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VIEWPOINT

HUMAN RIGHTS

A utopian concept, incompatible with democracy



**RORY
LEISHMAN**

National affairs
columnist

The commission is obsessed with equality of results, regardless of the costs.

By Rory Leishman

The latest annual report of the Canadian Human Rights Commission is a study in hypocrisy and confusion, just like the legislation on which it is based.

Section 2 of the Canadian Human Rights Act states that "every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, color, religion, age, sex, marital status, disability or conviction for an offence for which a pardon has been granted."

This is a fine expression of a key democratic ideal — equality of opportunity for all.

In practice, of course, it's difficult to fulfill. For example, no mat-

ter what social programs are adopted by government, it will take a long time before the educational disadvantages facing most aboriginal children are eliminated.

Nonetheless, government should do all it reasonably can to narrow opportunity gaps among Canadians. The Canadian Human Rights Act could be a sound piece of legislation if it consistently upheld this ideal.

DIFFERENT DIRECTION: Instead, Section 4 of the act takes off in an entirely different and opposed direction. It summons employers to ensure that "persons in designated groups (women, aboriginal peoples, persons with disabilities and members of visible minorities) achieve a degree of representation in the various positions of employment with the employer that is at least proportionate to their representation in the work force, or in those segments of the work force that

are identifiable by qualification, eligibility or geography and from which the employer may reasonably be expected to draw or promote employees."

In plain language, what this section calls for is equality of results. It's a utopian concept, incompatible with democracy and inspired by the false assumption that social inequality is always due to some form of discrimination.

In the U.S., Jews comprise about two per cent of the population, yet they have won about 30 per cent of the Nobel prizes in science. Here we have a manifestly unequal outcome. It would be absurd to suppose the explanation lies in a disposition by government, universities and business to discriminate in favor of Jews.

While paying tribute to the ideal of equality of opportunity, the Canadian Human Rights Commission focuses on equality of results, and the failure to attain them. The following statement, drawn from this year's annual report, is typical: "Women have made quite evident strides toward the assertion of their right to social and econom-

ic equality, but in some respects the results have not kept pace."

Part of the explanation, the commission concedes, is that most working women carry, "heavier family responsibilities than those of most working men." It's an observation that begs elaboration.

If women have a right to social and economic equality as alleged by the commission, what should government do: intrude into every household to assure men take on an equal share of family responsibilities? Or would it be better for government to coerce employers into discriminating against men to assure equality for women with heavy household responsibilities?

When it comes to unfair discrimination, the Canada Scholarships Program in Science and Engineering illustrates a serious and widespread problem ignored by the commission. The aim of the program introduced by the Mulroney government in 1988 is to provide financial assistance to "outstanding students entering post-secondary programs in natural and applied science, mathematics and engineering."

In a speech last October, Malcolm Collins, the minister responsible for the status of women, noted "Over half the scholarships have gone to women. That is because they have been awarded on merit." Isn't that remarkable? During the 1990-91 academic year, women comprised little more than a fifth of the undergraduate population in science and engineering, yet qualified for over half the scholarships provided by this federal program on merit alone.

If that's the case, why does the program stipulate that at least the scholarships must go to women, regardless of merit? And why does the Canadian Human Rights Commission have not a word to say about such unfair discrimination against young males, most of whom bear no responsibility for the underrepresentation of females among scientists and engineers?

The commission does not call for about reverse discrimination against able-bodied, white males. It is obsessed with equality of results, regardless of the costs in individual freedom, equal opportunity and justice for all.