for purposes of reporting to the Employment Equity Committee.
- (c) The Employment Equity Committee's mandate will include setting goals and timetables for the elimination of discriminatory practices and systemic barriers to equal opportunity. Issues to be addressed will include recruitment of employees, selection procedures, job postings, Employer required and provided training, salaries and benefits, and working conditions (including accommodation for persons with disabilities). In this regard, the Employment Equity Committee will review and make recommendations from time to time in respect of the Employment Equity Plan approved by the Parties. The Employment Equity Plan will address the removal of employment barriers in order to achieve the ultimate goal of fair representation of Federal Contractor Program Equity Groups. Fair representation will be taken to mean seeking to achieve and maintain a workforce that is representative of the population of the Federal Contractor Program Equity Groups (defined below) in Toronto or Canada, whichever is proportionately higher.

5.03.2 Terminology and Pronoun Use

- (a) The collective agreement has been amended to reflect LGBTQ2\* throughout.

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- (b) Throughout the collective agreement, the parties have adopted the pronoun “they” to represent the singular in place of *she* and *he*.

5.0.3.3 Definitions

- (a) Equity Groups

For the purposes of the Collective Agreement, Equity Groups are defined as:

- (i) Federal Contractor Program (FCP) Equity Groups: women, visible minorities (racialized groups), Aboriginal peoples (Indigenous), and persons with disabilities; and
- (ii) LGBTQ2\*

Note: The parties have defined LGBTQ2\* as an Equity Group under the collective agreement and wish to remove any employment barriers and barriers for employees that self-identify as LGBTQ2\*. The implementation of LGBTQ2\* as an Equity Group within the Collective Agreement will not interfere with the Employer’s Federal Contractor Program obligations.

- (b) Intersectionality

For the purposes of the Collective Agreement, Intersectionality means the classification of self-identification information for employment equity purposes, considering combinations of two or more of the Equity Groups.

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(c) Externally Available Data

For the purposes of the Collective Agreement, Externally Available Data refers to the most recent Statistics Canada data for FCP Equity Groups by occupation for Canada as a whole or for Toronto, as the case may be.

(d) Internal Self-identification Representation Data

For the purposes of the Collective Agreement, Internal Self-identification Representation Data refers to the self-identification data collected via regular self-identification surveys of current employees conducted by the Office of the Vice-President Equity, People and Culture on a regular basis and Applicant Self-Identification Data defined below in (e).

(e) Applicant Self-Identification Data

For the purposes of the Collective Agreement, Applicant Self-Identification Data refers to the data the Employer collects from the self-identification form that applicants may complete in an application or selection process.

5.0.3.4 Data

In order to make decisions that are supportive of the mandate set out at Article 5.0.3.1(c), the parties will rely on the following data:

(a) Externally Available Data.

(b) Internal Self-identification Representation Data for the most recent consecutive three contract years for which the data is available as of the November 1 proceeding the contract year for which appointment decisions will be made. The Employer will provide this data to the Union on the immediately following December 1.

(i) Where issues of interpretation, data or process arise during implementation, the parties will review these at

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the Employment Equity Committee.

- (ii) The parties acknowledge that it will necessarily be the case that the size of many academic units will render the data contemplated here unavailable for those academic units.
- (c) The sole source of equity data for individual applicants for any appointment and selection procedures or programs listed by Article number in (i-iv) below is the Applicant Self-Identification Data pertaining to the appointment or selection procedures or program involved:
  - (i) Article 12.04.1
  - (ii) Article 12.04.2
  - (iii) Article 24 Affirmative Action
  - (iv) Letter of Understanding - Continuing Appointment Instructor (CAI) Program

5.03.4 Underrepresentation

Unless otherwise agreed upon and, in order not to interfere with the Employer's FCP obligations, where the representation percentages are not lower than those in the Externally Available Data for Canada as a whole, underrepresentation shall be understood to mean fewer employees that identify as belonging to one or more of the FCP Equity Groups than the Externally Available Data for Toronto. Informed by this understanding of underrepresentation, the representation thresholds for the FCP Equity Groups current as of March 1, 2021 are as follows:

Women: 44%

Visible Minorities (Racialized Groups): 30%

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Aboriginal (Indigenous) Persons: 1.4%

Representation data for persons with disabilities is not available either for Toronto or nationally.

5.03.5 Intersectional Application of Underrepresentation Thresholds

The intersectional application of underrepresentation thresholds will proceed as follows:

- 1) In academic units where there are fewer than 44% members in the academic unit employed in bargaining unit work who identify as women and there are fewer than 30% members in the academic unit employed in bargaining unit work who identify as members of a visible minority (racialized group), then an applicant who self-identifies as a visible minority woman (a woman who is a member of a racialized group) will be appointed.
- 2) If there are no visible minority (racialized) women applicants, then an applicant from the more underrepresented group (a woman or member of a visible minority (racialized group)) will be appointed.
- 3) If there are no applicants who self-identify as a member of either group or the academic unit has met both underrepresentation thresholds in (1), then an applicant who self-identifies as an Aboriginal (Indigenous) person or as a person with disabilities will be appointed.
- 4) If there are no applicants from the FCP Equity Groups and or If the academic unit has met the underrepresentation thresholds in (1), then an applicant who self-identifies as LGBTQ2\* will be hired.