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**PUBLIC POLICY MASTER THESIS**

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April 2023

# **Visible Minorities in the Canadian Mosaic?**

## **Investigating the Conflation of Race and Culture in Federal Employment Equity Policy**

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### **Abstract**

This interdisciplinary paper aims to explore whether there exists a conflation of race and culture in Canadian federal employment equity policy for 'visible minorities.' The conflation of race and culture was established in the United States, and I import this theoretical framework to the Canadian case to answer questions posed by the Employment Equity Act Review Task Force. I use a qualitative approach, with both textual analysis of relevant government documents and thematic analysis of thirteen semi-structured interviews with policymakers, experts, and activists, to ascertain the evidence, causes, and consequences of a conflation of race and culture in the Canadian context. Through the Abella Report, I find that a similar conflation of race and culture does exist within federal employment equity policy. Canadian multiculturalism policy, as well as distancing from the US example, are identified as causes of this conflation. A consequence of this conflation is demonstrated by the census question on population group, despite being designed to designate members of visible minorities—a category that is a euphemism for race. Several policy recommendations are made with a view towards further decoupling race and culture, in light of the debate over the term visible minority, as well as continued shortcomings of employment equity and failings to realize the ideal of Canadian multiculturalism.

### **Key words**

Visible minority, employment equity, multiculturalism, antidiscrimination, affirmative action, Canada

*To Bruce and Carina*

## ACKNOWLEDGEMENTS

My family deserves the first thank you and especially my parents—for their absolute belief in me and support of my academic pursuits (even when they take me abroad).

Christian Del Villar, my favourite person to talk about my research with, thank you for reading every single word with care.

All of my friends deserve thanks for their encouragement, but Mischa Milne, Esmé Lafleur, Maria-Alba Benoit, Clara Gatien, and Hannah Desharnais were particularly helpful through their judicious proofreading. A special thanks to Jasmine Ashley-Dy, whose critiques gave me the confidence to make some eleventh hour changes, rendering this paper something that I can proudly defend. Also, thanks to Eleanor Aston, who I enlisted to act as my librarian back home.

Clara Ruthardt was in the boat with me, rowing everyday. Spending the first third of the year with you on the 5e étage of 27 rue Saint-Guillaume was a treat. Thank you.

Thank you to Daniel Sabbagh for agreeing to be my supervisor and for his indispensable guidance. Thank you as well to Patrick Simon for agreeing to be the co-jury and taking the time to critically read this paper.

Finally, I am immensely grateful for all of the interviewees, who donated their time and energy to answering my questions.

I would also like to acknowledge my whiteness in relation to my position and privilege. As a researcher, I cannot speak to the diverse lived experiences of ‘members of visible minorities’ in Canada. I have approached this topic with the utmost humility, respect, and academic care. I feel honoured to have the opportunity and resources to engage with, and hopefully contribute to, such an important area. I aspire to belong to a Canada that lives up to its image of multicultural inclusivity and I hope that this intention shines through.

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## **INDEX OF ABBREVIATIONS**

Abella Report: the Royal Commission on Equality in Employment

CSR: Corporate Social Responsibility

DEI: Diversity, Equity, and Inclusion

EEA: *Employment Equity Act*

SSI: Semi-Structured Interview

US: United States

## WHY SHOULD I READ THIS RESEARCH?

The relevance of my research is supported by the existence of the Canadian federal government's *Employment Equity Review Act* Task Force, which is set to submit its report to the Minister of Labour in the spring of 2023. The Task Force was provided with four policy briefs, with the first on “defining and expanding equity groups.” The issue being:

How to define and modernize the *Employment Equity Act*'s designated groups?

Should the *Employment Equity Act* redefine and/or reflect the modern understandings of the current designated groups (for example, different subgroups within the larger group) and consider adding more groups?

If so, why and how should the 4 designated groups be redefined and which groups should be considered for addition?

How can the definition and expansion exercise improve labour market outcomes and support the Government of Canada's diversity and inclusion priorities?

(Government of Canada, 2021)

Aside from the final sub-question, which is beyond this paper's objective, I will attempt to answer this question exclusively vis-à-vis one of the four designated groups: that of visible minorities. This is not the first time that these questions have been asked—or answered. The most directly relevant research I found on the topic was that of Karim H. Karim in a 1996 report he wrote with the support of the Department of Canadian Heritage. As is clear in the Conclusion, my policy recommendations are parallel to his, but their substantive elements differ on key points. Leading to these recommendations, there are three central dimensions that distinguish my research. First, and perhaps most obviously, I am writing 27 years after Karim. While the questions being asked by the Task Force are essentially the same as those which Karim treated, the context and realities which need to be considered are dramatically different (as I sketch in the Introduction). Second, this paper confronts the questions from an strictly academic perspective and by employing a specific theoretical framework otherwise unimported in the Canadian context with its distinct feature of multiculturalism as official policy—that of a conflation of race and culture as established about and in the US by the likes of David Hollinger, Richard T. Ford, and Daniel Sabbagh. Third, and relating to the theoretical framework, this paper brings in a comparative lens to the US when relevant. My contribution is by establishing this conflation as a transnational trend and offering policy recommendations (and answers to the questions of the Task Force) through this framing, otherwise unconsidered.

## 1. INTRODUCTION

Trudeau's most radical argument is that Canada is becoming a new kind of state, defined not by its European history but by the multiplicity of its identities from all over the world. His embrace of a pan-cultural heritage makes him an avatar of his father's vision. "There is no core identity, no mainstream in Canada," he claimed. "There are shared values — openness, respect, compassion, willingness to work hard, to be there for each other, to search for equality and justice. Those qualities are what make us the first postnational state." (Lawson, 2016)

When Justin Trudeau was first elected prime minister in November 2015, his "Sunny Ways"<sup>1</sup> optimism about Canadian society spoke to a commonly held belief amongst Canadians, that they belong to a multicultural country, composed of and welcoming immigrants from around the world. This self-understanding is not one that Canadians arrived at without institutional backing; in fact, it was Justin Trudeau's father, Pierre Elliott Trudeau, who announced multiculturalism as official government policy in 1971. Five years later, the *Immigration Act, 1976* transformed Canadian immigration policy and thus demographics while multiculturalism was concurrently being piloted. Upon the 1982 patriation of the Canadian Constitution, the Charter of Rights and Freedoms was added, including section 27, stipulating that the Charter "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada" (Government of Canada, 1982).<sup>2</sup> Affirming its multicultural identity, Pierre Trudeau's Liberal government established a Royal Commission in 1983 "to explore the most efficient, effective, and equitable means of promoting equality in employment for four groups: women, native people, disabled persons, and visible minorities" (Abella, 1984).<sup>3</sup> The resultant "Equality in Employment: A Royal Commission Report," authored by the Commissioner, then-Judge Rosalie Silberman Abella, was presented a year later, birthing a novel, uniquely Canadian conception of equality:

Equality in employment is not a concept that produces the same results for everyone. It is a concept that seeks to identify and remove, barrier by barrier, discriminatory disadvantages. Equality in employment is access to the fullest opportunity to exercise individual potential.<sup>4</sup> (Abella, 1984)

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<sup>1</sup> Justin Trudeau made reference to Sir Wilfrid Laurier and the "sunny ways" approach in his victory speech, and was widely associated with the term thereafter (CBC News, 2015).

<sup>2</sup> The Charter also established equality rights under Section 15(1): "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Constitutional authority for affirmative action is derived from section 15(2): "subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability" (Government of Canada, 1982)

<sup>3</sup> The federal government has since employed different language for all but the first group: Indigenous peoples, persons with disabilities, and *members of* visible minorities (Employment and Social Development Canada, 2023). More on the fourth category later.

<sup>4</sup> Abella's definition of equality does not amount to conflating it with antidiscrimination: she later states that "not all disadvantages derive from discrimination. Those that do demand their own particular policy responses" (Abella, 1984).



Canadian multicultural society henceforth came to be understood as one not only in which peoples from all over the world live and are *treated equally*—a foundational idea of Pierre Trudeau’s ‘Just Society’ conception of Canadian liberalism (Weaver, 1981)—but also one in which all peoples are guaranteed the same opportunities and may be *treated differently* to that end. Furthermore, rather than import the concept of affirmative action from the United States, Justice Abella created the concept of employment equity to indicate the types of initiatives required to make equality in employment a reality. The Conservative government under Prime Minister Brian Mulroney inherited the Report’s recommendations and adopted some of them, passing the *Employment Equity Act (EEA)* in 1986, which took effect the following year.

Canada’s population has changed dramatically since the report was published and since the second iteration of the *EEA* in 1995—and will continue to change. More than 450 ethnic or cultural origins were reported in the 2021 Census of Population<sup>5</sup> and Canada is set to welcome 1 450 000 permanent residents before 2026 (Government of Canada, 2022a). In 2021, 5.7 million people, in a country of 36.99 million, identified as ‘Canadian,’ statistically affirming Canada’s constructed identity. While ‘Canadian’ may have been the most popularly reported ‘ethnic or cultural origin’ in the 2021 Census, colonization founded Canada, and immigration has remained its lifeblood. Statistics Canada recognizes that “together, immigrants, Indigenous people—who have walked this land for thousands of years, before Europeans settled here—and their descendants have helped shape Canada as it is known today” (Government of Canada, 2022b). Immigration presently accounts for almost all labour force growth and is projected to account for all population growth by 2032 (Government of Canada, 2022c). In 2021, 23% of people counted were or had been a landed immigrant or permanent resident in Canada and only 8.8% of people were not citizens (Government of Canada, 2022d). Canada’s aging population and low fertility rate contributes to the possibility of immigrants representing over 30% of the population by 2041. For the past decades, the largest proportion of recent immigrants to Canada have come from Asia, including the Middle East: Asian-born immigrants accounted for 62% of immigrants admitted from 2016 to 2021. In this timeframe, Canada also welcomed an increased number of Africa-born immigrants. Contrastingly, the proportion of Europe-born immigrants continued a 50-year downward trend, with only 10.1% of immigrants coming from Europe in 2021 (Government of Canada, 2022b).

Based on the *EEA*’s definition of visible minorities as “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour,” immigrants to Canada in the coming years will overwhelmingly be designated as visible minorities, thereby expanding the group’s general population share (Government of Canada, 2022e). Canada’s history of settler-colonialism and its steady immigration renders Justin Trudeau’s appeal to a ‘postnational’ image of the state enticing. It is arguably an extension of the enduring twentieth-century ‘mosaic’ concept: that Canadian society is a multicultural collage as opposed to a unicultural melting pot, an idea popularized in post-war America.

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<sup>5</sup> As compared to over 250 ethnic origins or ancestries being reported by the Canadian population in 2016 (Statistics Canada, 2017).

Partly to address the aforementioned ongoing demographic shifts, the federal government launched a Task Force on the *Employment Equity Act* Review in 2021. Nearly forty years after Abella led the Commission, and two iterations of the *EEA* later, the Task Force was mandated to submit a report on how the federal employment equity framework can be modernized and strengthened. The Task Force's scope includes four areas of study, with 'equity groups' as its first. This paper will attempt to answer its first question, which, essentially, asks: *Should the definition of the designated groups that the Employment Equity Act focuses on be revised? In particular, should some groups be subdivided into smaller units? Should other groups be added? If so, on what grounds?* (Government of Canada, 2021a).

This paper will only focus on one of the four designated groups: 'visible minorities.' The category is perhaps the most puzzling in its formulation; it also represents a uniquely Canadian concept.<sup>6</sup> The 2021 Census of Population's question for *EEA* purposes illustrates this puzzle. The question asks respondents "Is this person:" White, South Asian, Chinese, Black, Filipino, Arab, Latin American, Southeast Asian, West Asian, Korean, Japanese, Other group—specify.<sup>7</sup> Notably, race is not mentioned in the question, nor is ethnicity. But the categories offered as options for respondents are made up of a *mélange*: the colours/races of White and Black, the cultural and linguistic category of Arab, the broad regions of South Asia, Latin America, Southeast Asia, and West Asia,<sup>8</sup> and the countries of China, the Philippines, Korea, and Japan. This is also true in the US, where one finds colour categories (White, Black) and national origins (for all Asian groups) as potential answers to the question on 'race'—this heterogeneity is probably constitutive of the concept of race itself, which is ambiguous and debated. Returning to the Canadian population group question, this *mélange* has many unexplained holes; for example, the African continent and diaspora are absent in geographical and ethnic terms, supposedly reduced to the 'Black' category. The conceptual confusion is evident and is this paper's central concern, which aims to offer a nuanced response to the Task Force's questions that relate to the visible minority category, taking into account the historical development of multiculturalism and employment equity policy in Canada.

Most scholars who have identified and criticized a conflation of race and culture have been focusing first on the US and second on higher education. I aim to provide an analysis and empirical description of the Canadian case within the specific analytical framework of this conflation in the US as pioneered by David Hollinger, Richard T. Ford, and Daniel Sabbagh. This paper's research questions therefore are:

*Research question 1:* To what extent has a conflation of race and culture permeated Canadian employment equity?

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<sup>6</sup> While the term visible minority is uniquely utilized in Canada, Abella's concept of equality in employment has been adopted in other jurisdictions (notably Northern Ireland and South Africa).

<sup>7</sup> "For each census, the mark-in categories in the question are re-ranked based on their frequencies (from the highest to lowest) from the previous census" (Government of Canada, 2022).

<sup>8</sup> The delineation of these geographic lines are contested on their colonial origins as well, both within and between the listed 'regions.'

*Research question 2:* And to what extent should this conflation be addressed in answering the Task Force's question of "How to define and modernize the *Employment Equity Act's* designated [visible minorities group]?"

In response to the research questions, I have two major hypotheses:

*H1:* Canadian employment equity policy expresses a similar yet more pronounced conflation of race and culture to that documented in the United States.

*H2a:* This conflation of race and culture contributes to the ineffectiveness of Canadian employment equity policy and to the failures in realizing the multiculturalist ideal underlying its official policy.

*H2b:* The visible minorities category should be redefined to combat *EEA* deficiencies and to disentangle notions of race and culture.

In terms of scope, this paper will concentrate on the time period leading up to the conception of employment equity in the early 1980s until the present day. The research puzzle primarily concerns *Canadian* multiculturalism and employment equity, and therefore will focus on the federal-level. Provincial perspectives will be drawn upon as needed, particularly through Quebec which distinguishes itself from the rest of Anglophone Canada with its unique *interculturalist* approach.

To answer the research questions and expose the hypotheses, this paper takes an overarching interdisciplinary approach spanning political science, sociology, philosophy, and history. This paper, first, documents, through textual analysis of primary source documents and thematic analysis of interviews, the abovementioned conflation in Canada, thereby establishing a transnational trend, perceptible both in officially multiculturalist (Canada) and non-officially multiculturalist (the US) countries. Second, it will identify the specific causes of this conflation. Third, this paper will identify consequences of this conflation. Fourth, the paper will include a normative argument supporting the assertion that this conflation has negative consequences. Fifth and finally, this paper will suggest modifications so as to undo this problematic yet taken-for-granted conflation.

## 2. LITERATURE REVIEW

The interdisciplinary literature review aims to cover multiculturalism, employment equity, and the designated group of visible minorities. In the second half of the literature review, I focus on scholarship on the US conflation of race and culture (historian David Hollinger, legal scholar Richard T. Ford, political scientist Daniel Sabbagh), forming the basis of this paper's theoretical framework.

### **2.1 Multiculturalism**

This literature review starts with multiculturalism, discussing it from a political philosophy perspective before briefly addressing its history in Canada. I then consider Quebec's policy of interculturalism, finishing with a comparison to the US.

#### ***2.1.1 Will Kymlicka and Multiculturalism in Liberal Theory***

Will Kymlicka is a Canadian political philosopher and author of the seminal book *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Published in 1995 and building off his first book *Liberalism, Community, and Culture* (1989), it remains foundational to the study of multiculturalism, with liberal theory as part of the justification for the policy in Canada.<sup>9</sup>

In response to increasing ethnic, racial, and cultural diversity across the globe, Kymlicka considers the issues of identity and group rights, and the implications for public policy in relation to liberal tradition. He centres his theory on ethnocultural groups, of which he identifies two types: national minorities in multinational states and ethnic groups in polyethnic states. Canada contains both types, with francophones and Indigenous peoples in the former, and many ethnic groups as a result of immigration in the latter. In his view, ethnic groups wish to integrate into the foreign society they find themselves in, while simultaneously retaining key aspects of their culture: "in rejecting assimilation... [they] are not asking to set up a parallel society, as is typically demanded by national minorities" (Kymlicka, 1995). Affirmative action policies are a form of what Kymlicka calls polyethnic rights, which serve immigrant integration. In contemplating why culture is central to individuals, Kymlicka writes that:

Cultural membership provides us with an intelligible context of choice, and a secure sense of identity and belonging, that we call upon in confronting questions about personal values and projects. (Kymlicka, 1995)

Culture is the matrix of meaningful options between which individuals must choose, a freedom that is protected and valued within liberal theory. As a result, group-differentiated

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<sup>9</sup> Pierre Trudeau made this connection between liberalism and multiculturalism explicit in his original 1971 parliamentary statement: "A policy of multiculturalism within a bilingual framework is basically the conscious support of individual free choice. We are free to be ourselves" (Kymlicka, 2007). The connection is also evidenced in the *Canadian Multiculturalism Act* of 1988, where the preamble "begins by saying that *because* the Government of Canada is committed to civil liberties...and *because* it is committed to equality... *therefore* it is adopting a policy of multiculturalism" (Kymlicka, 2007).

rights that protect minority cultures align with and bolster liberal values, which he believes are the most important values in a democratic context.

In his more recent *Multicultural Odysseys*, Kymlicka looks at the international diffusion of (liberal) multiculturalism. In analyzing the Canadian *Multiculturalism Act, 1988*, multiculturalism is set up as part of the human rights revolution and an extension of civil rights liberalism; it is firmly planted within liberal-democratic constitutionalism (Kymlicka, 2007). He states it has become normal within traditional countries of immigration (Australia, Canada, New Zealand, and the US) for immigrants and their offspring to maintain and express an ethnic identity, and for that identity to be accommodated by public institutions. Kymlicka points out that Canada, which has one of the strongest national multicultural frameworks in the world, actually has “the best track record in the economic and political integration of immigrants” in the last thirty years of the millennium (Kymlicka, 1998).<sup>10</sup> He ends his chapter “Evaluating Liberal Multiculturalism” without a conclusion as to the overarching success or failure of multiculturalism in Western democracies, mostly due to a lack of overall evidence. However, Kymlicka does draw some provisional conclusions: first, that “liberal multiculturalism is consistent with the pacification and domestication of ethnic politics,” as they have become normal and not completely destabilizing in countries where liberal multiculturalism exists (in the West), and second, that liberal multiculturalism aids in deepening liberalization and democratization (Kymlicka, 2007). Unsurprisingly, the liberal democracies of the West have subscribed to a multiculturalism which is liberal democratic (Kymlicka, 2007).

### **2.1.2 Origins in Canada and Official Policy**

In studying the pre-history of Canadian multiculturalism, David R. Meister details the development of cultural pluralism in *The Racial Mosaic*. He demonstrates how early ideas of cultural pluralism and diversity in Canada were limited by and rooted in settler-colonialism and racism. In the early twentieth century, Anglo-Canadians “held one belief in common: that people racialized as non-white were unfit to settle in Canada, regardless of their farming skills” (Meister, 2021). It was in this context that cultural pluralism emerged, represented by a ‘Canadian Mosaic,’ but which was focused exclusively on European cultures.

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<sup>10</sup> Kymlicka qualifies this assertion by recognizing that both Canada and Australia have designed their immigration systems to selectively recruit and admit skilled immigrants, which may in turn allow for easier and more successful integration. Regardless, he bases the assertion on studies conducted by Irene Bloemraad, which attest to the instrumentality of Canadian multiculturalism policy in facilitating integration. She conducted studies of Vietnamese and Portuguese immigrants of similar demographics in Boston and Toronto, and found better integration for both Toronto groups, with multiculturalism policies being decisive in this respect. Moreover, in *Becoming a Citizen*, Bloemraad compares the representation of the foreign born in the US House of Representatives to the Canadian House of Commons. In 2000, their indexes of representation were 0.41 and 1.19 respectively, showing that Canada has better representation. (Bloemraad, 2006). However, within Canada, the difference between the indexes of 1971 when multiculturalism became official policy and a decade later in 1981 was only 0.4 (0.74 versus 0.78), limiting the conclusions that can be drawn as to the significance of the policy. Withal, Bloemraad concludes that “in cases of citizenship acquisition, political participation, and electoral representation, the results seem clear: on average Canada has been doing better than the United States, in part because multiculturalism provides the symbolic and material resources needed to take out and exercise political membership” (Bloemraad, 2006).

Karim H. Karim, in 1993, identifies a trend to compartmentalize the population into four exclusive sections, or main cultural communities, as stated by a parliamentary Standing Committee the year prior: Canadians of English-speaking origin, Canadians of French-speaking origin, aboriginal peoples, and, finally, Canadians of other varied ethnic backgrounds. This trend has undermined the notion of multiculturalism as meaning the whole country's population. Karim argues that "'the multicultural community,' officially held to consist of the entire society, is... reconstructed and marginalized to mean only 'the others'" due to the lack of discursive power held by ethnic minorities, and in spite of the symbolic resources government discourses allocate them (Karim, 1993).

According to Patrick Simon, after multiculturalism policy's announcement in 1971, came its three key legislative components: the *Charter* in 1982, the *EEA* in 1986, and the *Multiculturalism Act* in 1988. Simon proposes that multiculturalism policy has a "multiculturalizing" effect on state functions and society in general, but that it produces its strongest interpellation effects<sup>11</sup> on the beneficiary (designated) groups (Simon, 1997). However, before the officialization of multiculturalism, discussions of multicultural Canada were focused on the conflict between the French and the British, considered to be the two "founding peoples" and languages. This cleavage impacted the evolution of national ideology, rendering it difficult for a robust Canadian identity to be achieved and further impacting the census questions and categories.

Kathy Hogarth and Wendy L. Fletcher offer that the concept behind Canada's multiculturalism policy is centred around two distinct ideals: "(a) The maintenance of heritage, cultures and identities and (b) the full and equitable participation of all ethnocultural groups in the life of larger society" (Hogarth and Fletcher, 2018). They argue that just cultural maintenance leads to separation and segregation, while just participation leads to assimilation and a melting pot.

In *Selling Diversity: Integration, Multiculturalism, Employment Equity, and Globalization*, Yasmeen Abu-Laban and Christina Gabriel survey multiculturalism's evolution as federal policy and within public perception. Canada was the first country in the world to adopt multiculturalism as official policy in 1971, which at the time highlighted cultural maintenance and folklore. In its next major iteration, multiculturalism was more associated with antiracism. The authors argued that in the 1990s, Canadian policymakers premised multiculturalism on a globalization discourse of business and trade which "has served to draw the link between diversity and business prosperity, international trade links, and Canada's global competitiveness" (Abu-Laban and Gabriel, 2008). This enabled the internationalization of multiculturalism and rendered Canada a key player in shaping

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<sup>11</sup> By interpellation, Simon means the internalization of cultural or ideological values, which leads to the essentialization of a social category of actors, and the institutionalization of differential modes of incorporation into Canadian society that ultimately promote separation rather than inclusion of visible minorities (Elbaz and Murbach, 1993; Simon, 1997).

international conceptualizations. However, this linkage has been forged by arguing for a multiculturalism that is premised on national and global competitiveness over national inclusion and belonging. By valorizing global business first and foremost, policymakers have created a tension between this iteration of multiculturalism and its original foundation of respect and recognition. The policies of immigration, multiculturalism, and employment equity “have been repositioned by state actors as valuable to the Canadian policy insofar as these demands conform to a discourse on globalization that stresses neo-liberal ideas” (Abu-Laban and Gabriel, 2008).

### ***2.1.3 Quebec’s Interculturalism***

I would be remiss not to differentiate Canadian multiculturalism from Quebec’s interculturalism. The latter, which was developed throughout the 1980s in the French-language province, “posits interaction and exchange between cultural groups rather than maintaining ancestral identities” (Armony, 2016). As Victor Armony explains, the three pillars of federal, English-speaking Canada’s immigration and integration policy—multiculturalism as an ideal, the points system for the selection of skilled workers, and settlement programs based upon substantial provincial autonomy—do not apply in the same way in Quebec, which enjoys a unique status. Zeroing in on the competing models of integration,<sup>12</sup> Armony contends that they “are not opposed, but rather two variations of the same model of integration” (Armony, 2016). While he argues Quebec’s approach does not amount to an anti-immigrant view, it does constitute a less pluralistic understanding of immigration and diversity in society insofar as it obligates all communities to “adopt a common public culture, defined by use of the French language and by certain fundamental values” (Armony, 2016). Armony argues that Canadian multiculturalism also aspires to converge everyone around a common language and universal values and that there are no substantive tensions, in practice or in principle, between the two policies. Any differences amount to matters of degree, societal context and ideological sensibilities, like word choice. However, regardless of the arguable congruence of the two policies, when I speak generally about Canada I am excluding Quebec from my argumentation.

### ***2.1.4 The US Reference Point***

In her book *Becoming a Citizen*, Irene Bloemraad studies citizen acquisition and political participation among the foreign born in the US and Canada. Bloemraad compares Canadian multiculturalism and settlement policy to the US’s relative lack thereof, and thus concentrates on such policies as a key variant between the two countries that affect outcomes. That multiculturalism is policy in Canada is consequential, “[bringing] together an emphasis on the symbolic value of a diverse citizenry with concrete support for minorities” (Bloemraad, 2006). She attributes the success and endurance of Canadian multiculturalism to the indispensable role it has played in Canadian nation-building. Bloemraad’s work aids in unpacking the distinctions between how Canada and the US recognize diversity:

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<sup>12</sup> Models of integration are “normative and policy frameworks that seek to define and facilitate immigrants’ transition toward full national membership” (Armony, 2016).

[The former] identifies immigrant communities primarily using linguistic and cultural distinctions, with a secondary recognition of “visible minorities,” while the latter primarily recognizes racial distinctions in the public sphere but welcomes ethno-cultural diversity in the private sphere. (Bloemraad, 2006)

In discussing the exceptionalism of Canadian multiculturalism, Bloemraad explains that it “suggests cultural recognition on the basis of ethnicity rather than race,” unlike American race-based multiculturalism which ill-serves immigrants (Bloemraad, 2006). In reference to David Hollinger’s work, Bloemraad states that this racialized conception of multicultural citizenship is unappealing to migrants: “not only does it erase their unique background and heritage, but the historic use of race to ascribe second-class citizenship makes them suspicious of such categorizations” (Bloemraad, 2006). Bloemraad agrees with Hollinger that cultural recognition cannot be based on the American ethno-racial pentagon, while holding that race can still be a focal point of public policy. The persistence of race-based discrimination should be the justification for political categories, such as ‘person of colour’ or ‘visible minority,’ which are then used to determine who receives greater protections and access to affirmative action programs.<sup>13</sup>

## **2.2 Employment Equity**

Much of the available literature reviewing the *EEA* and employment equity in Canada generally is geared towards one designated group in particular: women. For example, Abigail B. Bakan and Audrey Kobayashi’s study confirms the existence of a gap between employment equity policy and implementation, and the variation among provinces in the presence, formulation, and implementation of such a policy (Bakan and Kobayashi, 2000). My work contributes to the literature by focusing instead on visible minorities and, rather than examining the technical dimensions of employment equity, to question the ideas which are embedded within it and consider how those may be impeding the achievement of its goals.

Laure Bereni’s book *Le management de la vertu* discusses how the trend of diversity management of the past twenty years is part of the shift towards “responsible capitalism” which has made it the business of the private sector to contribute to solving socio-political problems, thereby taking up some of the space that was previously entirely occupied by states (Bereni, 2023). Bereni’s study reveals that diversity managers do not have the resources and funding to tackle all of the forms of discrimination and inequality that prevail in organizations. This limitation in means reveals that what is “‘good for business’ is the appearance of diversity, rather than diversity itself” (Bereni, 2023). That diversity policies are largely symbolic, amounting to virtue-signalling and a form of ‘washing,’ is supported by the finding that they have failed to have a substantial effect on the lives of most employees. Carol

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<sup>13</sup> Bloemraad adds that “beneficiaries of such programs could include immigrants, since phenotype does not distinguish between the foreign and native born. An argument could also be made, however, that in certain countries specific physical features elicit greater discrimination than others due to particular histories of acute exploitation and domination” (Bloemraad, 2006). The barriers faced by immigrants and by ‘visible minorities’ can be both distinct and overlapping.



Agocs and Catherine Burr compare managing diversity to employment equity and affirmative action in their 1996 article. They flag central issues of diversity management:

To the extent that it lacks a clear focus on discrimination in employment and the disadvantage it creates, managing diversity blurs the issue of inequality and does not engage questions of how organizational policies, procedures and practices create discriminatory barriers that perpetuate inequality on the basis of gender, race, ethnicity and disability. (Agocs and Burr, 1996)

In both national contexts, however, diversity managers push back against the four “*spectres politiques de la diversité*” that Bereni identifies by affirming to colleagues that diversity is not a program for the benefit of minorities, a source of ideological fractures, and neither a policy dictated by law nor an initiative driven by ethical considerations (Bereni, 2023). The last spectre, the risk that diversity be perceived as a byproduct of antidiscrimination law, is especially of concern to diversity managers in the US, where a rigid symbolic boundary has been drawn within companies between diversity management and antidiscrimination law compliance (Bereni, 2023). In France, however, diversity management has been hybridized as a private and public function: “compliance with legal obligations is generally presented by diversity managers as the foundation of their function, and diversity as a dimension of CSR” (Bereni, 2023).<sup>14</sup> Another difference between the US and France is the relationship between race and diversity management. In the US, ethno-racial minorities are essentially the primary targets of company diversity programs despite a dominant discourse of valuing “all difference” since the 1990s. In France, such programs were predominantly deracialized despite (particularly post-colonial) discrimination and origin-based inequalities starting out at the top of the agenda.

### **2.3 Categorization of Visible Minorities in the Census**

Few sources mention the origins of the term visible minority, but those that do credit Kay Livingstone, an organizer and activist for antidiscrimination and against anti-black racism. She coined the term while planning a national conference on racialized communities living in Canada in 1975 (Yarhi, 2019). However, a 1971 report to the Ontario Human Rights Commission on employing visible minority groups in mass media advertising included the earliest known published reference to the term, though the report did not provide a definition (Karim, 1996).

Canada does not count race in its census. Debra Thompson’s book *The Schematic State: Race, Transnationalism, and the Politics of the Census* compares Canadian, British, and American census-making. Thompson describes how in the post-WWII climate, Canadian and British public officials ascertained that race was an excessively divisive notion. There is a paradoxical nature to Canada’s approach to race in that the state does “not wholly or

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<sup>14</sup> CSR and DEI are different but often combined strategies. The former is a broad business concept while the latter entails the policies used to promote representation and participation in the workplace.

explicitly adhere to the republican principle of colour-blindness, and therefore not counting by race in the census is not because the state ignores race in all avenues” (Thompson, 2016).<sup>15</sup>

Although multiculturalism is not the main focus of her book, Thompson distinguishes between its descriptive, institutional, and normative dimensions: (1) “as a description, multiculturalism refers to the fact of racial, ethnic, and religious diversity;” (2) “institutionally, multiculturalism refers to a broad range of legislation, policy, and programs that manage racial and ethnic diversity, often seeking to prevent, reduce, or punish discrimination based on racial, ethnic, or religious grounds in public and private spheres;” and (3) “in a normative sense, multiculturalism is a social ideal—an ideological stance about how individuals and groups across racial, ethnic, and religious lines can coexist and work together toward the creation of more just and equitable societies” (Thompson, 2016). The final, normative dimension of multiculturalism is the most contentious, especially in terms of striking a balance between minority rights and majoritarian culture, and its content is debated and renegotiated in public discourse and policy. Notably, multiculturalism grapples with the conceptual conflict between colour-blindness and race-consciousness.

There were calls for more accurate racial minority statistics, particularly in the wake of both the “Equality Now! Report of the Special Committee on Visible Minorities in Canadian Society” and the Abella Report, both released in 1984. While the visible minorities category is defined as a designated group by the *EEA* legislation, this legislation “does not identify which racial groups are to be included under [the] generic label [of visible minorities]” (Thompson, 2016).<sup>16</sup> The list of defined subgroups has evolved over the course of the policy’s life, but at the outset was drafted by the interdepartmental employment equity working group set up to complement the *EEA*.

Government bodies agreed that the census was the avenue through which to collect better data on racial minorities. The 1981 question on ethnic origin, preceding the introduction of employment equity, was designed to capture data on language and cultural groups, not race.<sup>17</sup> In 1986, the ethnic origin question re-appeared, asking “to which ethnic or cultural group(s) do you or did your ancestors belong?” and offering respondents fifteen group options and three write-in spaces. In 1986 and 1988, questions on race were tested for the first time, based upon a proposal of the interdepartmental working group and supported by a majority of government departments. But “in spite of... positive results, a direct question on race did not appear on the 1991 Census; instead, the 1991 ethnic question mirrored its

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<sup>15</sup> Note that this approach is defended by Bloemraad (see above) who builds on a claim made by Hollinger (see below).

<sup>16</sup> Recall that, “in the Canadian scheme, being a racial minority depended on corporeal visibility in a multicultural framing in which ‘race’ is consistently equated with ‘not white’” (Thompson, 2016).

<sup>17</sup> Thompson refers to the 1984 report of Wally Boxford, a Statistics Canada employee, which elucidates the complications involved in considering which mixes (mixed-race people) ought to count for employment equity purposes. There remains debate about this today, which Hollinger also considers to be a pressing issue. Indeed, Statistics Canada projections of the diversity of the Canadian population indicate that three in ten Canadians could be a visible minority by 2031. Additionally, both mixed-race unions and the mixed-race population are rising (Government of Canada, 2018).

1986 predecessor” (Thompson, 2016).<sup>18</sup> During the planning stages of the 1996 Census, there was renewed support for a direct question on race, largely based on “continued governmental interest in eliciting more accurate data on racial minorities” (Thompson, 2016). The government announced intention to do so in 1995 and “a public debate on the nature and effectiveness of Canada’s multiculturalism and employment equity policies ensued” (Thompson, 2016).<sup>19</sup> In the end, in 1996, there was a question on ‘population group:’ the word ‘race’ was not used, with ten options and a mark-in space provided for ‘Other’ designations. There was also a question on ethnicity with four mark-in spaces. The ‘population group’ question was a success, yielding a high-response rate and high-quality data. Both questions have been kept to date: the “ethnic or cultural origin question asked in the 2021 Census (‘What were the ethnic or cultural origins of this person’s ancestors?’) was the same question asked in 2016, 2011, and 2006,”<sup>20</sup> and the population group question ( “Is this person:”) has remained consistent since 1996, with differences in the response categories (Government of Canada, 2022a, 2022b).<sup>21</sup> Respondents therefore do not self-identify as visible minorities, rather they self-identify their population group and Statistics Canada then designates them as visible minorities if they associated themselves with a group or groups that fall within the definition.

Returning to Simon’s work, it complements Thompson by looking at the whole history of Canadian classifications: he tracks the opposition between a geographical-political definition of origin and an understanding of ethnicity focused on linguistic ancestry in Canadian classifications from 1871 through 1996 (Simon, 1997). Like Thompson, he notes that the Canadian census has not included a reference to ‘race’ since 1951. Moreover, Simon argues that the changes made to the census in 1996 are consequences of the development of multiculturalism policy, including the transformation of the census into an instrument for the political expression of Canada’s interethnic dynamics. Regardless of the absence of ‘race,’ the use of ‘visible minorities’ as a proxy and the corresponding “introduction of the ‘white/non-white’ cleavage reflects a singular racialization of cultural minorities in Canada” (Simon, 1997). Withal, the categorization of ethnic groups in Canada has moved towards subjective and complex self-identification. The introduction of the ‘Canadian’ category was first tested in the 1991 Census, and its success can be viewed as the result of “a process of indigenization resulting from the long history of initial migration” (Simon, 1997). Additionally, Simon suggests that “this refusal to fit into the old ethnic distinctions by asserting a national identity” may be a backlash to the politics of multiculturalism (Simon, 1997).

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<sup>18</sup> While Thompson is unable to determine the exact causes for the question on race’s exclusion in 1991, circumstantial evidence from the constitutional politics and national identity crises of the early 1990s is indicative of a continuing discomfort with the public recognition of race (Thompson, 2016).

<sup>19</sup> “Statistics Canada provided three rationales for including a direct question on race: low-levels of non-response, high-quality data generated from the question, and the legislative requirement to provide data on racial minorities” as prescribed by the *EEA* (Thompson, 2016).

<sup>20</sup> “In contrast, in the 2001, 1996 and 1991 censuses, the question was ‘To which ethnic or cultural group(s) did this person’s ancestors belong?’” (Government of Canada, 2022a).

<sup>21</sup> Each census re-ranks the mark-in categories in the question based on their frequencies from the census past. The examples associated have also been updated over time. A large number of additional multiple-response categories were added to the population group variable in 2021 (Government of Canada, 2022a).

Thompson illustrates how “the framework of liberal multiculturalism prompted states to take more proactive measures to combat racial discrimination, but simultaneously permitted tides of colour-blind backlash against civil rights achievements and race-based policies” (Thompson, 2016).<sup>22</sup> In Canada, some of the multicultural policies and principles deployed by political elites were deliberately meant to avoid invoking racial themes and thereby risking national fragmentation as a fallout of race-consciousness. After arguing that “statistical races” are tools of government, born of political purpose and birthing policy consequences, Thompson notes that prematurely ending counting by race would deprive policymakers of accurate and reliable data (Thompson, 2016)). This tension is one of transition: how should governments move away from racial categorization, if they should, while crafting and implementing antidiscrimination and antiracism policies that are given force and meaning by racial statistics?

## **2.4 Theoretical Framework Establishing a Conflation of Race and Culture in the US**

By way of establishing a theoretical framework for understanding and analyzing the intellectual underpinnings of Canadian employment equity, I look below the border to scholars who have revealed and criticized a conflation of race and culture in the US.

### ***2.4.1 David Hollinger’s Postethnic Perspective***

In *Postethnic America: Beyond Multiculturalism* and subsequent articles, David Hollinger outlines his vision of what the American polity should work towards. An underlying tenet of Hollinger’s thought is the demarcation of culture and what he calls ethno-racial classifications, which are oftentimes employed as indicators of cultural boundaries. In the view of many ‘multiculturalists,’ culture has become a euphemism for ethnicity and race. It is increasingly asserted that the real, pressing problems in American society are masked by culture wars that direct public attention towards cultural reforms rather than towards reducing inequality (Hollinger, 2000).<sup>23</sup> Hollinger accepts this assertion, while urging us to look beyond. He responds with his postethnic perspective, which attempts to resolve the discord between America’s nonethnic ideology and its ethnic history. Contrastingly, Canada’s official policy of multiculturalism thrusts ethnicity into the forefront of its ideology.<sup>24</sup>

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<sup>22</sup> According to Thompson, Canada’s white majority campaigned against racial enumeration, notably through the Reform Party. The colour-blind in Canada backlash stemmed from “the perception that an emphasis on racial or ethnic identities was divisive” and was evidenced through the push for ‘Canadian’ responses on the 1991 Census, when it became the fastest growing ethnic group and the fourth largest single-response answer (Thompson, 2016).

<sup>23</sup> In *The Twilight of Common Dreams*, Todd Gitlin makes a complementary argument: precious progressive energy is being wasted through its obsession with culture wars that ought to be redirected towards reducing inequality, compounded by erosion of social solidarity through growing inequality (Gitlin, 1995).

<sup>24</sup> In the preamble of the *Multiculturalism Act, 1985*, “the Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada” (Government of Canada, 1985).

Hollinger also proposes that ethno-racial affiliations be voluntary and therefore revocable.<sup>25</sup> A postethnic perspective treats ethnic identity as a question and a process of “consciously and critically locating oneself” amidst all the circles, or layers of “we’s,” that an individual lives in (Hollinger, 2000). In this way, it appreciates the co-existence of multiple identities. He acknowledges that “choices are made in specific, limiting circumstances” (including ancestral) whilst, somewhat paradoxically, denying that history and biology are determinants of affiliation (Hollinger, 2000). Hollinger’s position on affiliation (identity) appeals to the liberal ideology of maximizing freedom, including the freedom to determine to what extent ethnic membership is central to the life of an individual. Hollinger believes that the mainstream contemporary conception of ethnicity, which equates race and culture, deprives individuals of this freedom and tends to reify ethnic identities. Under Hollinger’s model, it is possible to acknowledge the existence of racism while promoting an individual’s freedom to self-identify. Hollinger’s postethnic perspective is attractive insofar as it recognizes the constructed character of ethnoracial groups, which aligns with the widely-accepted understanding of race as a social construct, and also endorses the formation of new groups as a part of the normal life of a democratic society” (Hollinger, 2000). He adds that the distinctions between races have been infused with new, cultural content, in spite of their socially constructed nature and widespread public and private rejection of racism.

Hollinger’s preference for voluntary rather than ascribed affiliations is somewhat evidenced in the US and Canada already, through the self-identification of race and ethnicity on the respective censuses. In the US, the move toward self-identification was made 35 years before Hollinger published his book; the change in 1960 was for the purposes of reducing the financial cost of the census and did not aim at increasing freedom by way of racial self-identification (Schor, 2017). In Canada, the change took place in 1996 (Government of Canada, 2022b). Therefore, Hollinger’s argument fits in reasonably well with pre-existing administrative practices, although he contends that individuals are expected to select the identity which a government official would ascribe to them based on their physical appearance anyway (this point is without justification, but a reasonable assumption of the impact racialization has on an individual’s self-identity): “the census asks the individual to register a decision someone else has already made about who they are” (Hollinger, 2006). Hollinger recognizes that the authority to determine one’s own affiliations is impacted by colour (Hollinger, 2006). In other words, white people (Euro-Americans) enjoy more self-determination in identity. This is an argument for diminishing the salience of history and biology in determining individual affiliations vis-à-vis the liberal values of equality and freedom.

The US census asks individuals to categorize themselves according to what Hollinger calls the ethno-racial pentagon: “fainter lines distinguish the ethnicities found *within* each of the five blocs... while bolder, thicker lines render the five blocs themselves into races, or race

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<sup>25</sup> For Hollinger, affiliations are a more suitable term, due to its flexibility and implication of performativity. He believes “that the identities people assume are acquired largely through affiliation, however prescribed or chosen” (Hollinger, 2000).

equivalents” (Hollinger, 2000).<sup>26</sup> Hollinger maintains that race, as a concept, is of service when referring to systemic mistreatment on the basis of physical characteristics, but not when talking about culture which is best served by the concept of ethnicity. There has been a tendency in the US “to treat the pentagon blocs as cultural rather than political categories” which he argues “risks saddling us with a sense of diversity grounded in an analysis not of cultural difference but of the history of victimizations justified largely by what we now recognize to be biologically superficial differentiations of human groups” (Hollinger, 2000). Unlike the white-coloured dichotomy, which has been popularized by the term ‘people of colour,’ the ethno-racial pentagon has strong cultural content.<sup>27</sup> The routine and public attribution of cultural significance to the blocs, which were designed to promote economic and political equality, has brought into contradiction and conflated two respectively valuable impulses: “to protect historically disadvantaged populations from the effects of discrimination” and “to affirm the variety of cultures that flourish within America(ns)” (Hollinger, 2000). Furthermore, the ethno-racial pentagon obscures, downplays and undervalues the internal diversity of descent communities by forcing swaths of people of different countries, languages, and religions under one header (Hollinger, 2011).

In the 1970s and 1980s, initiatives in the name of multiculturalism in the US were formed utilizing the ethno-racial pentagon designed to facilitate antidiscrimination policies (Hollinger, 2000). Hollinger insists that colour and culture should be decoupled—that “appreciation of cultural diversity should be on a different basis from... antidiscrimination remedies,” such as affirmative action (Hollinger, 2000). This decoupling is important because there are commitments that arise from culture which are not ethno-racially defined whereas antidiscrimination remedies are colour-centric by their very design (and rightly so).

#### **2.4.2 Richard T. Ford’s Critique of Racial Culture**

Another critique of multiculturalism is offered by Richard T. Ford in his book *Racial Culture: A Critique*, which focuses on ‘difference discourse,’ a series of claims that promote rights-to-difference and “hold that a just society could and should prohibit discrimination on the basis of the cultural difference... for the same reasons it should prohibit discrimination based on statuses such as race” (Ford, 2006). Ford argues that this reasoning is flawed because, first, “the reasons that underlie legal prohibition based on status do not apply to cultural difference generally,” and, second, rights-to-difference are likely to produce socially harmful consequences (Ford, 2006). Ford’s work differs from that of Kymlicka—as he states himself in the preamble—as he focuses on social consequences of the law. In Ford’s view, legal rights are not only a protection for individuals; but “a form of public policy that controls social relationships” and function to communicate societal values (Ford, 2006).

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<sup>26</sup> According to Hollinger, the American ethno-racial pentagon is composed of Euro-American (white), Asian American (yellow), African American (black), Latino (brown), and Indigenous (red) (Hollinger, 2000). Note that since 1980 the U.S. Census Bureau separates the concept of race from the concept of Hispanic origin; people who identify their origin as Hispanic may be of any race. Moreover, the racial categories in the census questionnaire today are as follows: White, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and other Pacific Island, and Two or more races (U.S. Census Bureau, n.d.).

<sup>27</sup> The “white-coloured” dichotomy is present in the Canadian visible minority concept (see definition).

Like Hollinger, Ford premises his book on the conviction that racism is real and a present threat to America's democratic and egalitarian aspirations. Ford clearly supports race-consciousness, although he reframes and refines it to "a narrow but robust form" (Ford, 2006). Ford advocates for identity consciousness being restricted "to the recognition of pervasive practices of group subordination and refraining from a questionable sociology of group cultural difference" (Ford, 2006). What he names cultural syncretism—the production of new cultural forms via a mixing process—also straddles the two ideological positions and is akin to Hollinger's idea of new group formation in normal democratic life. In essence, Ford endorses group consciousness which is detached from "a romantic narrative of cultural difference," disentangles cultural group-based discrimination and ascribed group status-based discrimination, and develops an antidiscrimination doctrine "that is consistent with these distinctions... [and] avoids the pitfalls of difference discourse" (Ford, 2006).

Ford attributes part of the persistence of discrimination to the conceptual inadequacy and underenforcement of antidiscrimination law. He affirms the prohibition of race-based discrimination, which the law "can do without knowing what race is and indeed without accepting that race is something that is knowable" (Ford, 2006). Endorsing this claim validates the state's use of a concept (race) which society objects to, for the purpose of prohibiting actions on the basis of this concept (racism), without requiring that the state, or society, believe in the existence of race or be able to exactly define it.

Moreover, Ford views difference discourse as the wrong approach to racial justice insofar as it distracts from racism "and instead misleadingly suggests that racial injustice is primarily the result of objective and intrinsic difference among natural racial groups" (Ford, 2006). Racism is to be distinguished from other types of socio-cultural conflict.<sup>28</sup> Ford also argues against "the multiculturalist presumption that the word 'culture' denotes the most salient social groups in contemporary society and that the most salient examples of social group conflict and illegitimate hierarchy are well-understood as conflicts between incompatible cultures" (Ford, 2006). Racial culture is not the result of real and describable preexisting group cultural differences, but is a social discourse that contributes to the production of these group cultural differences. This encourages us to pay more attention to the reproductive dimension of the law.

Ford does not believe that racial identity is accompanied by a profoundly distinctive culture, as racial culture would dictate. Rather, he believes that social identities are social performance, as they are perpetually "in a process of formation and reformation" (Ford, 2006). Social identities are therefore both social practices and the result of social practices. One of the greatest threats of difference discourse from Ford's perspective is that race, an ascriptive social identity, may become formally organized and authoritatively defined like religions; with the most salient distinction between religion and race (and other ascriptive identities) being that individuals cannot (easily) exit their racial group. This returns to the idea of colour-blindness, which, according to Ford, offers exit as an ultimately false hope. Cultural difference discourse forces a "correspondence between the ascribed identity of race

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<sup>28</sup> Ford believes that race is a social and cultural construct.

and one's culture or personal sense of self," arguably rendering the idea of exit from the ascribed race the only way of evading a host of other commitments (Ford, 2006). These other commitments are the culmination of what *others* believe about an individual and what, in turn, an individual is pressured to believe about themselves. A social identity reflects the beliefs of others (Ford, 2006). Ford acknowledges that there is "a deep psychological need for group recognition," as does Hollinger, and argues that the prominence of difference discourse reflects this (Ford, 2006). Hollinger's perspective is disparate in that he envisions a future in which ethno-racial identity *is and should be* treated like religion. He proposes that applying the religious model to ethno-racial cultures could operate like the separation of church and state, noting that ethno-racial affiliations have been playing the role once played by religious affiliations in America's history by becoming authoritative cultural vehicles (Hollinger, 2000). Both Hollinger and Ford problematize the conflation of race and culture in the US, with the former offering an alternative vision and the latter making a proposal "to negotiate the tensions occasioned by the production and punishment of difference" which he does not believe the law is capable of resolving—only "a revolutionary social and cultural transformation" could (Ford, 2006).

#### **2.4.3 Daniel Sabbagh: Diversity vs. Deracialization Paradigms**

Daniel Sabbagh is also a proponent of the disconnection of race and culture, and cites Hollinger's work in his book *Equality and Transparency*.<sup>29</sup> Sabbagh maintains that the argument justifying race-based affirmative action programs on the basis of their contribution to the promotion of cultural diversity is flawed, in spite of its predominance in the US. Its flaws include an idea also put forward by Kymlicka that "the presumably beneficial side effects of diversity cannot be guaranteed—or even precisely defined—in advance, and so by definition cannot be used as a primary justification for the policies designed to promote it" (Sabbagh, 2007). Another flaw is that "when diversity is celebrated indiscriminately, this carries implications that tend to conflict with the ideal of [proportional representation of all racial groups] underlying affirmative action programs," the implication being "that the aspirations and choices of members of those groups in the area of education are on the whole identical" (Sabbagh, 2007). Sabbagh also points out that the diversity rationale jeopardizes the internal consistency of the US legal regime, as it requires implicitly validating a kind of race-based statistical discrimination in a way that detracts from the bulk of the case law regarding most decision-making domains.

To defend affirmative action, Sabbagh prefers, and develops, an argument first made by Ronald Dworkin. From Dworkin, Sabbagh derives a consequentialist and strategic argument which sees affirmative action as "an instrument designed to bring about the deracialization of American society by reducing the correlation between race and class, since that correlation is now one of the main sources of disadvantage for all black individuals" (Sabbagh, 2007). This argument is not without its own problems, as Sabbagh addresses. In highlighting the third and last problem, Sabbagh evidences that various dissimulating strategies have been deployed in the case of affirmative action. It is affirmative action's

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<sup>29</sup> Sabbagh's book focuses on affirmative action in the context of universities and higher education admissions processes, the primary sites of affirmative action litigation in the US.



purpose—the ultimate goal of affirmative action, under this account, is to eliminate the specific disadvantage affecting black individuals as a result of racial identification—which “makes it appropriate to conceal how the policy actually works” (Sabbagh, 2007). Diversity has become the dominant means of defending affirmative action because it allows for the concealment of the extent of the policy’s race-consciousness. Returning to the ultimate goal, diversity appears to work in its favour by reducing the visibility of race. In contemplating the reasons for this diversity-based argument, Sabbagh suggests that:

Perhaps the only way to neutralize racial categories is to act as if they had already been neutralized, as if “race” had already become just “one factor among others.” Through this kind of strategic mimesis, by which one simulates something in order to make that thing happen, the instrumental and expressive dimensions of the justification for affirmative action that now prevail become practically indistinguishable from one another. (Sabbagh, 2007)

This excerpt shows the trappings of transition, as discussed with Thompson above. Sabbagh argues for the “necessity of drawing a sharper distinction between the struggle against ‘racial’ inequality and the promotion of cultural diversity” (Sabbagh, 2007). He makes this argument by pointing out that their conflation approximates the primordialist conception of race wherein the immutability of racial characteristics are matched by the immutability of the experiences, outlooks and ideas ascribed to minorities. Additionally, Sabbagh warns of the risk of facilitating intra-group racism by stigmatizing dissenting minority members who do not “fit” or go against those experiences, outlooks, and ideas, which is ultimately suppressive of the goals of liberal democracy and, ironically, diversity. In deliberating Hollinger’s work, Sabbagh states that valorizing the culture which is generally ascribed to all members of a given group conflicts with the ultimate logic of antidiscrimination, which aims at protecting individuals from stereotypes regarding their perceived group membership.

The most obvious barrier to importing Sabbagh’s argument to my analysis of Canada is the focus on the specific discriminations and injustices experienced by black individuals, which in the US is rightful. While Canada does have its own history of enslaving people of African descent,<sup>30</sup> this history was not proportional in scale. Moreover, other groups in Canada, notably Chinese and Japanese immigrants, were subjected to extensive state violence which has perpetuated systemic discrimination as well.<sup>31</sup> For these, as well as other reasons too numerous to list here, the history of slavery is less salient in society today than in the US. Withal, Sabbagh recognizes the enduring controversy over identifying the “group of status groups” or, in Canada, the group of designated groups, which I hope to contribute to clarifying through this research (Sabbagh, 2007).

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<sup>30</sup> Which is understudied and underacknowledged, see (Johnson and Aladejebi, 2022).

<sup>31</sup> Not to mention the extensive state violence against Indigenous peoples, who are not immigrants, however, and not the focus of this paper.

### **3. METHODOLOGY, DATA AND SOURCES**

I opted for a qualitative research methodology to explore the two research questions posed in the Introduction. This chapter contains a breakdown of the research design, justifies the methodological approach, exposes ethical considerations, and describes in detail the data collection and analysis processes, focusing on the employed thematic analysis of the interviews. I complemented this approach with textual analysis of primary source documents.

#### **3.1 Research Design and Methodological Rationale**

This research features primary source material extracted from thirteen semi-structured interviews (SSIs) with a mix of scholars, practitioners, activists, and experts with relevant experience. I selected SSIs as the stand-alone research method for this paper; it is the most suitable method to employ in response to my research questions because I am seeking subjective responses to complement the existing research and objective knowledge available. Moreover, to probe and prove my hypotheses, I needed to ensure that interviews followed a structure but also that interviewees had the liberty to elaborate their ideas. The objective of SSI research—“to elicit and ascertain participants’ perspectives to confirm, correct, or discover new knowledge pertaining to the focus of inquiry”—aligns with my own insofar as much writing exists on employment equity in Canada, and on multiculturalism, but not linking the two through the lens of evaluating a conflation of race and culture (McIntosh and Morse, 2015).

McIntosh and Morse also offer a Heuristic Typology of SSIs, within which the interviews for my research fall under two types and therefore will feature a mix of both: descriptive/confirmative and descriptive/interpretative. The former is utilized “to confirm the objective knowledge of the interviewer’s frame” (McIntosh and Morse, 2015). Thus the descriptive/confirmative type of SSI helps test my hypothetical assumptions that race and culture are conflated in Canada. The latter interview type, descriptive/interpretative, “privileges the participant as knower. From the outset, the frame is acknowledged to be limited and subjective knowledge is critical to its expansion” (McIntosh and Morse, 2015). This application of the focused interview is useful insofar as my research is concerned with proposing an alternative model for employment equity group designation to the current model which, I predict, conflates race and culture.

##### ***3.1.1 Sampling & Recruitment***

One of the first major challenges in my research was determining the target sample. Given the interdisciplinary nature of the topic, interviewing across disciplines was a central aim of my sampling. It was crucial that interview participants be knowledgeable, experienced, and reputable figures in the relevant fields; in other words, policymaking experts but also elites. The final participant list represents what I consider to be the imperative, interdisciplinary fields (see 3.1.2).

Kenneth Goldstein outlines the difficulties involved in scheduling elite interviews as well as best practices. He notes that luck is a substantial factor and that using connections has

its advantages and disadvantages (Goldstein, 2002). Using my connections to schedule an interview with a former Supreme Court Justice served as a foot in the door: she was able to refer me to a prominent researcher on the topic, and so on and so forth. The fact that this paper would include such an elite interview, and that I attend an elite institution, contributed to the securing of more interviews.

I contacted 36 potential participants, out of which thirteen agreed to participate, four declined, and nineteen did not respond. After I received confirmation from those in agreement, a date, time, and format were agreed upon, and a topic guide was sent (see *Appendix A*). Anonymization of participants would reduce the value of their source material, as it is ‘supported’ by their reputations. With permission, participants have been quoted by name and introduced when pertinent. I knew none of the participants personally prior to the interview.

### ***3.1.2 Participant Profiles***

<i>Full Name</i>	<i>Profession</i>	<i>Based in</i>	<i>Expertise</i>
<b>Joseph Heath</b>	Philosopher (professor)	Toronto	Scholar specializing in ethics and social and political philosophy
<b>Rosalie Silberman Abella</b>	(Former) Supreme Court Justice	Ottawa	Canadian legal/legislative expert; originator of employment equity
<b>Marie Clarke Walker</b>	National labour leader; EEA Review Task Force member	Toronto	Activist in human rights, social justice, and trade unions
<b>Daniel Weinstock</b>	Philosopher (professor)	Montreal	Scholar specializing in multiculturalism, nationalism, identity, cultural diversity, and accommodation
<b>Catherine Burr</b>	Consultant	London	Expert in workplace harassment, diversity, and human rights, as well as in employment equity ‘on the ground’
<b>Carol Agocs</b>	Political scientist (retired professor)	London	Scholar specializing in discrimination in employment, equality policy and implementation, organizational change; author of <i>Employment Equity in Canada</i>
<b>Victor Armony</b>	Sociologist (professor)	Montreal	Scholar specializing in democracy and pluralism, political sociology, citizenship, and immigrant integration

<b>David Hollinger</b>	Historian (professor)	Berkeley	Scholar specializing in intellectual history in the US; author of <i>Postethnic America</i>
<b>Daniel R. Meister</b>	Historian (researcher)	Fredericton	Scholar specializing in histories and politics of race, whiteness, and multiculturalism in Canada; author of <i>The Racial Mosaic</i>
<b>Beverley Johnson</b>	(Retired) Trade unionist and activist	Toronto	Activist in human rights, social justice, and trade unions
<b>Jean-Pierre Corbeil</b>	Sociologist (professor)	Quebec City	Expert in linguistics and sociocultural statistics at Statistics Canada; scholar specializing in ethnocultural, language, and immigration statistics
<b>Lucie Lamarche</b>	Legal scholar and political scientist (lawyer and professor)	Montreal	Scholar specializing in law, labour rights, social rights, and human rights
<b>Frances Woolley</b>	Economist (professor)	Ottawa	Scholar specializing in inequality, as well as interdisciplinary and feminist economics

### 3.1.3 Ethical Considerations

Upon verification with the School of Public Affairs, it was confirmed that there is no ethics procedure currently in place for master's research. I relied upon written and verbal consent to record the interviews. The transference of transcripts to interviewees may raise methodological, ethical, and research credibility problems, which compromises the potential value added of such transference including through enhancing validity, receiving clarification and enriching statements (Mero-Jaffe, 2011). Striking a middle ground, I provided participants with a copy of the final paper before publishing. This decision allowed for the aforementioned advantages of transcript transference to be produced and aligned with "the desire to present things as originally stated" (Mero-Jaffe, 2011). Simultaneously, this decision limited the manifestation of many disadvantages discussed by Irit Mero-Jaffe, such as amendments rendering the text what the interviewee *wrote* and did not *say*.

## 3.2 Data

### 3.2.1 Data Collection

Given my residence in Paris, France, and that my interview subjects lived across North America, in-person interviews were not possible. The first interview that I conducted was on March 6, 2023, and the final one on April 3, 2023. Eleven interviews were conducted via Zoom and two interviews were conducted via telephone, as video calling was inaccessible. Interviews were scheduled for hour-long durations. Most interviews spanned 50 minutes to

an hour, with the shortest lasting 15:46 and the longest lasting 1:33:34. All participants generously offered to provide further input and/or clarification should I request it.

### **3.2.2 Data Analysis**

The book *Applied Thematic Analysis* distinguishes between exploratory and confirmatory approaches to qualitative data analysis:

For an exploratory study, the researcher carefully reads and rereads the data, looking for keywords, trends, themes, or ideas in the data that will help outline the analysis, *before* any analysis takes place. By contrast, a confirmatory, hypothesis-driven study is guided by specific ideas or hypotheses the researcher wants to assess. (Guest et al., 2011)

The exploratory approach is better suited to research question-driven projects. Despite both research questions and hypotheses constituting the basis of this paper, the research questions are dominant in the framework determination and overall in guiding my project, whereas the hypotheses are the assumptions that followed.

I chose thematic analysis as it remains “the most useful [method] in capturing the complexities of meaning within a textual data set” and it is one of the most commonly used analysis methods in qualitative research (Guest et al., 2011). Moreover, it is accessible and theoretically flexible (Braun and Clarke, 2006). Given this flexibility, it is paramount that the theoretical position of the researcher and thematic analysis be stated (as in section 2.4).

Central to thematic analysis is coding for content and discovering themes. Themes are best defined as capturing an important element of the data in relation to the research question and representing “some level of patterned response or meaning within the data set” (Braun and Clarke, 2006). Gerry W. Ryan and H. Russell Bernard demystify theme identification by outlining thematic and linguistic cues. Those which I found to be most prevalent in the transcriptions of my interviews were repetition, constant comparison, linguistic connectors, and silence/missing data (Ryan and Bernard, 2003). After discovery, it is critical to winnow themes, as not all necessitate elaboration in relation to the research questions and inclusion in the final report. Indeed, “just because something is noticeable does not mean it is noteworthy” (Guest et al., 2011). In *Applied Thematic Analysis*, the authors propose an iterative approach to coding with the following steps, which I followed: read the text and propose themes; refine the themes into codes; code the same sample again; compare the way the same sample was coded; if results are the same, continue coding; and, if results differ, identify why (Guest et al., 2011).

Herbert J. and Irene S. Rubin classify preparing transcripts and coding data as the first phase of analysis, expressing their belief, which I endorse, that analysis occurs throughout the research (J.Rubin and S.Rubin, 2005). With participant awareness and consent, the interviews were transcribed by an online tool (Otter.ai) and the audio files were saved. I was then able to retroactively listen through and clean each verbatim transcription to render it an intelligent verbatim transcription. This eliminated repeated words, fillers, nonverbal communication,

and other ambient sounds. I also corrected any mistranscribed words and phrases, and deleted greetings at the beginning of interviews before the SSI actually began.

After generating clean transcripts, I exported and uploaded the texts to Delve, a qualitative coding software. Delve enabled me to read through the transcripts, apply codes by highlighting excerpts, and group codes according to themes. Coding involves systematically labeling concepts, themes, events, and topical markers (coding for this paper was principally for concepts and themes) (J.Rubin and S.Rubin, 2005). I did not develop precise definitions for these codes as my research project *searches* such definitions. A codebook was not needed. In its absence, and to help recognize concepts and themes, keywords were included in the interview questions and often repeated in participant responses. This coding choice is aligned with an exploratory approach to qualitative data analysis.

Rubin and Rubin provide an overarching approach for analyzing coded data, which I married with the above outlined phases of thematic analysis. First, I built towards narratives and descriptions. As opposed to topical studies, “in cultural studies, you combine what different interviewees have said about the same concepts to refine your understanding of what each concept means” (J.Rubin and S.Rubin, 2005). Second, I built towards theory: after presenting vivid descriptive material, it was time to explicate and extend to broader implications. This paper works towards a middle-level theory by considering the Canadian case against the American, and thereby extends discovered principles and processes. In accordance with Rubin and Rubin’s suggested structure, I deemed my analysis complete once I had constructed a theory that answered the research questions “and that would be accepted by [my] interviewees as an accurate description of their world and thoughts”—emphasis on *would be*, not *was* (J.Rubin and S.Rubin, 2005). It was then time to produce the report, the subsequent chapter, which features the culmination of selecting compelling extracts, analyzing them and relating the analysis to the research questions, theoretical framework, and existing literature (Braun and Clarke, 2006).

## 4. RESULTS AND DISCUSSION

### 4.1 Absence of a Conflation of Race and Culture

#### *Evidencing the Term Visible Minority as a Euphemism for Race and Identifying its Causes*

Upon initial investigation of a possible conflation of race and culture within Canadian employment equity policy for visible minorities, the term visible minority itself evidences the opposite. Statistics Canada defines the term for federal employment equity purposes as follows:

Visible minority refers to whether a person is a visible minority or not, as defined by the *Employment Equity Act*. The *Employment Equity Act* defines visible minorities as “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.” (Government of Canada, 2022e)

Visible minorities are not directly defined in the Abella Report itself but are implicitly understood as ‘non-whites;’ this definition uses whiteness as its reference point. Recall that Simon discusses visible minorities as a proxy for race. Furthermore, Thompson illustrates that “the very notion of visible minority is based on broad generalizations about the relationships between race, racial visibility, and racial disadvantage” (Thompson, 2016). The state adopted the term as a way to track and target racial discrimination without using the term ‘race’ in the census, rendering the term a euphemism for race. Victor Armony and J.P. Corbeil described the census question on population group (which is used to designate members of visible minorities) as ostensibly avoiding race but ultimately asking about it:

Well, that's not using the words right? To say the same thing. They don't say ethnic, they don't say race, but they ask about your ethnicity and your race. (Armony)

Yeah, we know that race is a social construct, but by the way, what is your race? And so in French Canada, many stakeholders and academics in different universities didn't agree with that term. (Corbeil)

This perspective entails two interesting questions: first, what exactly was the underlying goal of using visible minority as opposed to race? And, second, was this ‘euphemizing’ strategy successful vis-à-vis those goals that were instrumental in leading to that choice? Justifying the Commission’s use of the term, Abella states this category of “non-whites” could alternatively have been defined:

By country of origin, by race, or by some other criterion, but arguably it is as reasonable to approach this ambiguous categorization from the point of view of what problem was meant to be addressed. The issue was to attempt to ascertain the extent to which people who were visibly non-white were excluded thereby from employment opportunities available to whites. (Abella, 1984)

Therefore, the stated or official underlying goal was to tackle the problem of employment inequality between ‘whites’ and ‘non-whites.’ It is not visibility in itself that is of concern for

antidiscrimination purposes, but visibility that may trigger negative treatment (exclusion from employment) that connects with the notion of race. When I asked about the term ‘visible minority,’ Abella expressed indifference:

I really haven’t [reconsidered the term]. I think you’d have to ask [the visible minorities]. At the time that I did it there was nobody questioning that term. And we all knew that it meant non-whites and, you’ll find in that report, I referred to them as non-whites. Even though the mandate was visible minorities, but frankly, I don’t think very much turns on that. To me. But to the groups I don’t know, again, see that would all depend on how they felt about it now. (Abella)

Similarly to Abella, Agocs commented on the general acceptance of the term at the time of its institutionalization but also stated that it is impractical today. Woolley detailed the context in which the term was adopted, while bringing attention to the profound demographic changes to the Canadian population since:

I have to admit, I don’t really know where that term came from back in the 80s, when it was used. I guess it was just a convenient way at that time of classifying people who are likely to experience barriers in the workplace. But I don’t think it’s helpful or very accurate. (Agocs)

The concept of visible minorities was a very rough concept and it was one that was sort of simply adopted... at a time when Canada had kind of achieved close to maximal whiteness. Because you have this royal commission actually coming in the wake of several decades of racist immigration policies, which have promoted widened immigration. So you have this policy adopted at a time when there’s a very small but starting to grow visible minority community coming out of these decades of racist immigration policies. Now, [with first and second generation visible minority immigrants], it’s not clear that an employment equity policy that treats all visible minorities equally is going to be a good thing. (Woolley)

In response to the first question, using the notion of visible minority is not directly a consequence of a desire to euphemize race. Abella, whose inclusion of the notion in her report rendered it a key category in Canadian policy and census politics, apparently adopted it because it was already widely accepted at the time, as well as to center the terminology around the issue which was to be addressed: race-based discrimination. However, this decision indirectly created a euphemism for race, as expressed by Armony and Corbeil. Visible minority as a euphemism was also established by Karim H. Karim contends it “is a ‘racial’ concept since it is constructed through racial categorization; [and] is a euphemism for ‘race’” (Karim, 1996).

Further illustrating the Canadian “state’s tendency to address racial issues indirectly” is the strategy of including the racial designation ‘White’ as an option, which rendered the census question one on ‘population group’ and not on visible minority status (Thompson, 2016). Nevertheless, the presence of ‘White’ and ‘Black’ as options, as well the stated intent of the use of the terms, exposes visible minority status as a euphemism for racial status



(Thompson, 2016). Statistics Canada confirms the euphemization in a 2021 Census release, wherein it discusses the subcategories of the population group question as “racialized groups,” despite the information being collected on “visible minorities,” and notes that “these data are particularly relevant for developing policies to fight racism and discrimination and to ensure equal opportunities for all” (Government of Canada, 2022a).

In response to the second question, the implicit strategy of euphemism was successful insofar as race in explicit terms and its polarizing effect on politics has been mostly avoided, but unsuccessful insofar as the term is highly contested and confusing.<sup>32</sup> Consequently, the explicit goal of highlighting and minimizing differential treatment based on visible difference has not been fully realized, as no participant testimony identified this intention despite its articulation in numerous official governments.

Ultimately, the visible minority category by definition amounts to an attempt to avoid conflating race and culture. This argument is reinforced by the exclusion of Indigenous peoples from the definition of visible minority.<sup>33</sup> Instead, Indigenous peoples are one of employment equity’s four designated groups entitled to their employment equity scheme. While an argument can be made for the ethno-racial distinctiveness of Indigenous peoples as well (especially since membership is determined by ancestry), their cultural and historical distinctiveness is more obvious and defining, hence their national minority status and rights to self-government. In the Abella Report, one of “the central issues for native people... [is] the constant sense that they are forever subjected to the discretion of people who do not understand their culture” (Abella, 1984). Culture is thereby emphasized while the report contains no mention of racism, as was identified as a central issue for visible minorities. Karim finds that:

The decision of the government to treat Aboriginal peoples and visible minority as separate categories for the purposes of the *EEA* appears to have been the result of the insistence by Aboriginal communities that their unique historical and contemporary situation required that they be categorized separately. (Karim, 1996)

This emphasis on the cultural and historical distinctiveness of Indigenous peoples is not to say that the ethnic groups within the category of visible minority are not incredibly diverse from a cultural or historical perspective. However, as Kymlicka explains, national minority groups and (immigrant) ethnic groups are unlike.

Returning to both the visible minority category and the theoretical framework: in line with Hollinger’s perspective, categories for antidiscrimination purposes ought to be created on the basis of physical attributes and not cultural differences. Such racial groupings are justifiably created to respond to racism, understood as discrimination on the basis of physical attributes. While this logic of separating race and culture via the creation of a visible minority

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<sup>32</sup> Statistics Canada confirms the controversy: “To date, [the national statistical agency] has received feedback on the sensitivity and use of the term ‘visible minorities’ when disseminating data” (Government of Canada, 2022a).

<sup>33</sup> Indigenous peoples “tended to be included in the visible minority category until the mid-1980s” (Karim, 1996).

category was not necessarily a conscious attempt to euphemize race, it effectively goes against the conflation argument and ostensibly disproves my hypothesis (*H1*).

#### **4.2 Evidence of a Conflation of Race and Culture**

Despite this distinction between race and culture through the use of ‘visible minority,’ which can ultimately be considered a euphemism for race, there is nonetheless evidence of a conflation of race and culture. Analysis of the Abella Report statements on visible minorities points to a conflation of race and culture, and is reinforced by participants’ perspectives on the policy today.

##### *Employment Equity Conceptualization*

The Abella Report is key in analyzing the conceptualization of employment equity and evidencing the conflation of race and culture. The US does not have detailed, centralized legislation on affirmative action, nor multiculturalism, and so revealing the conflation in the US requires analysis of the case law—as Ford and Sabbagh exemplify. This is contrary to Canada where the Abella Report is a founding document and a central reference point for policymakers, interviewees, and within the literature. Legislation is often not specific enough to be relevant in terms of conceptualization; this is certainly true in the case of the *EEA*, which is mostly technical provisions. For instance, the *EEA* itself only mentions race once, in including a definition of members of visible minorities, and equality once, in the Purpose of Act (Government of Canada, 1995).

In the Abella Report, the respective experiences of recent immigrants and visible minorities who are already established in Canada are only delineated once: “non-whites” who had been in Canada for many years, “attributed their lack of employment opportunities to discrimination,” as opposed to “more recent immigrants [who] did not as readily identify the problem as one of prejudice [rather] their attention primarily focused on weaknesses in the services and facilities established to integrate them into Canadian life” (Abella, 1984). She then outlines the problems for newly arrived immigrants and their implications in employment contexts. Specifically, she talks about how hiring is often determined by the perceived ability of a candidate “to integrate easily into a given labour force” (Abella, 1984). Here, cultural difference is the determining factor in employability, with that cultural difference perceived based on the candidate’s racial difference as ascertained through visual observation. Abella states that “visible minorities feel that they have limited access to Canadian life, that their cultural and language differences tend to exclude them from job opportunities” (Abella, 1984). On multiculturalism policy, Abella writes:

Although members of visible minorities appreciate government assistance in the multiculturalism area, they tend to see this as government fostering cultural patterns but not dealing with the key issue of multiracialism<sup>34</sup> or discrimination. What they want are strong government measures not only to enhance their cultural origins but also to enhance their ability to integrate economically, despite their cultural origins.

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<sup>34</sup> This is the only mention of ‘multiracialism’ in the report, leaving the term undefined and obscure.

Multiculturalism programs do little to assist in their economic integration or to confront racism. (Abella, 1984)

Here, Abella describes the failure of multiculturalism policy to address issues of equality, hence the need for employment equity. This is the only explicit (and appropriate) differentiation between the two policies in the report.

However, Abella does not distinguish between impediments posed by “language and cultural difference[s]” (which would be presumably more pronounced for newly arrived immigrants) and those which are race-based (and presumably not exclusively related to issues in integration) (Abella, 1984). She views the lack of hiring and promotion of visible minorities based on their lack of language skills as “the impact of discriminatory attitudes and behaviour flowing from [racism],” justifying her lengthy explanation of the culture-based issues which contribute to employment inequality (Abella, 1984). This equation of “cultural and language differences” to visible racial difference also reflects how the Abella Report was responding to the influx of visible minority immigrants to Canada at the time. The section recounting testimonies of visible minorities terminates by affirming that “the problem is essentially one of racism,” aligning with the definition of the target group (Abella, 1984).

Despite initially separating visible minorities and immigrants as well as ‘multiculturalism’ from ‘racial discrimination issues,’ Abella harps on language issues for visible minorities, illustrating a conflation of the barriers for recent immigrants and visible minorities at large.<sup>35</sup> Meister stressed how the needs of “people who are racialized” versus “recent immigrants” to achieve equality in Canadian society are different. So while overlapping, the hurdles faced by recent immigrants and second or third-generation immigrants are not equivalent, even if both groups can also be members of visible minorities.<sup>36</sup> Regardless of some attempts in the opposite direction, Abella conflates race and culture throughout her conceptualization of employment equity for visible minorities, which remains the main reference point in Canadian policymaking. In the Abella Report, her writing on visible minorities, a racially-defined category, fails to expressly disentangle the harms incurred due to race-based discrimination from those resulting from cultural differences and which are exacerbated for recent immigrants.<sup>37</sup>

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<sup>35</sup> Abella identifies language as a barrier to vocational training as evidence that “members of visible minorities have their own training needs” (Abella, 1984).

<sup>36</sup> Recall from the Introduction that Asia-born immigrants, including from the Middle East, have accounted for the largest share of recent immigrants admitted (Government of Canada, 2022a). Based upon responses to the population group question, presumably, the vast majority of these immigrants would be designated as members of visible minorities.

<sup>37</sup> Newcomer status is operationalized as a proxy for cultural difference in this analysis; this does not apply to Indigenous peoples.

### **4.3 Causes of the Conflation of Race and Culture**

This section explores causes of the identified conflation, and furthermore begins to reconcile the existence of the conflation of race and culture within federal employment equity policy for visible minorities, a category which is void of cultural content.

#### ***4.3.1 Understanding and Role of Canadian Multiculturalism***

Multiculturalism as official policy is a key difference between the US and Canada, as well as a key reason I anticipated a more pronounced conflation between race and culture; the centrality of multiculturalism makes it more obvious that they would be synonymous. This subsection investigates Canadian multiculturalism's influence on federal employment equity policy for visible minorities. As mentioned in the Literature Review, multiculturalism can be understood in different ways, and so a clear definition of the term is needed. Many participants distinguished between the different dimensions of multiculturalism, which are generally threefold: (1) 'Multiculturalism' refers to "the sociological diversity of Canada;" (2) to the 'ideology' according to which "people of diverse backgrounds can and should coexist within a single nation or state;" and (3) to "an official policy, which in essence, mandates that ideology in response to the sociology" (Meister).

The first component, that "in Canada, multiculturalism isn't just an ideal, it's a reality" is true if we mean "the empirical fact that Canada is a very diverse country with populations [from] all over the world" (Agocs). This empirical fact can exist at the same time as "rules [which] do have discriminatory impacts" even if that's not "the intent that's necessarily built into them," implying that Canada does not live up to the idealism of multiculturalism (Agocs). Woolley admitted that we have moved beyond asking if Canada is multicultural and if this is a desirable goal as this reality is clear. Contrarily, Kathy Hogarth and Wendy L. Fletcher contend that viewing Canada as a multicultural utopia is an "unnuanced and uncritical way of understanding multiculturalism, [wherein] culture is devoid of values and norms and Whiteness goes unchallenged" (Hogarth and Fletcher, 2018). In the US, Sabbagh challenges the notion that America is in fact more diverse than it was before, thereby challenging that the first sense of multiculturalism has been attained:

Only by implicitly equating "culture" with "race" can one contend that contemporary multiculturalism offers an accurate description of American society; a macro-historical analysis would rather lead to the conclusion that lifestyles, practices and values are less diverse in the United States now than they were in the past, as a result of the progressive erosion of religious and sectional differences. (Sabbagh, 2007)

This is an important clarification that was absent from the participant responses, where the sociological reality that Canada is more multicultural than before is accepted without specification. In Canada, too, a case can be made that some types of cultural difference have

subsided over time.<sup>38</sup> For instance, religious affiliation, a facet of diversity in Canada with immense cultural content, is declining: the proportion of the population reporting no religious affiliation has more than doubled in twenty years to 32.6% in 2021<sup>39</sup> (Government of Canada, 2022a).

What is generally debated is “in what way should we be multicultural?” (Woolley). This connects to the second component Meister mentioned, multiculturalism as an ideal. For some participants, the ideal dimension has been the principal source of multiculturalism’s value, both abroad and at home:

It's been a very useful talking point. It's been a very useful way of presenting Canada to Canadians, and I don't want to be cynical and say that that sort of symbolic thing has had no effect. It gives people the sense that they can, for example, run for office. And so it does matter in a way that it enables and empowers people to consider themselves as full members of society. (Weinstock)

While, as an ideal, Daniel Weinstock said that multiculturalism has served Canada well, he equally noted that Canada has not always lived up to that ideal, especially when looking at funding. This claim by Weinstock, as well as the claim that multiculturalism’s symbolism has force, is supported by Bloemraad, who noted that “although Canada no longer commands the government resources or bureaucratic centrality that it did during its heyday in the late 1980s, [multiculturalism] continues to be the stated policy and ideology of the Government of Canada” (Bloemraad, 2006).

Multiculturalism as official policy is the third and most overt component outlined by Meister. In terms of its legal foundation, multiculturalism was first enshrined in the report of the Royal Commission on Bilingualism and Biculturalism, the *Official Languages Act*, 1969, and the announcement of multiculturalism policy, 1971 (Haque, 2012). Burr described multiculturalism policy as being the endorsement of the ideal, which has permeated the national identity. Contrastingly, Lamarche expressed the view that there is an “absolute disconnection between the political discourse on multiculturalism and the legal foundation of it.” The sentiment that “the ideal of multiculturalism is different from the practice of multiculturalism in Canada,” is also present in Hogarth and Fletcher’s work (Hogarth and Fletcher, 2018). They argue that Canadian multiculturalism is distant from complex inequality analysis, in part due to its original imagination by Pierre Trudeau as a conscious means of supporting individual free choice, thereby failing to account for power differentials. From a historical perspective, Meister spoke on the mismatch between the policy’s ideal and its practice:

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<sup>38</sup> Cultural difference linked to the influence of the Catholic Church in Quebec vis-à-vis the rest of Canada has declined over time. In his book on Catholic theology in French Canada, Gregory Baum discusses the secularization of Quebec society and the decline of the values promoted by the Quiet Revolution, before which the Church used to define “Quebec’s cultural identity in opposition to the Protestant and secular culture of North America” (Baum, 2014).

<sup>39</sup> Statistics Canada states that “immigration alone cannot account for this increase” and that “the decline in religious affiliation is consistent with other findings that fewer people reported the importance of religious and spiritual beliefs in their lives, down from 71% to 54% in 2019 (Government of Canada, 2022a).

Defining what multiculturalism as a policy actually is and does and was intended to do is very difficult and I think that's why we have so much confusion in the literature... It's a very liberal focus on the individual, not necessarily on group rights, although they say that part of the intention of the policy is to break down discriminatory attitudes... That's what multiculturalism is about at its moment of conception. It's really this "let's just share our cultures with each other, we shouldn't really discriminate against other groups." They make it very clear that we're not going to vouch for the survival of every cultural group. Some people may not want to identify with their cultural heritage, some cultural groups may choose to assimilate... This is not an antiracist piece of legislation.

I think it's a fairly common opinion on the left that multiculturalism does not do everything it could to address issues of inequality, particularly vis-à-vis racial and ethnic discrimination. (Meister)

Meister recounted how multiculturalism policy is grounded in ideas of individual identity vis-à-vis culture, and not in ideas of antidiscrimination or antiracism, as has been suggested elsewhere. It is important to differentiate between the multiculturalism policy, which was announced in 1971, and the *Multiculturalism Act*, which was passed in 1988.<sup>40</sup> The evolution of the intended meaning of multiculturalism—as being about liberal values, national unity between French and English Canada, and constructing a national identity to which all ethnic groups could belong—towards an understanding of multiculturalism as being against “discrimination based on race or nation or ethnic origin,” is illuminated by the difference between Trudeau’s speech and the *Act*. According to the *Act*, it is:

The policy of the Government of Canada to recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage. (Government of Canada, 1985)

In the legislation, the federal government recognizes both cultural and racial diversity, an emphasis that did not exist in Trudeau’s original policy statement which talks about culture, language, and ethnic origin. Despite stating at the outset that “such a policy should help breakdown discriminatory attitudes and cultural jealousies,” Trudeau committed the government to assisting “members of all cultural groups to overcome cultural barriers,” and not racial, discriminatory barriers, as well as to assisting “immigrants to acquire at least one of Canada’s official languages,” focusing again on language (Trudeau, 1971). Language and culture are pointedly paired and rather conflated in federal public policy and discourse, before race and culture are. The Abella Report, which predated the *Act*, also shows this evolution towards conceiving of multiculturalism as an equality-oriented policy which demands positive action, and given the timeline arguably facilitated it further.

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<sup>40</sup> The *Act* was based upon the recommendations of the Standing Committee on Multiculturalism, which was created in 1986 to respond to criticism that multiculturalism policy was just symbolic and geared towards promoting identity rather than equitable treatment.

Referencing Trudeau's announcement speech confirms Meister's characterization of multiculturalism *not* chiefly concerning the dismantlement of systems of discrimination against members of visible minorities. Haque analyzes the Royal Commission on Bilingualism and Biculturalism, and exhibits that multiculturalism and bilingualism operate as part of Canada's contemporary national narrative which favours and perpetuates the language and culture of the country's two "founding nations" at the expense of other groups.<sup>41</sup> Multiculturalism policy was therefore intended to inspire discourses of cultural neutrality, rather than accommodate the country's growing cultural diversity (Haque, 2012). Based upon Meister's current research, Haque's book, and Trudeau's speech, an acute conflation of race and culture was not present when Canadian multiculturalism was first made official. The text of the *Multiculturalism Act* itself, however, mandates "[assisting] ethno-cultural minority communities to conduct activities with a view to overcoming any discriminatory barrier and, in particular, discrimination based on race or national or ethnic origin" and thereby approximates the two (Government of Canada, 1985).<sup>42</sup>

The Abella Report records that "visible minorities pointed to an emphasis in funding for multiculturalism rather than for racial discrimination issues" as one of their frustrations with the federal government (Abella, 1984). Thompson substantiates these claims, stating that "vocal opposition to the policy and symbolism of multiculturalism led to shifts in state policy that reduced the emphasis on multiculturalism and focused instead on principles of immigrant 'self-sufficiency' and 'integration' into Canadian society" (Thompson, 2016). In line with this evolution, Joseph Heath primarily described multiculturalism policy in relation to Canadian immigration:

Multiculturalism it's a kind of unity at the level of institutions with pluralism at the level of culture.

Multiculturalism is a very specific policy, designed to deal with the type of pluralism created by immigration... and to integrate immigrants. And what's characteristic of immigrants is that they don't bring their entire society with them... The primary focus of the multiculturalism policy is to impose a kind of neutrality on the institutions that we expect to be shared amongst all members, both native born and immigrants. So it's primarily focused on antidiscrimination, and the elimination of unreasonable barriers to integration. (Heath)

Heath touched upon this paper's concern with the conflation of race and culture when he stated that multiculturalism, a policy designed to promote cultural pluralism and freedom, is also "*primarily*" concerned with antidiscrimination. His description opposes that of Meister, who explained how multiculturalism is not antiracist in its formulation, although he also described how some (wrongly) believe this was part of the policy's intention, particularly

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<sup>41</sup> Note that Multiculturalism Policy focused on "Canadian cultural group" and/or immigrant minority integration, in the framework of the country's two "founding nations." Indigenous peoples were omitted entirely from the 1971 announcement. "Aboriginal people" are not mentioned in the substantive sections of the *Act* either.

<sup>42</sup> Race and national and ethnic origin are put side-by-side without definition. This ambiguity is not resolved by federal government definitions. Subparagraph 5(g) is the only mention of these terms outside of the preamble.

when it was announced. Moreover, Haque's research, among other works, calls into question Heath's idea that multiculturalism was "designed to deal with the type of pluralism created by immigration" by demonstrating its origins in the contest between French and English Canada. Rather, Heath's simplification of multiculturalism's intent can be taken as a testament to the way in which the policy has evolved in the public mind in response to Canada's changing socio-political and demographic landscape, wherein concerns over Quebec separatism have been engulfed by concerns over immigrant integration and racial equality.

To summarize, antidiscrimination was not a dominant element of multiculturalism at the time of its announcement as official policy in 1971. By 1984, multiculturalism was invoked as part of the justification for employment equity in the Abella Report, both in terms of *Charter* obligations<sup>43</sup> and multiculturalism's critiqued lack of direct antidiscrimination initiatives. The aim of antidiscrimination was then echoed, albeit briefly, in the *Multiculturalism Act* in 1988. Overtime, the policy began to orient more around antidiscrimination (and specifically antiracism), relatively in conjunction with immigration-impacted demographic shifts. As Abella noted, the 1970s featured the influx of non-European and non-American (and, therefore, presumably non-white) immigrants in Canada, rendering cultural and racial difference more salient markers, and discrimination (specifically in employment), an increasingly salient issue in Canadian society. Today, after over sixty years of more open immigration policies, there are many more members of visible minorities in Canada than there were at the time.<sup>44</sup> Over time, culture has become a less salient marker of difference as it has become more shared. Language, which is often closely related to culture, has also become more shared<sup>45</sup> as was Trudeau's intention: to facilitate language learning, somewhat in tension with the purported multiculturalism policy prescription of no monolithic ruling culture. Rather, dominance is shared between the two favoured languages—maintaining two de facto primary cultures and thereby not constituting a complete departure from the existing assimilationist model.<sup>46</sup>

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<sup>43</sup> Abella cites Section 27, which protects the diversity of cultural heritage, as one of "certain sections of the *Charter* [that] reinforce the protection from enforced assimilation and provide rules of construction requiring that definitions of equality respect diversity" (Abella, 1984).

<sup>44</sup> In 1996, 3.2 million persons in Canada identified themselves as members of a visible minority, representing 11.2% of the total population (Government of Canada, 1998). In 2021, one in four people in Canada is part of a racialized group (Statistics Canada noted in their release that 'racialized groups' are based on and measured using the detailed 'visible minority' variable). All racialized groups in Canada are experiencing demographic growth.

<sup>45</sup> This statement needs to be qualified, as "English and French remain by far the most commonly spoken languages in Canada" with "more than 9 in 10 Canadians [speaking] one of the two official languages at home at least on a regular basis." However, the proportion of individuals who speak predominantly a language other than English or French at home has been increasing for 30 years: these individuals represent 12.7% of the Canadian population, "by comparison, the proportion was 7.7% in 1991, when immigration levels were rising" (Government of Canada, 2022f).

<sup>46</sup> This is also not to say that immigrants do not still value their distinct cultures: "according to data from the 2022 Canadian Social Survey, immigrants (79.5%) are much more likely than non-immigrants (47.6%) to place importance on their ethnic or cultural origins" (Government of Canada, 2022a). This data aligns with the *Multiculturalism Act's* stated goal of preserving and enhancing culture in Canada, and not forcing assimilation which is also protected against in the *Charter* and referred to in the Abella Report. Nevertheless, given that languages are "closely linked to the identity and culture of Canadians and to their relationship with the community," the increase in other languages in Canadian homes could speak to an effort to preserve culture and community (Government of Canada, 2022a). By this same logic, the dominance of the English and French languages in Canadian society also implies bonds to the two cultures. Withal, "integration of newcomers into



The evolution of multiculturalism policy has therefore operated as a contributing factor to the conflation of race and culture as it became the background for an employment equity policy for visible minorities that is ostensibly rooted in objection to race-based discrimination, but contains more emphasis on discrimination based on cultural difference and the barriers specifically faced by immigrants (this assessment is affirmed by the focus on immigrant concerns in interview responses). Abella held that “multiculturalism programs do little to assist in [the] economic integration [of members of visible minorities] or confront racism,” yet she ultimately failed to focus on racism in her conceptualization of employment equity, reproducing much of multiculturalism’s focus (Abella, 1984). Withal, understandings of Canadian multiculturalism have continued to evolve and have come to be employed as a justification for visible minority (race-based) employment equity (while still emphasizing the barriers faced by immigrants).

#### ***4.3.2 Distancing from the American Melting Pot and Affirmative Action***

Neither Canadian multiculturalism nor employment equity can be completely understood without attention to the US example, which I will show has been influential in the conflation of race and culture. When asked about how they understand and define multiculturalism, five participants’ initial responses compared Canadian multiculturalism to the American idea of a ‘melting pot:’

Multiculturalism came about as an alternative to the melting pot discourse... in the United States. (Woolley)

Multiculturalism is about integrating based on your identity, and your particular cultural identity. And it works in Canada better than anywhere else because we have a definition of equality that allows people to remain different and still be part of the Canadian mainstream. America has an assimilationist model where people have to pretend it’s a melting pot, no matter how different they are. But in Canada... you can assimilate [but also] you can integrate based on your difference, which is the heart of multiculturalism, and it’s why... we’re the most successful practitioners of multiculturalism in the world. (Heath)

[The] United States has traditionally touted the idea or the aspiration to be a melting pot and to have ethnic differences essentially disappear over time. That is in really strong contrast to the Canadian ideal of what used to be called the mosaic... In Canada, we’ve never really wanted to go down the path of trying to obliterate difference. In contrast, we wanted to recognize those differences and the value that they have for our culture and our communities and our economy even. And so I think that’s what the idea of multiculturalism essentially connotes. (Agocs)

This impulse to move away from (at least the perception of) the US in describing the origins of Canadian multiculturalism was mirrored when discussing employment equity. When asked, participants often featured a comparison to the US in their response:

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mainstream Canada is still the primary goal [of multiculturalism, but] it is now done with an eye to respecting peoples’ differences” (Voyageur and Calliou, 2000).

One of the strengths of Abella's approach was to differentiate the Canadian approach from the American affirmative action approach. (Burr)

We were excited and a bit blurred by the American model. We were very obsessed and careful about not replicating the American drama.<sup>47</sup> Probably we did not pay enough attention to what affirmative action means in the United States and could just not be what it would mean in Canada because of slavery and [the surrounding] debate. (Lamarche)

Lamarche's interpretation of the American situation as a dual source of inspiration and of caution is echoed in the Abella Report:

The second pertinent fact [fueling disappointment and skepticism in the federal government]<sup>48</sup> to which [the designated] groups referred was that the country to which Canada has the closest physical and cultural proximity has had for two decades an intensive program of affirmative action... It is one thing to learn from any mistakes of the American experience; it is another to ignore the experience altogether. (Abella, 1984)

Given the extent to which Canadian multiculturalism and employment equity is construed in contrast to the US, it is worth identifying the similarities and differences. Through his analysis, Sabbagh illustrates how "diversity" has served as the missing link between antidiscrimination/racial equality and multiculturalism/cultural pluralism—first in the 1978 Supreme Court case *Regents of UC v. Bakke* and then beyond, to the point that diversity is detectable in American public culture and through the institutionalization of multiculturalism, albeit not through official policy. Contemporary multiculturalism in the US "is in part a byproduct of the judicialization of politics in American society" (Sabbagh, 2007). Sabbagh traces how, in the US, affirmative action emerged as a response to the systemic discrimination perpetuated as a result of its history of slavery. Contemporary multiculturalism was solidified by virtue of the diversity rationale which was used to justify affirmative action in judicial proceedings. In Canada, multiculturalism first emerged in part as Trudeau's response to threats to Canadian unity, both the issue of French-Canadian nationalism and the mobilization of (mostly white) ethnic minorities (Wayland, 1997).<sup>49</sup> Calls for antidiscrimination measures rose as immigrants were increasingly from non-European countries due to the opening of immigration policies.<sup>50</sup> Multiculturalism was thus expanded

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<sup>47</sup> Nevertheless, significant backlash to employment equity, both federally and provincially, did occur (Agocs and Burr, 1996).

<sup>48</sup> "The first [pertinent fact] is that the federal government has forcefully intervened on behalf of the employment needs of francophones," which speaks to the primacy of linguistic issues on the federal agenda (Abella, 1984).

<sup>49</sup> In the earlier years of his political career, Trudeau's writing set the stage for how he would later approach multiculturalism: "The die is cast in Canada: there are two main ethnic and linguistic groups; each is too strong and deeply rooted in the past, too firmly bound to a mother culture, to be able to engulf the other. But if the two will collaborate at the hub of a truly pluralistic state, Canada could become the envied seat of a form of federalism that belongs to tomorrow's world. Better than the American melting pot, Canada... could become a brilliant prototype for the moulding of tomorrow's civilization" (Trudeau, 1968)

<sup>50</sup> "During most of the immediate post-war period, Canada practiced a restricted immigration policy which made it extremely difficult for persons other than Europeans and Americans to emigrate to Canada. As a result of a

to include an antiracist orientation, including through the *EEA*, as built based on the Abella Report which pointedly considered the American example of affirmative action. Therefore, in the US, contemporary multiculturalism emerged as a side effect of the courts' management of racial political issues, most notably through the Supreme Court and the *Bakke* ruling, wherein the emphasis on "diversity" had comparative advantages against other arguments for affirmative action (Sabbagh, 2007). As established above, in Canada, conflict between French and English Canada—which is fundamentally a language issue and is thus related to, although not completely constitutive of, culture—propelled Trudeau to adopt multiculturalism within a bilingual framework, rather than biculturalism, in an effort to reduce the salience of the linguistic divide and unite the country under a national identity.

A feature common to both the US and Canada is that multiculturalism emerged as a byproduct of the management of another (more central, salient, and threatening) political conflict than that of culture; namely, racial conflict in the US and linguistic conflict in Canada. A difference between the two countries, however, is in the way that affirmative action programs were established. In the US, race-based affirmative action was set up in higher education and employment in a relatively disorganized and decentralized manner at the beginning. Hence, the critical role of case law as a rationalizing force where cultural diversity was grafted to the racial discrimination issue, particularly through the Supreme Court and *Bakke*. This graft, criticized by Hollinger and Ford, was later exported to the employment field in the 1980s (Bereni, 2023). Contrastingly, in Canada, the Abella Report and the *EEA* introduced employment equity on a federal scale in a relatively systematic and centralized manner, after affirmative action had found its way to the courts in the US. The emergence of the grafting of multiculturalism to employment equity is a similar phenomenon to the grafting of diversity to affirmative action in the US, diverging in that contemporary multiculturalism in the US emerged through this grafting, rather than pre-conditioning it. However, as demonstrated above, Canadian multiculturalism has evolved in response to employment equity as well.

Given the distancing in the discourse, how different is Canadian employment equity from American affirmative action in actuality? In the Abella Report, Abella writes that "remedial measures of a systemic and systematic kind are the object of employment equity and affirmative action" (Abella, 1984). She also equates the interventions of both: "Whether they are called employment equity or affirmative action, [the purpose of interventions] is to open the competition to all who would have been eligible but for the existence of discrimination" (Abella, 1984). In spite of twin objectives and interventions, when organizing and centralizing employment equity in Canada, Abella made sure to distinguish her approach from what was happening in the US:

What I learned by looking at the American experience, at the Equal Employment Opportunity Commission which was then run by Clarence Thomas, and at their

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number of significant changes to Canada's immigration laws, persons of other nationalities moved to Canada in increasing numbers by the late 1960s and especially in the 1970s" (Abella, 1984). This trend towards opening was amplified by the passage of the *Immigration Act, 1976*.

jurisprudence was what not to do in Canada, and my views remain, that they are an object lesson in how not to approach equality or equality in employment. So it was very instructive in my mind. I would not have changed my mind one bit about creating a new definition of equality that acknowledged differences, unlike the American approach, which treated everyone the same. That would not be different.

[Choosing employment equity as terminology instead of affirmative action] was deliberate and I wouldn't change that either. In Canada, people had no idea what [affirmative action] actually means. And it was largely a quota based approach.<sup>51</sup> And I didn't want to introduce a whole new Canadian approach to eliminating barriers using American language that was confusing and American strategies that I don't think worked very well. So employment equity was a whole new phrase because equity is about fairness and it was fairness and employment... [the first chapter of the Abella Report] just conceives of equality and fairness, and it's very different from the American approach.<sup>52</sup> (Abella)

For Abella, this move of creating the term employment equity was both about avoiding the baggage associated with the term affirmative action *and* about “creating a new definition of equality.” Indeed, “Abella shifted discursive ground from quotas/‘reverse discrimination’ to the removal of barriers” (Bakan and Kobayashi, 2007).<sup>53</sup> While acknowledging, as she does, the dual purpose of conceiving of ‘employment equity,’ she also acknowledged that employment equity is a euphemism for affirmative action.

Through interview responses, this subsection has established the impulse to distance from the US in Canadian employment equity policy and discourse more broadly. Yet what is the connection between this impulse and the paper's central argument that there is a conflation of race and culture in the Canadian case? In short, the US experience of decentralized affirmative action informed Abella to invent a new affirmative action, both in name and in definition, subsequently adopted by the federal government. Affirmative action, which has been understood as a mostly race-oriented policy, is rejected in favour of employment equity, which speaks broadly of eliminating barriers to employment and, under the banner for visible minorities, primarily mediates the barriers faced by immigrants (although she tangentially connects these to racism, and visible minorities are racially defined). This amounts to a cause of the conflation of race and culture in employment equity policy: insofar as ‘race’ is a much more salient and widely-utilized concept in the US where affirmative action was met with widespread backlash, Abella was motivated to reproduce

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<sup>51</sup> There exists a similar tendency in France and in the US, as Robin Stryker captures, to equate affirmative action with quotas (Stryker, 2001).

<sup>52</sup> Abella states a near-same position in her report to that expressed in the second excerpt. However, Abella does not wholesale reject American ideas. For instance, in her report, she endorses an approach to discrimination based on impact (as opposed to motive) which was articulated in the 1971 US *Supreme Court Case of Griggs v. Duke Power Company*. The tendency to move away from the US model when setting up affirmative action programs is also evidenced in South Africa from the mid-1990s on (Cédiey, 2002).

<sup>53</sup> While potentially elusive as a practical matter, it is worth taking into account that quotas and numerical targets are not synonymous ideas: quotas are theoretically compulsory and their non-achievement entails a liability to legal sanctions, whereas targets or numerical goals only legally require evidence that a genuine, good-faith effort was made in order to reach them.

Canadian avoidance, or de-emphasis, of the term race. This move contributed to the birth of an employment equity scheme which was and continues to be associated with multiculturalism—a concept which, like in the US, emerged as a product of a political conflict which did not revolve around culture per se, although I argued above that language and culture can more convincingly, or appropriately, be conflated.

#### **4.4 A Consequence of the Existing Conflation Within the Visible Minority Framework**

What, then, are consequences of an employment equity scheme that features conflating elements of race and culture, yet primarily exists to confront the barriers faced by visible minorities—a broad group solely defined by race?

##### *Population Group Question on the Census*

One glaring and direct consequence identified through interviews is that the subgroup options of the census question on population group, from which members of visible minorities are designated, corroborate the conflation of race and culture, despite the definition being exclusively racial. Corbeil, who worked on these issues at Statistics Canada, stated this explicitly:

Even within Statistics Canada, we were faced with a clear conceptual divide between English Canada on one side and the US versus French Canada and almost the whole world, in the sense that for many countries the concept of race is problematic... In Quebec it was considered as pejorative, whereas in English Canada, and even in the States, it was very normal to talk about racial groups and races. (Corbeil)

In this excerpt, Corbeil alluded to the differences between race-conscious and colour-blind approaches. He also illuminated the concept of race as polarizing in Canadian federal politics (acutely in terms of French vs. English Canada). Despite a forty year history now of employment equity and therefore a supposedly race-conscious policy, the use of race in the census is continually renegotiated and unsettled. In speaking to the reasons in favour of racial enumeration, Corbeil said that:

It's very clear that the question wordings in our census, in our surveys, have a very strong impact on what kind of information we collect. The idea was to say we need information to be able to have a good portrait of those who are really subjected to discrimination in our society. Let's look at different measures to recognize those who face specific barriers and [for that] we have to have good scientific, statistical information. (Corbeil)

Thompson explains how “the promoting of official multiculturalism normatively preconditioned census politics in Canada” by prompting the state “to take more proactive measures to combat racial discrimination” and circulated “programmatic beliefs about the necessity of racial enumeration” especially amongst civil servants working for Statistics Canada (Thompson, 2016). Additionally, the policy legacies of employment equity (as well as the centralized structure of the statistical system) were paramount in decisions, especially on the population group question. A member of the employment equity working group,

whom Thompson interviewed, confirmed the Abella Report's influence in instrumentalizing the *EEA* by determining which categories were to be included for a direct census question on race: "The *Act* itself was not very specific about which groups [were] to be included as such but the understanding was that they were the groups from Abella" (Thompson, 2016). In 2021:

Respondents were asked "Is this person:" and were instructed to mark more than one of the following response categories, or to specify another group, if applicable:

White  
South Asian (e.g., East Indian, Pakistani, Sri Lankan)  
Chinese  
Black  
Filipino  
Arab  
Latin American  
Southeast Asian (e.g., Vietnamese, Cambodian, Laotian, Thai)  
West Asian (e.g., Iranian, Afghan)  
Korean  
Japanese  
Other group—specify

(Government of Canada, 2022e)

Within the options of the population group question on the census, respondents were thus most recently offered four regions, four nationalities, two colours/races, and an ethno-linguistic category. This argument presupposes a criterion to distinguish between groups that are 'racial' and non-racial.' According to Canada's Anti-Racism Strategy 2019-2022 "race is a 'social construct'... society forms ideas of race based on geographic, historical, political, economic, social and cultural factors, as well as traits, even though none of these factors can legitimately be used to classify groups of people" (Government of Canada, 2021b). This definition ascribes factors to race which are not at the core of what is typically used to *identify* race, and diminishes those which, according to this paper's theoretical framework, are the most often instrumentalized: traits, "which are certain physical characteristics—especially skin colour, hair, and shape of the face" (Hollinger, 2000). The Province of Ontario offers a more congruent definition to the theoretical framework of this paper than the federal government: "race is a term used to classify people into groups based principally on physical traits (phenotypes) such as skin colour" (Government of Ontario, 2022).

As Hollinger argues, ethnicities often hold much more cultural content than races. Statistics Canada defines ethnic origin as "the ethnic or cultural origins of the person's ancestors," which is ultimately a paraphrase of the term it purports to define (Government of Canada, 2015). A more fulsome definition can also be found in Ontario's systemic racism data standards: "ethnic groups have a common identity, heritage, ancestry, or historical past, often with identifiable cultural, linguistic, and/or religious characteristics" (Government of

Ontario, 2022). The ethnic or cultural origins question provides respondents with the space to identify the ethnic or cultural origins of their ancestors. Statistics Canada explains the nuance of the question:

Often referred to as a person's ancestral "roots," ethnic or cultural origins should not be confused with citizenship, nationality, language or place of birth. For example, a person who has Canadian citizenship, speaks Hindi and was born in the United States may report having Guyanese ancestry. (Government of Canada, 2022g)

This example helps show the difference between the ethnic or cultural origins question and the population group question. The population group question is about how the respondent self-identifies *racially*, not how they would identify their ancestry. That is not to say that the ethnic or cultural origin question is not subjective as well:

Responses to the ethnic or cultural origins question on the census reflect respondents' perceptions of their background. As such, many factors can influence changes in responses over time, including the contemporary social environment, the respondents' knowledge of their family history, and their understanding of and views on the topic. This means that two respondents with the same ethnic or cultural ancestry could have different response patterns and thus could be counted as having different origins" (Government of Canada, 2022g).

The population group question for employment equity (ostensibly, antidiscrimination) purposely focuses on the individual's self-identity and provides limited options from which respondents are invited to select. Even though the underlying logic of the population group question is to provide the state with data needed for the enforcement of the law targeting employment inequality, the list of options is over-inclusive, as it encompasses both 'racial' and 'non-racial' groups according to the definitions outlined above. Therefore, the conflation exists in this mix of types of identities which do not amount to *races*, while employment equity for visible minorities is supposed to attack the problem of *racism* according to the Abella Report. Bloemraad, Hollinger, and Ford all believe antidiscrimination to be a legitimate justification for employing the concept of race in public policy, and, for Hollinger and Ford, specifically for affirmative action purposes.

Withal, the decoupling of race and culture in the visible minority definition is diminished by the conflation which exists in employment equity's overall conceptualization and perception. Alas, a consequence of using the term as a euphemism for race while attempting to completely cleave race and culture is ambiguity; as evidenced by the federal government's converging definitions of race and ethnicity, as well as the subgroups of the population group question, which include racial and non-racial groups:

The fact [is] that the categories we're discussing are not in a way comparable, it's like you're putting together apples and oranges: national level, race, or the colour. (Armony)

We realized that there was a lot of, obviously, conceptual confusion about what people wanted to measure and how people interpreted the diversity or the socio-cultural and ethno-cultural characteristics of the population. (Corbeil)

This conceptual confusion figures into the argument I make next.

#### **4.5 Against the Conflation of Race and Culture**

While not an intentional counter-strategy, both due to the stated objective and to the historical timeline, the use of the term visible minority can be considered an attempt to avoid the conflation of race and culture, while simultaneously avoiding the polarizing political nature of the use of the term race. The notion of visible minority does not assume that there is a central cultural difference based upon which people would be discriminated against. However awkward and ambiguous, it is an attempt to avoid the conflation of race and culture by way of clarifying that employment equity for visible minorities is designed to respond to discrimination triggered by perceived phenotypical difference. This is supported by the exclusion of Indigenous peoples under the same banner of the *EEA*, which generally have visible differences as well but are more consensually defined by culture.<sup>54</sup>

Regardless of visible minority being a term that ultimately focuses on discrimination, it is widely criticized as being a euphemism for race. Moreover, regardless of the term's virtue (the impulse to avoid the conflation of race and culture, a drift central in the US) it is an asymmetrical term that assumes a white viewpoint as its reference. Karim warns against this:

If “whiteness” is symbolically the standard or the norm by which definitions of others’ identities are constructed then attempts to ensure equity which use terms such as “non-white” are paradoxically implying that the latter are substandard or abnormal. (Karim, 1996)

Race is more symmetrical as a concept, but has the disadvantage of being even more ambiguous and historically loaded (Hardimon, 2017). In Canada, there was an attempt to clarify why race matters: the conceptually ambiguous notion of race was replaced in a way that clarified that what matters for antidiscrimination purposes, from a public policy perspective, is visibility, distinctiveness and salience.

This argument maintains the normative claim that culture and race should be considered as distinct. As elucidated via the theoretical framework, beyond the arguments for why they *are* distinct, the most obvious reason for which to cleave race and culture is in conjunction with the goals of employment equity: to achieve equality. As long as policy is not clear about what it is targeting, it is less likely to produce the desired results. Employment equity's shortcomings are widely evidenced,<sup>55</sup> including in the research of Bakan and

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<sup>54</sup> According to Karim, “the decision of the government to treat Aboriginal peoples separate categories for the purposes of the *Employment Equity Act* appears to have been the result of the insistence by Aboriginal communities that their unique historical and contemporary situation required that they be categorized separately” (Karim, 1996).

<sup>55</sup> (Agocs, 2007, 2002; Bakan and Kobayashi, 2000; Burkett, 2014; Busby, 2006; Weiner, 2014).



Kobayashi. While not directly related to the conflation of race and culture, they argue that using the term employment equity in lieu of affirmative action is an example of euphemization as well: “Canada would avoid the ideological baggage that came with the term in the United States, and thus encounter less opposition” (Bakan and Kobayashi, 2007). Bakan and Kobayashi conclude that while this move may have avoided some backlash, “it also failed to enshrine a proactive approach, seriously limiting the efficacy of the program” (Bakan and Kobayashi, 2007).<sup>56</sup> Correspondingly, to Johnson, the visible minority category represents and reproduces a failure to target actual issues. The following excerpts reconstruct her perspective on the term, and reinforce my argument against the conflation of race and culture:

I think that should have been changed a long time ago. But that was the language of the time. Everything is done... to make it palatable, to soften, to appease. Let's call it what it is: it's discrimination against a range of people.

People do not want to talk about the issue of race. That is the underlying problem.

The issue is about race and you have to name it. You have to be willing to talk about it. Before anything is going to shift. Like really shift. I think that it's an important step. (Johnson)

Woolley raised the issue of a lack of targeted programming that results from putting all visible minority groups under one umbrella, which Abella addresses in the report as well. Eleven participants in total expressed their dislike for and disapproval of the term visible minorities:

I had issues with the term personally. Because for one thing... it had this tendency to homogenize the very big diversity of different diversity groups... [which] was part of the issue as well. (Corbeil)

I have no problem seeing how overly simplistic we were, namely about the designated groups... Everybody agrees visible minority is not an appropriate group. (Lamarche)

It's kind of a portmanteau concept that can be used to adapt... The idea of visible minority as a kind of statistical category is ridiculous. (Weinstock)

Similarly to euphemizing affirmative action with ‘employment equity,’ by not naming race while aiming to target racism, federal policy “thus skirts the issue of racism” (Karim, 1996).<sup>57</sup> Therefore, this decoupling of race and culture—through euphemization—ultimately results in obscurity.

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<sup>56</sup> “The notion of ‘equity’ rather than ‘action’ suggests a narrower lens, and thus a more palatable but less effective solution, for achieving equality” (Bakan and Kobayashi, 2007).

<sup>57</sup> Karim also cited the criticisms that the term “homogenizes a broad variety of people [and] excludes other groups that also face discrimination” (Karim, 1996).

#### **4.6 Alternative Terminology to Designate Members of Visible Minorities**

Given the shortcomings of the term, it is worth appraising alternatives that would avoid the conflation of race and culture while dispelling the ambiguity and the subsequent conceptual confusion. This is an undertaking of the Task Force and one that Statistics Canada has already embarked upon: “A commonly-proposed alternative is ‘racialized groups,’ with various definitions and classifications” (Government of Canada, 2022a). In considering the term visible minorities, participants discussed non-exhaustive alternatives, primarily ‘racialized groups/people,’ as affirmed by Statistics Canada, and ‘people of colour’ as well as the ‘BIPOC’ framework. Heath raised objections to two of the alternatives on the basis of their being unsuited to the Canadian context:

Unfortunately, the Trudeau Government wants to replace [visible minority] with racialized which I find deeply problematic. Apart from the fact that most people find it tendentious, but also they’re relying on self-identification for racial identity. So it’s ridiculous to refer to people as racialized when they’re self identifying, racialized like someone else is doing it to you... Racialized is a particularly inept term in a Canadian context. Person of colour is kind of worse than visible minority. So I don’t see a viable alternative to visible minority which already seems to be the best.

[Universities are] putting together a huge number of affirmative action programs using the BIPOC framework, and therefore, that are specifically targeted, benefiting black and Indigenous students. And in Canada, that’s an outrageously divisive thing to do. No one contests the issue around Indigenous students, but favouring black students like that is sort of open to two obvious objections. So the first is that you’re dealing with an immigrant population almost exclusively. So unlike the United States, where targeted towards African-Americans specifically can have specific historical justifications. And then the second thing is the use of the black category in Canada is extraordinarily problematic. And so again, importing the American racial vocabulary is just a bizarre failure to think clearly about the problems that you’re actually facing. (Heath)

Heath underscores that black people in Canada have not been subjected to the same degree of state violence historically perpetuated as in the US—or at least no more than other ethnic groups, as mentioned in the Literature Review. Woolley echoed some of Heath’s qualms regarding the ‘BIPOC’ framework, also recognizing the adoption of another originally American model:

And I think it’s interesting, the switch to the BIPOC language, [with] more emphasis on Black and Indigenous people of colour as opposed to the visible minority concept. So that is interesting in the US context. The use of BIPOC actually broadens the concept. Because, in the US, it tends to be black and white [so] that’s broadening the concept to include a variety of people, of races, people of colour. When you say it in the Canadian context, it goes from the Visible Minority which is a very broad and undifferentiated concept and puts black at the beginning. It’s black, Indigenous, other

people of color. So a huge change of emphasis in the Canadian concept, to naming black and Indigenous, specifically as opposed to other ones because, black is not the largest ethnic minority group... you're prioritizing a group that is not the largest, single first minority group. (Wooley)

The argument here is that in the US 'people of colour' is the broader, more inclusive category, vis-à-vis black, whereas in Canada, it is the narrower, less inclusive option, vis-à-vis 'visible minority.'<sup>58</sup> So the tendentious shift to 'people of colour' has a very different meaning in the two countries.

Agocs underlined the importance of the affected group members having the liberty to self-identify according to terms which are most comfortable to them. This may mean that the categories used for federal employment equity programs and statistics are different from those used in communities.

So when you're talking with people about their experience, [BIPOC] is a term that they might be comfortable with and that they might choose to use. There's nothing wrong with that. It's just when we're talking about policy, we need to be more precise, and we need to make sure we know what we're talking about so that we can make that policy stick. (Agocs)

However, most of the participants pointed to the dimensions of 'racialized' which make it the preferable term. In his book, Meister defines racialization as "a process by which the idea of race is projected," including onto people (Meister, 2021).

The use of the language of racialized employees, racialized persons, I think that helps to pick up on the notion and the experience of how others will construct what's meant by race. Or how any of us might construct what's meant by race. (Burr)

I think the term racialized is helpful because it implies a historical process by which human people, agents have brought about something. So it's not that you are part of a race to begin with. You get classified as a race by people in whose interest it is to so classify you. (Hollinger)

What I like about the idea of racialized is the idea that the status is not something that you have... A kind of status as somebody who is a vulnerable or less vulnerable member of the population is not something that you have by nature. It's something that happens so it's the idea that people are rendered vulnerable by social processes, rather than being vulnerable in virtue of some objective trait that they have. So the

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<sup>58</sup> "In 2021, three racialized groups represented 16.1% of Canada's total population: South Asians (2.6 million people; 7.1%), Chinese (1.7 million; 4.7%) and Black people (1.5 million; 4.3%), with each population topping 1 million. In 2016, these groups represented 13.6% of Canada's total population. Filipinos (960,000 people; 2.6%), Arabs (690,000; 1.9%), Latin Americans (580,000; 1.6%), Southeast Asians (390,000; 1.1%), West Asians (360,000; 1.0%), Koreans (220,000; 0.6%) and Japanese (99,000; 0.3%) are the other main groups" (Government of Canada, 2022a).

idea that you have been racialized rather than race, I think is a positive step. (Weinstock)

I think the term racialized is more accurate because it suggests that we're talking about a social dynamic, which stigmatizes people racialized as [such]. So it's not that people are members of a race, it's that society has that label on them. And they are not at liberty to say, no, that label doesn't apply to me. Because if you are someone with a black skin, it's society that puts you down [and] you can't sort of escape that label. It's an ascribed label. Not a chosen one. But I know that there are issues around this category. (Agocs)

Agocs' example is reminiscent of Hollinger's argument that the individual should be free to choose their affiliations, and not be labeled by the public, and public authorities, on the basis of their immutable physical characteristics. As also described by Ford, such labelling carries with it many problematic assumptions:

There's a difference between how people identify themselves and how society identifies them. So I mean, clearly, there is in Canada a black population, which is in itself multicultural. So within a population that is identified as black because of their skin, there are so many different cultures. And so, while we also need to recognize the diversity within these categories and for practical purposes, in terms of employment equity, I'm not sure that that's a matter of great concern. Aside from the fact that using these categories pushes out individuality and cultural differences amongst different groups within a category. And that's problematic. (Agocs)

This section has detailed alternative phrases to replace visible minorities, according to the views of my interview participants. I will present my own views as part of the Policy Recommendations within the Conclusion.

## 5. CONCLUSION & POLICY RECOMMENDATIONS

### 5.1 Conclusion

This paper employs the theoretical framework establishing that there exists a conflation of race and culture in the US. To build off this research, I apply the framework to the Canadian case to interrogate the impact of an official multiculturalism policy on the relationship between race and culture. My hypothesis was that there would be conflation between race and culture in federal employment equity policy for visible minorities, which would be more pronounced than in the US case of affirmative action by virtue of official multiculturalism. Using a qualitative research approach, this hypothesis was semi-confirmed: “Canadian employment equity policy expresses a *[related yet differently]* pronounced conflation of race and culture to that documented in the US” (H1). The visible minorities category, which was officialized and further popularized through the Abella Report, is defined strictly by race and not by culture. I confirm that while the term was not an explicit strategy to cleave race and culture, it was intended to address the problem of racism. Insofar as visible minority is a euphemism for race and thereby a move in the opposite direction of the hypothesis, the conflation is certainly not more pronounced in Canada.

Nevertheless, the conflation of race and culture was established via the Abella Report and thematic analysis of semi-structured interviews. The conceptualization of employment equity repeatedly equates barriers on the basis of language and cultural differences to racial disadvantage, and tends to equate immigrants to visible minorities. I was able to identify two causes of this conflation. First, the evolution of the role and understanding of Canadian multiculturalism, which originally was not a race-oriented policy and its antidiscrimination dimensions were grafted on afterwards. Furthermore, multiculturalism’s original (and continued) emphasis on language and culture can be found expressed similarly throughout the Abella Report. A second cause identified is the desire to move away from the perceived American melting pot ideology of assimilation as well as the influence of American affirmative action policy, an explicitly race-oriented policy, in crafting Canadian employment equity. Finally, I show that a direct consequence of this conflation of race and culture, existing within a policy for visible minorities which are defined racially, is that the options of the census question contain a mix of racial and non-racial groups. This paper thereby provides a nuanced answer to the first research question whilst establishing that this conflation is a transnational trend that can be observed in both the US and Canada.

Moving on to *H2a*, I was unable to establish a causal link between “this conflation of race and culture” and its contribution “to the ineffectiveness of Canadian employment equity policy,” the latter already being well-established in the literature. While interviews display the conceptual confusion resulting from the euphemization of race through the visible minorities category, the connection between the counter-strategy and the lack of progress in the realization of employment equity’s goals requires further verification. The second claim within *H2a*, that this conflation also contributes “to the failures in realizing the multiculturalist ideal underlying its official policy” is not definitively answered either as the intention of multiculturalism policy is contested in the literature. An analysis of Pierre

Trudeau's original announcement of "multiculturalism within a bilingual framework" against the *Multiculturalism Act* illuminates contestation over the degree to which this policy was actually rooted and instrumental in addressing "discrimination based on race or national or ethnic origin." Antidiscrimination, despite its brief inclusion in the *Act*, was ultimately not the central focus of multiculturalism policy when it was originated. What is apparent is the extent to which the two have come to be interpreted as synonymous and mutually reinforcing, thereby further illustrating the conflation of race and culture.

Concerning *H2b*, which responds to the second research question positing that "the visible minorities category should be redefined to combat *EEA* deficiencies and to disentangle notions of race and culture," my analysis also produced nuanced results. The concept of visible minorities is near-unanimously criticized yet can be read as an attempt, however awkward and ambiguous, to distance from said conflation of race and culture in official federal terminology. The category does in fact disentangle notions of race and culture by clarifying: (1) that it is discrimination based upon visible difference relative to whiteness which employment equity policy aims to defeat; and (2) that this discrimination is the reason why the state is authorized to count persons living in Canada by race in the census. In light of the shortcomings of this euphemism as well as the discussion of alternative terminology to designate members of visible minorities, this paper proposes the following policy recommendations.

## **5.2 Policy Recommendations**

These policy recommendations are my cumulative answer to the question which the Task Force is currently addressing, and are being made based upon this specific analysis within the theoretical framework of a conflation of race and culture.

*Recommendation 1:* The federal government consider formally replacing the term 'visible minorities' with 'racialized groups.'

The term 'visible minorities' has triggered widespread criticism and confusion. While the term helpfully highlights the discrimination which arises based upon the visibility of physical attributes, it fails to directly talk about race and instead acts as a euphemism. In arguing against the 'visibility' aspect, Karim points out that "the idea of 'immediate visual contact' may be limited for the larger range of stigmas that trigger racial discrimination, including names and accent" (Karim, 1996). While he is right to point to names and accents as other potential triggers of racism, it does not follow that the use of the words 'race,' 'white,' and 'colour,' should be eliminated, as he argues. Arguably, names and accents are proxies for visibility in such cases and visibility remains the determinative element. I agree with Karim that "the challenge is to identify the victims of racial discrimination in manners which do not impose classifications that further stigmatize them within society" nor "valorize the same element that race classification systems have used in designating 'races,' namely skin colour" (Karim, 1996). However, by evading any mention of race, the state fails to tackle the prevalent, pervasive issue of racism head-on. Eliminating mention of race and instead focusing only on ethnic and cultural origin engages with a "questionable sociology of group

cultural difference” instead of recognizing “pervasive practices of group subordination” (Ford, 2006). The decoupling of race and culture in federal government policy ought to go further than euphemism and (as endorsed in the US context by Hollinger and Ford) utilize the notion of race to address racism. This does not mean subscribing to an essentialist understanding of the races, but rather affirming the persistence of the social construction of race in our society, while pursuing its dismantlement—a paradoxical approach which Sabbagh identifies in discussing the dissimulation strategies deployed in the case of American affirmative action. Anything else amounts to a step closer towards colour-blindness.

As shown in the preceding chapter, ‘racialized’ is the term with the most support from my (albeit limited) sample and has already been adopted by Statistics Canada and Justin Trudeau.<sup>59</sup> Moreover, ‘*groupes racisés*’ is widely used in France, which might facilitate its adoption in Canada to some extent. Arguments against the use of other popular alternatives like ‘people of colour’ and ‘BIPOC’ were advanced in the preceding chapter. I agree with Karim that the term ‘persons of colour’ essentializes the skin colours of “non-whites” and fails to indicate that race is a social construction, which is one of the virtues of the term ‘racialized,’ as raised by interview participants. The ‘BIPOC’ framework is contestable as it raises the salience of two groups (black and Indigenous peoples) above all others, and thereby only selectively addresses the issue of homogeneity. Moreover, Indigenous peoples are to be considered separately from other racialized groups, as they currently are in federal legislation, based upon their cultural and historical distinctiveness as well as their national minority status. This recommendation needs the validation and support of the groups which it would include in order for it be successfully implemented, and to minimize its role in further enforcing paternal and colonial nomenclature.

*Recommendation 2:* The categories of the population group question be revisited to further disconnect race and culture, as well as to emphasize that the purpose of the question is to collect data for antidiscrimination purposes.

This recommendation presupposes that the federal government should continue to enumerate the population racially, the argument for which is parallel with that of Recommendation 1—to address racial discrimination you need to name and track race. A determinative recommendation as to what those subgroups should be would require policymaker consultations with members of the subgroups (for their validation and support), census tests (to ensure the utility of the generated data), and extensive research beyond the scope of this project. Moreover, the emphasis element is aligned with current Government of Canada practice.

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<sup>59</sup> See the Statement by the Prime Minister on the International day for the Elimination of Racial Discrimination (Trudeau, 2022).

### **5.3 Limitations**

This paper presents some methodological limitations. First, I chose a sample size that is less than the recommended minimum of thirty for meaningful statistical analysis (McIntosh and Morse, 2015). My small sample size was determined by the limited scope of this paper, notably the word count restriction and the allocated time. Second, by employing an interview method, I relied upon the ability of respondents to accurately and honestly recall their experience with employment equity policy over the course of the past forty years. This naturally leaves open the possibility of inaccuracies and omissions, the effects of which are likely compounded by the small sample size. Third, due to scope I was also unable to provide a more substantive and detailed discussion on Indigenous peoples in Canada, which would require its own inquiry. Fourth, this paper has not sought to propose changes to the *EEA* itself. The literature showcases the profound shortcomings of the legislation and so changes to the *EEA* would need to accompany any adopted semantic shifts (as I proposed above).

### **5.4 Looking Forward**

Yet, the limitations of this paper delineate avenues for future research. The latter might strengthen the validity of my findings by working with a larger sample and obtaining interviews with more policymakers directly involved in the drafting of federal multiculturalism and employment equity policies, and their management over the years. One might also specifically look into how the theoretical framework would apply to Indigenous peoples and policy in Canada. Another project could aim at specifying the link between “this conflation of race and culture” and “the ineffectiveness of Canadian employment equity policy;” this was not achieved within my project due its qualitative approach. To link it to quantitative outcomes would call for a mixed method approach.

Recent developments will also lead to new research questions. In November 2022, the Canadian government announced new targets to increase the number of immigrants entering Canada, with a goal of 500 000 people in 2025, to hopefully alleviate the mounting labour shortage (Canadian Press, 2022). Additionally, the report of the Task Force on the Employment Equity Act Review is set for presentation to the federal government this year. The publishing of the report will hopefully provide much in the way of understanding the preferences and experiences of different racialized and ethnic groups in Canada, as well as the opinions of experts.

Canada’s official policy of multiculturalism, its commitment to increase immigration, and the rise of DEI, are all reasons for which the relevance of the issues discussed herein will not dissipate anytime soon. Moreover, employment equity has not lived up to its promises, even insofar as its conceptualization focused on immigrants:

It remains a fact that immigrants are grossly unemployed and make up a large percentage of Canadian unemployment [and...] Blacks, particularly those originating from Africa, had the lowest employment rate in Canada [in a 2015 Statistics Canada report]... Despite the intent of Canadian multiculturalism policy to tolerate diversity, Whiteness still remains an essential feature of “Canadianness” and, as such,



difference along colour lines remains a barrier to integration. (Hogarth and Fletcher, 2018)

These are just a couple examples of why reform, to employment equity and otherwise, is needed. If Canada is to live up to its ideal of multiculturalism, and to liberal values, this will require real action. Abella's words still ring true: "systemic discrimination requires systemic remedies [and, ultimately] equality is a process" (Abella, 1984).

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## **APPENDICES**

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## **APPENDIX A: Interview Guide**

This research includes primary source material to be derived from semi-structured interviews with academics and practitioners, all of whom were selected based on their involvement and/or expertise in questions of employment equity, multiculturalism, antidiscrimination, diversity, and/or public policy. Each interviewee was selected to provide a different angle to and thereby nuance any response to the research questions.

The first part of this interview will outline your relevant professional experiences, while the second will explore your views on the aforementioned issues. The questions herein are generic and being posed to all participants. Supplementary questions may be asked, both improvised and prepared/tailored to your profile.

While the aim is to address all of the following questions in some form, they will not necessarily be asked in a “Q&A” style interview; foremost, this is meant to be an open-ended discussion. Your answers are being audio recorded and transcribed for further analysis.

The purpose of our discussion is to probe your views on employment equity exclusively vis-à-vis visible minorities, nearly 40 years since the Royal Commission on Equality in Employment was established. In light of the aims of the Employment Equity Act Review Task Force, which is set to release its findings later this year, my project adopts an approach rooted in ethnographic principles to answer the question set to the Task Force of *How to define and modernize the Employment Equity Act’s designated groups?*

To be clear, this is not a quantitative policy analysis, but a qualitative consideration of employment equity conceptually, both through its historical origins and the state of understanding amongst experts and academics today. I believe that there is value in interrogating these questions, posed directly by the federal government, from a strictly academic standpoint, to explore theoretical underpinnings which may then inform policy solutions not yet considered.

---

Date:

Interviewee:

Format:

Start Time:

End Time:

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## Background

- 1) What is your current professional title? How would you describe your job?
  - a) How did you become involved in your work?
  - b) What other positions have you held, and what is your prior experience leading up to now?
- 2) How would you characterize your expertise?
  - a) What has been your involvement with issues of employment equity, antidiscrimination and antiracism, diversity and inclusion, and/or multiculturalism ?
  - b) Are you still involved in such issues? If so, through what mechanisms and to what extent?

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## General Inquiry

- 1) How do you understand multiculturalism in Canada? How would you define it in your own words?
- 2) To what extent is multiculturalism salient and valuable...
  - a) As an official policy?
  - b) As a national identity?
  - c) As a public discourse?
  - d) As an ideal?
- 3) How familiar are you with federal employment equity policy, especially as it relates to visible minorities?
  - a) What is your opinion, if you have one, on employment equity initiatives and programs in Canada today?
  - b) Do you perceive any issues in employment equity's conception and formulation?
- 4) What is your perspective on the use of the designated group of "visible minority" in employment equity? In Canadian public policy and discourse more generally?

*The Employment Equity Act defines visible minorities as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour." The visible minority*

*population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese.*

- a) To what extent do you consider it to be a helpful term/category?
  - b) To what extent has the category transcended its stated statistical and federal employment equity purposes, if at all?
  - c) Do you perceive the following spheres/goals related to employment equity as necessarily distinct? Should they be separate?
    - i) The promotion and pursuit of multiculturalism
    - ii) The promotion and pursuit of diversity and inclusion
    - iii) The promotion and pursuit of antidiscrimination and antiracism
  - d) Would you define and modernize the visible minority definition? If so, how?
- 

### **Concluding Questions**

- 5) Are there any outstanding topics you would like to address or points you would like to make in this interview?
- 6) Who else do you think I should speak with? What else do you think I should read?

## **Appendix B: Example Interview Transcript**

*START*

Grace MARSHALL: 02:39 There were many of your recommendations which were not implemented in full. I was wondering if to draft employment equity today, are there ways in which you would conceptualize it differently, or if you feel as though the principles are not the problem, but rather the implementation?

Rosalie ABELLA: 03:31 I mean, that's an interesting question. I can easily put myself back into the person I was, what I knew and heard in 1983 and four. I can't, really, you're asking me, what would I do if I went across the country and listened to the four groups and business and labor today? What would I come up with? I mean, this was based on research from every scholar and country in the world that had done any work on equality. It was based on all the American jurisprudence on the 14th Amendment. But it was mostly based on the concerns that I heard from the groups so I would have to reconceive a report based on new evidence. There would be like a whole new trial, a whole new evidence, so I can't say really, at all, what it would look like if I were doing it today.

Grace MARSHALL: 04:49 I see. I think that also makes me think of it because it's explicit in the report and the ways in which the American case and experience influenced the conception of employment equity but also even the terminology. Do you think there's a way in which perhaps, we relate too much to what happens in the States, especially in terms of issues of diversity and discrimination, or if it's really something to refer to?

Rosalie ABELLA: 05:52 What I learned by looking at the American experience at the Equal Employment Opportunity Commission, which was then run by Clarence Thomas, and at their jurisprudence was what not to do in Canada, and my views remain, that they are an object lesson in how not to approach equality or equality in employment. So it was very instructive in my mind. I would not have changed my mind one bit about creating a new definition of equality that acknowledged differences, unlike the American approach, which treated everyone the same. That would not be different.

Grace MARSHALL: 06:34 Absolutely. In terms of not thinking beyond the definition of employment equity, but the definition of visible minority; Is that something... I don't know if you've given any thought to the use of that term? And if you think that kind of redefining and modernizing it... I know that, for example, the federal government has moved towards using racialized persons or different acronyms, if these are just kind of semantic shifts or if these are really important policy shifts.

Rosalie ABELLA: 07:13 Sorry, what's, what's the gist of the question?

Grace MARSHALL: 07:16 Sorry, I guess just in the way that kind of you chose to use the terminology employment equity rather than affirmative action...

Rosalie ABELLA: 07:25 That was deliberate and I wouldn't change that either. That was deliberate...in Canada, people had no idea what that actually means. And it was largely a

quota based approach. And I didn't want to introduce a whole new Canadian approach to eliminating barriers using American language that was confusing and American strategies that I don't think worked very well. So employment equity was a whole new phrase because equity is about fairness and it was fairness and employment. The first chapter is the most important chapter in the report...stages. And it just conceives of equality and fairness, and it's very different from the American approach.

Grace MARSHALL: 08:22 I think that speaks to how important terminology is. And so in now reconsidering and considering modernizing visible minority as a term... I don't know if you've given any thoughts about that term?

Rosalie ABELLA: 08:41 I really haven't. I think you'd have to ask them. I mean, at the time that I did it there was nobody questioning that term. And we all knew that it meant non-whites and I think you'll find in that report, I referred to them as non-whites. Even though the mandate was visible minorities, but frankly, I don't think very much turns on that. To me. But to the groups I don't know, again, see that would all depend on how they felt about it now.

Grace MARSHALL: 09:11 Is there a recommendation that was not implemented by the government or not yet implemented, that you perceive as kind of being the most crucial or maybe one of the biggest disappointments from your perspective?

Rosalie ABELLA: 09:29 I had no disappointment because I didn't expect any of that to be implemented. The history of law commissions in Canada, is that they are usually not implemented. I was one person, with one year, and \$1 million royal commission to study 62% of the population. It was a federal Royal Commission. I was a Provincial Court judge. So I really had no expectation that this would end up being any more than possibly a useful policy document in governments and law schools, but I never thought it would be implemented. And I also feel very strongly that when you do a report served to the government, a royal commission, It's not up to you to decide what they're going to implement. Your job is to come up with a series of recommendations. Their job is to decide which of them they're interested in using. So I didn't take it personally when there were things I recommended that they didn't do. I was extremely proud that Flora MacDonald and Brian Mulroney implemented a report that was based on a Royal Commission the Liberal government had set up. And they adopted the main recommendations, their opening section is key and that was my main recommendation. And the Supreme Court of Canada in its first case on what equality means in 1989 adopted my definition of what equality means. So that means that the equality definition in the report is what equality means for the country now. So I was not only not disappointed, but I was surprised, pleasantly surprised, unexpectedly surprised. There isn't a part of me that wishes they'd done anything differently. Like I didn't go around selling the report when it came out. I didn't think that was my job. So what they did I thought was very important.

Grace MARSHALL: 11:41 And beyond it becoming a standard for Canada the way it's been exported across the world, your definition and understanding.

Rosalie ABELLA: 11:51 It has, it has. Northern Ireland adopted it as the basis of its employment legislation. Then they rescinded the legislation. Canada adopted it, Ontario adopted it. South Africa has adopted it, and many jurisdictions, many courts have adopted our definition of equality that came from the report.

Grace MARSHALL: 12:20 And just because I'm conscious of the time, maybe I'll just ask you one more... I find this really interesting, because multiculturalism and diversity are addressed in the report, but if you and your perspective understand the goals of employment equity and multiculturalism either as a Canadian policy or official policy, or just in terms of an identity or discourse. Do you understand the goals of employment equity and multiculturalism as distinct or necessarily related?

Rosalie ABELLA: 13:07 Of course, they're related. Multiculturalism is about integrating based on your identity, and your particular cultural identity. And it works in Canada better than anywhere else because we have a definition of equality that allows people to remain different and still be part of the Canadian mainstream. America has an assimilationist model where people have to pretend it's a melting pot, no matter how different they are. But in Canada, you can integrate rather than assimilate. You can assimilate too, you can integrate in based on your difference, which is the heart of multiculturalism, and it's why we have the most successful multiculturalism; we're the most successful practitioners of multiculturalism in the world.

Grace MARSHALL: 14:04 Okay, well I don't want to keep you from your student. Perhaps if that's kind of my time, if I think of more concrete questions for you based on this discussion, and there was even a 15 minute chunk next week or later this week. I might steal that from you, but I know the start of courses must be very stressful.

Rosalie ABELLA: 14:34 It's wonderful, but it's busy.

Grace MARSHALL: 14:36 Yeah. Must be lovely to be teaching. Okay, well, I feel like my time is up, but I really appreciate you even picking up the phone with me. And, of course, your perspective. It's an honor to speak to you

Rosalie ABELLA: 14:57 It's great to talk to you and thank you for being interested in it. It's a very important area. It's the heart and soul of a country. How people inside feel about whether they are valued.

Grace MARSHALL: 15:09 Absolutely. I couldn't agree more.

Rosalie ABELLA: 15:13 Anyway, thank you for making the time for me. I appreciate it and I'm proud of you for doing the work you're doing.

Grace MARSHALL: 15:20 Thank you so much.

Rosalie ABELLA: 15:35 Thank you.

*END*



## Public Policy Master's Thesis Series

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### **Visible Minorities in the Canadian Mosaic?**

#### **Investigating the Conflation of Race and Culture in Federal Employment Equity Policy**

Grace Klara Marshall

#### Abstract

This interdisciplinary paper aims to explore whether there exists a conflation of race and culture in Canadian federal employment equity policy for 'visible minorities.' The conflation of race and culture was established in the United States, and I import this theoretical framework to the Canadian case to answer questions posed by the Employment Equity Act Review Task Force. I use a qualitative approach, with both textual analysis of relevant government documents and thematic analysis of thirteen semi-structured interviews with policymakers, experts, and activists, to ascertain the evidence, causes, and consequences of a conflation of race and culture in the Canadian context. Through the Abella Report, I find that a similar conflation of race and culture does exist within federal employment equity policy. Canadian multiculturalism policy, as well as distancing from the US example, are identified as causes of this conflation. A consequence of this conflation is demonstrated by the census question on population group, despite being designed to designate members of visible minorities—a category that is a euphemism for race. Several policy recommendations are made with a view towards further decoupling race and culture, in light of the debate over the term visible minority, as well as continued shortcomings of employment equity and failings to realize the ideal of Canadian multiculturalism.

#### Key words

Visible minority, employment equity, multiculturalism, antidiscrimination, affirmative action, Canada