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# Women in the workplace

## Canadian law and legislation

After decades of development and application of various legislative and legal regimes designed to address gender equality in the Canadian workplace, there remains a startling contrast between the number of men in senior leadership roles when compared with the number of women in the same level of positions. Despite its best efforts, the law appears to be a somewhat blunt instrument, poorly equipped to address the nuances which are a reality for many women in the workplace.

Although it is difficult to get solid numbers on the number of women in leadership, in 2012 Ryerson University undertook an extensive study and found that although women account for 51.3% of the Greater Toronto Area population, only 28% of senior leaders in the seven sectors analyzed were women.

On a positive note, the education sector (40.8%), which includes the colleges, and government appointments to agencies, boards and commissions (38.5%) both demonstrated the highest percentages of women in senior leadership positions. Not surprisingly, the corporate sector (17.4%) has the lowest percentage of women represented in these positions.

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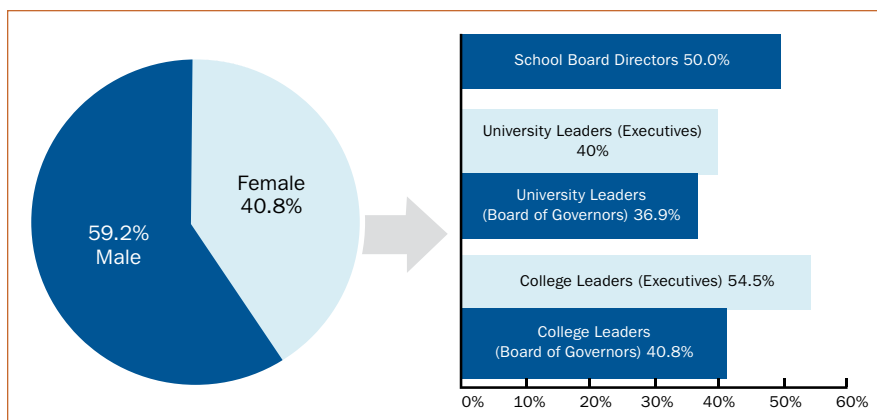
Although there remain fewer women in senior leadership roles, in Canada the provincial and federal human rights regimes and judiciary have attempted to address gender discrimination through the development of the law and legislation. In 1984, *Action Travail Des Femmes v. Canadian National* led to the imposition for the first time in Canada of an affirmative action program intended to address systemic discrimination based on gender when the Supreme Court upheld an order of a tribunal to hire one woman for every four new hires into unskilled and blue-collar jobs.

It was around this same time that *Janzen v. Platy Enterprises Ltd* expanded the definition of sexual discrimination to include “unwelcome conduct of a sexual nature that detrimentally

affects the work environment or leads to adverse job-related consequences for the victims of harassment.” Many years later, this decision informed the Ontario government when in 2009 it introduced Bill 168, *the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009* which amends the *Occupational Health and Safety Act (OHSA)* to impose new obligations on employers with respect to workplace violence and harassment.

Most recently, the law has attempted to address the impact that parental or other family obligations have on employees, recognizing that there is a need to ensure that individuals are not discriminated against on the basis of family status. There is a developing body of case law that both defines and sets limits on the meaning of discrimination based on “family status.” In *Health Sciences Assn. v. Campbell River* [2004] 240 DLR (4th) 479, the court stated that a *prima facie* case of discrimination is made out when a change in a term or condition of employment imposed by an employer results in a “serious interference” with a substantial parental or other family duty or obligation of the employee.

While there remains a need for all employers to develop and maintain an awareness of gender discrimination, there is a foundation which exists to protect and promote gender equality in the workplace. **CA**



Representation of women senior leaders in the education sector, 2011 [See <http://www.ryerson.ca/diversity>]