

THE POLITICS OF REPRESENTATIVE BUREAUCRACY IN CANADA

A Problem Definition Analysis



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ABSTRACT

In Canada, the representation of minorities in the public service has been addressed in two ways. Official languages legislation has effectively remodelled the Canadian civil service as a bilingual institution through the designation of official bilingual regions and positions. Alternately, employment equity policies use an evaluation and exposure approach requiring all major Canadian employers to submit annual reports on the representation of four designated groups (women, visible minorities, Aboriginals, and persons with disabilities). Using a problem definition theoretical model our research demonstrates that the application of specific policy tools is a product of differing social and historical contexts. Representation of minority groups was achieved through the implementation of official language and employment equity legislation. In the face of a national crisis policy entrepreneurs chose to adopt official language legislation not only as a solution to demographic imbalances in federal administrative institutions, but also to redefine Canada as an officially bilingual state. 18 years later, bearing in mind international and historical legislative precedent, employment equity legislation was put into place as the next step in Canada's human rights journey.

INTRODUCTION

In Canada, the representation of minorities in the public service has been addressed in two ways. Official languages legislation has effectively remodelled the Canadian civil service as a bilingual institution through the designation of official bilingual regions and positions. Alternately, employment equity policies use an evaluation and exposure approach requiring all major Canadian employers to submit annual reports on the representation of four designated groups (women, visible minorities, Aboriginals, and persons with disabilities). This is a decidedly softer approach to ensuring the representation of at-risk groups, one that attempts to sway stakeholders through awareness and accountability, rather than administrative reorganization.

As the common denominator between the two legislations, the public service is subject to both acts. Within this context, the study of these policies falls under representative bureaucracy literature; a field of study which explores the demographic composition of public organizations and their effect on public policy. In our literature review of the subject we find that the majority of scholarly work in the field focuses on the relationship between passive and active representation in bureaucracies. In other words, there is great interest in how the numerical presence of different demographics affects the policy output of public agencies, specifically in the United States. Our research interest however is legislation affecting the passive representation in Canadian bureaucracy, a topic not sufficiently explored in the representative bureaucracy literature. Phrased plainly, why have different approaches been used to ensure the representation of different groups in the same country? The following paper aims to address this scholarly oversight.

Using a problem definition theoretical model inspired by the work of Rochefort and Cobb (1993), we determine that approaches to increasing diversity in the public service have evolved overtime. Starting with the introduction of the merit principle in 1908, representation in the public service was of very little importance to lawmakers. However, with the emergence of Quebec

nationalism, rising discontent, and the recommendations of the Royal Commission on Bilingualism and Biculturalism, representation of French speaking individuals became a priority of the federal government. This in turn resulted in the enactment of the Official Languages Act and the resolution on Official Languages in the Public Service, which introduced designated bilingual positions and effectively increased Francophone representation in the federal bureaucracy. Seeing the success of Quebecois in Canada and examples of affirmative action in the United States, advocates of minority rights demanded similar treatment for their respective demographics. Taking a less ambitious approach to these petitions, policy actors opted to address the systemic barriers restricting full and equal participation in the Canadian workforce through the implementation of accountability mechanisms. Using a problem description template the factors which contributed to policy discrepancies can be isolated. It is found that despite similarities in their approach, dissimilarities in the nature of the problem, the ends-means orientation of policy entrepreneurs, and the nature of the proposed solutions resulted the implementation of different policy tools.

The following paper is divided into five parts. The first is a review of the representative bureaucracy literature, starting with the inception of the concept in 1944 and moving to contemporary writings. This is followed by an overview of the theoretical model employed in this paper, namely problem definition and problem description. The subsequent two sections are the crux of the report, constructing a historical narrative of representative bureaucracy legislations in Canada. The first is dedicated to the formation of language policies, while the second goes over efforts promoting employment equity in the civil service. Having provided an historical narrative, the final section of the paper returns to our theoretical model to organize pertinent information, emphasize observation, and provide conclusions.

LITERATURE REVIEW

Theoretical Tradition

Coined by J. Donald Kingsley (1944) in his seminal work on the subject, representative bureaucracy is the study of the relationship between the demographic makeup of the public-sector workforce and its affect on government policy outcome. Writing in decades past and in the context of the British government, gender norms, and education system, the arguments Kingsley puts forward are in many ways the products of his time. However, his writings can still be argued to be relevant today. Kingsley posits that bureaucracies need to be democratic in order not to replicate the basic inequalities of the groups they serve. Pointing to the educational requirements needed to work in the public service, the narrow focus of the British education system, and the active exclusion of women from public works, the author holds that a democratic state must have a representative bureaucracy to distinguish itself from autocracies (Kingsley 1944). This apprehension is perhaps warranted as all modern governments have large-scale administrative components that make some public policies. This makes bureaucracies, in many ways, the political entities most responsible for executing laws, rules, judicial, and other government decisions (Dolan and Rosenbloom 2003, 3).

Since Kingsley's initial work on the subject, the discourse surrounding representative bureaucracy has evolved in both scale and scope. The contemporary literature not only continue to answer questions regarding gender and socio-economic diversity, but also those related to race, ethnicity, cultural traits such as language and religion, and sexual orientation. That being said, perhaps a more complete definition of representative bureaucracy is that it is the study of the relationships between the composition of the public workforce and the socio-demographic characteristics of the society it serves, the consequences of the workforce composition for society at large, specific societal groups, and internal organizational performance as well as the institutionalization of group rights and privileges (Peters et al. 2013, 1).

The normative argument for representative bureaucracy has also changed. Modern research on representative bureaucracy continue to stem from the assumption that having a representative public bureaucracy has implications for fair and effective policy making and implementation, but with a twist. According to Peters et al., these sentiments are fuelled by the belief that existing external constraints of bureaucratic power are inherently inadequate (Peters et al. 2013, 3). In effect, the design of representative bureaucracy is meant to serve as an internal check on government bureaucratic policy and behaviour. Claims such as these are in part substantiated using cultural theory about human nature. The prevailing notion of human nature used by advocates of representative bureaucracy claims that a strong sense of group identity can compromise the efficiency of policy and service decisions made by bureaucrats, and as result to avoid such problems bureaucracy should reflect the pluralism of the society they govern.

However, that is not to say there are no counter-narratives in opposition to Kingsley's perspective. Max Weber (1958) in his work on the subject describes ideal-type bureaucracies as hierarchical, highly specialized, formalistic, and impersonal institutions (Weber 1958, 216). In effect, he argues the virtue of bureaucracies lies in that they are professional structures that do not emulate the irrational emotional interests of those working in them. Bureaucracies in Weber's model are tightly controlled from the top down, eliminating the agency of middle and lower level bureaucrats. Analogous to cogs in a machine, Weber posits the personal identity of a cog matters little to the function of the machinery of government. The Weberian model is often invoked by those who argue that bureaucracies cannot be politically representative institutions (Dolan and Rosenbloom 2003, 4).

Writing two decades later than Kingsley, Frederick C. Mosher (1968) straddles the line between Kingsley and Weber. Kingsley agrees that making the public service compatible with democracy is a central administrative and political problem. However, siding with Weber, he doubts representative

bureaucracy is the solution. To support his argument Mosher differentiates between *active* and *passive representation*. The former refers to when (if ever) a public servant purposefully lobbies for the interests and desires of those he or she is presumed to represent. The latter concerns the numerical representativeness of the public service without the expectation that the interests of a specific group of people are taken into consideration when implementing public policy. Rather, passive representation is understood more as a measure to prevent the monopolization of the civil service by any one demographic. Using this distinction Mosher concludes that it is unreasonable and unsustainable for any given public servant to actively represent any one constituency.

Building on Mosher's representative dichotomy, Samuel Krislov (1974) develops the theoretical underpinnings of representative bureaucracy through the articulation of five considerations. First, he maintains that passive representation is not only a question of equal rights and opportunity, but also that of administrative legitimacy, and thus performance. Without sufficient passive representation a government is unable to effectively engage with its policy targets, hamstringing its political legitimacy. Second, Krislov states that even if a bureaucracy is not perfectly representative, representation is still valuable. A public service has the potential to be more representative than other branches of government and should strive to be as inclusive as possible. This is related to his third point, which challenges Weber's portrayal of civil servants as impersonal cogs in a machine. The author counters that the diversity brought to an organization by bureaucrats from different background is socially advantageous. In Krislov's view the benefits of complete neutrality are relatively minute compared to the improvements in decision-making capacity, information, and engagement that representativeness brings. Moreover, as large and powerful employers, bureaucracies have the potential to influence the employment practices of private firms and combat societal inequalities (Krislov 1974, 130). Lastly, Krislov consolidates his arguments by reiterating the normative value of a representative bureaucracy. Representation is desirable because it can help counteract under-representation in other institutions

(e.g. legislatures and courts). Additionally, it sports significant symbolic clout as both an employer and a public institution.

Outside of Krislov's paper, there are an additional four functional aspects of representative bureaucracy that are of interest to scholars. The first of these is the impact of representativeness on the administrative operation of public offices. This dimension addresses not only access to equal rights and bureaucracy or pertinent legislation, as well as societal 'support for policies' by drawing a 'wide segment of society into government to convey and merchandise a policy' (Peters et al. 2013, 7). The second topic revolves around issues of power and system-wide legitimacy of public sector organizations. Which explores how the basic principles of representative government can be reconciled with the powerful roles that unelected civil servants collectively play in the formulation and implementation of public policies (Peters et al. 2013, 8). Thirdly, the demographic composition of public bureaucracies influences symbolism in politics. This can be the passive or active promotion of equal opportunity and equality. Furthermore, the civil service may even take on a role as an ideal employer and serve as an example that triggers change in broader society. Lastly, administration and society relations studies contribute to our understanding of how public administration develops relationships to either specific groups or society at large.

Contemporary Literature

The purpose of this research paper is to explore the factors that affect the adoption of specific policy tools to promote a representative bureaucracy through a study of the Canadian case. Currently, the literature on representative bureaucracy largely focuses on the dichotomy between passive and active representation (Peters et al. 2015, 3). These studies predominantly evaluate the link between social upbringing, civil servant attitudes, and policy outcomes, and mostly focus on the American case. As discussed in the above section, passive representation is the numerical presence of different

demographics in a bureaucracy, while active representation is the extent to which policy outcome are influenced as a product of individual bureaucratic behaviour. Assuming the validity of this framework, scholars have deconstructed Mosher's hypothesis into several components: social upbringing, civil servant attitudes, and policy outcomes. As such, studies on the causal relationship between passive and active representation can be further subdivided into studies contemplating the relationship between 1) social upbringing and civil servant attitudes, and 2) the relationship between these attitudes and policy outcomes.

With respect to the first subcategory, a majority of literature concludes there is a link between social upbringing and the attitudes of bureaucrats (Lipset 1958; Meier and Nigro 1976; Rosenbloom and Featherstonhaugh 1977; Dolan 2002; Hale and Branch 1992). Lipset, Rosenbloom and Featherstonhaugh, Hale and Branch, and Dolan, use a variety of methodologies and target demographics. They find that social upbringing influences the attitudes of civil servants in both the short and long term. From street-level bureaucrats to senior executives, public officials were found to reproduce attitudes found in their respective social groups (Dolan and Rosenbloom 2003, 78). In contrast to these findings, Meier and Nigro show that agency affiliation likely plays a greater role than social upbringing in influencing the attitudes public servants. Likewise, literature on civil servant attitudes and policy outcomes sport a lack of scholarly consensus. Meier and Stewart (1992) and Naff (1998) find that street-level and federal minority bureaucrats influence both public policy outputs and outcomes in predicted ways, while Selden et al. (1998) conclude that agency socialized attitudes, rather than social origin, have a greater influence on policy outcomes.

Supplementing the study of passive and active representation, scholars of public administration have also used various theoretical and methodological approaches to study countries the world over. This secondary body of work has tended to focus on the representation of at-risk groups in the civil

service: women, racial and ethnic minorities, and new immigrants in countries that are mono-national or mono-linguistic. In response, a growing body of comparative literature has also emerged in recent years. These publications investigate the politics of representative bureaucracy regarding national or linguistic groups in countries that can be described as multinational or multilingual (Gagnon et al. 2006; Kübler et al. 2011; Turgeon and Gagnon, 2013). Currently, representative bureaucracy literature shies away from explicitly addressing why specific policy tools are implemented in certain political contexts and with respect to certain population demographics. There is discussion on the types of pressures that facilitate the emergence of more representative bureaucracies (i.e. normative, social, and political), however, these do not include the ways in which political organizations are incentivized, encouraged, or coerced into meeting representativeness targets.

That is not to say this topic has not been breached before. Addressed in part by Turgeon and Gagnon in their paper *Representative Bureaucracy in Canada*, the authors hypothesize that concerns over political stability and fairness elevated the importance of equity legislation on Canada's policy agenda (Turgeon and Gagnon 2013, 46). Additionally, the authors attribute the types of measures that were adopted to Canada's self-identification as a liberal multicultural state. However, this explanation does not account for the discrepancy between official language and employment equity legislations. In both cases the use of employment quotas or affirmative action was not mandated; French language skills were incorporated into the Government of Canada's merit criteria, with the number of positions requiring bilingualism gradually increasing over time, while employment equity was implemented using "softer" measures, such as self-evaluation and reporting.

The authors later touch on this interplay between national and ethnic groups in a comparative study of the representation of ethnic and linguistic groups in the federal civil service of Belgium and Canada (Turgeon and Gagnon 2013). They find that in certain cases the adoption of measures increasing

the representation of one group deter officials from following through with measures related to other groups. In the Canadian context, it was found that the political mobilization of ethnic groups contributed to the rejection of measures of guaranteed representation of Francophones in the federal bureaucracy. However, the reverse did not impede attempts to increase representation of visible minorities in the civil service. Although this relationship may play a part in explaining the difference between representative bureaucracy legislations in Canada, the authors do not address why the approach adopted to ensure the representation of Francophones (i.e. the creation of designated bilingual positions) went much further than employment equity legislation to ensure the representation of Francophones than the Employment Equity Act went (Turgeon and Gagnon 2013). We hypothesize the policy discrepancies present between these policies is a product of complex social realities prefacing their enactment. In the following section we establish the theoretical model that will be used to analyse the contexts in which these legislations were conceived.

THEORETICAL MODEL

Problem definition is often considered the first step in the policy making process. It entails the formation of the fundamental framework from which policy alternatives are considered and choices made. The process begins with some form of data collection which brings a negative social condition to light, public officials then diagnose the cause of the problem, and are tasked with responding to it using the most effective approach available, predominantly through legislation. If the problem persists it garners public attention until it is solved.

Viewed empirically however, this perspective is less than satisfactory. There is often discrepancy between the objective importance of an issue and the amount of attention that it receives. Rationalist models of decision-making aim to explain these types of irrational policy outcomes by focusing on a variety of factors such as political pressures, time- and knowledge- limitations, or bureaucratic

operations. However, these approaches do not touch upon the crux of the issue; the intersubjective nature of social experience and its impact on issue initiation and policy formulation (Rocheftort and Cobb 1993, 57). Problem definition theorists addressed this by presenting a model that accounts for the fluid nature of issue perception and rhetoric (Weiss 1989; Rocheftort and Cobb 1993; Croucher 1997; Dery 2000).

What makes socio-political problems prone to social manipulation are their inherent complexity combined with the limited capacity of everyday constituents to process large quantities of information. As a result, the causal factors understood as the solution to a real, complex situations often depend on an individual's level of analysis (Rocheftort and Cobb 1993, 60). This leaves room for ideas attached to a situation or theme to be framed by policy actors. Phrased differently, the way a problem is defined is not simply a collection of facts and labels, but rather a package of ideas that include an account of the causes and consequences of some circumstances that are deemed undesirable, and a theory about how the problem can be alleviated. By framing a set of ideas, a problem definition highlights some aspects of a situation, while hiding others. In the same way, some solutions to a problem are brought to the fore, while others are removed from the limelight (Weiss 1989, 97).

Definitions are fluid and can often be points of contention for the entire lifecycle of a given policy, year to year, and even generation to generation (Weiss 1989, 98). In other words, the rhetoric surrounding a social reality is dynamic and can very much shape the response it receives. In effect, it is argued that problem definition is more than just an overture to action, rather it is the crux of policy itself (Weiss 1989, 98). Using the example of federal paperwork in the United States, Janet Weiss demonstrates that over several years the problem framing, language, responsibilities, awareness, and mobilization surrounding data collection changed. Furthermore, Weiss briefly touches on the "powers of definition", noting that problem definition can be used as an analytical tool that informs intellectual

framework for further action, a weapon of advocacy, and be an outcome of policy making (Weiss 1989, 117).

In order to evaluate a problem definition, the overture, process, and outcome of a frame must be considered. The first refers to whether the definition proposes solutions that have realistic chance at improving outcomes, whether it permits systematic analysis of alternatives, is clear about the objectives to be achieved, if it focuses attention on a manageable set of factors, and whether the definition is meaningful to decision makers. On the other hand, the problem definition process is the impact of the frame on actors and institutions. This could mean changes that result in the mobilization of some actors and the exclusion of others, likewise, some actors may be placed on the offensive or defensive, or perhaps the dynamics of decision making may shuffle between legislative and bureaucratic arenas (Weiss 1989, 117). Lastly, the outcomes of problem definition are which political values are moved forward and which are moved backward (Weiss 1989, 118).

A point of note is the difference between agenda setting and problem definition. The former refers to the political and social processes by which some problems come to populate the public conscious. Problem definition on the other hand is related to the organization of facts, beliefs, and perceptions that inform societal demands as well as how policy actors interpret them. In the context of a political issue, agenda setting relates to the means used by constituents and policy makers to bring that issue to attention of law makers (Dery 2000). The problems brought forward by advocates as well as how they are understood and addressed by law makers however rests on the ways in which a situation is framed. Themes like, “merit-based hiring”, “Francophone under-representation”, and “employment equity” are issues that can be on a public agenda. However, these buzzwords do not provide any insight into how they are framed and perceived. Political actors thus take advantage of this

fact and compete to market their definition as the one that should delineate the political process. The following section is an overview of the factors most important to this process (Dery 2000, 40).

1. Dimensions of Problem Definition

Problem definition literature centres around four major themes: causality, images/symbols, solutions, and problem ownership (Rochefort and Cobb 1993, 58). Studies that focus on causality explore how responsibility for an issue is assigned to an individual or agency, typically with a negative bias. Political actors assert competing causal theories to avoid culpability and/or push an agenda forward. Causality is linked closely to the second, broader theme of image. A problem's "image" can be understood as the handful of distinguishing elements of symbols associated with an issue (Rochefort 1986, 133-136). These elements are often associated with the causation, nature, extensiveness, or affected groups associated with a problem. Thirdly, problem definition scholarship posits the solution to a problem defines how it is perceived. In other words, political actors only endeavour to define a problem if there is a feasible solution. Lastly, the fourth approach to problem definition emphasizes the role of policy actors. These can be considered people or groups who act as proponents for one policy definition while restricting competing descriptions, in a way taking ownership of an issue (Rochefort and Cobb, 1993, 59).

In their 1993 paper, Rochefort and Cobb consolidated the ways in which problems have been defined and described in the literature. Presenting a roadmap for analysis (Table 1), the authors segment problem definition into five dimensions. These dimensions are explored in greater detail below.

An Anatomy of Problem Description
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Dimension of Problem	Options
Problem Causation	<ul style="list-style-type: none"> ▪ Personal – impersonal ▪ Intended – accidental ▪ Blame allocated – blame avoided ▪ Simple – complex
<p>Nature of the Problem</p> <p>Severity</p> <p>Incidence</p> <p>Novelty</p> <p>Proximity</p> <p>Crisis</p>	<ul style="list-style-type: none"> ▪ Degrees of severity ▪ Growing, stable or declining social patterns: by class, population, cohort, age, etc. ▪ Unprecedented – familiar ▪ Personally relevant – a general social concern ▪ Crisis – non crisis ▪ Emergency – nonemergency
Characteristics of the Problem Population	<ul style="list-style-type: none"> ▪ Worthy – unworthy ▪ Deserving – undeserving ▪ Familiar – strange ▪ Sympathetic – threatening
<p>Characteristics of Policy Entrepreneurs*</p> <p>Ends - Means Orientation of Problem Definer</p>	<ul style="list-style-type: none"> ▪ Active – inactive ▪ Influential – Insignificant ▪ Instrumental (ends) – expressive (means)
Nature of the Solution	<ul style="list-style-type: none"> ▪ Available – nonexistent ▪ Acceptable – objectionable ▪ Affordable – unaffordable

Table 1

Source: Rochefort and Cobb, 1993, 59

*Added as an additional criteria of problem description based on the work of Janet Weiss (1989)

1.1. Problem Causation

The first dimension of problem definition is the root causes or origin of an issue. In general, this is the most studied aspect of problem definition. The root cause of a problem can either be a product of *individual or impersonal* factors.

Similarly, a problem can be caused *intentionally or by accident*. Intended causes are described as some purposive human action designed to bring about a particular result (Rochefort and Cobb 1993, 63). Given that an individual is responsible for an outcome, those looking to frame an issue will look to see if blame was *allocated or avoided*.

Lastly, a problem can either be framed as *simple or complex*. A simple problem contains few causal factors, while a complex issue may have resulted from many different variables, or ones that are simply not sufficiently known. The former may lead policy makers to pursue immediate action while the latter may cause political stagnation or a call for data collection.

1.2. Nature of the Problem

The second dimension of problem definition is the nature of a problem. This can be understood as characteristics that increase or decrease the chances of public action. The first of these characteristics is the *severity* of an issue. This refers to the extent of a problem and its foreseeable consequences. How effectively a scenario can be sold as severe can result in immediate or delayed policy response (Rochefort and Cobb, 1993, 64).

The *incidence* of an issue is another characteristics of a problem. Incidence can be defined as the scope and/or scale of a situation. In other words, if an issue affects a large demographic, or a small one to an intense degree it can attract the attention of decision makers. It may even bring to surface socio-economic inequalities, as policy impacts different demographics differently. Of note in this regard is the

projected impact of an issue. An issue that is stagnant or declining is more likely to receive a lukewarm policy response relative to one that is growing (Rochefort and Cobb, 1993, 64).

Novelty plays a role in problem description as well. A situation that blindsides policy makers is certainly more likely to garner public interest. Conversely, issues that become overexposed lose media and policy traction as other issues become increasingly captivating. Issues that gain public interest but do not reach a resolution can also become points of tension and frustration.

Another factor that contributes to problem salience is *proximity*. This refers to how closely a given issue affects constituents and policy makers. In effect, issue proponents consistently seek to prove the relevance of a problem to stakeholders.

Lastly, whether a problem is considered a “*crisis*” contributes to the nature of a problem. It can be defined as a situation where dire circumstances exist and corrective action is immediately necessary. Qualifying a problem as a crisis is often an exercise in ambiguity and arbitrariness however (Rochefort and Cobb, 1993, 65). Advocates of a policy are often keen on defining an issue as a crisis, while their detractors are likely to do the opposite.

1.3. Characteristics of the Problem Population

The characteristics of a problem are not the only factors that contribute to how an issue is perceived. The attributes of an afflicted population also influence the extent of attention a situation receives. In the words of Rochefort and Cobb,

“several attitudinal axes help to structure aggregate impression. Is the group worthy or unworthy (deserving or undeserving) of assistance? Underlying this question is the recurrent notion of culpability. Are members of the group seen as familiar or strange? Social deviants and other out-group members do not receive equivalent consideration to persons with whom the

public readily identifies. Related to these issues is the distinction between sympathetic and threatening populations” (Rocheffort and Cobb 1993, 66).

1.4. Ends-Means Orientation of the Problem Definer/Characteristics of Problem Entrepreneurs

Whether a political actor feels the ends are more important than the means (or vice-versa) factor into how a policy solution is pitched, sold, and perceived. In some cases, advocates pursue policy plans in order to achieve an end-goal. In other cases, the focus of an actor may be the means used to reach a policy objective, leading them to the adopt or prohibit the use of certain instruments.

Weiss expands on Rocheffort and Cobb’s problem definition framework by including an expanded role for policy entrepreneurs. The author finds that sponsors who promote favoured solutions to problems emphasize the importance of the problems themselves (Weiss 1989, 109). Implicit in Weiss’ articulation of the importance of policy entrepreneurs is the amount of influence these political actors have. Influence can then perhaps be broken down into two components: how actively an advocate promotes a policy position and whether they are first or third-party policy makers. First party policy makers being those in legislative positions, while third party are those who lobby law makers. This is no doubt a simplification of complex social and political interactions, but for the purposes of this paper we will treat it as such.

1.5. Nature of the Solution

The descriptive qualities of a solution factor into how a problem is perceived. Until there is general political agreement on how a policy challenge should be resolved, government cannot act. Known as the “estimation” stage of policy analysis, the outcomes of a solution are evaluated as feasible and/or desirable (Rocheffort and Cobb 1993, 67). In this stage decision makers often must make decisions based on low information or macro-level evaluations, leading to what may seem like an

arbitrary choice between aggressive intervention or restraint. What this may lead to is a solution's acceptability being evaluated on merits of conformity to standard codes of behaviour rather than effectiveness. Socially acceptable practices can thus influence the ends-means dichotomy discussed above, largely based on whether an approach is ethically acceptable. If there are established social principles that forbid the use of certain means, the likelihood of a policy approach using those means is unlikely.

Barring acceptability, a problem solution must also be affordable. If political actors perceive that adequate resources exist to pay for a solution they are more inclined to implement it. Commitments can weigh heavily on decision makers, especially when there are limited resources to dedicate to an issue.

The merit of the above framework is its ability to segment a given problem into its core components. By inspecting the elements of problem definition we can compare and contrast multiple problem definitions. In our case, by comparing the problem definitions of francophone under-representation in the public service and the systemic discrimination of designated groups we can determine the factors which affect the use of specific policy tools.

In order to explore the impact of problem definition on the selection of specific policy tools, we conduct a textual analysis of public documents and literature on the history of language and employment equity legislation in Canada. Emphasis is placed on the sequence of policy outcomes leading up and following the legislation of the 1969 Official Languages Act and the 1986 Employment Equity Act. This allows us to flesh out the contexts behind the framing of issues and images used by elites to shape broader policy features. In the following section, we document the emergence of three frames affecting the representativeness of bureaucracy in Canada. In the context of Francophone under-representation, we find that following the introduction of the merit principle law makers began to display reluctance towards accommodating French-speaking Canadians in the public service. However,

in the wake of the Quiet Revolution and rising Quebec nationalism this position is reversed, and official bilingualism is instituted in the public service. From this point onwards women, Aboriginals, visible minorities, and persons with disabilities began to demand similar vocational provisions. However, they are not granted the same level of sweeping reforms, in the public service or otherwise.

FRANCOPHONE UNDER-REPRESENTATION AND THE OFFICIAL LANGUAGES ACT

The primary motivation for the implementation of the official language legislation were rising social and political tensions between English- and French-Canada. The lack of representation of Francophones in the federal public service exacerbated these tensions, but was ultimately a symptom of the underlying problem.

The principle source of unrest leading to the legislation of the Official Languages Act was rising dissatisfaction among Francophone Canadians. This malcontent was rooted in the inability of societal institutions to accommodate Quebecers' desire to live fully as French-speaking people (B and B Commission 1965, 109). Economic institutions, even within Quebec, were often under the management of English-speaking persons, giving many Quebecois the impression that local institutions were carrying on business as if in a "colonial territory". This in turn prevented employees from working in their mother-tongue once they began work at a certain level. As a result, the English-speaking managerial class rarely felt the need to learn French, and thus by and large did not bother to (B and B Commission 1965, 109).

The Royal Commission on Bilingualism and Biculturalism found that Francophones were significantly disadvantaged in areas of work relative to their Anglophone counterparts. Their income and educational levels were noticeably lower in Canada as a whole, as well as in the individual provinces, specific cities, and several industries and occupations. As members of Canada's labour force,

Francophones were much less likely than Anglophones to hold high-level positions. Moreover, the Francophones who did hold senior positions were regularly required to use English as their language of work. Finally, the Francophone share of ownership in industry was disproportionately small, even when the non-Canadian ownership of the country's industry is taken into consideration (Royal Commission on Bilingualism and Biculturalism 1967, 543).

The Introduction of the Merit Principle and the Rise of Quebec Nationalism

Francophone inequality in the public service is a leading example of historical anglophone dominance in labour and policy. The introduction of the Civil Service Commission in 1908 and the passage of the Civil Service Act in 1918 led to a significant decline in the representation of French Canadians in the bureaucracy (Turgeon and Gagnon 2013, 40). These policies professionalized the Canadian bureaucracy and introduced merit-based hiring to the federal public service. The Civil Service Commission came into existence as an independent and politically neutral organization to vet appointments to and promotions within the public service, and the Civil Service Act further prohibited patronage appointments through a distinction in law between political and non-political or professional civil servants (PSC 2011, 8). As a result, the political influence that had ensured Francophone representation in the public service was removed (Turgeon and Gagnon 2013, 40). In retrospect, the objective of the legislation was not to reduce Francophone representation in the federal public service, rather it appears to have been a consequence of administrative oversight. The CSC was formed in response to various scandals and inefficiencies documented by Royal Commissions and journalists in the late 1800s and early 1900s. To quote a Public Service Canada report,

“Ordinary Canadians and civil servants themselves deplored some of the worst effects of patronage: incompetence, indifference, inefficiency. Prime Minister Wilfrid Laurier decided

something had to be done, and the 1908 Civil Service Amendment Act was his answer” (PSC 2011 5).

As such, there is little evidence to suggest these changes were malignant in nature. Administered under Sir Wilfred Laurier, Canada’s first Francophone prime minister, it is unlikely there was a hidden agenda behind the policies.

Following 1918, the number of Francophones in the public service declined, a fact that went undetected by administrators for years. The issue surfaced upon the organization of the Imperial Economic Conference in 1932 when the consequences of the Civil Service Act came to the fore. In preparation for the conference a list of delegates was to be drawn up and presented to Cabinet, during which it was noted by one Cabinet minister that there was an absence of French names on the proposed delegation. Prime Minister R. B. Bennett immediately sought to rectify this oversight by including some Francophone advisors. However, the Prime Minister made clear his criticism of Francophones, who he felt used government as a vehicle for patronage (B and B Commission 1969, 104). He was not alone in this sentiment, the absence of Francophone representation reflected the widespread belief amongst Anglophones at the time, that to require competence in a second language in the federal public service would constitute a challenge to the merit system (Turgeon and Gagnon 2013, 40).

Disregard for Francophone under-representation continued for years following the Imperial Economic Conference incident. Although the efforts of a handful of administrators and lawmakers attempted to remedy the situation, it was largely an exercise in frustration. Briefly punctuating this cycle were the Lacroix Amendment and Regulation 32A which included provisions to institute regional bilingualism in the public service. The significance of these change was not necessarily their scope or scale, but rather the fact that language use in the federal administration was finally being given serious legislative attention (B and B Commission 1969, 105). Unfortunately, these changes came to naught with

the rapid bureaucratic expansion caused by the start of World War II, which resulted in an even greater Anglophone presence. Following the war effort in the early 1940's, the percentage of Francophones working in the federal public service dropped from 21.6 percent in 1918 to 12.5 percent in 1944–45. At the senior executive level, inequalities became even more pronounced. In 1918, 14 percent of federal senior officials were francophones, however in 1946 their number gradually declined to 0 percent (Wilson and Mullins 1978, 520).

Public debate about bilingualism in the federal public service was reignited in 1946 by the publication of the Report of the Royal Commission on Administrative Classification in the Public Service (a.k.a. the Gordon Commission) (B and B Commission 1969, 109). The commission dismissed a comprehensive and well-publicized brief submitted by the Montreal Chamber of Commerce that documented the low proportion of Francophones in the Public Service. The Chamber postulated that discriminatory practices kept them from executive postings. The Gordon Commission felt that Francophone participation was not associated with efficient administration and did not include it in the published report. This in turn provoked an outburst among Quebec nationalists and some French-speaking members of Parliament. In effect, a group of five MPs began meeting in an unofficial capacity to lobby cabinet on the issue (B and B Commission 1969, 109). Successful in their agitation, Prime Minister Mackenzie King was compelled to recognize the informal group of five as an official committee in 1947. Led by Solicitor General Joseph Jean, the committee was charged with investigating Francophone participation in federal departments and agencies. The contribution of the Jean Committee were a series of recommendations to cabinet. The commission insisted on the immediate appointment of three Francophone deputy ministers, as well as a system of dual Francophone and Anglophone deputies in four departments-Agriculture, Mines and Resources, Justice, and Trade and Commerce. Unpopular among Anglophone individuals and communities, these recommendations incited a hostile rebuttal by the English-language press and Anglophone members of the House.

Consistent with previous debates on bilingualism, it was once again argued that attempts to provide greater Francophone participation would compromise the merit system and constitute a danger to morale in the Public Service (B and B Commission 1969, 110). The Jean Committee authored a report but one that was never tabled in the House or published. The committee was dissolved in 1948 with little effect.

10 years later the Civil Service Commission proposed several recommendations for the reform of the Civil Service Act, three of which pertained to language use. These included the provision that civil servants in direct contact with linguistically mixed localities be bilingual, that language qualifications be standardized across government under the Civil Service Commission, and that public servants managing a considerable number of Francophone and Anglophone employees should themselves be competently bilingual (B and B Commission 1969, 110).

In 1960 the Royal Commission on Government Organization (a.k.a. the Glassco Commission) revived the debate on bilingualism in their consideration of whether cultural or linguistic matters were part of its mandate. After concluding that they were, a special committee on bilingualism was organized in 1961 and tasked with exploring questions on the participation of both cultural groups and the use of their respective languages in the federal administration. The commission operated under the presumption that the lack of Francophone public servants was a serious deficiency, as it obstructed the effective service of the Francophone public. After a year of study, the Glassco Commission presented several recommendations, encouraging the federal government to adopt active measures to develop bilingual capacities among its employees on a selective basis and intensify its efforts to attract and retain more of the highly qualified French Canadians capable of advancement to senior ranks (B and B Commission 1969, 111).

It was around the time of the Glassco Commission that Francophone society in Quebec began to undergo a “Quiet Revolution”. Under the leadership of Quebec Premier Jean Lesage, Francophone society experienced a rapid advance towards modernity, featuring transformational changes that involved almost all sectors of life. This included increased urbanization and industrialization, as well as the emergence of mass media, and the rise of new social classes. The momentum of societal change was maintained by a new middle class of intellectuals, academics, administrators, and other professionals who began to perceive themselves as a provincial majority rather than a national minority (McRoberts 1997, 33). An example of this change is the increased use of the self-denotation “Québécois” instead of “French-Canadian”. Additionally, Quebec nationalism changed from a defensive, past oriented character to become assertive and development oriented. In the face of the increasing attraction of English and a declining birth rate, its aims became to acquire control of the institutions and processes that can have an impact on its political, economic and cultural welfare. Quebecois also sought to gain increasing control over external relations with its outside partners and stakeholders (Breton 1988, 94). As a result, Quebec nationalism began to exacerbate existing tensions between French and English Canada.

The B and B Commission, Official Languages Act, and Beyond

To evaluate the severity of grievances and provide information on how best to address what was feared to be a national crisis, the Royal Commission on Bilingualism and Biculturalism (the B and B Commission) was established. The commission was tasked with providing an eye-witness report of relations between the major linguistic groups in Canada. The B and B commission conducted a series of regional meetings with provincial Premiers, various groups, associations, and representatives of institutions as their primary sources of evidence. In total, the commission heard hundreds of hours of testimony and reviewed thousands of oral and written submissions to substantiate their conclusions. The commission reported public and private institutions strongly dissatisfied French populations across

Canada, while English speaking parts of the country demonstrated indifference or ignorance to their grievances. This allowed them to conclude that Canada was in a critical period of history, in which there was a crisis, one that threatened national unity (B and B Commission 1965, 133). To quote,

“[t]he possibility of national disintegration has forced a re-examination of the linguistic policies of the Public Service. The debate is no longer about efficiency, merit, patronage, and representation, but rather between thoroughgoing reform and schism. Change is imminent and no institution requires reform more urgently than does the federal administration” (B and B Commission 1969, 95).

What the above quote suggests is that the commission’s recommendations were not rooted in the merits of representative bureaucracy as described by the political theorists of the time, but rather, the threat of growing national separation.

Between 1967 and 1969 the commission produced the Report of the Royal Commission on Bilingualism and Biculturalism. The commission’s core recommendation regarding the role of bilingualism in the federal public service was, “that English and French be formally declared the official languages of the Parliament of Canada, of federal courts, of the federal government, and of the federal administration” (B and B Commission 1967, 91). Rooted in the idea that federal institutions are shared by all Canadians, English and French-speaking, the commission felt constituents should be able to identify with and have access to political work at the national level. With regards to the federal administration in particular, the B and B Commission urged Ottawa to develop communication capacities in both official languages. Although the Government of Canada had language policy designed to service constituents, it did not have a coherent policy on the language of work within the federal public service (B and B Commission 1967, 261). There were few French-speakers in major sectors of the public service, and where there were, they were culturally obligated to work in their second language.

The proposal of the B and B Commission with regards to this issue was the creation of French-language units (FLUs) as a basic organizational and management principle in all federal departments, Crown corporations, and other agencies. Established in various locations with dynamic sizes and functions it was proposed these units consist of personnel, Francophone and Anglophone, using French as their principle language of work (B and B Commission 1967, 266). In practice, these would consist of sizable regional units located in provinces with larger French-speaking populations, smaller cluster units assigned to specialized fields (i.e. the sciences), and headquarter units stationed close to the federal capital to provide access to the highest levels of public service work (B and B Commission 1967, 267). As scaffolding for their recommendation, the commission elaborated on their organizational vision through further proposals such as increased language training and improved retention efforts. The implementation of FLUs also necessitated bilingualism requirements for supervisory positions and a policy of receptive bilingualism to facilitate communication between French-language units and other government groups. Ideally, the unit structure was imagined to provide room for upward career paths in the French language and open mobility to non-FLU positions. However, to ensure the equal representation at the highest levels of the government, balance appointments of Francophones and Anglophones to positions of deputy minister, associate deputy minister, and assistant deputy minister were recommended (McRoberts 1997, 81).

Consistent with Prime Minister Pearson's approach to national unity, The B and B Commission sought to "combat" rising Quebec nationalism by embracing Canada's duality of culture and acknowledging Quebec as a distinct society (Fortier 1994, 70). However, despite sharing a common foundation, the recommendations put forward by the commission found the measures taken by the Pearson government to be insufficient. Rooted in individual rather than institutional language reform, the Pearson government offered language training so that individuals felt free to work in the language of their choice. Taking into consideration the overwhelming cultural dominance of English in the public

service the Royal Commission favoured measures that would not put the French language in direct competition with English, ergo their support of French-language units. Not without its critics, media accused this approach of being contrary to a united, bilingual civil service. Furthermore, some felt having separate French-language units would give rise to the ghettoization of French in the civil service (McRoberts 1997, 82).

With the election of the Trudeau government, the landscape of bilingualism changed. Fueled by his intense individualism and commitment to human rights, Prime Minister Trudeau held resolute views on the Quebec question (McRoberts 1997, 61). As such, he was not inclined to implement the B and B Commission's radical provisions in earnest. As McRoberts puts it, "notions of balancing appointments on a linguistic basis were hardly compatible with his brand of liberalism. And the segregation of workers according to first language also ran counter to his individualism" (McRoberts 1997, 82). The Government of Canada thus avoided any formal system of balanced representation at the executive level, instead opting to designate certain positions as bilingual. The government did try implementing FLUs on an experimental basis in the early 1970's, but the majority of these efforts were in Quebec (330 of 457). Furthermore, those units located in Ottawa accounted for only 5 percent of total positions, and were often already working in French prior to FLU designation (McRoberts 1997, 83). In 1975, the Treasury Board announced it was ready to adopt the scheme, but when faced with protest from anglophone civil servants and union representatives were pressured into adopting a series of qualifications which undermined the principle of the FLUs. Ultimately, FLUs were scrapped in favour of designated bilingual regions in which employees could choose to work in the either official language.

Related to which, the Official Languages Act (OLA) of 1969 formally acknowledged the equal status of French and English in Canada, and stated that members of both linguistic groups should have equal employment opportunities in federal institutions and the freedom to work in the language of their

choice. The Act also eventually led to the creation of the position of Commissioner of Official Languages, an office responsible for the implementation of the principles of the Act (Turgeon and Gagnon 2013, 41). In addition to the OLA, the Parliament of Canada passed a resolution on Official Languages in the Public Service (OLPS) in 1973. The intent of the OLPS was to increase French language use at all levels of the public service through increased recruitment efforts, French-language training programs, and the development of projects designed to enhance bilingualism in the National Capital Region. The resolution added language designation of public service positions (bilingualism) as an additional criterion for employment in the public service, bolstering merit based requirements already in place. Additionally, the 1973 Resolution included the designation of bilingual regions, working tools, language requirements, training, the bilingualism bonus and the delegation of powers to departments (Library of Parliament 2009, 2). In effect, francophone representation in the civil service rose dramatically, contributing to a fairer representation of both language groups.

In 1977, the Treasury Board implemented a series of temporary guidelines to ease OLPS uptake, including provisions such as allowing unilingual employees to be appointed to bilingual positions conditional upon language training. This measure was particularly useful following 1981 when all senior management positions in bilingual regions were designated bilingual by the Treasury Board (with some controversial exceptions). Lastly, in 1988 the OLA was revised to incorporate the principle of equality of languages that was the cornerstone of the Charter of Rights and Freedoms, entrenched in the Constitution Act of 1982. In other words, the right for Canadians to communicate and receive service in the official language of their choice at any head or central office of an institution of Parliament or government of Canada was redoubled. At this time, the Treasury Board also issued guidelines related to the measures that can and cannot be taken to ensure federal institutions reflect Canada's bilingual communities. Perhaps most importantly it was stipulated quotas were strictly off limits when it came to fostering representativeness.

Due to these changes over 40 percent of positions in the federal government have now been designated bilingual, an increase from 1978 levels when only 25 percent of positions were accessible to both language groups (TBS 2010, 12). Because of higher rates of bilingualism among the French-speaking community Francophones occupy a significant majority of these bilingual positions. For example, in 2014–15, 58.6 percent of the “bilingual imperative” appointments to the public service were Francophones and 41.4 percent were Anglophones, resulting in the slight over-representation of French-speaking Canadians in the public service (PSC 2015, 106). The proportion of Canadians whose first official language is French represents 23.2 percent of the Canadian population, the participation rate of Francophones in 2016 was 26.5 percent for all federal institutions, and 31.2 percent for the core public administration (PSC 2016, 12; TBS 2016, 21). Francophones are also now better represented in senior positions. As of 2010, 31.5 percent of executives of the core public administration are francophones (TBS 2010, 17).

However, while the representation of Francophones has increased over time to the extent of general over-representation, it has not guaranteed the representation of Francophones in specific positions. As a result, their representation in specific positions has fluctuated significantly at times. For example, in 2000, only 15.6% only 15.6 percent of deputy ministers were francophones in 2000 (Mattar 2002, 8). Additionally, the state of French language use in the public service is also poor. A 2002 study found that while anglophones working in a bilingual setting spend 14 percent of their time using French, francophones working in a bilingual environment spent on average 43 percent of their time using English (Commissioner of Official Languages 2003, 94).

Overall, Prime Minister Trudeau’s strong sense of individualism and commitment to human rights led to a departure from the politics of Prime Minister Pearson. In the immediate to short-term this translated into an alternate implementation of official language legislation. However, on a broader

scale, Trudeau's outlooks framed discussions on basic liberties in Canada for decades following his tenure. In many ways Trudeau's conception of Canada related to both his vision for Quebec and for Canada as a whole were two sides of the same coin. A federalist approach to nation-building led him to reject Quebec nationalism and pursue a unified Canadian identity rooted in human rights.

Traditionally, the French-Canadian conception of Canada was rooted in dualism; Canada as home to two distinct cultures (McRoberts 1997, 64). This understanding of the country was particularly prominent in the minds of Quebec's political and intellectual elites, becoming more pronounced in the wake of the Quiet Revolution. Faced with rising national tensions PM Pearson attempted to diffuse discontent by acknowledging Canadian dualism, and by making it a key component of the B and B Commission's mission statement. However, following Trudeau's election an alternate understanding of dualism was introduced to constituents, one which tenaciously pursued official language rights, but nothing more. In its stead, Trudeau envisioned Canada as a strong federation in which all provinces had similar relations to the central government, and Quebec would not be afforded any exceptional privilege. The Prime Minister vehemently opposed Quebec nationalism, going as far as to state, "particular status for Quebec is the biggest intellectual hoax ever foisted on the people of Quebec and the people of Canada" (McRoberts 1997, 65). Trudeau's rationale stemmed from his desire to portray the federal, rather than any provincial government, as the primary defenders of Canadian interests from coast to coast. In English Canada, Trudeau's dilution of dualism translated as an embrace of multiculturalism and individual rights (McRoberts 1997, 69). Despite being two distinct policies, both reflect Trudeau's attempt to frame Canada as a multifaceted society not beholden to any one province or people. As evidence, language rights were consolidated along with other individual rights in the 1982 Constitution Act. The Charter helped cement Canada as a liberal multicultural state and set the precedent for similarly themed legislation, namely the Employment Equity Act (EEA). We explore the EEA in the next section.

SYSTEMIC DISCRIMINATION OF DESIGNATED GROUPS AND THE EMPLOYMENT EQUITY ACT

Passed in 1986, the Employment Equity Act (EEA) was designed to combat the systemic discrimination of four at-risk groups: women, visible minorities, Aboriginals, and persons with disabilities (referred to as “designated groups”). In contrast to the Official Languages Act, the EEA affects not only the federal bureaucracy but all medium to large employers in Canada. Furthermore, the Act’s primary compliance mechanism are employment equity targets which employers must report on through mandatory annual reports.

Much like the above section, the following is a contextual study of employment equity legislation in Canada. Segmented into five sections, the first four detail legislative actions affecting each designated group prior the EEA. The final segment comments on the Act itself, how it has evolved, and its impact today.

Women

Chronologically, the Employment Equity Act was preceded by several other initiatives designed to bring about a representative Canadian workforce. Beginning in the latter half of the 1960s, staffing reforms and the enactment of the Public Service Employment Act (PSEA) led to a concerted consideration of employment equity in the federal public service. During this time, the Canadian government also faced international pressures from organizations such as the United Nations and International Labour Organization to align its employment practices with its commitment to democratic and representative institutions (PSC 2011, 8). Concurrently with international pressures, a number of women rights groups continued to berate discriminatory practices in employment. These included inadequate education and/or training, lower labour force commitment, absence of adequate childcare facilities, and the systemic discrimination in hiring mechanisms, job assignment, and promotion, among others (Calzavara 1985, 530-533). In the Canadian public service, these barriers translated into severe

under-representation in certain occupational sectors. For example, in 1973 the number of women in the senior Executive category in 1973 was 9, extremely minimal number considering there were 868 employees in the category (PSC 2011, 11).

As women's issues gained traction the Royal Commission on the Status of Women was formed in 1969. The commission produced a report, *Sex and the Public Service*, which led to the establishment of the Office of Equal Opportunity for Women in 1971. Furthermore, the Public Service Commission began to take steps to increase gender equality in the workplace. It did this by involving more women in the Career Assistance Program, ensuring their experiences were fairly evaluated, developing courses for women, and removing male-only career areas (Juillet and Rasmussen 2008, 103). Although the Civil Service Acts of 1919 and 1961 did not condone discriminatory practices, their silence as deputies designated certain occupations as suitable for men only allowed it to endure. In contrast, the 1967 PSEA explicitly stated that discrimination based on gender would no longer be permitted. In 1978, the PSC began to dedicate a chapter of its annual report to gender representation. In light of this progressive initiative, the PSC noted that it would not extend preferential treatment or positive action to increase gender equity in its work force. To quote Juillet and Rasmussen,

“[The PSC] wanted to avoid the experience with the French language, in which the establishment of quotas¹ had led to criticisms of "reverse discrimination". Maintaining that it had no parliamentary mandate concerning women as it did with the French language, it wanted to avoid anything that had the feel of affirmative action” (Juillet and Rasmussen 2008, 103).

In other words, citing the absence of any parliamentary pressure and its desire to avoid the experience with the French language, the PSC chose to sustain its soft staffing policies with regards to women.

Aboriginal Peoples

¹ The use of quotas here refers to the administration of designated bilingual positions.

As with women, Aboriginal representation in the Canadian public service was thoroughly lacking. Major barriers to native employment centered around issues in education and training. These included challenges related to: access to education; the existence of cultural barriers; the concentration of indigenous people in certain industries, occupations, and skills; financial obstacles to training and education; low education retention rates; and access to information about education and training, to name a few (Sharzer 1985). Low numbers persisted despite the implementation of measures that forwent merit requirements for aboriginal persons working in the north and replaced education criteria with requirements such as knowledge of native customs, ways and languages (Juillet and Rasmussen 2008, 104). While these modifications proved of some benefit, they did not have a significant impact.

In November 1971, the PSC announced a special program to help address challenges relating to the employment of Aboriginal peoples. In the same year the federal government developed a northern development policy. This offered increase employment for Aboriginals living in the Yukon and Northwest Territories, and eventually led to the development of the Northern Careers Program, providing them with training and career development opportunities for participation in departments and agencies operating in the northern parts of Canada. In 1973, efforts to increase local employment were complemented by the establishment of the Office of Native Employment to promote job opportunities throughout the public service. During this time, the PSC also reached out to organizations representing Aboriginal peoples to offer positions on selection boards, resulting in a marginal increase in representation. To illustrate, in 1973, only 178 (0.2%) Aboriginal persons held officer or Executive level positions, out of a total 80562 employees (PSC 2011, 12). On account of slow growth in Aboriginal representation, Treasury Board President Donald Johnson suggested that the performance of deputy ministers be evaluated in part on the basis of the number of aboriginal people they hired into their departments. However, as was the pattern with measures that threatened the merit system, the federal

government maintained its notions of targets, guidelines and encouragement (Juillet and Rasmussen 2008, 104).

Persons with Disabilities

In contrast to women and Aboriginals, the challenge faced by the Government of Canada in employing persons with disabilities rested in a lack of adequate data and knowledge of barriers to entry (PSC 2011, 13). As such, a large part of the 1970's was dedicated to accumulating a working knowledge of employment challenges. Starting in 1974, the Public Service Commission and Department of Manpower and Immigration (DMI) collaborated to gather and analyze information to help increase opportunities for the participation of persons with disabilities. As a result, trial hiring projects were implemented in collaboration with ten departments and agencies in four regions two years later. At the same time, existing literature and international precedent regarding disability legislation continued to be analysed. A report, published in 1977, identified major barriers as architectural barriers to buildings and a lack of technical aid and transportation (PSC 2011, 13). Although not explicitly addressed in the report, Marcia Rioux adds to this list social attitudes towards the disabled. Generalizations make it easy for individuals to translate a single disability into a total incapacity, which in turn can rob the disabled of any agency. In addition to promptly addressing institutional shortcomings, Rioux proposed that "changing attitudes is... the only real, long-term solution to employment of persons with disabilities" (Rioux 1985, 611). Acting on research findings, the PSC's Personnel Psychology Centre broadened its assessment procedures evaluating the capacity of persons with disabilities to perform job duties. The PSC also developed and distributed training packages and courses to educate senior officers and managers. It also revised the Application for Employment Form to provide for the collection of data on disabilities.

In 1978 and 1980, the Treasury Board and PSC respectively issued policies to increase the participation of persons with disabilities in the public service. By 1979, 180 persons with disabilities were

included in the PSC's pool of qualified candidates. During that same year, the PSC made 268 referrals and 161 appointments to the Administrative Support Category (PSC 2011, 14).

Visible Minorities

Racism and discrimination have been an ever-present reality in Canada. However, it was not until the emergence of the 1960's that the character of Canadian society was noticeably more multicultural, multiracial, multilingual, and multireligious (Lampkin 1985, 674). The introduction of the Canadian immigration points system created an influx of new immigrants who brought with them their high levels of education, skills, and expectations. Many of these immigrants, being non-white and non-Aboriginal, qualified as visible minorities. Research carried out at the time however showed that visible minorities were not obtaining equal access to opportunity and representation across a wide variety of institutions. Upon immigration, the barriers faced by visible minorities included: the non-recognition of qualifications; inflated or artificial education requirements; communication concerns with government immigration counselors and employers afterwards; inadequate language training; and policy and program activity concentrating on low-income opportunities (Abella 1984, 48; Lampkin 1985, 678). Long time Canadian citizens were not necessarily free from discrimination however. Visible minorities residing in Canada for many years reported discrimination as a challenge to employment and promotion. These persons found that despite being as qualified as their contemporaries, they failed to receive the same opportunities (Abella 1984, 47).

1971 saw the introduction of Canada's policy on multiculturalism, which endeavoured to make one of its goals the promotion of full participation of all individuals in shaping Canadian society (Turgeon and Gagnon, 43). Although this did not result in much policy action, it did encourage interest groups to persist in lobbying for increased representation of individuals of all origins. As a result, in 1983 the

Liberal government announced the Royal Commission on Equality and Employment, spearheaded by Justice Rosalie Abella.

The Employment Equity Act; 1986 and Beyond

A key policy entrepreneur, Justice Rosalie Abella was appointed royal commissioner by the government of Pierre Trudeau. Provided a time of one year and a budget of one million dollars, Justice Abella was asked to study the employment practices of eleven Crown corporations (Agocs 2014, 16). She was tasked with this mandate in response to demands from members of the designated groups who were seeking affirmative action as a solution to the long-standing discrimination they faced. Inspired by the American experience, as well as the progress of francophone Canadians, these groups found representation in the public service had increased significantly following the introduction of affirmative action measures to remedy their under-representation (Agocs 2014, 15).

In her report Justice Abella proposed a markedly different approach to this problem. In order to circumvent the criticisms face by the application affirmative action in the United States, she decided to maintain the integrity of the merit system while concurrently asking public and private organizations to promote the recruitment of designated individuals. Justice Abella found that the legal approach for eliminating barriers in the United States was conceived as a “fault-based remedy”; a heavy headed, top-down approach to findings of discrimination. Additionally, Justice Abella found that quotas were generally implemented in lower-paying tiers of the workplace, resulting in a mechanism that is intended as a floor but ends up a ceiling (Agocs 2014, 22). Instead, Justice Abella opted for a grassroots resolution that held the expectation employers pursue a “systemic remedy to a system problem”.

Under the Employment Equity Act, federally regulated companies with 100 employees or more are required to report annually to the Minister of Employment and Social Development (ESDC; formerly HRDC). The information from these reports is consolidated and included in an annual summary report

published by ESDC which compares the presence of designated groups to census workforce availability (WFA) statistics.

The Government of Canada is also responsible for the Federal Contractors Program (FCP), a regulatory initiative pertaining to employers with 100 or more employees, and who wish to sell goods or services to the federal government valued at \$200,000 or more. Qualifying employers are required to implement employment equity in order to bid on government contracts. However, while federal contractors are subject to compliance reviews by ESDC, they are not required to submit their equity plans and reports to the department, and there is no public reporting on their results (Agocs 2002, 260).

In 1995, amendments to the EEA brought the public sector under the same regulations, naming the Treasury Board and the PSC co-employers for the federal public service (PSC 2011, 6). Coverage of the Act was expanded to include the federal public service, commissions, and agencies, as well as the Royal Canadian Mounted Police, the Canadian Forces, and the Canadian Security Intelligence Agency (Agocs 2002, 260). The amendments also specified that numerical goals should be based on factors that consider the severity of under-representation, availability of qualified persons, and expected growth and turnover rates of an employer's workforce (Turgeon and Gagnon 2013, 44). A year following, the Act instituted additional measures to enhance the efficacy of the EEA, requiring employers develop an employment equity plan that specifies measures to be taken for the elimination of employment barriers, and in situations of under-representation, numerical goals for the hiring and promotion of people in the designated groups to augment their presence (Turgeon and Gagnon 2013, 44).

Of importance to understanding the function of the EEA is that the Act abstains from instating hiring quotas. Rather, it reinforces the need for merit based employment and promotion, a convention rooted in the Civil Service Act of 1908. This sentiment is made clear in the stipulation that the Human

Rights Commission, responsible for the enforcement of the EEA, may not give a directive to impose a quota on an employer (Turgeon and Gagnon 2013, 45).

Despite the good will exhibited by the EEA, scholars have criticized its implementation. Janet Lum argues the data collection function of the Act is poorly conceived. The definitions used to measure representativeness are inconsistent and insufficient compared to those employed by other government agencies (Lum 1995, 50). The demographics the Act aims to target are: women, Aboriginals, visible minorities, and disabled individuals. With each of these categories (with the exception women) there are nuances that the Act fails to capture. The definitions employed by the EEA for persons with disabilities and visible minorities are inconsistent with those used by Statistics Canada, which uses subcategories in place of broad based definitions (Lum 1995, 50). This is particularly problematic considering the Act gauges equity by comparing internal and external labour statistics. Furthermore, changes in how the questions are asked from year to year cast further doubt on the comparability of statistics (Lum 1995, 53).

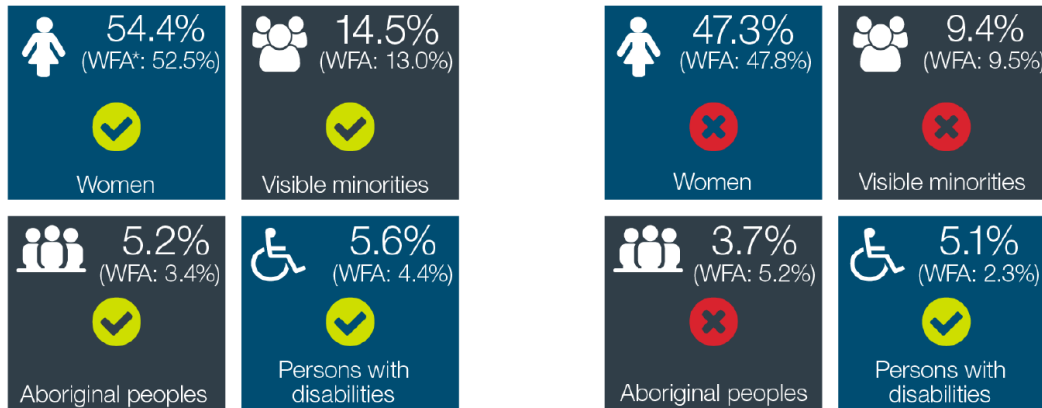
Carol Agocs further speculates that constricted resource allocations to the programs and agencies responsible for monitoring and enforcing employment equity has led to marginal results in Canada's broader labour market. More specifically, the 1999 Annual Report of the Canadian Human Rights Commission notes that the nation-wide compliance audit program required under the Act depends on ten auditors, each of whom can realistically be expected to complete ten audits each (Agocs 2002, 272). Additionally, the Auditor General's report noted that the Canadian Human Rights Commission (CHRC) had a budget of \$800,000 for conducting employment equity audits in 1998-1999, and that the Commission has experienced a high level of staff turnover, resulting in many employees being inexperienced (Auditor General, 1998). Taken together with high-rates of primary and secondary

non-compliance by most audited firms has resulted in a workload that snowballs to exceed the human and financial resources available to the CHRC.

The Federal Contractors Program (FCP) also requires federal contractors to maintain or strive towards a representative workforce in order to receive a government contract. Like the CHRC the FCP was found to suffer from a resource drought. Only 5.5 full time positions were dedicated to Human Resources Development Canada's² (HRDC) compliance review program in 1999, which tracks 860 contractor firms across Canada. In addition, HRDC is responsible for providing availability data, information about the Act's requirements, and consultation to employers covered by the EEA – services which have not met the need, judging from the CHRC's experience with compliance audits (Agocs 2002, 272).

Despite these resource restrictions, in recent years the representation of the designated groups has met a number of its Work Force Availability targets (see Figure 2). Since 2013 federal public service has met overall WFA targets for all four designated categories, however only for persons with disabilities for the executive category. Furthermore, because the WFA milestones are based on the 2011 census, targets are not accurate to the 2016 labour force statistics (scheduled for release 2018). In sum, the solutions proposed in the EEA have achieved a degree of success in fostering the representation of designated groups in the federal public service. However, there is still room for improvement with regards to resource allocation and program design.

² HRDC is the government department responsible for monitoring the FCP.



*WFA: workforce availability as of March 31, 2015, based on 2011 Census data.
Data in this figure represent the core public administration as of March 31, 2016.

Figure 1: Portrait of the public service in the 2015 to 2016 fiscal year - Overall and for the executive category

ANALYSIS AND DISCUSSION

This paper was inspired by the observation that the two major pieces of legislation governing representation of at-risk groups in the federal public service were not uniform. Separate legislation exists to facilitate the participation of Francophone Canadians than that of women, Aboriginal persons, visible minorities, and persons with disabilities. Considering this observation our starting hypothesis was that legislative discrepancies were due to differences in how the problems underlying each set of legislation was defined. This was found to be true, although not to the extent first imagined. We find that the frames underlying each policy to be relatively similar. Systemic discrimination is acknowledged by progressive policy entrepreneurs who then adopt what they believe is the most effective approach. In the case of Francophone under-representation these are the introduction of designated bilingual positions, while employment inequity is addressed using data collection and public reporting.

Using a problem definition theoretical model, we determine the *nature of the problem* and the *characteristics of policy entrepreneurs* influenced the framing of representation in the Canadian bureaucracy. Enacted during a national crisis, official language legislation initiated comprehensive change in the federal administration. The solution to Francophone under-representation was put

forward with consideration to administrative limitations and not any historical policy precedents. Alternately, employment equity legislation was enacted several years later and thus had to contend with existing legislative experiences with affirmative action in the United States and criticisms of official language legislation in Canada. This in turn informed what policy entrepreneurs endorsed as an acceptable solution to systemic barriers in the federal public service in the 1980's. Furthermore, in the absence of exacerbated national tensions, policy actors felt comfortable implementing a gradual solution to employment inequity (Agocs 2014, 22).

Years before the Quiet Revolution, a tertiary problem frame informed attitudes on representative bureaucracy. The implementation of merit based hiring in the public service resulted in an effort to maintain the status quo. Requests for increased Francophone representation in the public service were met with lukewarm receptions, justified by ones which acknowledged the significance of the issue but did not follow up with any meaningful policy action. The following section reviews this definition in addition to those that evolved from it using the five aspects of problem description detailed in the theoretical model portion of this paper (see Table 2 for direct comparisons).

Problem Descriptions of Representative Bureaucracy in Canadian Politics			
Dimension of Problem	In Defense of Merit Principle and the Declining Representation of French-Canadians	Under-Representation of Francophones as a Crisis	The Considered Implementation of Employment Equity Legislation

<p>Problem Causation</p>	<ul style="list-style-type: none"> ▪ The introduction of the merit principle resulted in a stop to patronage appointments, by which Francophone representation was being maintained ▪ Under-representation resulting from the CSA/CSC was likely a consequence of impersonal and unintentional policy outcomes 	<ul style="list-style-type: none"> ▪ Economic and social Francophone discrimination led to the rise of Quebec nationalism, and as a result parliament's response to it ▪ The origins of this issue are complex 	<ul style="list-style-type: none"> ▪ Systemic workplace discrimination is by definition impersonal and unintentional; As such, no blame was allocated ▪ The underlying causes of employment inequity are complex. However, the policy response was not developed under immediate political pressure
<p>Nature of the Problem</p> <p>Severity</p> <p>Incidence</p> <p>Novelty</p> <p>Proximity</p> <p>Crisis</p>	<ul style="list-style-type: none"> ▪ The severity of Francophone under-representation began to increase from this point forward ▪ Representation of French-Canadians began to decline, in turn affecting their ability to contribute to the institutions that affect their welfare ▪ Under-representation came as an initial surprise to law makers ▪ Under-representation did present itself as a problem to some ▪ Not considered a crisis by policy actors 	<ul style="list-style-type: none"> ▪ Severity Peaked (lack of administrative representation, growing social malaise) ▪ Representation of French-Canadians in the public service had reached an all-time low, in turn affecting their ability to contribute to the institutions that affect their welfare ▪ Familiar, but with an agitated social dynamic ▪ A general social concern for policy makers ▪ Defined as a crisis by the B and B Commission 	<ul style="list-style-type: none"> ▪ The Severity of employment inequity began to decrease (policy makers were receptive to domestic and international lobbying) ▪ Systemic discrimination was present and affecting designated groups; likely shrinking ▪ The government of Canada had over two decades of experience addressing issues related to equality ▪ A general social concern for policy makers ▪ Not a crisis
<p>Characteristics of the Problem Population</p>	<ul style="list-style-type: none"> ▪ There was a measure of indifference towards the needs of French Canadians following the introduction of the merit principle; this began to change overtime 	<ul style="list-style-type: none"> ▪ There was contention between dualism- and federalism-based approaches to nation building, but both considered French Canadians a valuable part of the Canadian mosaic 	<ul style="list-style-type: none"> ▪ In the eyes of policy entrepreneurs, Canada was becoming a diverse state. One in which women, visible minorities, Aboriginals, and persons with disabilities were important parts

<p>Characteristics of Policy Entrepreneurs</p> <p>Ends - Means Orientation of Problem Definer</p>	<ul style="list-style-type: none"> ▪ For many years, individual law makers carried the torch of Francophone representation. Overtime the need for the French language gained traction more widely ▪ However, both Anglophone and Francophone policy makers were generally content with maintaining the status quo ▪ Those in favour of language legislation in the public service requested its implementation but did not elaborate on specificities; ends-means orientation is ambiguous 	<ul style="list-style-type: none"> ▪ Canada’s highest office actively promoted the adoption of official language legislation ▪ Political will was in consensus on the importance of alleviating French discontent; an instrumental (ends) oriented approach was adopted 	<ul style="list-style-type: none"> ▪ The legislation received cross-party support ▪ In light of the American and French examples, employment equity legislation became means oriented. It was argued that to effectively resolve a systemic issue, a systemic approach would be necessary
<p>Nature of the Solution</p>	<ul style="list-style-type: none"> ▪ The solutions proposed by policy actors were denied (or not implemented) on the basis of threatening the merit principle. With respect to this rhetoric, this solution was not deemed acceptable 	<ul style="list-style-type: none"> ▪ The solution proposed and accepted by Parliament was available, acceptable, affordable, and most importantly, in their eyes, necessary ▪ In turn, this solution has evolved to effectively promote Francophone representation in the federal public service. 	<ul style="list-style-type: none"> ▪ Although law makers supported the legislation of the EEA (available and acceptable), funding for the program leaves something to be desired ▪ The EEA has resulted in increased representation of designated groups in the public service, but not to the same extent as Official Language legislation

Table 2: Comparison of Problem Descriptions

In Defense of Merit Principle and the Declining Representation of French-Canadians

Prior to the 1918, French-speaking Canada were numerically well represented in the federal public service. At the time government was relatively decentralized and the impact of the federal government on the economic and social lives of constituents was largely indirect. The existing political conventions of recruitment to the Public Service was patronage and proportional representation, which provided for some measure of participation by both cultural groups (B and B Commission 1969, 98). Following the passage of

the Civil Service Act in 1918, however, the federal bureaucracy became increasingly Anglophone dominant. In the decades after the issue of systemic discrimination against Francophones would emerge several times, each time being dismissed as a threat to the merit principle (B and B Commission 1969, 104). The problem at this point was exclusively the under-representation of French Canadians. As such, the root of this issue was the increased professionalization of the public service.

As the representation of French-Canadians began to decline, the severity of Francophone under-representation began to increase. In the long-term this would affect their ability to contribute to the institutions that govern their welfare. When first noted in the context of the Imperial Economic Conference in 1932, the absence of French individuals came as a surprise to law makers. The issue was resolved in the context of Conference but attitudes continued to be reactive rather than proactive, with the exception of a handful of individual policy entrepreneurs. The lack of reform indicates the issue was not a general social concern for policy makers and by no means considered a crisis.

In the context of the Imperial Economic Conference Incident Prime Minister Bennet is reported to have criticized his Francophone colleagues as viewing the Public Service as a vehicle for patronage. The B and B Commission found “the Prime Minister's view of Francophones' attitudes towards patronage was characteristic of the 1930's and 1940's” (B and B Commission 1969, 103). An incident in 1940 between Ernest Lapointe and C.D. Howe further illustrates this point. Lapointe was a stalwart Francophone rights advocate and the minister of Justice in the Mackenzie King government. C. D. Howe on the other hand held office as minister of Munitions and Supply during World War II. Noting the virtual absence of French-Canadians in Howe’s department, Lapointe requested that Howe take steps to improve Francophone participation. Howe’s responded by implying that French-Canadians with the appropriate qualifications were in short supply, demonstrating an indifference towards, if not outright dismissal, of Francophones as a problem population (B and B Commission 1969, 106). This was not helped by the majority of French cabinet ministers and MPs who

showed little interest in government staffing policy and were content in perpetuating status quo policies (B and B Commission 1969, 103).

In the case of the Lacroix amendment and Regulation 32A, in which administrative changes were mandated, the efforts of policy entrepreneurs were often nullified due to extraneous circumstance and administrative non-cooperation (B and B Commission 1969, 106). However, the main through line for arguments put forward against language legislation was that the merit principle was threatened by mechanisms that promoted Francophone participation in the public service (B and B Commission 1969, 103-110). As a result, no substantial policy was implemented until the Official Languages Act in 1969.

Under-Representation of Francophones as a Crisis

The problem of French under-representation is a complex one that has roots in both social and political realities. Although decreased representation was an unforeseen consequence of the enactment of the Civil Service Commission, it was Quebec's rising nationalism that ultimately forced the government's hand. The federal government took notice of growing dissatisfaction among many Québécois, who were historically subject to economic, cultural and social discrimination, and responded with policies and programmes that attempted to address malcontent (Rocher 2002, 1). Despite being subject to discrimination, it is difficult to state that the root of French discontent was "personal". The largest complaints Quebecois had with the federal government was a loss of economic agency and cultural security (B and B Commission 1965, 109). In other words, systemic problems that for which no single individual can be held culpable.

As national tensions in Canada began to reach a boiling point, the Royal Commission on Bilingualism and Biculturalism was established. It recommended that the federal and provincial governments establish a new official languages charter based on the "principle of equality," which would acknowledge the existence of Quebec as a "distinct society" (Fortier 1994, 70). This demonstrates

that at both an administrative and cultural level the severity and incidence of French under-representation was at its peak. Policy makers openly considered the rise of Quebec nationalism a crisis that called for major reform, a key component of which was the institution of official language legislation. Although these tensions were not particularly novel the changing self-perception of French-Canadians prompted a strong policy response. This may speak to the proximity of the issue as well, qualifying it as a general social concern in the eyes of policy makers.

The characteristics of the problem population reflect the perceptions of those who influence solution delivery. In this case those actors are the individuals who influenced the legislation of the OLA. The question of whether French-Canadians were perceived as worthy, deserving, familiar, or sympathetic can be answered succinctly as “yes”. Perhaps what is most telling here are the competing ideological frames of Prime Ministers Pearson and Trudeau. Although they fostered several mutually exclusive positions, both policy entrepreneurs fought for a unified and inclusive Canada.

That said, it was Prime Minister Trudeau’s vision of a federalism that defined Canada as a liberal-multicultural state (Turgeon and Gagnon 2013). However, he was not the only proponent of the issue. In 1969, it was with the support of all parties that the Official Languages Act was passed as law (Fortier 1994, 69). Nineteen years later, the government of Canada adopted a new Official Languages Act, once again with large support from all parties. Although there was some internal party opposition from members of the Progressive-Conservative Party who found the provisions too generous, general support for official bilingualism demonstrated an acceptance of representative bureaucracy by the political elite (Fortier 1994, 74).

The severity of national tensions prior to the signing of the Official Languages Act framed the Act less in terms of affordable or unaffordable, and more as necessary or unnecessary. As is evident by the support for the Act, it was largely perceived to be a crucial policy response to rising Francophone

discontent. Legislation was not implemented blindly however. The recommendations of the B and B Commission, the French Language Units, were tested on a regional basis, but faced resistance when approved for government-wide application. In its place, designated bilingual regions and positions were established.

The Considered Implementation of Employment Equity Legislation

The underlying history of systemic discrimination against the four designated groups is beyond the scope of this paper. However, leading up to the publication of the Abella report there was a keen awareness of its existence. Research evidence, case law, and advocacy established the designated groups had been persistently and significantly disadvantaged in their employment endeavours (Agocs 2002, 258). The underlying causes of employment inequity are undoubtedly complex, stemming from administrative and cultural practices that sustained the status quo to the detriment of a significant number of Canadians. By definition, the systemic inequality employment equity legislation was a response to was impersonal and unintentional. And much like francophone under-representation no organization or individual was blamed for its existence.

Leading up to the EEA there were several policy initiatives designed to reinforce the rights of the designated groups. What we find here is that unlike the context of Official Language legislation there was already considerable momentum following up to the Employment Equity Act. The severity of the under-representation in the public service was declining. Although the incidence of the issue was still very much pertinent to the affected groups, its impact was being lessened through progressive policy solutions. In sum, although inequality in the public service was still of a general policy concern to policy makers, it was not new and not perceived as a crisis.

As product of the Prime Minister's liberal multicultural agenda, following the Official Languages Act, official policy on multiculturalism, and the Charter of Rights and Freedoms, Canada was well on its

way towards a diverse liberal state. These sentiments were further articulated in the Constitution Act (1982) which states, “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”. Further strengthened in the Multiculturalism Act (1988), the equal participation of all individuals in shaping the future of Canadian society was encouraged. All that to say, the problem populations targeted by employment equity policies were acknowledged as familiar and deserving members of the Canadian mosaic.

The policy entrepreneurs responsible for the institution of both Acts overlap as well. Championed by Prime Minister Pierre Trudeau, the Official Languages Act was embraced by both national parties. Similarly, the Royal Commission on Equality in Employment was sponsored by the Trudeau’s Liberal Party, and adopted in the form of the Employment Equity Act by the Mulroney’s Progressive Conservatives. Where these policies differ is in their orientation as instrumental or expressive. The former refers to a policy in which the ends take precedent over the means, while the latter is the inverse. Employment equity legislation took lessons from the implementation of affirmative action in the United States and the Official Languages Act in Canada. Justice Abella, an important policy entrepreneur, held that to effectively resolve a systemic issue, a systemic approach would be necessary. To avoid criticisms of reverse discrimination and the formation of glass ceilings for the designated groups, Abella offered a unique solution to systemic discrimination in the form of employment equity.

The consideration of international and historical legislative precedent in turn affected the nature of the proposed solution. The provisions in the EEA were perceived as available and acceptable by policy holders, and in practice have achieved a degree of success in fostering the representation of

designated groups in the federal public service. However, there is still room for improvement with regards to resource allocation and program design.

CONCLUSION

Our research demonstrates that the use of specific policy tools is a product of social and historical realities. In the Canadian context, passive representation of minority groups was achieved through the implementation of official language and employment equity legislation. In the face of an intense national *crisis* key *policy entrepreneurs* adopted official language legislation, not only to address demographic imbalances in federal administrative institutions, but also to redefine Canada as an officially bilingual state. 18 years later, bearing in mind international and historical legislative precedent, employment equity legislation was put into place as the next step in Canada's human rights journey.

Having examined how the definition of underlying issues has contributed to official languages and employment equity legislation in Canada a few points have become apparent. Our major finding was that the severity of the Francophone under-representation, contributing to broader national tensions, influenced the approach policy advocates adopted. In the case of employment equity, despite the efforts of lobbyists, policy makers were not inclined to authorize a heavy-handed, top-down approach to foster passive representation of women, Aboriginals, visible minorities, and persons with disabilities in the public service. Rather, grassroots measures, lightly incentivized through an evaluation and reporting function, were put into place. Alternately, it can be argued that the Employment Equity Act was a product of problem re-definition. According to multiple scholars in the field, problem definition is not simply the first step of the policy process, but rather an ongoing and dynamic occurrence over a policy lifecycle. As such, the shift from designated bilingual positions to a "name and shame" approach may have been a product of shifting frames in representative bureaucracy.

Moving forward, facets of representative bureaucracy literature in Canada require further attention. With respect to studies of passive representation, additional archival research in conjunction with the detailed study of primary literature would help form a complete picture of the ideas and attitudes influencing representative bureaucracy policy. Moreover, the role of active representation in Canada has not received sufficient scholarly attention. Literature in the American context has produced nuanced reports on the effects of social upbringing on policy outcome. Similar studies focused on the Canadian public service would provide insight into the relationship between representation and bureaucratic culture in Canada's diverse civil service.

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