

Alberta Human Rights and Citizenship Commission

Summary Report Employers' Perspective Research Project

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Project Steering Committee

Pardeep Gundara	Manager, Southern Region
Charlach Mackintosh	Chief Commissioner
Marie Riddle	Director
Cassie Palamar	Manager, Education and Commission Services (Project Manager)

Data Contributions

Representatives from businesses who participated in focus groups.

Representatives from human rights commissions.

Representatives from businesses that participated in the telephone survey.

Preface

In March 2001, the Alberta Human Rights and Citizenship Commission asked Howard Research¹ to gather information from Alberta employers to learn about:

- (a) their awareness and understanding of their rights and responsibilities under Alberta's human rights legislation;²
- (b) their experiences with human rights in the workplace; and
- (c) the types of resources, programs, or services they are currently using or that would be helpful in preventing discrimination and building inclusive workplaces.

This research was designed to assist the Alberta Human Rights and Citizenship Commission develop targeted and beneficial human rights resources, programs, and services to meet the needs of employers who fall within the jurisdiction of the Alberta commission. Ultimately, targeted programs and a proactive approach to employer education about human rights is aimed at reducing the number of employment-related human rights incidents.

The research was conducted in two phases over the fiscal year 2001-2002.

Using literature review, key informant interviews and focus groups, Phase I of the study was designed to gather information to develop a survey tool to subsequently gather perspectives from the general population of Alberta employers.

Phase II of the study involved the collection and analysis of data provided by a random sample of 562 employers reached by telephone. Respondents to the survey were the individuals in a given organization who dealt with human rights and workplace discrimination matters.

The following report is divided into two main sections. Section One presents the findings of Phase I. Phase II findings are presented in Section Two. To tie both Phases together, a *Highlights* section and *Executive Summary* are offered at the beginning of the report. In addition, an Appendix section includes *Literature Sources*, *Participants List*, *Search Strategy*, *Definitions*, and *Survey Instrument*.

¹ Howard Research and Instructional Systems Inc. is a human and social science evaluation and research firm.

² The legislation is the *Alberta Human Rights, Citizenship and Multiculturalism Act* (chapter H-11.7 of the *Alberta Statutes and Regulations*).



Highlights

Employer Knowledge of Human Rights Legislation

It was not clear from focus group results the degree to which participants understood what constitutes discrimination under human rights legislation. Similarly, survey results indicate that employers are not confident in their understanding of human rights infractions and subsequent actions. They place a high priority on receiving information concerning the different grounds that are protected under Alberta's human rights legislation, legal responsibilities for human rights at work and who is protected, hiring practices, and duties of organizations to accommodate employees.

Informing Employees About Human Rights Issues

Both initial focus group participants and subsequent responses from employers surveyed support the notion that Alberta employers believe human rights issues are important. Phase II results indicate that the importance of human rights issues is rated higher as the company increases in size and as the company employs a larger female workforce.

While the majority of employers believed human rights in the workplace were important, many of them did not provide human rights information to their employees. Again, companies who employed more than nine employees and companies with a greater than 25% proportion of females in their workforce were more likely to provide information.

Experiences with Complaints

Few focus group participants had experienced a human rights complaint reported to the Alberta Human Rights and Citizenship Commission. Approximately 8% of businesses randomly surveyed reported having experienced a complaint in the past five years. As the size of the business increased, it was more likely the employer had experienced a human rights complaint.

During both phases of the study, employers reported that complaints that arose were most likely associated with sexual harassment.

Both focus group results and survey results appear to support the notion that employers like to resolve a complaint before it is reported to an external body. Employers see "internal strategies for resolving issues that arise in the workplace" as a priority issue/topic area on which Alberta Human Rights and Citizenship Commission should provide information.

Perspectives on Discrimination

During the focus groups, employers identified a number of areas that they believed constituted discrimination in the workplace. However, employers also seem interested in what was paraphrased by the focus group facilitator as the “grey areas,” such as discriminatory practices by employers in selecting employees. “Hiring practices” was a priority area identified in the survey as a suggested focus for attention by the Commission.

Perceived Benefits of Positive Practices

Employers interviewed during the focus groups were unanimous in agreeing that positive human rights practices are good for business. They most commonly cited the benefit of a “positive work environment” in attracting the best employees. However, to keep the survey brief and to increase participation by employers, this area was not tested outside of obtaining a general perspective of the “importance” of human rights issues to employers. Qualitative comments generally support the work of the Commission in advancing the importance of human rights issues. There are employers in Alberta, however, who appear to have little time for the issue of human rights and its importance.

Barriers to Positive Practices

While focus group participants offered perspectives on barriers to positive human rights practices such as “limited resources (money and staff),” issues of barriers were not tested with survey participants. Qualitative comments point toward the desire of employers to receive relevant information in a concrete, timely manner.

Accessing Information and Assistance

According to most employers interviewed at the focus groups, the primary source for human rights information is the Commission. Large employers added that their own legal counsel was an important source of information. Representatives from human rights commissions interviewed emphasized the effectiveness of face-to-face sessions with employers (seminars and workshops).

Information Employers Want

Overall, employers surveyed place a “high priority” on receiving information related to their legal responsibility as employers to provide a workplace free from discrimination and on developing internal strategies for resolving human rights issues.

Employers surveyed during Phase II suggest a number of communication formats they may find useful in better understanding and implementing positive human rights practices. Suggestions included:

- printed materials,
- comprehensive Web site, and
- confidential telephone hotline.

Organizations that are unionized and comprised of a large number of employees also favour the following formats for standardized and formal distribution of information:

- videotapes,
- workshops and presentations,
- email, and
- materials that can be integrated into the organization's newsletter, magazine, or bulletin board.

Contribution to the Literature

Current literature does not offer extensive information on human rights issues from an employer's perspective. One of the weaknesses of the literature is its lack of information on the demographic factors that impact perspectives of employers. From an Alberta employer experience, the most influential factors are proportion of females in the workforce and the size of the business. In addition, the literature does not provide much assistance in suggesting what information, and in what formats, employers prefer receiving information about human rights issues. This study provides that perspective.

While specific findings tend to confirm previous notions in the literature rather than raise new insights around human rights in the workplace, it does provide a much needed perspective on what information employers want and in what formats. The experience of Alberta employers would suggest that employers want to better understand their legal responsibilities and to receive that information through print, websites, and telephone hotlines.

In addition, Phase I of this study helps to define a future research agenda that includes

- What does the term "human rights" mean to employers?
- To what degree do employers inform employees about human rights and related issues?
- In what degree are employers unwittingly contravening human rights legislation?

- What scope of benefits do employers perceive through positive human rights practices?
- What barriers keep employers from exercising positive human rights practices?
- How do employers apply the human rights information they receive?

Executive Summary

Summary of Phase I Findings

This summary reflects interviews with employers in Alberta, with representatives of human rights commissions (provincially and nationally). There was also a session held between the researchers and the Project Steering Committee where the *Context Review* and *Focus Group Findings* were presented.

Employer Knowledge

The vast majority of employers interviewed during the focus groups were unable to cite specifics from the *Human Rights, Citizenship and Multiculturalism Act*. Also, it was not clear from their comments of the degree to which participants understood what constitutes a human rights “infraction”—especially employers with smaller businesses. To some degree, representatives of human rights commissions interviewed also suggested that it is difficult to determine the degree to which employers understand the grounds on which a human rights complaint can be brought forward to a human rights commission.

A number of employers implied that issues of human rights are “only paid attention to” if there is a complaint. This response should be more accurately tested since it may suggest the need for human rights materials to portray more “promotion/preventative” themes.

While not a dominant theme, there may be some confusion among employers concerning the terminology associated with the Act. Employers seem reasonably confident about the meaning of “human rights,” but they are not as clear about “citizenship” and “multiculturalism.”

Potential Areas of Inquiry

- What does the term “human rights” mean to employers?
- What constitutes a reason for a human rights complaint?
- When do employers concern themselves with human rights issues?

Informing Employees

Generally, informing employees about human rights issues is the responsibility of management. However, large businesses (50 or more employees) tend to have more formal processes in place to disseminate human rights information (policies, policy manuals/handbooks, hot lines,

human resource officers, employee groups, etc.). Small to medium sized businesses (11-49 employees) tend to provide some orientation about human rights at hiring and post information on bulletin boards. Very small businesses (less than 10 employees) may not discuss human rights at all. This position was supported by information gathered from representatives of human rights commissions.

Potential Areas of Inquiry

- How important is it to employers to inform employees about human rights issues relative to other labour related issues?
- What human rights information do employers pass on to employees?
- When do employers relay human rights information to employees?

Experiences with Complaints

Few focus group participants had experienced a human rights complaint reported to the Alberta Human Rights and Citizenship Commission or other commission.³ If issues arise, employers like to resolve the complaint before it is reported to an external body.

While experience with different types of human rights complaints varied among employers interviewed, sexual harassment appeared to be the most likely issue to surface. Representatives of human rights commissions added that sexual harassment might be more prevalent in the restaurant and fast food industry. In addition, representatives suggested that low paid employees are more likely to be targets of discrimination.

Also, employers raised “maternity leave” as an issue that may become a future human rights issue—because recent legislation has lengthened the time an employer must hold open a job for a person on leave.

Potential Areas of Inquiry

- What is the general prevalence of experience with a human rights complaint as defined by the Act?
- What type of complaints are most likely to be identified?

Perspectives on Discrimination

Employers identified a number of work-related discrimination issues. However, employers also seem interested in what was paraphrased by the focus group facilitator as the “grey areas.” Grey areas are considered human rights issues that were difficult to define such as discriminatory practices by employers in selecting employees (appropriateness of

³ Some employers interviewed had experiences with human rights issues outside the province of Alberta.

interview questions, ability to be mobile, physical appearance, attitude, etc.).

Potential Areas of Inquiry

- Are employers unwittingly contravening human rights legislation and if so, in what ways?

Perceived Benefits of Positive Practices

Employers who participated in the focus groups were unanimous in agreeing that positive human rights practices are good for business. They most commonly cited the benefit of a “positive work environment” in attracting the best employees.

Potential Areas of Inquiry

- What are the benefits employers perceive through positive human rights practices? Which benefit(s) do they identify as most important to their organization?

Barriers to Positive Practices

“Limited resources (money and staff)” is a barrier identified by both small and large businesses in implementing positive human rights. Larger businesses also struggle with issues of policies that promote “affirmative action”⁴ and with deploying and monitoring human rights across the organization—citing the lack of suitable candidates in the former and uncertainty as to whether implementation of human rights practices were carried out by supervisors and managers in the latter.

Again, many employers describe the “negativity” that often accompanies human rights, suggesting that issues of human rights are difficult to discuss and that discussions typically arise only when there is a complaint. For example, employers may be reluctant to discuss sexual harassment with employees because they do not know how to frame the discussion in a positive light.

Potential Areas of Inquiry

- What barriers do employers identify as impeding positive human rights practices?

⁴ While “affirmative action” can have different meanings, generally, focus group participants used the term to mean increasing the presence of specific groups of people (e.g. females, Aboriginal people) in their workforce.

- How strong is the perception among employers that issues of resources and other barriers impede positive human rights practices?
- Do employers see additional grounds (besides those identified by the Act) as potential concerns for employers?
- What do employers perceive as the most efficient way to solve human rights disputes?

Accessing Information and Assistance

According to most employers interviewed, the primary source for human rights information is the Alberta Human Rights and Citizenship Commission. Large businesses added that their own legal counsel was an important source of information.

Employers offered a number of suggestions for materials they may find useful in better understanding and implementing positive human rights practices. Representatives of human rights commissions interviewed emphasized the effectiveness of face-to-face sessions with employers (seminars and workshops).

Potential Areas of Inquiry

- Where do employers go to access human rights information?
- When is human rights information sought, how is it applied, how is it delivered?
- How do employers rate various mediums and formats for offering human rights information and assistance?

Summary of Phase II Findings

During the month of November 2001, Howard Research conducted a general population survey of Alberta employers—namely, the person in a given organization who dealt with human rights and workplace discrimination matters.

The survey was carried out to supplement information gathered from March to June 2001 (Phase I of the Employer Perspectives Research Project) which focused on gaining insights into employer/employee awareness and understanding of their respective rights and responsibilities under Alberta's human rights legislation; employer experiences with human rights in the workplace; and resources, programs or services currently used by employers.

The survey also addressed the degree of priority the Commission should place on issues information and materials formats developed for employers.

During Phase II, 562 Alberta employers were surveyed – 47% of those who identified themselves as being the person in their organization who handles human rights and workplace discrimination matters were males and 53% were females.

The majority of employers (85%) operated in the *Services-Producing* sector; followed by the *Goods-Producing* sector (14%). One employer was in the *Public Administration* sector.

Nearly half (49%) of the organizations surveyed were located in Alberta's two major centres: Calgary and Edmonton.

The number of people employed in an organization ranged from 0 to 4,500. Three hundred sixteen organizations (56%) had workforces comprised of less than 10 employees.

The substantial majority of organizations (97%) did not have unionized workforces.

Importance of Human Rights

Employers generally believed that being informed about human rights in the workplace was important. Human rights were given particular importance when organizations were comprised of a large number of employees and when there was a considerable proportion of females in the workforce.

Table 1. Factors of impact on the importance employers place on being informed about human rights

Number of females in organization	Very important		Fairly important		Not very important	
	Respondents	%	Respondents	%	Respondents	%
No females	28	49.1	19	33.3	6	17.5
76 to 100% female	82	73.2	24	21.4	10	5.4
Number of employees	Very important		Fairly important		Not very important	
	Respondents	%	Respondents	%	Respondents	%
Fewer than 5	91	51.7	60	34.1	25	14.2
50 or more	55	87.3	6	9.5	2	3.2

Location of the business did not appear to influence the responses; nor did the type of business – except when the category contained a significant number of organizations with a large number of employees and a higher percentage of females (e.g., accommodation and food services).

Despite the assertion that the majority of employers believed human rights in the workplace was important, many of them did not provide human rights information to their employees. However, organizations that were unionized and comprised of large numbers of employees were more inclined to provide this information.

Most organizations have not had to respond to any human rights complaints⁵ in the past five years. The highest number of complaints responded to by a particular organization was two. And, the most frequent human rights issues addressed by employers were *sexual harassment* and *age discrimination*.

Suggestion from Employers

Many employers indicated that the Alberta Human Rights and Citizenship Commission should give priority to developing human rights information and support materials for employers. Particular issues and topics that should be addressed are:

- the different grounds that are protected under Alberta's human rights legislation,
- legal responsibilities for human rights at work and who is protected,
- hiring practices,
- duties of organizations to accommodate employees,
- preventing gender-base discrimination,
- creating work environments that are respectful of diversity, and
- developing internal strategies for resolving issues that arise in the workplace.

Preferred Formats

Employers most preferred distributing human rights information to their employers through the following formats:

- printed materials,
- comprehensive website, and
- confidential telephone hotline.

⁵ Not necessarily official complaints to the Human Rights Commission.

However, organizations that are unionized and comprised of a large number of employees also see some value in the following formats for standardized and formal distribution of information:

- videotapes,
- workshops and presentations,
- email, and
- materials that can be integrated into the organization's newsletter, magazine or bulletin board.