

**Human Rights and the Duty to Accommodate in Employment:
Stakeholders' Knowledge and Attitudes**

by

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Abstract

The purpose of this study was to measure the level of knowledge and the type of attitudes of key stakeholders on human rights and the duty to accommodate in employment in Canada. Two survey instruments, a 20 item true or false knowledge questionnaire and a 20 item seven point Likert scale attitudes questionnaire, developed by the researcher based on literature review, were administered to 160 participants.

Both quantitative and qualitative analyses were utilized for this study. Among all participants, the results indicated a general low level of knowledge with a mean score of 11.20 (SD = 2.317) and slightly positive attitudes with a mean score of 90.17 (SD = 14.098) on human rights and the duty to accommodate. Specifically, analysis indicated participants in the human resource occupation, in higher income brackets, working in larger organizations, in a unionized environment and in the public sector have more knowledge than their counterparts. There was also statistical significance for participants in the higher income brackets and working in a unionized environment demographic on the attitudes questionnaire. With respect to correlation factors, both academic attainment/knowledge level and knowledge/attitudes were slightly positively correlated at a statistically significant level. However, in both cases the coefficient of determination (R^2) was relatively low at 0.021 and 0.068 respectively. Therefore, the variability of knowledge based on academic attainment and attitudes based on knowledge shares 2.1% and 6.8% respectively. In essence, 97.9% and 93.2% of variability can be accounted for by other variables.

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Chapter 1

Introduction

Introduction

Since the Second World War, human rights and the duty to accommodate in employment have become increasingly prominent, particularly as legislation has been developed to protect the rights of those who belong to a protected group. Protected groups include: race, national or ethnic origin, color, marital status, religion, age, family status, sex, sexual orientation, disability, and conviction (for which a pardon has been granted). In light of these developments, disability management has emerged to facilitate the ongoing needs of the various stakeholders in this area. Disability management focuses on the integration and participation of people in the protected group in competitive employment through proactive involvement and accountability of key stakeholders (Dyck, 2002). Key stakeholders include: employees, employers, unions, rehabilitation professionals, insurance/service providers, government, and other public officials. To achieve this objective, stakeholders must not only be proactive, involved and accountable for their actions (Dyck, 2002), they must also possess adequate knowledge of human rights and their duty to accommodate. In addition, stakeholders' attitudes toward human rights and the duty to accommodate play an important role in accomplishing this end.

Human rights law in Canada has been in existence since 1944 and the duty to accommodate in employment as part of the requirement under human rights has become increasingly central in the roles and responsibilities of key stakeholders, including those who belong to a protected group. Despite the increasing interest and importance of human rights and the duty to accommodate in recent years, little research has been conducted over the last

20 years on the knowledge and attitudes toward human rights and the duty to accommodate. In fact, to our knowledge, there has been no research done specifically on this subject in Canada. However, 27 human rights knowledge and attitudes related studies have been conducted since 1991, most of which were in the area of disability laws and legislation in the United States, United Kingdom, Australia, and Israel. Disability laws and legislation is a subset of the larger human rights laws and legislation. Research in this area began as a result of the enactment of legislation in several countries such as the United States, United Kingdom, Australia, and Israel to protect the rights of persons with disabilities in the area of employment, housing, public services and telecommunication (Hernandez, Keys, & Balcazar, 2004; Hernandez, Keys, Balcazar, & Drum 1998).

Given the lack of Canadian-specific work in this area, it should be considered necessary that researchers begin to build the knowledge base in the area of human rights and the duty to accommodate in Canada; the implications can be far reaching and critical to achieving acceptance and compliance to such laws and legislation by key stakeholders for an underrepresented and often marginalized group of citizens. Consequently, the aim of the present study was to measure the level of knowledge and gauge the type of attitudes of several groups of key stakeholders on human rights and the duty to accommodate. This research was not only important with respect to informing policy and legislation but also to guiding professionals in the field of disability management in carrying out their roles and responsibilities.

Research Questions

Canada is relatively progressive in the area of human rights and the duty to accommodate compared to other developed countries. With respect to this, all provincial and territorial jurisdictions including the federal jurisdiction have human rights legislation

enacted to protect persons in a protected group. However, a literature review revealed little research, and more importantly, where research existed, there was a general lack of knowledge of the legal rights and responsibilities under the human rights and the duty to accommodate laws and legislation. In view of the limited research in this field, several questions were evident and required exploration. Specifically, three questions were contemplated as follows:

1. What is the level of knowledge and type of attitudes toward human rights and the duty to accommodate in employment in Canada? In consideration of the low level of knowledge in other jurisdictions in the world on civil rights and disability laws and legislation, we would expect that the level of knowledge to be relatively low in Canada also.
2. What is the level of knowledge and the type of attitudes toward human rights and the duty to accommodate among key stakeholders in Canada? The aim of this question was to compare and contrast the level of knowledge and type of attitudes toward human rights and the duty to accommodate among key groups of participants including human resource personnel, managers/supervisors and employees. The measure of this research question also explored the knowledge and attitudes toward human rights and the duty to accommodate on other key demographics such as age, gender, ethnicity, academic attainment, etc.
3. Are there notable associations or correlations among different demographics and between measures on the knowledge and attitudes toward human rights and the duty to accommodate? In particular, as evidenced in previous related research in this area, is there a correlation between the level of academic attainment and the level of

knowledge and between the level of knowledge and type of attitudes toward human rights and the duty to accommodate?

The Scope of the Study

This study was conducted as a part of the fulfillment for the Master of Arts (Disability Management) degree at the University of Northern British Columbia. A traditional convenience sampling was utilized to recruit participants to complete two survey instruments developed by the researcher. The limitations of the study are discussed later in this paper. This study aimed to add to the body of knowledge in the area of human rights and the duty to accommodate in employment, as it pertains to the situation in Canada. While the results of this study provide evidence to address some of the questions posed by the researcher, its primary purpose was to establish a body of evidence upon which further research can be conducted.

Chapter 2

Literature Review

Human Rights

Human rights legislation in Canada began as early as 1944 when the Racial Discrimination Act in Ontario was passed (Howe & Johnson, 2000). In 1960, the Canadian Bill of Rights was passed in parliament followed by the Canadian Human Rights Act (CHRA) in 1977 (CHRA, 1985). In 1982, the Canadian Charter of Rights and Freedoms (CCRF) was incorporated into the Constitution Act of 1982 (Peters & Montgomerie, 1998). Furthermore, the rights and protection of Canadians in the area of employment, housing and access to government and public goods and services are also provided under law in federal, provincial and territorial human rights legislation. Human rights policies have been established to provide protection against discrimination and to advance equality of rights for

all Canadians (Howe & Johnson, 2000), particularly for those in the protected groups (i.e., race, gender, religion, disability, etc.). Section 15(1) of the Charter of Rights and Freedoms specifically 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.”

(CCRF, 1982, Section 15)

The “overriding purpose of human rights legislation is the elimination of discrimination” (MacNeill, 2003, p. 2-2) where the principles of equality, inherent dignity and worth of the person (MacNeill, 2003) are found to be within all federal, provincial and territorial human rights legislations. Specifically, human rights legislations of the various jurisdictions share the following purposes:

1. Human rights legislation is considered quasi-constitutional which, in essence, grants the power and status of this legislation to supersede nearly all other private contracts, laws and statutes. Other laws and contracts must be interpreted and applied in accordance with each of the federal, provincial or territorial human rights legislation (D’Andrea, Corry, & Forrester, 2004; MacNeill, 2003).
2. Human rights legislation cannot be contracted out. For example, in a unionized environment where a collective agreement set out the relationship (contract) between employer and employee, this collective agreement cannot be used to waive, modify or overwrite human rights legislation (D’Andrea et al., 2004; MacNeill, 2003).
3. Human rights legislation is remedial and not punitive in nature. Therefore, violators of human rights legislation are not brought to justice by being punished. Human

rights legislation seeks to “prevent discrimination or provide relief against the effects of discrimination” (MacNeill, 2003, p. 2-4). These remedies may include but are not limited to compensatory damage, reinstatement to employment and/or general, aggravated or punitive damages.

4. Human rights legislation is to be interpreted broadly and purposefully. For example, “proof of intent to discriminate is not necessary to make out a human rights complaint” (MacNeill, 2003, P. 2-6). Discrimination can exist even if it is not overt. This is referred to as adverse effect discrimination.
5. Human rights legislation prohibits discrimination based upon membership in a protected group which includes all of the following: race, national or ethnic origin, colour, marital status, religion, age, family status, sex, sexual orientation, disability, conviction for which a pardon has been granted (D’Andrea et al., 2004; MacNeill, 2003). Some of the categories listed may vary slightly from one jurisdiction to another. However, these are the primary categories of protected groups under human rights legislation.

In Canada, human rights legislation is applied and interpreted by a human rights tribunal or board of inquiry (MacNeill, 2003). However, as outlined in MacNeill (2003), human rights adjudicators may include any and/or all of the following: human rights commission/tribunals/board of inquiry, labour arbitrators, employment standard adjudicators, occupational health and safety adjudicators, labour relations board, and police service board. Generally, human rights legislation is governed by each of the federal, provincial and territorial acts. Depending on the matter at hand for which violations may or may not have occurred, the human rights legislation of the appropriate Act within each of the jurisdictions will be in effect when adjudicating the matter. However, interpretation and decisions can

rely on another jurisdiction's decisions to help make the case of discrimination (D'Andrea et al., 2004; MacNeill, 2003). Although there are different and distinct human rights legislations for different jurisdictions, it is important to note that there are considerable similarities in language and approach taken in each jurisdiction when applying, interpreting, and adjudicating these legislations.

MacNeill (2003) outlines the process of human rights complaint and ultimate resolution as follows: (1) a complaint of human rights violation is filed by the alleged victims only in a few jurisdictions and by any person in most other jurisdictions; (2) the complaint is investigated by the parties involved; (3) the complaint is mediated and/or settled by the respective parties and/or the adjudicators outlined above (note: in some jurisdictions, the settlement may require the approval of a human rights commission to make it binding on the parties); (4) if the complaint is not settled, the complaint is referred to the human rights tribunal or board of inquiry in the jurisdiction that the complaint lies; (5) if this is still not satisfactorily settled, then the appeal or judicial review of the adjudicator's decision will take place. This may be ultimately decided by the highest court in the country, the Supreme Court of Canada.

Human rights legislation applies to employment, housing and public services. With respect to employment specifically, human rights legislation applies to employer-employee relationships, unions, employer organizations, employment agencies and vocational/professional associations (D'Andrea et al., 2004). However, human rights legislation does not have jurisdiction in an employment relationship that is within a private residence (D'Andrea et al., 2004). For example, an employment relationship between a home owner and someone the home owner hires to clean their house or care for their

children. The employer (home owner) in this case is exempt from provisions under human rights legislation.

With respect to the employment relationship, provincial or territorial legislation has jurisdiction in their respective province or territory with the exception in matters that fall under the constitutional jurisdiction of the federal parliament. These may be employment relationships that are regulated by federal legislation such as the regulation of trade and commerce, employment insurance, postal service, military, shipping, telecommunication, federal public service, etc. (MacNeill, 2003).

Human rights legislation in Canada dates back as far as 1944 and has developed and evolved over a number of years. Several cases have set precedents which have had a significant impact on human rights in Canada. The three cases of note are outlined below:

1. The Michael Huck Case

Canadian Odeon Theatres Ltd. v. Huck (Canadian Human Rights Reporter, 1985) was of particular importance in establishing the principle of “equality of outcome” for people in the protected group and supporting Section 15(1) of the CCRF.

Michael Huck relies on a motorized wheelchair for mobility. In 1980, Mr. Huck entered a movie theatre where he was advised that he could transfer to a chair or sit in the area in the front row of the theatre with his wheelchair. Consequently, Mr. Huck was seated at the front of the movie theatre because the nature of his disability did not allow him to transfer into a regular seat.

Mr. Huck grieved that he did not receive the “equality of outcome” of others who attended the movie theatre because of his disability. Although the theatre provided the same treatment for Mr. Huck as for other patrons of the theatre (i.e., had room to accommodate Mr. Huck and his wheelchair in the theatre), Mr. Huck was seated at the

front of the movie theatre which made it difficult to enjoy the movie due to the proximity to the screen. The Saskatchewan Court of Appeal concluded that it was not enough to provide equal treatment to all but that all persons, regardless of the fact that they belong to a protected group, should have the equality of outcome. In this case, equality of outcome would be the same enjoyment of the movie as everyone else in that theatre.

2. The O'Malley Case

Ont. Human Rights Comm. v. Simpsons-Sears (Supreme Court of Canada, 1985) established that discrimination does not have to be intentional to be discriminatory.

Theresa O'Malley was employed with Simpsons-Sears. After a few years of employment with Simpsons-Sears, Ms. O'Malley joined the Seventh-Day Adventist Church which required a strict observance of the Sabbath from sundown Friday to sundown Saturday. The employment condition was that employees are required to work on Friday evenings and two out of every three Saturdays. The employer fired Ms. O'Malley because she could not work her rotation during this period. Ms. O'Malley filed a complaint stating that while the employment rule requiring employees to work Saturdays was made for sound business reasons and applied equally to all employees, the rule was in its effect discriminatory because it required that she act against her religious belief while it did not have the same effect on other employees. The Supreme Court of Canada recognized this and held that while this was not intentional, it was still discriminatory.

In essence, the court writes "an employment rule honestly made for sound economic and business reasons and equally applicable to all to whom it is intended to apply, may nevertheless be discriminatory if it affects a person or persons differently from others to whom it is intended to apply. The intent to discriminate is not a governing factor in construing human rights legislation aimed at eliminating discrimination. Rather, it is the

result or effect of the alleged discriminatory action that is significant. The aim of the Ontario Human Rights Code is to remove discrimination -- its main approach is not to punish the discriminator but to provide relief to the victim of discrimination.” (Supreme Court of Canada, 1985).

3. The Robichaud Case

Robichaud v. Canada (Treasury Board) (Supreme Court of Canada, 1987) established that employers are liable for the discriminatory act of their employee(s).

Bonnie Robichaud was employed with the Department of National Defence. She filed a complaint with the Canadian Human Rights Commission that she was sexually harassed and discriminated against by her employer and her supervisor. The Supreme Court of Canada found that the Department of National Defence was liable for the action of its supervisory personnel. In short, the court states that “a discriminatory practice by the employee is to be considered a discriminatory practice by the employer as well, whether or not authorized or intended by the latter.” (Supreme Court of Canada, 1987).

These three cases clearly outline the development and progression of human rights in Canada since 1944 when the Racial Discrimination Act was adopted in Ontario. At the same time, in many parts of the developed world, there has been an increased sensitivity to and interest in human rights (Peter & Montgomerie, 1998). In a literature review conducted for the period of 1991 to 2010, there was limited research undertaken on human rights and the duty to accommodate in employment, particularly pertaining to stakeholders’ knowledge and attitudes. However, a literature review found that in the 1990s, several countries enacted legislation specifically to protect the rights of persons with disabilities in the areas of employment, housing, and access to government and public goods and services. Although specific to persons with disabilities, the literature provides an indication of stakeholders’

knowledge and attitudes toward human rights and the duty to accommodate in employment. These findings will provide an overview of the level and depth, or lack of research in this area.

In brief, one of the first pieces of legislation to protect persons with disabilities specifically was the Americans with Disabilities Act (1990) in the United States (Wehman, 1993), providing the most comprehensive civil rights law protecting persons with disabilities in the area of employment, state and federal government services, private and public accommodations and services, and telecommunication (Hernandez, Keys, & Balcazar, 2004; Hernandez, Keys, Balcazar, & Drum 1998). This Act followed the earlier Civil Rights Act of 1964 (Hernandez et al., 1998) and Rehabilitation Act of 1973 (Charles, 2004; Hernandez et al., 2004) providing protection for persons with disabilities against workplace discrimination.

The American with Disabilities Act (ADA) was followed by the enactment of the Disability Discrimination Act (DDA) in 1992 in Australia. Similar to the ADA, the DDA provides persons with disabilities protection from discrimination in the area of employment and access to public goods and services (Handley, 2000). Then in 1995, the United Kingdom enacted their own Disability Discrimination Act providing similar protection for persons with disabilities (Jackson, Furnham, & Willen, 2000). The most recent country to pass legislation was Israel in 1998 with the Equal Rights for People With Disabilities (ERPWD) law (Vilchinsky & Findler, 2004).

Although Canada does not have a specific legislated Act comparable to that of the US, UK, Australian or Israel, the rights and protection of persons with disabilities in employment, housing, and access to government and public goods and services are provided under law in the Canadian Bill of Rights, the Canadian Charter of Rights and Freedoms (CCRF) and federal and provincial human rights legislation as outlined earlier. However, in

2001, the province of Ontario passed the Ontarians with Disabilities Act which was later amended to the Accessibility for Ontarians with Disabilities Act in 2005 (Ministry of Community and Social Services, 2005). The legislation is similar, in spirit, to the ADA.

Until legislation similar to the ADA is passed, provisions set out in the collective agreement in a unionized environment, workers' compensation legislation, case precedents in common law and federal and provincial human rights legislation protect employees from discrimination in employment in Canada (D'Andrea et al., 2004) particularly as it pertains to the duty to accommodate.

Additionally, it is important to note and have an understanding of other international acts and legislation in the area of human rights and the duty to accommodate because it is common and sometimes necessary to refer to international sources of law to provide guidance. Specifically, American statutes contained in the ADA, Civil Rights and Rehabilitation Acts have been influential sources of statutes in Canada.

The Duty to Accommodate

The duty to accommodate is defined as a legal obligation of employers to facilitate the inclusion of persons in a protected group (MacNeill, 2003). The primary source of the duty to accommodate in employment in Canada can be found in the Canadian Charter of Rights and Freedoms (CCRF), provincial and federal human rights legislation, and the Employment Equity Act (Harder & Scott, 2005). The CCRF is part of the Constitution and human rights legislation is considered to be quasi-constitutional, overriding nearly all other laws and private contracts. The duty to accommodate is borne from human rights legislation and case law precedents (Humphrey, 2002). Since the primary source of the duty to accommodate is within the CCRF as an aspect of equality in Section 15 and human rights legislation, the responsibility lies heavily on employers. Therefore, any law or private

contract must be interpreted and applied in accordance with provisions set out in human rights legislation. Additionally, other statutory sources with the duty to accommodate provision in employment includes workers' compensation legislation in some Canadian jurisdictions, the Ontario Police Service Act (MacNeill, 2003) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA, 2005).

In Canada, Section 15(1) of the CCRF provides a broad and general definition of anti-discrimination protection for persons in protected groups. Specific legislation protecting persons in these groups is contained in case law precedents set in judicial decisions, provincial and federal human rights legislation, provisions set out in collective agreements and workers' compensation board legislation. It is a legal obligation of employers to facilitate inclusion of persons in a protected group outlined in the CCRF (Humphrey, 2002). In order for the duty to accommodate in employment to come into effect under human rights legislation, a *prima facie* case of prohibited discrimination must be established (MacNeill, 2003). To establish a *prima facie* case of discrimination, three criteria must be met as follows: a) there must be an adverse and differential treatment; b) it must be within the public arena such as employment, housing and public services; and c) it must be the result of a membership in a protected group (MacNeill, 2003).

Once a *prima facie* case of discrimination is established against an employer by the employee, the responsibility shifts to the employer to prove that there was no violation of human rights and their duty to accommodate. Before the Meiorin case (to be discussed later), there were two approaches in dealing with a *prima facie* case of discrimination based on two categories of discrimination. These are direct discrimination and adverse effect discrimination.

MacNeill (2003) defined direct discrimination as obvious, blatant, or expressed discrimination. In this case, when an employee has established a *prima facie* case of discrimination, the onus is on the employer to prove that the discriminatory act was based on a bona fide occupational requirements (BFOR); that is to say, that the standard imposed on the employee was done honestly and in good faith and was not designed to contravene human rights legislation and that the standard was imposed because it was necessary for the safe and efficient performance of the work and does not place an unreasonable burden on the employee. If an employer is able to establish BFOR, then there would be no discrimination. MacNeill (2003) then defined adverse effect discrimination as subtle, less obvious or implicit but is still discriminatory in its effect. In this case, the employer would have to show a rational connection between the employee's employment and the standard established and that the employer could not accommodate the employee without undue hardship to the employer.

The noted issue with these separate approaches was that employers could manipulate the outcome of a discriminatory effect at the workplace simply by characterizing the discrimination (i.e., direct or adverse effect) a certain way (MacNeill, 2003). For example, if an employer discriminated indirectly (adverse effect) but have a BFOR rationale for their discriminatory act, the employer may argue that their violation was in fact direct discrimination thereby using the "BFOR" argument to absolve themselves of the discrimination. If they did not characterized the discrimination as "direct", the employer would have to show a rational connection between the employee's employment and the standard established and that the employer could not accommodate the employee without undue hardship to the employer which may be more difficult for the employer to prove than

using the BFOR defence. For the reasons outlined above, the Meiorin case (see below) established the “unified approach” to avoid this problem.

The unified approach to discrimination has three distinct steps. First, the standard was rationally connected to the duties of the job. Second, the standard was established in honest and good faith. Third, the standard was reasonably necessary to carry out the duties of the job and that the employer cannot accommodate the employee without experiencing undue hardship (D’Andrea et al., 2004; MacNeill, 2003).

The following four cases, all of which were decided in the Supreme Court of Canada, were significant in establishing the nature of the duty to accommodate standards, including the law regarding the defence of bona fide occupational requirement (BFOR) and bona fide justification (BFJ) and the duty to accommodate to the point of “undue hardship” for employers as well as unions. Each of the four precedent setting cases will be discussed in detail.

1. The Meiorin Case

British Columbia (Public Service Employee Relations Commission) v. BCGSEU (Supreme Court of Canada, 1999) established the “unified approach” for a three step test for a Bone Fide Occupational Requirement (BFOR) including the duty to accommodate to the point of undue hardship.

Tawney Meiorin, a female forest firefighter, had been working successfully as a firefighter for three years when she was fired from her job one day because she failed one part of the minimum fitness standard that was introduced by the Government of British Columbia for all forest firefighters in the province. These standards were established and adopted by the Government which included a running test designed to measure aerobic fitness, the test Ms. Meiorin failed. Ms. Meiorin complained that this was discriminatory and

violated the British Columbia Human Rights Code based on the fact that women generally have lower aerobic capacity than men. Secondly, Ms. Meiorin had sufficiently demonstrated that she could do the job of a forest firefighter in a safe and effective manner. The Government of British Columbia, however, argued that the aerobic standard established was a BFOR of the firefighter position and that all firefighters, be it male or female, must meet to perform the job safely and effectively.

The Supreme Court of Canada considered the traditional two-pronged approach which looked at whether the discrimination was direct or indirect (adverse effect). In the court's analysis, they concluded that the two-pronged approach in the distinction between direct and adverse effect discrimination and the separate defence for each were artificial, difficult to characterize accurately and inconsistent with the purpose of human rights legislation. Therefore, it was determined that the aerobic standard established by the Government of British Columbia was, in fact, not a valid BFOR. The significance of this case was that the court rejected the traditional two-pronged approach that had been in effect up to this point and established the unified test (as outlined above) in all cases of discrimination, be it direct or adverse effect.

It is important to note that the "the standard was reasonably necessary to carry out the duties of the job and that the employer cannot accommodate the employee without experiencing undue hardship" is the most difficult test to meet to successfully defend a discrimination based on a BFOR. Not only will the employer be required to establish that the standard was reasonably necessary to carry out the duties of the job but they must also demonstrate that they cannot accommodate the employee without experiencing undue hardship. This was clearly demonstrated in the Grismer case below in which the Supreme

Court, relying on the Meiorin decision, struck down the British Columbia Superintendent of Motor Vehicles' standard because it failed the final element of the unified test.

2. The Grismer Case

British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights) (Supreme Court of Canada, 1999) defined individual testing to the point of undue hardship as a part of the duty to accommodate.

Terry Grismer had an eye condition known as homonymous hemianopia (HH) which eliminated his left-side peripheral vision in both eyes. Mr. Grismer's driver's licence was cancelled by the British Columbia Superintendent of Motor Vehicles based on Mr. Grismer's eye condition for which he does not meet the minimum field of vision of 120 degree standard established by the British Columbia Superintendent of Motor Vehicles.

Mr. Grismer re-applied several times for his driver's licence, each time passing all of the requisite tests except the field of vision test. Mr. Grismer then filed a complaint with the British Columbia Council of Human Rights outlining that his human rights were violated because of his eye condition. The Supreme Court of Canada agreed and struck down the standard of 120 degree field of vision in Mr. Grismer's case and quashed the Superintendent of Motor Vehicles' bona fide justification (BFJ) defence because they failed the third step of the Meiorin unified test.

The significance of the Grismer case defined individual testing to the point of undue hardship as a part of the duty to accommodate. The goal here was not absolute safety but reasonable safety. Undue hardship was also defined in the Christie case below.

3. The Christie Case

Central Alberta Dairy Pool v. Alberta (Human Rights Commission) (Supreme Court of Canada, 1990) defined "undue hardship" in terms of safety, excessive financial costs,

effect on the collective agreement, employee morale, adaptability or interchangeability of work force and facilities, and the size of the employer's operations.

Jim Christie was an employee of Central Alberta Dairy Pool. He started employment in 1980 and joined the Worldwide Church of God in 1983. The religion required that Mr. Christie observe his faith on certain days and is required to take those days off work. Initially Mr. Christie was granted the days off until he requested a Monday after Easter to observe his faith when he was told that if he did not show up for work, he would be terminated. Mr. Christie did not work Monday and when he returned on Tuesday, he found that he had been replaced.

Mr. Christie submitted a complaint under the Individual's Right Protection Act that his rights were violated based on the grounds of his religion. The employer argued that Monday was a busy day at the milk plant and that requiring attendance on a Monday was a BFOR. The Supreme Court of Canada agreed with Mr. Christie and held that the Monday in question was not a BFOR and that the employer did not accommodate the employee to the point of undue hardship. The Court found that this was a case of adverse effect discrimination and that the Monday in question was an isolated incident and that there was no evidence that this would be a recurring event.

The Court went further to establish and define undue hardship to include safety, excessive financial costs, effect on the collective agreement, employee morale, adaptability or interchangeability of work force and facilities, and the size of the employer's operations.

4. The Renaud Case

Central Okanagan School District No. 23 v. Renaud (Supreme Court of Canada, 1992) established that unions also have the duty to accommodate to the point of undue hardship even if it violates the provision set out in the collective agreement.

Larry Renaud was an employee of the Central Okanagan School District No. 23. Mr. Renaud was a unionized custodian. He was also a Seventh-day Adventist. His religion requires strict observance of the Sabbath from sundown Friday to sundown Saturday meaning that he cannot work during the Sabbath. However, the employment conditions set out in the collective agreement between the employer and employees included shifts on Friday evening. Mr. Renaud and the School board tried several times to set the employment condition to a Sunday to Thursday shift but the union could not agree to this arrangement because it was an exception to the collective agreement. Eventually, the union threatened to launch a policy grievance and with other unsuccessful attempts to accommodate Mr. Renaud, the employer eventually dismissed Mr. Renaud for missing his Friday night shifts.

Mr. Renaud submitted a complaint under the British Columbia Human Rights Act against the school board and the union on religious grounds. The Supreme Court of Canada agreed with Mr. Renaud and held that not only the employer but the union also has a shared duty to accommodate Mr. Renaud to the point of undue hardship. Furthermore, the union cannot contract out of human rights legislation by setting out provisions in the collective agreement.

The four cases outlined above established key definitions of the extent of the duty to accommodate in the context of human rights legislation. Additionally, the accommodee (the person being accommodated) also has the duty and responsibility to provide information and participate in the process of accommodation without demands or expectations of a perfect solution (Humphrey, 2002).

Understanding human rights legislation and the duty to accommodate in employment are critical factors to be an effective practitioner in the field of disability management.

Therefore, the following section will provide a review of literature on the level of key stakeholders' knowledge of and attitudes toward human rights and the duty to accommodate.

Knowledge of Disability Rights: A Literature Review

A literature review was conducted for work created in Canada, the United States and abroad on the level of knowledge of disability rights among different groups of participants. The participants in the 15 studies reviewed included: a) employers consisting of supervisors, managers, and personnel directors; b) healthcare professionals consisting of nurses and occupational therapists; c) persons with disabilities; and d) university students, faculty members, school administrators and office staff. The number of participants in each of the studies ranged from as few as 20 participants (Gioia & Brekke, 2003) to as many as 900 participants (Wasserbauer, 1996). Twelve of the studies utilized a self-report survey measurement instrument ranging from 10 items (Rumrill, 1999) to 114 items (Thakker & Solomon, 1999). The remaining three studies were telephone interviews, face-to-face interviews, and a focus group discussion respectively. It must be noted that some of the studies that employed many items in the survey questionnaire were measuring more than just the knowledge of the participants. For example, in the 114 items instrument used by Thakker and Solomon, five scales were utilized measuring the participants' knowledge as well as perceived organization adherence, reported individual adherence, attitudes toward disability, and attitudes toward mental illness. However, the focus and discussion in this review is on the level of knowledge of disability rights among respondents. Only one of the measurement instruments used (Hernandez, Key, & Balcazar, 2003) was validated. All 15 studies were peer-reviewed. See Table 1 for an overview of these 15 studies.

The seven studies that included employers as participants (Clarke & Crewe, 2000; Hernandez et al., 2003; Jackson et al., 2000; Roessler & Sumner, 1997; Scheid, 1999;

Thakker & Solomon, 1999; Walters & Baker, 1997) suggest some knowledge of the laws and legislations on disability rights. Specifically, in Hernandez et al.'s (2003) study of private and public sector employers, participants obtained a mean score of 8.2 (SD = 5.1) out of a possible score of 20. Additionally, in this study, participants' self-rating of perceived knowledge was positively correlated to their actual knowledge. Higher level of academic attainment, those with college or graduate level education obtained a significantly higher level of knowledge of disability rights than those who had high school or trade school education (Hernandez et al., 2003). Jackson et al.'s (2000) study of employers' willingness to comply with the DDA (the UK's equivalent of the ADA) revealed that 63% of employers had fair or poor knowledge of the DDA. The significance of this study is the importance of the knowledge of the DDA on employers' compliance with the legislated Act. Compliance with legislation was further supported by Scheid's (1999) study which also found that increased awareness and knowledge of participants by receipt of ADA information was a significant predictor of compliance to the ADA. This is particularly important to small businesses that do not have a dedicated human resource or personnel department that stays informed on current laws and legislation regarding disability rights. Among rehabilitation students and employers, Clarke and Crewe (2000) found employers to possess less knowledge about disability rights provision set out in the ADA. However, they did find a positive correlation between the level of knowledge of the ADA and attitudes toward persons with disabilities; such a correlation may be central when accommodating persons with disabilities in employment. On the other hand, Thakker and Solomon (1999) reported 90% of respondents in their study were familiar with the contents of the ADA; however, these authors did not specifically report the actual knowledge measured on their ADA knowledge survey. The reason Thakker and Solomon did not report the specific ADA knowledge test

was because they found that knowledge did not contribute to the individual's adherence to the ADA. Both Roessler and Sumner (1997) and Walters and Baker (1996) also found a relatively high percentage of participants' familiarity with the ADA, 75% and 88% respectively. However, Roessler and Sumner cautioned that the low response rate (21%) may indicate that perhaps employers who were negative toward the ADA did not participate and those who participated were large employers who may have had more knowledge and training with the issue of disabilities and disability rights law. Specific knowledge of the ADA was not tested in either study.

Two studies reviewed knowledge among healthcare professionals about disability rights legislation, both of which indicated a lack of knowledge or familiarity with disability rights. Over 80% of psychiatric nurses rated their knowledge of the ADA and their ability to provide ADA information to their clients to be poor or fair (Wasserbauer, 1996). In a separate study of 229 occupational therapists (Grenier Redick et al., 2000), the mean score on knowledge of ADA Title III (accessibility to public goods and services) was 1.85 (SD = 1.64) out of a possible score of 10.

Thompson and Bethea (1997) surveyed faculty members in a southeastern state university on their knowledge of disability laws in higher education. These researchers found that the majority of faculty members had limited knowledge and were uncertain of the requirement of accommodation for students with disabilities. In fact, only 18% of faculty members said they were familiar with section 504 of the Rehabilitation Act and only 50% said they were familiar with the ADA, both of which protect the rights of students with disabilities (Thompson & Bethea, 1997). Furthermore, in the validation studies of the ADA Knowledge Survey instrument by Hernandez et al. (2003), the mean score on the ADA Knowledge Survey among students was 9 (SD = 3.6) out of a possible score of 20 as

compared to the mean score of ADA expert of 17.2 (SD = 2.3). Clarke and Crewe (2000) found Masters level rehabilitation students to have a higher level of ADA knowledge than employers or regular college students. However, Clarke and Crewe did not report the actual score of their participants nor did Griffith and Cooper (2002) who found that program director/supervisor and central/support services staff, on average, had a higher mean score average on the test of knowledge of the ADA than principals, teachers/instructors and superintendents.

Three studies assessed the knowledge of disability rights among persons with disabilities (Gioia & Brekke, 2003; Granger, 2000; Rumrill, 1999). The disabilities studied were schizophrenia, psychiatric disabilities and visual disabilities respectively. Gioia and Brekke's (2003) semi-structured face-to-face interview revealed that nearly half of the 20 participants did not know about ADA. A further 35% of participants had knowledge of the ADA and the protection it provides to workers with disabilities but did not make use of it. The one concern in this study was that among those who received information about the ADA, that they did not receive it from their employers. Granger's (2000) study found that individuals with psychiatric disabilities are "quite unaware of their rights under the ADA." (p. 220). In fact, 86% were unfamiliar with the ADA or the notion of job accommodation. Rumrill demonstrated the value of knowledge development opportunities in his (1999) study of ADA knowledge. Rumrill's study utilized a control group and an experimental group to measure knowledge. The control group did not receive information on the provision of the ADA and the experimental group received information about the ADA. The mean score for the control group was 5.6 out of a possible 10 compared to the experimental group's mean score of 7.5.

On a whole, the literature review revealed a low level of knowledge of disability rights laws and legislations among all groups of participants. This lack of knowledge may be of concern for persons with disabilities as knowledge can be directly related to attitudes toward disability rights.

Attitudes Toward Disability Rights: A Literature Review

The disability rights movement in the US began in the 1950s (Hernandez et al., 2004) and there have been many studies devoted to assess attitudes toward persons with disabilities (Chan, Lee, Yuen, & Chan, 2002; Popovich, Scherbaum, Scherbaum, & Polinko, 2003; Strike, Skovholt, & Hummel, 2004). However, there is limited research on attitudes toward disability rights. This is not surprising given that legislation such as the ADA, DDAs, and ERPWD were only enacted in the 1990s. To date, there are 12 studies (Callahan, 1994; Clarke & Crewe, 2000; Gilbride, Stensrud, & Connolly, 1992; Hernandez et al., 2004; Moore & Crimando, 1995; Popovich et al., 2003; Roessler & Sumner, 1997; Satcher & Hendren, 1992; Satcher & Hendren, 1991; Scheid, 1999; Vilchinsky & Findler, 2004; Walters & Baker, 1997), most of which are focused on employers' attitudes and conducted in the United States. Similar to the participants outlined in the Knowledge of Disability Rights section, they include: a) employer consisting of human resource managers, presidents and vice presidents; b) healthcare professional consisting of social workers and rehabilitation professionals; c) persons with disabilities; d) students; and e) others (architects, lawyers, and teachers). The number of participants in each of the studies ranged from 80 to 528. Of the 12 studies reviewed, only two studies utilized a validated measurement instrument (Hernandez et al., 2004; Vilchinsky & Findler, 2004). Hernandez et al. constructed and validated the Disability Rights Attitude Scale (DRAS) in 1998 which was adapted by Vilchinsky and Findler for use in their study in Israel. Two other researchers (Moore &

Crimando, 1997; Satcher & Hendren, 1992) developed an instrument specifically to measure attitudes toward disability rights law, specifically the ADA, but validity was not reported. Overall, ten studies utilized a self-report survey questionnaire and the other two utilized telephone interview surveys. The surveys were developed by the authors and a majority of the surveys measured participants' attitudes on a Likert scale ranging from 1 to 6. All 12 studies were peer reviewed. See Table 2 for an overview of these 12 studies.

Overall, ten of the twelve studies included employers as participants. Two studies found relatively positive attitudes toward disability rights (Callahan, 1994; Hernandez et al., 2004). Specifically, in Hernandez et al.'s study, 133 private and public sector representatives scored 125.2 (SD =18.1) out of a possible 162 on the DRAS. According to the DRAS manual, the 125.2 score fell into the positive attitudes toward disability rights range. Hernandez et al. also found that both knowledge of disability rights and prior contact with persons with disabilities were positively correlated to their attitudes toward disability rights. Secondly, 408 managers in Callahan's (1994) study were generally positive toward disability rights and supported the basic intent of the ADA. However, their main concern with the ADA was the cost related to accommodation of persons with disabilities in the workplace. This cost of accommodation issue was also a concern in four other studies (Gilbride et al., 1992; Moore & Crimando, 1995; Roessler and Sumner, 1997; Walters & Baker, 1997).

The other eight studies on employers' attitudes (Clarke & Crewe, 2000; Gilbride et al., 1992; Moore & Crimando, 1995; Roessler & Sumner, 1997; Satcher & Hendren, 1992; Scheid, 1999; Walters & Baker, 1996; Vilchinsky & Findler, 2004) found moderate acceptance of disability rights legislation. Similar to Hernandez et al.'s findings, Clarke and Crewe (2000) and Wasserbauer (1996) also reported a positive correlation between knowledge of disability rights and attitudes toward disability rights. Hernandez et al.'s

findings of prior contact with persons with disabilities were consistent with the research findings of Moore and Crimando (1995) and Scheid (1999). These two studies found that prior contact with persons with disabilities was positively correlated to their attitudes toward persons with disabilities.

However, four studies (Satcher & Hendren, 1991, 1992; Popovich et al. 2003; Vilchinsky & Findler, 2004) found that acquaintance and contact with persons with disabilities in a familial or social setting was not correlated to positive attitudes toward disability rights. The concern in Vilchinsky and Findler's (2004) finding was the negative attitudes toward the employment factor of the ERPWD with regards to accommodation and hiring of persons with disabilities. Furthermore, in the same study, of the five groups of respondents, teachers and social workers expressed the most positive attitudes toward disability rights law while employers, architects, and lawyers had the most negative attitudes toward disability rights law. In addition, Moore and Crimando and Hernandez et al. found that private sector representatives were more negative toward the employment provision of the ADA than their public sector counterpart. This is a concern given that employers, architects, lawyers and private sector enterprises are key players when it comes to providing accommodation and implementation of provision of disability rights legislation such as the ADA, DDAs, or the ERPWD.

Beyond the cost of accommodation issues discussed earlier, employers in several studies expressed their concerns with the vagueness of the definition of disabilities and also of what constitutes "reasonable accommodation" (Callahan, 1994; Hernandez, Keys, & Balcazar, 2000; Popovich et al., 2003; Schall, 1998)

Similar to the findings in the knowledge of disability rights, participants with higher levels of academic attainment in Walters and Bakers (2004) study were more accepting of the

ADA than those with lower levels of education. However, Satcher and Hendren (1992) and Hernandez et al. (2004) did not find any significance in the level of academic attainment and attitudes toward disability rights or the ADA.

Overall, the findings of attitudes toward disability rights were mixed. Several key findings in the review of literature were the significance of knowledge of disability rights law, prior contact with persons with disabilities, level of academic attainment, costs issues and private vs. public sector representatives in relation to attitudes toward disability rights legislation.

Summary of Literature Review

Several themes were evident from the literature review. The first and most notable was the lack of knowledge among stakeholders about disability rights. Although some studies found reasonable awareness among participants, it does not equate to the knowledge about the specific mandate of disability rights laws and legislations. In fact, when participants in 9 studies (Clarke & Crewe, 2000; Gioia & Brekke, 2003; Granger, 2000; Greiner Redick et al., 2000; Hernandez et al., 2003; Jackson et al., 2000; Rumrill 1999; Thompson & Bethea, 1997; Wasserbauer, 1996;) were tested for specific knowledge about disability rights law, they scored poorly. Overall, findings indicate a consistency in the lack of knowledge among all groups of participants.

Secondly, three studies found positive correlation between the knowledge level and attitudes toward disability rights (Clarke & Crewe, 2000; Hernandez, 2004; Wasserbauer, 1996).

Third, there were mixed findings with regards to prior contact with persons with disabilities and attitudes toward disability rights. Three studies (Hernandez et al., 2004, Moore & Crimando, 1995; Scheid, 1999) found a positive correlation between contact and

attitudes while four studies (Satcher & Hendren, 1991, 1992; Popovich et al. 2003; Vilchinsky & Findler, 2004) did not find that contact with persons with disabilities had any effect on the their attitudes toward disability rights.

Fourth, cost of accommodation was one of the main concerns in five studies (Callahan, 1994; Gilbride et al., 1992; Moore & Crimando, 1995; Roessler and Sumner, 1997; Walters & Baker, 1997). In reality, past research shows that cost of accommodation at the workplace was minimal, ranging from \$100 to \$500 (Bruyere, Erickson, & VanLooy, 2004; Dyck, 2002; Gerber, 2003; Price & Gerber, 2001; Scheid, 1999; Wehman, 1993). Perhaps, respondents in the five studies were not acquainted with having to implement accommodation for disabled workers. Beyond the cost of accommodation issues discussed earlier, employers in several studies expressed their concerns with the vagueness of the definition of disabilities and what constitutes “reasonable accommodation” (Callahan, 1994; Hernandez et al., 2000; Popovich et al., 2003; Schall, 1998).

Finally, among different groups of participants, private sector representatives were more negative toward disability rights than public sector representatives. This was found in the studies conducted by Hernandez et al. (2004) and Vilchinsky and Findler (2004).

Although the only literature available on human rights and the duty to accommodate were specific to legislation protecting persons with disabilities, it provided insight into the level of knowledge of and attitudes toward human rights and the duty to accommodate of key stakeholders in employment. Secondly, the literature review revealed the gaps in research on this very important subject, particularly in Canada. The implication of these findings will be discussed further in the following section.

Conclusion

Review of literature on the knowledge and attitudes toward human rights and the duty to accommodate indicated limited research in the area. While there is some research with respect to disability rights and disability legislation, there is nothing that specifically addresses human rights and the duty to accommodate. To date, the majority of research in this area has been conducted in the United States. No research on this issue was found in Canada. Given the advancement in human rights legislation in this country, particularly in protecting the rights of those in the protected group, it may be prudent to conduct research to shed light on the issue of the knowledge of and attitudes toward human rights and the duty to accommodate in Canada. Jackson et al. (2000) and Scheid (1999) stated the importance of knowledge of disability rights legislation as a predictor of compliance with these laws. Therefore, it is important that key stakeholders are educated and made aware of human rights legislation and the provision to accommodate in employment for all protected persons.

As the human rights movement strengthens, both in Canada and abroad, it is inevitable that Canada will move toward developing legislation specifically geared to protect the rights of persons with disabilities. Therefore, understanding of stakeholders' knowledge and attitudes toward disability rights will serve as a starting point with respect to how we can increase awareness and education for key stakeholders. Evidence in research suggests that knowledge and awareness of these laws leads to greater compliance. "For the full impact of disability nondiscrimination legislation to be realized, it is imperative that persons in business be aware of the existence of the law and its implications for hiring, promotion and other personnel practices" (Bruyere et al., 2004, p. 30). This is not only important in protecting persons with disability but also for all those who are in protected groups in the workforce.

Chapter 3

Research Methods

Participants, Recruitment and Procedures

Participants for this study were recruited through a traditional convenience sampling method. Specifically, there were three methods in which participants were recruited to complete the survey package. First, participants were recruited in person to complete the paper and pencil survey instrument. These participants were known to the researcher through work, volunteer, school, friends and family including other participants acquainted with these participants and potential participants. Second, participants were recruited via email contact known or acquainted to the researchers' network of contacts. These participants were sent a link to an online version of the survey package. The email message also requested participants to forward the research study to their network of contacts. Third, in an attempt to increase the number of human resource personnel demographic for this study, an online advertisement was placed on the British Columbia Human Resources Management Association (BCHRMA) website with over 5000 members. The link to the research study was provided on the website. This advertisement was initially posted on the website for one week but due to a low response rate, it was extended for an additional week in the month of March 2011.

Participants were recruited from employers in both the public and private sector. The technical (legal) language of the material, the length of the survey, the time requirement to complete the survey, and the small font size of the online version of the survey were cited as the reasons for potential participants not participating in the survey. Due to the difficulty of participant recruitment and in light of the reasons provided above for those who did not

participate, the collection period was extended from three months to six months to collect enough data to provide an adequate sample.

The survey package included demographic, knowledge and attitudes questionnaires (Appendices C, D and E respectively). Additionally, participants who received the paper and pencil format of the survey package were also given an information letter (Appendix A) and a consent form (Appendix B) to be completed. Participants who completed the survey online read the information letter on the first page of the survey. The information letter described the rationale for the study and stressed the participants' right to refuse to answer any aspect of the questionnaires or to terminate their participation at any time. The information letter also served as consent for participants who completed their survey online. Participants who received their survey in person were required to complete the consent form. Confidentiality of the completed survey was emphasized as was the fact that publication of the results would be reported in aggregate form so as to protect the privacy and confidentiality of the participants. Details of each of the questionnaire are outlined in the "Survey Instruments" section below.

In total, 160 participants completed the surveys online or in paper and pencil format. Of this total, all 160 participants completed the knowledge questionnaire, 154 completed the attitudes questionnaire and 153 completed the demographic questionnaire with a few participants having missed some questions in each of the respective questionnaires. Of the total 160 participants, 48 (30%) completed the survey in paper and pencil format. One participant began the online survey, completed the first six questions of the knowledge questionnaire and discontinued the survey. This participant was not included in the results and analysis. See table 3 for a summary of the total completed questions in the demographic questionnaire used as the basis of analysis of the data collected.

Survey Instruments

To ensure accurate results and relevance of the measurement for this study, two self-report survey instruments were developed with the most current literature review on the laws and legislation on human rights and the duty to accommodate in Canada. Generally, the survey instruments were developed to measure the knowledge level of key stakeholders and gauge their attitudes toward human rights and the duty to accommodate in employment. Specifically, the researcher aimed to address the three research questions outlined at the beginning of this paper. In addition, a demographic questionnaire, information letter and a consent form were included in the survey package. The details of the five components of the survey package are as follows:

1. Information Letter - an information letter (Appendix A) was provided to participants to give context of the survey and the reason for the research project. The letter outlined the requirement of completing a consent form for those who participated in the paper and pencil (hard copy) format. In addition, for participants completing the survey online, the letter outlined participants' consent by reading the introductory section of the survey which is identical to the information letter provided in the paper and pencil format survey package. Therefore, a consent form is not required for these participants.
2. Consent Form - the consent form (Appendix B) was included in the paper and pencil survey package requesting the participant to answer yes/no to their understanding of their participating, the confidentiality, anonymity and risk of the survey and their consent and agreement to participate was validated with their signature.
3. Demographic Questionnaire - the demographic questionnaire (Appendix C) is a 10 item survey requesting participant information regarding their demographic (age,

gender, ethnicity, and academic attainment) and employment (occupation, type of employer, unionization of employees, size of employer, number of years in current job and income level) characteristics.

4. Knowledge Questionnaire - the knowledge of human rights and the duty to accommodate questionnaire (Appendix D) is a 20 item survey for participants to respond to in a true or false format. This questionnaire as well as the attitudes questionnaire was developed by the researcher based on a literature review. The sum of all correct responses to the questionnaire yields the score of the overall knowledge of human rights and the duty to accommodate with a possible range of 0 to 20.
5. Attitudes Questionnaire - the attitudes on human rights and the duty to accommodate questionnaire (Appendix E) is a 20 item measure that asked participants to rate their attitudes toward human rights and the duty to accommodate on a seven point Likert scale from 1 (“strongly disagree”) to 7 (“strongly agree”). A response of 1 would indicate a negative attitude while a response of 7 would indicate a positive attitude toward human rights and the duty to accommodate. In the survey, questions 3, 6, 8, 10, 11, and 13 were framed negatively. Therefore, a response of 1 on the Likert scale would indicate positive attitude while 7 would indicate a negative attitude. This has been taken into consideration in the analysis whereby the 1 to 7 responses for these questions were assigned a code opposite to the responses (i.e., 1 would be assigned 7, 2 would be assigned 6, and so on) so that the overall results would be accurate in our analysis. The sum of coded responses represents an overall attitude on human rights and the duty to accommodate with a possible range from 20 (negative attitude) to 140 (positive attitude).

Treatment of Data

All online data were collected on the FluidSurveys online survey tool. FluidSurveys' data are held and stored on servers that are housed in Canada to ensure compliance with Canadian privacy requirements. In order to compile all survey results in one location, the 48 completed paper and pencil surveys were received by the researcher and manually entered into the online survey. The data collected on FluidSurveys were extracted in Microsoft Excel format, coded and imported into SPSS statistical tool for analysis.

Chapter 4

Results and Analysis

Introduction

This chapter presents the results and analysis of the surveys. They are organized into five sections. The first and second sections provide a summary of the demographic and employment characteristics statistics along with mean score statistics and analysis of variance tests on each demographic grouping. The third and fourth sections provide the results and analysis on the knowledge and the attitudes surveys respectively in context of the three research questions. The fifth section provides the results and analysis of individual questions on the knowledge survey in relation to its corresponding questions on the attitudes survey. Only results and analysis of question(s) with significant results (where either over 75% or under 25% of all participants responded correctly) on the knowledge survey are presented in this section.

In total, 153 participants completed the demographic questionnaire, 160 participants completed the knowledge questionnaire and 154 completed the attitudes questionnaire with exception of a few missing values due to participants missing the question(s) entirely or was not completely comfortable with answering certain question(s). The difference between the

knowledge and attitudes questionnaire completion was six. The six participants who did not continue to complete the attitudes questionnaire after having completed the knowledge questionnaire (reasons not provided and unknown to the researcher) included four with no questions completed at all, one with six questions completed and one with twelve questions completed out of a total of twenty questions. These six surveys were omitted from the attitudes descriptive results and analysis summary discussed below. Of the total 160 completed surveys, seven participants did not complete any questions on the demographic questionnaire. Of those who completed the demographic questionnaire, there were participants who missed or were not comfortable answering from one to five questions. Again, no reasons were provided as to why participants did not complete certain question. Perhaps participants were not comfortable disclosing certain personal demographic information. One participant only completed two questions in the demographic questionnaire. Completion on individual questions on the demographic questionnaire ranged from a low of 140 (unionization of employment) to a high of 152 (academic attainment).

Demographic Characteristics

There were 151 participants who completed the age demographic question. Of this total, 20 (13%) were in the age range 18-29 years, 49 (32%) were in the age range 30-39 years, 47 (31%) were in the age range 40-49 years, 22 (15%) were in the age range 50-59 and 13 (9%) were 60 years or older. Results indicated a relatively broad range of participants from the various age groups with each group obtaining mean scores that were within a narrow range from a low of 10.54 (SD = 1.198) to a high of 11.95 (SD = 2.768). Participants (n = 22) in the age range 50-59 years old obtained the highest mean score. Perhaps, this can be attributed to the additional years of life experience that may have resulted in the acquisition of increased knowledge on human rights and the duty to

accommodate. However, an analysis of variance (ANOVA) test was applied on the age demographic confirmed the mean score was not statistically significant between groups $F(4,146) = 0.993, p > 0.05$.

There were 150 participants who completed the gender demographic question. Of this total, 87 (58%) were females with mean score of 11.33 (SD = 2.270) and 63 (42%) were males with mean score 11.06 (SD = 2.449). Although females scored higher on the test of knowledge, an ANOVA test was applied which confirmed the mean score was not statistically significant between these two groups $F(1,148) = 0.483, p > 0.05$.

There were 151 participants who completed the ethnicity demographic question. Of this total, 124 (82%) were Caucasians, 13 (9%) were Asians (9%), 1 (1%) was African-Canadian, 3 (2%) were Indo-Canadians, 2 (1%) were Aborigines and 8 (5%) indicated "other". Of the 5% who indicated "other" as their ethnicity, specified ethnicities included Canadian, Euro-Canadian, Latin, Hispanic and Canadian-Chinese. The mean score for the groups in this demographic ranged from a low of 9.50 (SD = 1.414) for the "other" to a high of 12.5 (SD = 0.707) for the Aboriginal demographic group. An ANOVA test was applied which confirmed the mean score was not statistically significant between groups $F(5,145) = 1.196, p > 0.05$.

There were 152 participants who completed the academic attainment demographic question. Of this total, 1 (1%) indicated elementary/junior high school as their highest level of education attainment, 26 (17%) completed high school, 37 (24%) completed college, 65 (43%) completed university and 23 (15%) completed post-graduate level education. The mean score for the groups in the academic attainment demographic ranges from a low of 10.69 (SD = 2.650) for the high school demographic to a high of 11.74 (SD = 1.912) for the

post-graduate demographic. An ANOVA test was applied which confirmed the mean score was not statistically significant between groups $F(4,147) = 0.667, p > 0.05$.

See Table 4 for a summary of the demographic characteristics along with the participants mean score and standard deviation. In conclusion, the demographic characteristics (age, gender, ethnicity, and academic attainment) of participants in the study show no statistical significance in the level of knowledge on human rights and the duty to accommodate. All participants generally had a low level of knowledge on this topic.

Employment Characteristics

There were 149 participants who completed the employment demographic with respect to the type of occupation they currently occupy. Of this total, 73 (49%) were employees, 32 (21%) were managers/supervisors, 18 (12%) were human resource personnel and 25 (17%) indicated “other”. The 17% who responded “other” indicated themselves as retired, unemployed, students, self-employed, music teacher and at home mom. There was statistical significant result between groups among this demographic; however, the mean score and ANOVA test will be discussed in detail in the following section on “Knowledge” with respect to the research questions.

There were 143 participants who completed the type of employer demographic information. Of this total, 84 (59%) were employed in the public sector whereas 59 (41%) were employed in the private sector. The mean score for the two groups in this demographic were 10.59 (SD = 2.527) for private sector employer and 11.65 (SD = 2.170) for public sector. An ANOVA test was applied which confirmed the mean score was statistically significant between participants employed in the private and public sector $F(1,141) = 7.234, p < 0.05$. Perhaps, this difference in knowledge can be attributed to the fact that public sector employees (i.e., government employees) are more likely to be employed with larger

employers and in a unionized environment. These environments may provide more opportunity to be involved in situations where there may be a need for information on human rights and the duty to accommodate.

There were 140 participants who completed the demographic item asking if their place of employment was unionized. Of this total, 66 (47%) indicated their workplace was unionized compared to 74 (53%) who indicated their workplace was not unionized. The mean score for these two groups in this demographic were 10.58 (SD = 2.370) for participants in a non-unionized employment environment and 11.95 (SD = 2.297) for participants in a unionized employment environment. An ANOVA test was applied which confirmed the mean score was statistically significant between these two groups $F(1,138) = 12.063, p < 0.05$. With the same logic as outlined for private versus public sector employment, it is more likely that participants in a unionized employment are to be employed with a larger employer and more likely to have been more exposed to human rights and the duty to accommodate situation(s), perhaps providing an increased knowledge in this area compared to their counterparts in a non-unionized environment. As with participants' ANOVA result for public versus private sector employment, this is only speculation as to why they would have more knowledge at a statistically significant level. Further research would be required to test this theory.

There were 144 participants who completed the employment demographic with respect to the size of their employer by indicating the total number of employees. Of this total, 57 (40%) worked for employers with 1 to 50 employees, 40 (28%) worked for employers with 51 to 200 employees, 18 (12%) worked with employers with 201 to 500 employees and 29 (20%) worked with an employer with more than 500 employees. The mean score for these groups in this demographic ranges from a low of 10.86 (SD = 2.356) for those

working for employers with the number of employees from 1 to 50 to a high mean score of 12.38 (SD = 2.178) for those working for employers with the number of employees greater than 500. An ANOVA test was applied which confirmed the mean score was statistically significant between groups $F(3,140) = 2.982, p < 0.05$. Furthermore, a post-hoc test was applied which confirmed the statistical significance between participants in the 500 plus employees group and the 1 to 50 employees at the level $p < 0.05$. This further underlines the assumption (speculation) that larger employers are more likely to be unionized which in turn makes it more likely that its employees are more apt to be exposed to and have more access to information regarding human rights and the duty to accommodate. Again, this theory would need to be tested in a separate research project.

There were 145 participants who completed the employment demographic on the number of years they have been working in their current job. Of this total, 21 (14%) have been in their current position for 0 to 1 year, 53 (37%) for 2 to 5 years, 35 (24%) for 6 to 10 years, 29 (20%) for 11 to 20 years and 7 (5%) have been working in their current position for over 20 years. The mean score for these groups in this demographic ranges from a low of 10.72 (SD = 2.373) for those who have been working in their current position for 2 to 5 years to a high mean score of 11.91 (SD = 2.628) for those who have been working in their current position for 6 to 10 years. An ANOVA test was applied which confirmed the mean score was not statistically significant between groups $F(4,140) = 1.897, p > 0.05$.

There were 143 participants who completed the employment demographic question on income level. Of this total, 19 (13%) indicated their annual gross income to be less than \$20,000, 20 (14%) indicated the range between \$20,000 to \$34,999, 30 (21%) indicated the range between \$35,000 to \$49,999, 29 (20%) indicated the range between \$50,000 to \$64,999, 22 (15%) indicated the range between \$65,000 to \$79,999 and 23 (16%) indicated they made

more than \$80,000 in gross income on annual basis. The mean score for these groups in the income level demographic ranged from a low of 9.80 (SD = 2.628) for participants in the \$20,000 to \$34,999 income range to a mean score high of 12.35 (SD = 2.673) for participants in the \$80,000+ income level. An ANOVA test was applied which confirmed the mean score was statistically significant between groups $F(5,137) = 4.211, p < 0.05$. Furthermore, a post-hoc test was applied which confirmed the statistical significance between: a) participants in the above \$80,000 income level with participants in the \$20,000 to \$34,999 and \$35,000 to \$49,999 group; and b) participants in the \$65,000 to \$79,999 income level with the \$20,000 to \$34,999 group at the level $p < 0.05$. As a result, socio-economic factors may play a role in the level of knowledge of human rights and the duty to accommodate. Again, this theory would need to be tested in a separate research project.

See Table 5 for a summary of the employment characteristics along with the participants mean score and standard deviation. In conclusion, there are indications that participants with higher socio-economic status who are in larger organizations that are unionized and in the public sector tend to have more knowledge of human rights and the duty to accommodate. These results were statistically significant and warrant further research to explore the reasons as to why individuals in these demographic sectors seem to have more knowledge regarding human rights and the duty to accommodate.

Knowledge

With respect to the first research question on the level of knowledge, participants ($n = 160$) obtained an overall mean of 11.20 (SD = 2.317) with the score ranging from 5 to 18 of a total possible score range of 0 to 20. This result is consistent with findings on participants' knowledge on disability laws and legislation, specifically the knowledge on the provisions of the ADA provided in the literature review. In fact, the level of knowledge ranges from low

mean score of 18.5% for occupational therapists who participated in Grenier Redick et al.'s (2000) study to a high mean score of 86% for ADA experts who participated in Hernandez et al.'s (2003) study on the knowledge of the provisions set out in the ADA. For this reason, a one sample *t* test was applied to examine the statistical significance of the overall mean score on the knowledge questionnaire with: a) a test value of 11 (55%) correct answer; and b) a test value of 12 (60%) correct answer. The 11 (55%) and 12 (60%) test value level seem reasonable given the findings in the literature review. At the test value of 11, participants (*n* = 160) mean score was not statistically significant $t(159) = 1.092, p > 0.05$. However, at the test value of 12, participants (*n* = 160) mean was statistically significant $t(159) = -4.367, p < .05$. These results confirm the finding for previous studies that the level of knowledge among participants is relatively low in regards to the subject of human rights and the duty to accommodate. This is not entirely surprising given other research findings as outlined in the literature review on knowledge of disability rights laws and legislation.

With respect to the second research question on the level of knowledge among the four occupation type groups, participants' (*n* = 149) overall mean was 11.19 (SD = 2.363) and individual group overall means were as follows: human resource personnel (*n* = 18) mean score of 12.72 (SD = 2.630); manager/supervisor (*n* = 32) mean score of 11.81 (SD = 2.416); employee (*n* = 73) mean score of 10.62 (SD = 2.138); and other (*n* = 26) mean score of 10.95 (SD = 2.181). An ANOVA test was applied on the occupation (human resource personnel, manager/supervisor, employee and other) demographic which confirmed the mean score was statistically significant between groups $F(3,145) = 5.180, p < 0.05$. As a result, a post-hoc test was applied which confirmed mean score was statistically significant between the human resource personnel group to the employees group at the $p < .05$ level. This is not surprising given the nature of the role and responsibilities of human resource personnel and

the nature of their job which lends itself to more exposure and the need to have knowledge of human rights and the duty to accommodate laws and legislation.

With respect to the third research question on the association/correlation between academic attainment and level of knowledge, participants' (n = 152) overall mean was 11.20 (SD = 2.342) and individual group overall mean were as follows: elementary/Jr. high school (n = 1) mean score of 11.00 (SD = N/A); high school (n = 26) mean score of 10.69 (SD = 2.650); college (n = 37) mean score of 11.05 (SD = 2.645); university (n = 65) mean score 11.29 (SD = 2.185) and post-graduate (n = 23) mean score of 11.74 (SD = 1.912). Excluding the elementary/junior high school participant (n = 1), there is a slight linear relationship of mean score from the least academic attainment (high school) to the most academic attainment (post-graduate). In fact, Spearman's correlation coefficient was applied to test the correlation between academic attainment and knowledge. Table 6 indicated the knowledge level of the participant is slightly positively correlated and statistically significant at $r = .144, p < .05$. In addition, the coefficient of determination (R^2) which measures the amount of variability (Field, 2009) shared by academic attainment and knowledge was 0.021 or 2.1%. Therefore, academic attainment explains 2.1% of the variability in knowledge. In essence, 97.9% of variability can be accounted for by other variables. In other words, the academic attainment of participants can account for only 2.1% of the variation in the knowledge score. In addition, this coefficient of determination does not and cannot infer causation, albeit low, of academic attainment on knowledge level.

And finally, as evidenced in Table 4 and Table 5, among all demographic and employment characteristics groups, the mean score on the knowledge questionnaire ranges from a low score of 9.50 (SD = 1.414) for the demographic group "other" under ethnicity (n = 8) to high of 12.72 (SD = 2.630) for the human resource personnel (n = 18) group with an

overall knowledge mean score of 11.20 (SD = 2.317). We can conclude that there was a generally low level of knowledge of human rights and the duty to accommodate laws and legislation with some demographics having more knowledge than others. However, this lack of knowledge is a concern given the prominence and progressive movement of human rights in recent years and the need to have adequate knowledge in order to adhere to and comply with such laws. The implication of this finding is discussed in Chapter 5 and 6.

Attitudes

With respect to the first research question on the type of attitudes, participants (n = 154) obtained an overall mean score of 90.17 (SD = 14.098) with the score ranging from 47 to 132 of a total possible score range of 20 to 140. With a slightly higher percentage, the attitudes questionnaire result is consistent with the knowledge. In both cases, the mean scores are relatively low.

Table 7 provides a summary of the results of participants (n = 154) on the attitudes questionnaire by demographic characteristics with the number, percentage, mean score and standard deviation. Table 8 provides a summary of the results of participants (n = 154) on the attitudes questionnaire by employment characteristics with the number, percent, mean score and standard deviation. The mean scores on the attitudes questionnaire ranged from a low score of 76 (Aboriginal n = 1) to a high score of 97.82 (Post-Graduate n = 22). Results of the academic attainment demographic attitudes questionnaire were consistent with the results of the academic attainment demographic knowledge questionnaire whereby the post-graduate demographic group also scored the highest mean score on the attitudes questionnaire as in the knowledge questionnaire. This parallel will be discussed further in Chapter 5 and 6.

With respect to the second research question regarding the type of attitudes among the four occupational type groups, participants ($n = 149$) obtained an overall mean score of 90.00 ($SD = 14.261$) and individual group overall mean scores as follows: human resource personnel ($n = 18$) mean score of 95.83 ($SD = 15.244$); manager/supervisor ($n = 32$) mean score of 91.69 ($SD = 12.517$); employee ($n = 73$) mean score of 87.77 ($SD = 14.527$); and other ($n = 26$) mean score of 90.15 ($SD = 14.184$). This result was also consistent with the results of the knowledge questionnaire. In fact, the mean score ranking for the knowledge and attitudes questionnaires were identical with human resource personnel receiving the highest mean score on both questionnaires, followed by the manager/supervisor group, followed by the “other” group and finally with the employee demographic group with the lowest mean score on both questionnaires (see Table 9).

With respect to the third research question on the association/correlation between knowledge and attitudes, Pearson’s correlation coefficient was applied to test the correlation between knowledge and attitudes toward human rights and the duty to accommodate. This analysis indicated participants’ attitudes toward human rights and the duty to accommodate was positively correlated and statistically significant at $r = .261$, $p < .001$ to their level knowledge on this topic (see Table 10). However, the coefficient of determination (R^2) which measures the amount of variability (Field, 2009) shared by knowledge level and attitudes toward human rights and the duty to accommodate was 0.068 or 6.8%. Therefore, knowledge level shares 6.8% of the variability in attitudes toward human rights and the duty to accommodate. In essence, 93.2% of variability can be accounted for by other variables. In other words, the knowledge level of participants on human rights and the duty to accommodate can account for only 6.8 of the variation in the attitudes score. In addition, this

coefficient of determination does not and cannot infer causation, albeit low, of knowledge level and attitudes toward human rights and the duty to accommodate.

Furthermore, an ANOVA test was applied to all ten demographic questions in regard to the mean score differences between each of the demographic and employment characteristics grouping. The ANOVA tests applied confirmed the mean score was statistically significant between groups for the academic attainment and unionization of employer categories with $F(4,146) = 4.705, p < 0.05$ and $F(1,137) = 3.998, p < 0.05$ respectively. The ANOVA tests applied did not find statistical significant knowledge and attitudes mean score among the other eight demographic and employment characteristics categories at the $p < 0.05$ level.

With respect to the academic attainment group, a post-hoc test was applied which confirmed the statistical significance between participants in the high school graduate group with participants in the university and post-graduate groups at the level $p < 0.05$. With respect to the unionized workplace participants, there were only two groups, therefore, the attitudes mean score is statistically significant between those who work in a unionized environment to those who work in a non-unionized environment at the $p < 0.05$ level. In other words, participants with higher level of academic attainment and those working in a unionized employment environment tend to have more positive attitudes toward human rights and the duty to accommodate at a statistically significant level as compared to their counterparts. This is again consistent with the findings on the level of knowledge on human rights and the duty to accommodate.

Knowledge and Attitudes

This section presents the analysis of individual questions on the knowledge survey in relation to the corresponding questions on the attitudes survey. Only significant results

(where either over 75% or under 25% of all participants responded correctly) on each question are presented in this section. Table 11 provides the number and percentage of correct and incorrect responses by participants on the knowledge of human rights and the duty to accommodate questionnaire by each item. Table 12 provides the number and percentage of the type of attitudes toward human rights and the duty to accommodate by participants by each item on a 7 point Likert scale from strongly disagree to strongly agree.

With respect to participants answering correctly on the knowledge questionnaire, 12 of the 20 questions were responded correctly by 50% or more of the 160 participants who completed the survey. Specifically, eight of the questions were answered correctly by at least 77% of participants with one particular question that was answered correctly by nearly all participants at 94%. On the other hand, 8 of the 20 questions were responded correctly by less than 50% of the 160 participants. Specifically, six of the questions were answered correctly by 23% or less of participants with one particular question that was answered correctly by only 9% of all participants. The eight questions answered correctly by a majority of participants and the six questions answered correctly by a minority of participants will be discussed in detail in relation to the results of the corresponding questions on the participants' attitudes questionnaire.

First, a majority (89%) responded correctly when asked if human rights legislation prohibits discrimination based upon membership in a protected group with a corresponding strong positive attitude toward this question in the attitudes questionnaire where a majority (85%) agreed that human rights legislation should prohibit discrimination based upon membership in a protected group. The introduction statement on the knowledge questionnaire itself clearly outlined who belonged to the "protected groups" and the result of this question provided clear evidence that key stakeholders have a firm understanding of the

underrepresented groups (i.e., visible minorities, persons with a disabilities, people of different religion, etc.) for which human rights legislation provides protection from discrimination.

Second, a majority (85%) responded correctly to the statement that said discrimination must be intentional in order to be against the law. The answer was false. Discrimination does not need to be intentional. When asked on their agreement on this same statement, a majority (61%) of participants disagreed with the statement that said that discrimination must be intentional in order to be against the law. Again, the answer to this attitude question is consistent with the response to the knowledge question. It is also encouraging to see that a majority of participants understand the concept of direct and adverse effect discrimination and support the notion that discrimination does not have to be intentional (adverse effect discrimination) to be in violation of human rights legislation. As was outlined in the literature review, it took the courts many years to come to the determination that discrimination, whether direct or adverse effect, is still discrimination and that employers should not have the option to impact the decision by characterizing the discrimination in a certain way by establishing the “unified approach” in the Meiorin case in British Columbia in 1999.

Third, when asked “under human rights legislation, employers are responsible for discriminatory act against current employees as well as potential employees (i.e., people who are looking for work)”, 90% of all participants answered correctly. The corresponding attitudes questionnaire result indicated that 79% of participants had a positive attitude to the statement “an employer’s responsibility under human rights legislation should include potential employees”. Again, participants’ attitudes support their knowledge on this topic. This is also a positive result and the law should protect the rights of persons who are potential

employees as well as current employee. This provides a level playing field for the underrepresented groups to realize their full potential, compete and fully participate in competitive employment.

Fourth, when participants were asked if under human rights legislation, employers are responsible for discriminatory acts of their employees, 78% of participants responded correctly with a corresponding positive attitude with 75% of participants who agreed that employers should be responsible for discriminatory acts of their employees. Again, this is an important result because it is important that key stakeholders understand that employers are responsible for the discriminatory acts of their employees given that employers give employees such as supervisors/managers the right to exercise their authority at the workplace. By giving this authority, the employer must also understand their responsibility, particularly as it pertains to any violation of human rights and the duty to accommodate provisions set out in legislation and case law precedents. This provision was clearly outlined in the *Robichaud v. Canada (Treasury Board)* (Supreme Court of Canada, 1987) as discussed in the literature review section. In this case, the Supreme Court of Canada found that the Department of National Defence was liable for the action of its supervisory personnel and stated that “a discriminatory practice by the employee is to be considered a discriminatory practice by the employer as well, whether or not authorized or intended by the latter”.

Fifth, a majority (79%) of participants responded correctly that a collective agreement cannot override human rights legislation even if both the employer and the union agreed. The corresponding attitude on this question is consistent with the answer in the knowledge questionnaire with 80% agreeing that a union contract should not override human rights legislation even if both the employer and union agreed. Although not entirely surprising, it

was good to see that participants understood the legal authority and the power of human rights legislation. As was previously stated, human rights legislation is “quasi-constitutional” and overrides nearly all other forms of law.

Sixth, a majority (94%) correctly responded to the question “an employer can refuse to promote an employee because he/she belongs to a protected group”. The corresponding attitude was positive with 85% disagreeing with the statement “an employer should have the right to refuse to promote an employee based on their membership in a protected group”. This result supports the participants’ previous answers to the knowledge questionnaire and provides protection for persons belonging to a protected group when they are employed and seeking advancement in their career. In fact, 94% percent answered this question correctly.

Seventh, a majority (84%) of participants correctly answered the question “the duty to accommodate means that employers must provide accommodations (i.e., adaptive/additional equipment or a change in work schedule) in order to help a member of a protected group get or keep employment” with a corresponding 73% of participants agreeing that employers should provide accommodation in order to help a member of a protected group get or keep employment. Understanding this concept is critical to key stakeholders because it is essential that employers provide accommodation to persons in the protected groups in order for these individuals to fully function and be productive at the workplace given the individuals’ needs and/or barriers due to their challenges, be it because of their disability, religion, gender, or age, etc. As was outlined in the literature review, past research shows that cost of accommodation at the workplace was minimal, ranging from \$100 to \$500 (Bruyere, Erickson, & VanLooy, 2004; Dyck, 2002; Gerber, 2003; Price & Gerber, 2001; Scheid, 1999; Wehman, 1993). Therefore, the result of both the knowledge question and the participants’ attitude toward accommodation, in light of the low cost of accommodate, is a good indication

of the support persons in the protected groups would receive should they require such accommodation at the workplace.

Eight, a majority (82%) responded correctly to the question “employers are required to create a new position in order to accommodate a member of a protected group to get or keep employment”. The answer is false. Employers are not required to create a new position. As with previous questions, 66% disagreed with the statement that “employer should be required to create a new position in order to accommodate a member of a protected group”, confirming again the participant consistency with respect to how their answer to the attitudes question supports their knowledge (response) to the knowledge question. Given the participants’ responses to the previous seven questions, the result of this question was a little bit surprising but nevertheless a good indication of participants’ understanding of the responsibility of employers. This result provides an indication that the participants understand the concept of “undue hardship” whereby creating a position for the sake of providing employment for someone in a protected group would not make good business sense and would inevitably put the business at risk to the point of undue hardship. This risk would not be beneficial to the employer or the individual if the business accommodated to the point of undue hardship and is no longer viable as a going concern.

The analysis of the results of the questions answered correctly by a majority of the participants clearly identified consistencies on participants’ level of knowledge and their response to the level of agreement on their attitudes toward that same question. Where there was strong knowledge of the legislation, there was a corresponding attitude toward this legislation. This is consistent with the theory of cognitive dissonance originally developed by Leon Festinger, a social psychologist, in 1957 (Festinger & Carlsmith, 1959; Greenwald

& Ronis, 1978). This theory and the results of this section are discussed in detailed in Chapter 5.

In contrast, with respect to a majority of participants who answered incorrectly to the knowledge survey questions, only 9% of participants answered correctly when asked the question “private residence employers (i.e., who hire house cleaners, babysitters, etc.) are exempt from human rights legislation”. In other words, a majority think that human rights legislation should apply to a private residence. In fact, the answer to the question is true that private residence employers are, in fact, exempted from human rights legislation. It was not surprising to find a corresponding majority (92%) of participants who agreed to the statement “human rights should apply to all employers, including private residence employer”, even though legislation dictates that private residences are exempt from human rights legislation. This is consistent with other questions in which participants attitudes toward a subject correspondingly support their knowledge of the subject. On the on hand, the result of this question indicated participants’ general support for protection of persons in protected groups under legislation. On the other hand, this result underline participants’ lack of knowledge of human rights and the duty to accommodate provisions and that human rights legislation apply in the public arena, specifically in employment, housing and public services (D’Andrea et al., 2004).

Second, only 23% of participants correctly responded when asked the question “insurance plans are exempt from human rights requirements” with 11% of participants who agreed in the attitudes question that insurance plan should be exempted from human rights requirements. Once again, the response to the attitudes question supports the actual knowledge of the question. Participants’ result of this question, both knowledge and attitude, support the concept that human rights legislation should apply in all situations including

private insurance plans. However, if human rights legislation applies in this situation, it will contradict and violate the concept of “undue hardship” discussed earlier. For example, if an insurance plan was not allowed to discriminate based on disability (i.e., medical condition of a terminally ill person), that individual would be able to purchase a life insurance policy and effectively benefit from the insurance policy upon death and the insurer would incur a loss which may lead the company to the point of undue hardship.

Third, a minority (14%) of participants correctly answered the question “in a job with a bona-fide occupational requirement, all applicants must meet the same standards (i.e., physical fitness for firefighters) regardless of belonging to any of the protected groups”. In this case, 89% of participants agreed with the statement “in a job with a bona-fide occupational requirement, all applicants should meet the same standards (i.e., physical fitness for firefighters) regardless of belonging to any of the protected groups. Although the participants answered incorrectly according to legislation, they are consistent in supporting their knowledge on how they rate their attitudes toward this law. The result of this question was not surprising given that the concept of “individual testing” as established by the Grismer case is not well known. When you read the question, it seemed reasonable that everybody should be treated equally and meets the same testing standard in a job with a bona fide occupation requirement. However, this is not true and key stakeholders would benefit from education and awareness of this law.

Fourth, only 20% of all participants correctly responded when asked the question “co-workers are required to take on extra work in order to help accommodate a member of a protected group (i.e., change in work schedule or additional job duties)”. Again, only 17% agree with the statement that co-workers should be required to accommodate a member of a protected group. Again, this result is not surprising. However, it is important to note the lack

of knowledge on this provision and stress the importance of this law so that persons in the protected groups are afforded the opportunity to be accommodated, even by co-worker who may need to do their part in the accommodation process as long as this does not violate the provision of undue hardship on the individual and/or the employer.

Fifth, a total of 23% of participants responded correctly to the question “under human rights legislation, an employer can discriminate against someone who is not a member of a protected group as long as it will benefit someone who is a member of a protected group”. In fact, the answer is true. According to Section 42 - Special Programs of the BC Human Rights Code (Human Rights Code, 2011), an employment equity program set up to provide preferential treatment with an objective to ameliorate conditions of persons in protected groups can do so and not be considered discriminatory or a contravention of this code. A majority (66%) disagree that reverse discrimination should be legal if it benefits a person who belongs to a protected group which is consistent with how they responded to the knowledge question. The result to this question demonstrates the lack of knowledge of human rights and the duty to accommodate and how these laws are so specific that knowledge and/or attitudes toward such legislation are required to be targeted specifically to those it impacts, those involved in complying to such laws and in general, the public. It was not entirely surprising to find that participants are not in favour of discrimination even if it benefits those who are traditionally disadvantaged.

Lastly, only 22% of participants correctly responded when asked the question “under human rights legislation, discrimination only applies in the area of employment, public services and housing”. No corresponding attitudes question was asked of participants on this statement. However, in light of the results of other questions outlined, it is likely that participants would support their knowledge with their attitudes toward this question. As

discussed earlier with private residence being exempted from human rights legislation, it is important to impart the knowledge that human rights only applies in the public arena. It is clear there is a general lack of knowledge of human rights and the duty to accommodate, where and how it applies.

In summary, the knowledge and attitudes results as indicated for the 14 questions that were answered correctly by the majority (75% or more) or minority (25% or less) identified above is also consistent with theory of cognitive dissonance (Festinger & Carlsmith, 1959; Greenwald & Ronis, 1978) whereby respondents who correctly or incorrectly answered the knowledge question supported their answer by rating their attitudes in such a manner that would support their knowledge of each specific question. The following section will discuss the implications of this finding including the association of the findings to the theory of cognitive dissonance.

Furthermore, the results of both the knowledge and attitudes questionnaires clearly provided the area in which there is significant knowledge and those areas requiring additional education and awareness training. Specifically, there is a general sense from the questions discussed in this section that there is good support from participants for the rights afforded to persons in protected groups under human rights legislation and the duty to accommodate provisions arising from legislation and case law precedents.

Chapter 5

Discussion

Introduction

This chapter provides a discussion on the results and analysis of this study in context of the literature review and the research questions along with a brief discussion on the limitation of this study. The chapter is organized into five sections. The first section is

dedicated to the discussion on the findings in regards to research question 1 on the level of knowledge and type of attitudes toward human rights and the duty to accommodate in context of previous related research findings on disability rights laws and legislation. The second section is dedicated to the discussion on the findings in regards to research question 2 on the level of knowledge and type of attitudes toward human rights and the duty to accommodate by demographics, specifically, by the occupation type (human resource personnel, manager/supervisor, employee, and other) demographic. The third section is dedicated to the discussion on the findings in regards to research question 3 on the measure of association/correlation among different demographic groups and between measures on the knowledge and attitudes toward human rights and the duty to accommodate. This section discusses the correlation between the level of academic attainment and the level of knowledge and between the level of knowledge and type of attitudes toward human rights and the duty to accommodate as were evidenced in previous related research in this area. The fourth section is dedicated to a general discussion of other results and analysis not related to the research questions but issues warranting further discussion. The fifth and final section is dedicated to a brief discussion on the limitations of this study.

Research Question 1 - Overall Knowledge and Attitudes

One of the least surprising results of this research study is the lack of knowledge of human rights and the duty to accommodate among all participants. With respect to this, the overall average score for all participants was 56%. This percentage is barely a passing grade in most exams and tests and given that there is a fifty percent chance of getting the questions correct by answering true or false the average score on this survey may be considered quite low. We tested for statistical significance of this finding and concluded that the results are statistically significant at the test value 60% correct score.

Furthermore, six questions on the knowledge question were answered correctly by less than 25% of the participants. Given the difficult legal nature of these questions this is understandable. In addition, although human rights legislation are set out in the human rights code within each respective provincial, territorial or federal jurisdiction, the provision which guides the legal obligation under human rights and the duty to accommodate is subject to change upon judicial decisions which set case law precedents on these provisions and can make it difficult to stay abreast of current laws and legislation. However, it is of more concern that the attitudes of participants are consistent and support their knowledge or lack thereof on this subject. This lack of knowledge, especially among key stakeholders, can adversely impact those in the protected groups.

The findings of this study are consistent with other research done in this area. The lack of knowledge shown in the results of this knowledge survey supports previous findings on related subjects such as disability rights laws and legislation which is a subset of the overarching human rights laws and legislation. Seven previous studies suggest some limited knowledge of disability rights law and legislation (Clarke & Crewe, 2000; Hernandez et al., 2003; Jackson et al., 2000; Roessler & Sumner, 1997; Scheid, 1999; Thakker & Solomon, 1999; Walters & Baker, 1997). Specifically, in Hernandez et al.'s (2003) study, participants obtained 41% on a test of the provisions outlined in the American with Disabilities Act (ADA). Among students surveyed, Hernandez et al. (2003) also found students only scored 45% correctly on the ADA knowledge survey. In addition, participants correctly answered 19% and 56% in the Grenier Redick et al. (2000) and the Rumrill's (1999) studies on knowledge of disability rights law and legislation respectively.

Given the available literature on knowledge in a related field, it is therefore not surprising to find that participants in this study supported the findings of previous studies.

What is encouraging is that participants' knowledge in this study scored slightly higher than participants in the four studies mentioned. However, the result of the lack of knowledge is of concern and underscores the need for awareness and education on this subject given the progressive human rights movement, not only in Canada but around the world. This would be particularly important if Canada was to follow the lead of other countries and move toward enactment of specific legislation similar to the ADA in the United States and the DDA in the United Kingdom. As indicated earlier, the Province of Ontario has already enacted disability legislation and it would not be a surprise if Canada and/or other provincial/territorial jurisdictions do the same. Therefore, the need for increasing awareness and knowledge on this important subject is critical for key stakeholders' adherence and compliance to the rights afforded to persons in a protected group under such legislation, including the overarching human rights legislation.

With respect to attitudes toward human rights and the duty to accommodate, the attitudes score was generally positive, albeit only slightly, where participants obtained a mean score of 64% on the attitudes scale. Again, this is consistent with two other studies (Callahan, 1994; Hernandez et al., 2004) that found relatively positive attitudes toward disability rights law and legislation among participants. Specifically, Hernandez et al.'s (2004) study found participants' mean score was 77% positive on the Disability Rights Attitude Scale. Callahan's (1994) study concluded that there were generally positive attitudes toward disability rights and general support for the basic intent of the American with Disabilities Act. However, the percentage difference in mean score for this study and that of Hernandez et al.'s (2004) study is 13% (77% minus 64%). This difference is significant and does not bode well for persons in protected groups as they rely on key stakeholders' adherence and compliance to human rights and the duty to accommodate laws

and legislation. Furthermore, as with evidence in previous studies and even with the findings of this study, attitudes toward disability/human rights legislation is linked to knowledge and knowledge is linked to adherence and compliance to such laws and legislation, thereby underscoring the importance of the results of this finding. Therefore the question is what does this mean to key stakeholders and those belonging to the protected groups? In essence, the findings further support the need for increased awareness and education on this important subject matter to address the lack of knowledge and subsequently improve the key stakeholders' attitudes toward human rights and the duty to accommodate.

Research Question 2 – Knowledge and Attitudes by Key Demographics

Among the four groups in the occupation type category, the human resource personnel demographic group scored the highest on the knowledge survey. With respect to this, human resource personnel, as a group, received 64% correct answers on the knowledge surveys followed by the manager/supervisor group at 59% and the employee group with the fewest correct answers at 53%. This result was expected given that human resource personnel, due to the nature of their job, are more likely to have dealings with and/or encounter situations where human rights and the duty to accommodate knowledge is required. Therefore, it would be expected that human resource personnel would naturally have more knowledge than the other groups of participants. In addition, managers and supervisors are also more likely to have encountered situations in their employment where it would be beneficial to have a broader knowledge of human rights and the duty to accommodate. This was clearly evident in the results of this study.

When we tested the four groups for statistical significance, the human resource personnel scored higher at a statistically significant level than the employee group. Although not statistically significant from other groups, it was not surprising to find

manager/supervisor group scored the second highest on the knowledge questionnaire. It is a good indication that those who should have more knowledge (human resource personnel and managers/supervisors) of this subject matter do, in fact, have more knowledge. However, despite the higher mean score average, the 64% and 59% score on the knowledge survey by human resource personnel and manager/supervisor group respectively, these scores are still relatively low given the need of this knowledge in the roles and responsibilities of these occupations. A couple of studies in the literature review concluded the importance of knowledge of disability rights law and legislation on the adherence to and compliance with this law and legislation. Therefore, this finding further highlights the need for targeted awareness and specific education on human rights and the duty to accommodate provisions under human rights legislation and case law precedents.

As reported earlier, among the four groups in the occupation type category measured, human resources personnel had the highest mean score on the attitudes survey, but there were no statistical significance among the four groups in this demographic category. However, and perhaps more interesting, is that the results of the attitudes mean score per individual group were parallel to the knowledge mean score of the same group. There was consistency in participants' achievement on their knowledge test and how they rate their attitudes on their attitudes survey. Table 9 provides a summary of the knowledge and attitudes mean score parallel with human resource personnel scoring the highest followed by manager/supervisor, other and then the employee group.

Research Question 3 – Knowledge and Attitudes Correlations

The discovery that academic attainment level did make a statistical difference in the knowledge level of participants was consistent with two other findings in the literature review. The results of this study supported the findings of two previous studies that

measured the level of academic attainment on the knowledge of disability rights by Hernandez et al. (2003) and Clarke and Crewe (2000). Hernandez et al. (2003) concluded that higher level of academic attainment, those with college or graduate level of education obtained a significantly higher level of knowledge of disability rights law and legislation than those who only had high school or trade school education. Clarke and Crewe (2000) concluded that master's level rehabilitation students were found to have a higher level of ADA knowledge than employers or regular college students.

When we tested to see if the level of academic attainment of participants made any difference in the level of knowledge on human rights and the duty to accommodate provision set out in legislation and case law precedents, we found there was a statistical significance of academic attainment on the knowledge mean score. Although there was a slight increase of the level of knowledge as participants academic attainment increased, the difference was nominal. However, given that this subject matter, as indicated earlier, is very specialized, legal, specific and under constant change as case precedents on court decisions changes from case to case based on interpretations of the human rights code by the courts, the important lesson of this finding further emphasizes the need for targeted and specific education on this subject matter.

In view of the general lack of knowledge of human rights and the duty to accommodate findings and the need for increased awareness and education on this topic, we can conclude that the knowledge of this very specific subject, and more precisely, the technical and legal provisions in human rights and the duty to accommodate, cannot be attained by virtue of being educated, in the sense of formal education (i.e., college, university, post-graduate studies, etc.). Again, this finding underscores the need for education and awareness on this topic. As noted, knowledge of human rights and the duty to

accommodate are not gained from general education, therefore, in order to increase the knowledge on this subject matter, there needs to be a concerted effort made to increase awareness including an education campaign that is specific to this subject matter and targeted to specific audiences.

The third research question asked if there was any correlation between the level of knowledge and that of the type of attitudes toward human rights and the duty to accommodate. This study found similar results with findings in previous research studies that found a higher level of knowledge to be positively correlated to more positive attitudes toward disability rights law and legislation. Specifically, Hernandez et al. (2004) found the knowledge of disability rights was positively correlated to their attitudes toward disability rights. Clarke and Crewe (2000) and Wasserbauer (1996) also reported a positive correlation between knowledge of disability rights and attitudes toward disability rights. Additionally, in the analysis of individual knowledge questions in relation to the corresponding attitudes question in this study, there were consistent themes of participants' knowledge or lack of knowledge on the knowledge survey which were supported by the participants' attitudes on the corresponding question(s) on the attitudes survey. These results reflect the cognitive dissonance theory whereby participants' knowledge or lack of knowledge of human rights and the duty to accommodate dissonance is justified by the participants' feelings as indicated by their response to the same question on the attitudes questionnaire. For example, one of the knowledge questions stated that private residence employers are exempted from human rights legislations where a majority answered this wrong by saying false when in fact private residence employers are exempt from human rights legislation. Correspondingly, a majority of participants stated, in the attitudes survey, that they felt that private residences should not be exempted from human rights legislation.

To fully understand how the responses of participants in this study supports the theory of cognitive dissonance, it warrants a brief discussion of the theory of cognitive dissonance originally developed by Leon Festinger in 1957 (Festinger & Carlsmith, 1959; Greenwald & Ronis, 1978). In a study by Festinger & Carlsmith (1959), the authors tested and confirmed the following statement “if a person is induced to do or say something which is contrary to his private opinion, there will be a tendency for him to change his opinion so as to bring it into correspondence with what he has done or said” (p. 209) in a laboratory experiment. In essence, the response of participants of their attitudes in this study firmly supported the theory by bringing the participants’ “private opinion”, in this case “attitude” toward human rights and the duty to accommodate, to correspond with the participants’ action, what the participants’ have “done or said”, in this case the participants knowledge of human rights and the duty to accommodate. By this logic, participants in this study have reduced the dissonance between their knowledge and their self-reported attitudes toward human rights and the duty to accommodate.

Results and analysis discussion in Chapter 4 clearly articulated the participants’ knowledge and/or lack of knowledge of human rights and the duty to accommodate question by question along with the participants’ corresponding attitudes on those questions. It is clear there is a need for education and awareness training to key stakeholders on some specific area that were lacking in knowledge.

General Discussion

Other results that are of interest and should be discussed include the statistical significant mean score between several demographic groups as follows: a) participants employed in the public sector are more knowledgeable than those in the private sector; b) participants employed in a unionized environment have more knowledge than those in a non-

unionized environment; c) participants employed with employers with 500 or more employees have more knowledge than those employed with employers with 1 to 50 employees; and d) participants with greater than \$80,000 annual gross income level have more knowledge than those in the \$20,000 to \$34,999/\$35,000 to \$49,999 groups and participants in the \$65,000 to \$79,999 annual gross income have more knowledge than the \$20,000 to \$34,999 group. In summary, participants who were employed with a large organization (500 plus employees) that is unionized in a public sector who are in a higher income bracket are more knowledgeable on human rights and the duty to accommodate at a statistically significant level.

These results are not entirely surprising, given that; a) larger employers are more likely to encounter human resource issues that relate to human rights and the duty to accommodate and require a certain level of knowledge in order to comply with such laws and legislation. These employers are more likely to be in the public sector such as government or a crown corporation, and are also more likely to have a greater number of dealings with accommodations and human rights. In addition, public sector employers are more likely to be unionized, providing another opportunity to be exposed to human rights and the duty to accommodate issues. Large organizations, in most cases, have a human resource department with a group of employees dedicated to human resource issues including matters of human rights and the duty to accommodate. However, these participants represent a minority of the population and moreover, though their knowledge is higher than their comparative group at a statistically significant level, the fact remains that their overall knowledge level is relatively low.

The implication here is that, smaller employers and those who are not unionized in the private sector are also bound by human rights legislation and the duty to accommodate.

Given that human rights legislation applies to all employers (with the exception of private residence employers) in the employment, housing and public services, all employers, whether large or small, unionized or non-unionized, in the private or public sector, are required to abide by human rights and the duty to accommodate laws and legislation. This further emphasizes the need for education on the provision of human rights and the laws and legislation regarding the duty to accommodate. In fact, it may be more important that smaller, non-unionized private sector employers have adequate knowledge of human rights and the duty to accommodate as this sector of employers represents the majority of employment in Canada. According to Statistics Canada (2011), public sector employers only account for 20.5% of all employment in Canada.

Results of this research study provide a good foundation to expand the knowledge base on this topic. More importantly, the findings have implications for policy and legislation, specifically as it pertains to the need for increased awareness and education on human rights and the duty to accommodate.

Study Limitations and Future Research

Data collection for this study was gathered by a traditional convenience sample via email, in person contact and one advertisement on the BC Human Resource Management Association website. Therefore, the participation percentage cannot be ascertained. However, potential participants indicated several reasons for not participating in the study which includes the time commitment to complete the survey, the difficulty of the material, and the size of the font on the online survey instrument.

Generalization of the findings in this study is cautioned given a relatively small sample ($n = 160$). In addition, due to the complexity and technical language that is necessary to provide participants with the most accurate and true meaning of the laws and legislation on

the topic of human rights and the duty to accommodate, the survey questionnaire was measured at a reading level higher than grade 12 which may have made it more difficult for some participants who may not have the level of education and language to fully understand the question(s).

Furthermore, additional research should be conducted to specifically test several of the key findings in this study including the results of higher level of knowledge among participants who are in the higher socio-economic status, in larger organizations, in a unionized environment, and working with employers in the public sector.

Chapter 6

Summary and Conclusion

This thesis was conducted to fulfill the requirements pertaining to a Master of Arts in Disability Management at the University of Northern British Columbia. Two survey instruments were developed to measure the level of knowledge and the type of attitudes on the topic of human rights and the duty to accommodate in employment in Canada. A literature review of related topics on disability rights laws and legislation in the United States and abroad posed three basic research questions which framed the focus of this study.

Research question one asked the level of knowledge and type of attitudes toward human rights and the duty to accommodate among key stakeholders. This research study found a general lack of knowledge among all participants. This lack of knowledge was consistent across demographics. Although participants who indicated they were human resource personnel scored the highest on the knowledge survey at a statistically significant level as compared to the employee and “other” demographics, their low level of knowledge (64%) on this topic is of concern given the need to have this knowledge to comply with such important legislation in protecting the rights of persons who belong to a protected group.

Furthermore, this study found participants' attitudes toward human rights and the duty to accommodate were slightly positive. However, the attitudes survey supported the theory of cognitive dissonance whereby participants supported their knowledge or lack thereof on the topic of human rights and the duty to accommodate with how they rated their attitudes toward human rights and the duty to accommodate.

Research question two asked the level of knowledge and the type of attitudes *toward* human rights and the duty to accommodate among participants based on key demographics. This research study found human resource personnel to have the highest level of knowledge on this topic. In addition, participants who were in the higher income level bracket, in larger organizations, in a unionized employment environment and in employment with public sector employers also scored higher than their counterparts on the knowledge survey. In addition, our study also found participants in a unionized employment environment and those who were in the higher income bracket to have more positive attitudes toward human rights and the duty to accommodate.

Research question three asked if there were any association/correlation between academic attainment and the level of knowledge and the level of knowledge and the type of attitudes toward human rights and the duty to accommodate. This research study found a slight positive correlation for both. In addition, both academic attainment/knowledge and knowledge/attitudes correlation were statistically significant. However, in both cases the coefficient of determination (R^2) which measures the amount of variability (Field, 2009) shared by academic attainment/education and knowledge/attitudes toward human rights and the duty to accommodate was relatively low at 0.021 and 0.068 respectively. Therefore, the variability of knowledge based on academic attainment and attitudes based on knowledge

shares 2.1% and 6.8% respectively. In essence, 97.9% and 93.2% of variability can be accounted for by other variables.

Despite some findings of statistical significance on the level of knowledge and the type of attitudes among certain demographics, the level of knowledge and the type of attitudes remains low. These results clearly support the need for awareness and education on the topic of human rights and the duty to accommodate, specifically, targeted education and awareness on the specific provisions of human rights and the duty to accommodate laws and legislation. It is not only necessary but critical that knowledge of this important legal obligation on the rights for persons belonging to a protected group based on legislation as set out by case law precedents is imparted to key stakeholders in the area of employment, housing and public services.

It is clearly evident that a higher level of general academic attainment does not necessarily equate to a higher level of knowledge on this topic nor does other demographic characteristics such as age, gender, ethnicity, socio-economic status or employment factors result in more knowledge and/or more positive attitudes toward human rights and the duty to accommodate. This fact further supports the need for better education and more importantly a targeted education campaign directed at managers/supervisors and human resource personnel whose role it is to ensure that persons from protected groups are accommodated in the work place. The need for increasing knowledge is further highlighted by Jackson et al.'s (2000) study findings on the importance of the knowledge of disability rights laws and legislation on employers' compliance with the legislated Act such as the Disability Discrimination Act in the United Kingdom. Compliance with legislation was further supported by Scheid's (1999) study which also found that increased awareness and

knowledge of participants by receipt of American Disabilities Act (ADA) information was a significant predictor of compliance to the ADA.

As discussed earlier, Canada does not have a specific legislated Act for persons with disabilities like those in the United States, United Kingdom, Australia and Israel. However, the Province of Ontario passed the Accessibility for Ontarians with Disabilities Act in 2005 (Ministry of Community and Social Services, 2005) and if Canada and/or other provincial/territorial jurisdictions were to move toward enactment of similar legislation, it would serve government to understand the findings and implications of this study. In light of the results of this study, before enactment of such important legislation is to be considered, it may be prudent for policy makers to understand the level of stakeholders' knowledge and attitudes toward human rights and the duty to accommodate and develop awareness and education strategies so that the legislation will have full effect in law. As eloquently stated by Bruyere et al. (2004, p. 30), "for the full impact of disability nondiscrimination legislation to be realized, it is imperative that persons in business be aware of the existence of the law and its implications for hiring, promotion and other personnel practices".

Human rights in Canada have been in existence since 1944 and the duty to accommodate has been law in Canada for many years; therefore, it is becoming increasingly important that key stakeholders have knowledge of rights and obligation under this law. This study provides the start of research to build the body of knowledge in this area in Canada and contributes to this new and important field of research.

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Tables

Table 1

Studies on the Knowledge of Disability Rights

Study	Participants (# and types)	Research Method(s)
Clarke & Crewe, 2000	57 master's level rehab counseling students 62 college students with disabilities 83 small businesses	Survey – ADA Information Survey (indirect method error-choice technique) developed by the authors
Gioia & Brekke, 2003	20 individuals with schizophrenia	Interview – semi-structured face-to-face with questions developed by the authors
Granger, 2000	137 individuals with psychiatric disabilities (20 focus group from 10 different US States)	Focus group discussion questions developed by the authors
Grenier Redick et al., 2000	229 occupational therapist	Survey (28 items) on the knowledge of Title III of the ADA developed by the authors
Griffith & Cooper, (2002).	127 educational administrators and/or those completing their educational administration certificates	Survey developed by the author
Hernandez et al., 2003	133 managers and business owners (109 private sector and 24 public sector)	*Survey (20 items) developed and validated by the authors
Hernandez et al., 2003	210 undergraduate students 34 ADA experts	*Survey (20 items) developed and validated by the authors
Jackson et al., 2000	73 personnel directors and managers (21 with 20-50 employees, 30 with 21-500 employees, 22 with over 500 employees)	Survey developed by the authors
Roessler & Sumner,	83 HR and personnel	Survey (22 items) developed by

1997	representatives	the authors
Rumrill, 1999	46 individuals with visually impaired or are blind (23 experimental and 23 control group)	Survey (10 items) – experimental design posttest interview developed by authors
Scheid, 1999	117 employers (personnel managers)	Telephone interview with questions developed by author
Thakker & Solomon, 1999	195 supervisors or managers who conducted job interviews within organizations with 15 or more employees	Survey (114 items) developed by the authors
Thompson & Bethea, 1997	400 faculty members of a southeastern university in the US	Survey (25 items) developed by the authors
Walters & Baker, 1997	69 employers 19 university recruiters 12 recruiters job fairs	Survey (60 items) developed by the Authors
Wasserbauer, 1996	900 psychiatric nurses from across the US	Survey (47 items) developed by the author

Note. All studies are peer reviewed empirical studies

* Survey instrument(s) – validated

Table 2

Studies on the Attitudes Toward Disability Rights

Study	Participants (# and types)	Research Methods
Callahan, 1994	408 HR and general managers	Survey (16 items) developed by the author
Clarke & Crewe, 2000	57 master's level rehab counseling students 62 college students with disabilities 83 small businesses	Survey – ADA Information Survey (indirect method error-choice technique) developed by the authors
Gilbride et al., 1992	80 HR directors	Survey (10 items ADA

		employment related) developed by the authors
Hernandez et al., 2004	133 managers and business owners (109 private sector and 24 public sector)	*Survey – Disability Rights Attitude Scale (DRAS) (27 items, Likert scale 1 to 6)
Moore & Crimando, 1995	178 private sector representatives (presidents, vice presidents, directors) 164 rehab service providers 186 people with disabilities	Survey – ADA Employment Inventory (Likert scale 1 to 6) developed by the authors
Popovich et al., 2003 (2 studies)	118 undergrad students (1 st study w/o definition of ADA) 147 undergrad students (2 nd study with definition of ADA)	Survey with 3 scales (beliefs about disabilities, affective reactions, reasonableness of accommodations) developed by the author
Roessler & Sumner, 1997	83 HR and personnel representatives	Survey (22 items) developed by the authors
Satcher & Hendren, 1991	131 business students	Survey – ADA Survey (12 items, Likert scale 1 to 5) developed by authors
Satcher & Hendren, 1992	85 employers	Survey – ADA Survey (12 items, Likert scale 1 to 5) developed by Satcher & Hendren, 1991
Scheid, 1999	117 employers (personnel managers)	Telephone interview with questions developed by author
Vilchinsky & Findler, 2004	49 employers (managers) 52 architects 83 lawyers 69 teachers 68 social workers	* Survey - Disability Rights Attitude Scale – Israeli (DRASI) – adapted from Hernandez et al., 1998 DRAS
Walters & Baker, 1997	69 employers 19 university recruiters 12 recruiters at disabilities job fair	Survey (60 items) developed by the Authors

Note. All studies are peer reviewed empirical studies

* Survey instrument(s) – validated

Table 3

Summary of completed demographic questionnaire

	Included		Participants Excluded		Total	
	n	%	n	%	n	%
Demographic						
Age	151	94%	9	6%	160	100%
Gender	150	94%	10	6%	160	100%
Ethnicity	151	94%	9	6%	160	100%
Education	152	95%	8	5%	160	100%
Occupation	149	93%	11	7%	160	100%
Type of employer	143	89%	17	11%	160	100%
Unionized	140	88%	20	12%	160	100%
No. of employees	144	90%	16	10%	160	100%
Years in current job	145	91%	15	9%	160	100%
Gross Income	143	89%	17	11%	160	100%

Table 4

Knowledge Mean Score by Demographic Characteristics

	n	%	M	SD
Age				
18-29	20	13%	10.85	1.599
30-39	49	32%	11.06	2.577
40-49	47	31%	11.28	2.366
50-59	22	15%	11.95	2.768
60+	13	9%	10.54	1.198
Gender				
Male	63	42%	11.06	2.449
Female	87	58%	11.33	2.270
Ethnicity				
Caucasian	124	82%	11.27	2.397
Asian	13	9%	11.69	2.323
African- Canadian	1	1%	11.00	.
Indo-Canadian	3	2%	10.33	1.528
Aboriginal	2	1%	12.50	0.707
Other	8	5%	9.50	1.414
Academic attainment				
Elementary/Jr. High	1	1%	11.00	.
High School	26	17%	10.69	2.650
College	37	24%	11.05	2.645
University	65	43%	11.29	2.185
Post-Graduate	23	15%	11.74	1.912

Table 5

Knowledge Mean Score by Employment Characteristics

	n	%	M	SD
Occupation				
Human Resource Personnel	18	12%	12.72	2.630
Manager/Supervisor	32	21%	11.81	2.416
Employee	73	49%	10.62	2.138
Other	26	17%	10.96	2.181
Employer type				
Public	84	59%	11.65	2.170
Private	59	41%	10.59	2.527
Unionized				
Yes	66	47%	11.95	2.297
No	74	53%	10.58	2.370
# of employees				
1-50	57	40%	10.86	2.356
51-200	40	28%	10.95	2.087
201-500	18	12%	11.22	3.040
500+	29	20%	12.38	2.178
# years in current occupation				
0-1	21	14%	10.90	2.071
1-5	53	37%	10.72	2.373
6-10	35	24%	11.91	2.628
11-20	29	20%	11.76	1.766
20+	7	5%	10.86	3.338
Gross annual income				
Under \$20,000	19	13%	11.05	1.810
\$20,000-\$34,999	20	14%	9.80	2.628
\$35,000-\$49,999	30	21%	10.43	2.112
\$50,000-\$64,999	29	20%	11.69	20.20
\$65,000-\$79,999	22	15%	11.95	2.236
Above \$80,000	23	16%	12.35	2.673

Table 6

Academic Attainment on Knowledge Correlation

		Academic attainment	Knowledge
Academic attainment	Spearman's rho	1.000	.144
	Sig. (1-tailed)	.	.039
	N	152	152
Knowledge	Spearman's rho	.144	1.000
	Sig. (1-tailed)	.039	.
	N	152	160

Table 7

Attitudes Mean Score by Demographic Characteristics

	n	%	M	SD
Age				
18-29	20	13.3%	90.60	13.300
30-39	48	32.0%	90.65	13.205
40-49	47	31.3%	88.85	15.022
50-59	22	14.7%	93.18	15.515
60+	13	8.7%	85.85	14.577
Gender				
Male	62	41.6%	87.73	13.575
Female	87	58.4%	92.29	14.288
Ethnicity				
Caucasian	124	82.7%	89.89	14.442
Asian	13	8.7%	97.31	10.323
African-Canadian	1	.7%	91.00	.
Indo-Canadian	3	2.0%	86.33	9.609
Aboriginal	1	.7%	76.00	.
Other	8	5.3%	84.13	16.366
Academic attainment				
Elementary/Jr. High	1	.7%	85.00	.
High School	26	17.2%	81.77	15.716
College	37	24.5%	88.43	14.692
University	65	43.0%	91.92	12.108
Post-Graduate	22	14.6%	97.82	12.931

Table 8

Attitudes Mean Score by Employment Characteristics				
	n	%	M	SD
Occupation				
Human Resource Personnel	18	12.1%	95.83	15.244
Manager/Supervisor	73	49.0%	87.77	14.527
Employee	32	21.5%	91.69	12.517
Other	26	17.4%	90.15	14.184
Employer type				
Public	83	58.5%	91.40	14.387
Private	59	41.5%	88.73	14.131
Unionized				
Yes	65	46.8%	92.98	13.573
No	74	53.2%	88.26	14.198
# of Employees				
1-50	57	39.9%	87.88	15.246
51-200	40	28.0%	89.88	13.463
201-500	18	12.6%	93.06	15.287
500+	28	19.6%	94.25	11.959
# Years in current occupation				
0-1	20	13.9%	88.60	10.210
1-5	53	36.8%	88.89	14.928
6-10	35	24.3%	93.60	14.289
11-20	29	20.1%	90.55	15.153
20+	7	4.9%	86.43	17.406
Gross annual income				
Under \$20,000	19	13.4%	91.84	14.454
\$20,000-\$34,999	20	14.1%	86.15	12.963
\$35,000-\$49,999	30	21.1%	85.50	13.032
\$50,000-\$64,999	28	19.7%	95.96	14.464
\$65,000-\$79,999	22	15.5%	87.68	15.289
Above \$80,000	23	16.2%	92.04	14.992

Table 9

Summary Mean Score for the Knowledge and Attitudes Survey by Occupation				
	Human Resource Personnel	Manager/ Supervisor	Employee	Other
Participants (n)	18	32	73	26
Knowledge (M)	12.72	11.81	10.62	10.96
Attitudes (M)	95.83	91.69	87.77	90.15

Table 10

Knowledge on Attitudes Correlation

		Attitudes	Knowledge
Attitudes	Pearson's r	1.000	.261
	Sig. (1-tailed)	.	.000
	N	160	160
Knowledge	Pearson's r	.261	1.000
	Sig. (1-tailed)	.000	.
	N	160	160

Table 11

Knowledge Survey Results per Question by Number of Participants

	Correct responses	Incorrect responses	Total
Human rights legislation prohibits discrimination based upon membership in a protected group	142 (89%)	18 (11%)	160
Human rights legislation overrides nearly all other forms of law	100 (63%)	60 (37%)	160
Under human rights legislation, discrimination only applies in the area of employment, public services and housing	36 (22%)	124 (78%)	160
Private residence employers (e.g., who hire house cleaners, babysitters etc.) are exempt from human rights requirements	14 (9%)	146 (91%)	160
Human rights legislation requires that every person is treated exactly the same*	63 (40%)	96 (60%)	159
Discrimination must be intentional in order to be against the law*	133 (85%)	24 (15%)	157
Under human rights legislation, employers are responsible for discriminatory act against current employees as well as potential employees (e.g., people who are looking for work)	144 (90%)	16 (10%)	160
Under human rights legislation, employers are responsible for discriminatory acts of their employees	124 (78%)	36 (22%)	160

Insurance plans are exempt from human rights requirements	37 (23%)	123 (77%)	160
A collective agreement is a contract between an employer and the union representing a group of employees. This contract can override human rights legislation if both the employer and union agree*	127 (79%)	33 (21%)	160
An employer can refuse to promote an employee because he/she belongs to a protected group*	149 (94%)	9 (6%)	158
A protected group formed to promote the special interests of that group (e.g., a women's group) can discriminate and not be in violation of human rights legislation	64 (40%)	96 (60%)	160
Under human rights legislation, an employer can discriminate against someone who is not a member of a protected group as long as it will benefit someone who is a member of a protected group	36 (23%)	122 (77%)	158
The Duty to Accommodate means that employers must provide accommodations (e.g., adaptive/additional equipment or a change in work schedule) in order to help a member of a protected group get or keep employment	135 (84%)	25 (16%)	160
In a job with a "bona-fide occupational requirement", all applicants must meet the same standards (e.g., physical fitness for firefighters) regardless of belonging to any of the protected groups*	23 (14%)	136 (86%)	159
An employer is required to provide, and if necessary to develop an individualized assessment tool for an employee belonging to a protected group even if it is costly and not the standard assessment tool the employer already established for the job	93 (58%)	67 (42%)	160
An employer must provide accommodations to a member of a protected group even if it causes the employer some hardship	110 (69%)	50 (31%)	160
Co-workers are required to take on extra work in order to help accommodate a member of a protected group (e.g., change in work schedule or additional job duties)	32 (20%)	127 (80%)	159

Unions are not required to support the accommodation process if it breaches the collective agreement* 98 (62%) 61 (38%) 159

Employers are required to create a new position in order to accommodate a member of a protected group to get or keep employment* 131 (82%) 29 (18%) 160

Note: *The correct answers to the asterisked items are “false”.

Table 12

Attitudes Survey Results per Question by Number of Participants

	Strongly disagree	Disagree	Disagree a little bit	Neutral	Agree a little bit	Agree	Strongly agree	Total
Human rights legislation should prohibit discrimination based upon membership in a protected group	8 (5%)	7 (5%)	1 (1%)	8 (5%)	8 (5%)	63 (41%)	60 (39%)	155
Human rights legislation should override nearly all other forms of law	8 (5%)	18 (12%)	13 (8%)	17 (11%)	29 (19%)	35 (22%)	36 (23%)	156
It is important that discrimination be intentional in order for it to be against the law	24 (15%)	50 (32%)	22 (14%)	11 (7%)	17 (11%)	29 (19%)	2 (1%)	155
An employer's responsibility under human rights legislation should include potential employees (people that are looking for work)	3 (2%)	7 (4%)	8 (5%)	14 (9%)	23 (15%)	66 (42%)	35 (22%)	156
Human rights legislation should be followed by every employer	3 (2%)	0 (0%)	2 (1%)	4 (3%)	8 (5%)	53 (34%)	86 (55%)	156
An employer should have the right to refuse to promote an employee based on their membership in a protected group	69 (44%)	51 (33%)	12 (8%)	9 (6%)	5 (3%)	5 (3%)	5 (3%)	156
A union contract should not override human rights legislation even if both the employer and union agree	8 (5%)	4 (3%)	5 (3%)	13 (8%)	14 (9%)	56 (36%)	54 (35%)	154
Insurance plans should be exempted from human rights requirements	54 (35%)	49 (32%)	19 (12%)	17 (11%)	3 (2%)	6 (4%)	7 (5%)	155
Reverse discrimination should be legal if it benefits a protected group	50 (32%)	43 (28%)	10 (6%)	23 (15%)	8 (5%)	15 (10%)	5 (3%)	154

	Strongly disagree	Disagree	Disagree a little bit	Neutral	Agree a little bit	Agree	Strongly agree	
An employer should have to treat all employees the same regardless of the protected groups	6 (4%)	16 (10%)	7 (5%)	5 (3%)	10 (6%)	58 (38%)	52 (34%)	154
In a job with a "bona-fide occupational requirement" (e.g., physical fitness for firefighters), all applicants should meet the same standards regardless of membership in a protected group	6 (4%)	2 (1%)	6 (4%)	3 (2%)	9 (6%)	68 (44%)	60 (39%)	154
Human rights legislation should apply to all employment relationships, including private residence employers who hire an employee to clean house or provide day care to their children	4 (3%)	2 (1%)	0 (0%)	7 (5%)	7 (5%)	64 (42%)	70 (45%)	154
Human rights legislation should require that every person is treated exactly the same	9 (6%)	19 (12%)	9 (6%)	11 (7%)	14 (9%)	43 (28%)	49 (32%)	154
Employers should provide accommodations (e.g., new equipment or a change in schedule) in order to help a member of a protected group get or keep employment	7 (5%)	8 (5%)	10 (7%)	17 (11%)	32 (21%)	52 (34%)	26 (17%)	152
An employer should provide accommodations (e.g., new equipment or change in schedule) to a member of the protected group even if it causes the employer hardship	9 (6%)	27 (18%)	19 (12%)	28 (18%)	27 (18%)	29 (19%)	15 (10%)	154
Co-workers should also be required to accommodate a member of the protected group, including working additional hours or taking on additional work tasks	37 (24%)	49 (32%)	27 (18%)	15 (10%)	12 (8%)	6 (4%)	8 (5%)	154
Unions should also be required to accommodate a member of a protected group even if the accommodation breaches the collective agreement	11 (7%)	24 (16%)	12 (8%)	19 (12%)	26 (17%)	40 (26%)	22 (14%)	154
Employers should be required to create a new position in order to accommodate a member of a protected group	33 (21%)	45 (29%)	25 (16%)	18 (12%)	21 (14%)	8 (5%)	4 (3%)	154
Employers should be responsible for discriminatory acts of their employees	5 (3%)	12 (8%)	11 (7%)	13 (8%)	33 (22%)	50 (33%)	29 (19%)	153
Employers should make physical changes to their worksites for their employees and potential employees who belong to a protected group	7 (5%)	7 (5%)	8 (5%)	14 (9%)	37 (24%)	56 (36%)	25 (16%)	154

Appendices

Appendix A: Information Letter

July 10, 2010

Dear Sir or Madam:

I am writing this letter to inform you about a research project entitled “Human Rights and the Duty to Accommodate in Employment: Stakeholders’ knowledge and Attitudes” that you may be interested in and to ask if you would consider participating. The intent of this research project is to measure the level of knowledge and attitudes toward human rights and the duty to accommodate among human resource personnel, managers/supervisors, employees and others (self-employed, unemployed, etc.). There are no known risks to participating in this study and the potential benefits include the opportunity to help provide more information about the level of knowledge and attitudes toward human rights and the duty to accommodate.

Your participation in this study will involve an investment of approximately 20 minutes to read and complete three questionnaires. All information that you provide will be held in strict confidence. Only researchers involved in this project will ever have access to your completed surveys. The surveys will be kept in a locked and secure place at the University for a period of seven years after which time they will be shredded and destroyed. Your participation is completely anonymous. The name of participants on the consent form will be kept in strict confidence. If you decided to participate and subsequently wish to withdraw from the study, you may do so at any time with no consequence, and any information collected from you will be withdrawn, shredded and destroyed.

If you would like to participate in this research project, please complete the enclosed consent form, the three questionnaires and return the whole package in the enclosed self-addressed stamped envelope. You may request a copy of the final research results by contacting me directly after the completion of the project. For participants who were mailed, emailed or completed the survey online, reading this letter and completing the survey will serve as your consent to participant in this research project.

Thank you very much for your time and consideration. I look forward to your participation. If you have any questions, please contact me at whuang@unbc.ca. Also, if at any time, you have concerns about the research project, you may contact my supervisor Dr. Shannon Wagner (wagners@unbc.ca or 250 960-6320) or the UNBC Office of Research (reb@unbc.ca or 250.960.5650).

Sincerely,

Daniel Huang
Graduate Student
Master of Arts (Disability Management)
University of Northern British Columbia

Appendix B: Consent Form

“Human Rights and the Duty to Accommodate in Employment: Stakeholders’ knowledge and Attitudes”

Researcher: Daniel Huang

Research Participant Consent Form

Do you understand that you have been asked to be in a research study?	Yes	No
Do you understand the information provided in the information letter?	Yes	No
Do you understand the benefits and the risks involved in participating in this research study?	Yes	No
Do you understand that you are free to refuse to participate or to withdraw from the study at any time? <i>You do not have to give a reason for your choice to withdraw.</i>	Yes	No
Have you been able to ask questions and to discuss this research study?	Yes	No
Are the issues of anonymity and confidentiality clear to you?	Yes	No

I agree to participate in this study:

Printed Name of Research Participant

Signature of Research Participant

Date of Signature

I believe that the person signing this form understands what is involved in the research study and voluntarily agrees to participate.

Signature of Researcher

Date of Signature

Appendix C: Demographic Questionnaire

Please complete the following demographic information to the best of your knowledge:

Age (years): ☐ 18-29 ☐ 30-39 ☐ 40-49 ☐ 50-59 ☐ 60+

Gender: ☐ Male ☐ Female

Ethnicity:

☐ European

☐ Asian

☐ African-Canadian

☐ Indo-Canadian

☐ First Nations

☐ Other (please specify): _____

Highest Level of Education:

☐ Elementary/Junior High School

☐ High School

☐ College

☐ University

☐ Post-graduate (e.g., Master's or PhD)

Check the category that best describe you:

☐ Human resource personnel

☐ Employee

☐ Manager/Supervisor

☐ Other (i.e., self-employed, unemployed), specify: _____

Type of organization

☐ Private

☐ Public (i.e., government, crown corporation, etc.)

Your place of work is unionized:

☐ Yes

☐ No

Number of employees at your place of work:

☐ 1-50

☐ 51-200

☐ 201-500

☐ 500+

Number of years in your current position

- ☐ 0-1
- ☐ 2-5
- ☐ 6-10
- ☐ 11-20
- ☐ 20+

Income Level:

- ☐ Under \$20,000
- ☐ \$20,000 - \$34,999
- ☐ \$35,000 - \$49,999
- ☐ \$50,000 - \$64,999
- ☐ \$65,000 - \$79,999
- ☐ Above \$80,000

Appendix D: Human Rights and Duty to Accommodate Knowledge Questionnaire

Social environment		
Please indicate for each of the statements below whether you feel the statement is “true” or “false”. For each of these statements “protected group” includes: race, national or ethnic origin, color, marital status, religion, age, family status, sex, sexual orientation, disability, conviction [for which a pardon has been granted]).		
	True	False
Human rights legislation prohibits discrimination based upon membership in a protected group		
Human rights legislation overrides nearly all other forms of law		
Under human rights legislation, discrimination only applies in the area of employment, public services and housing		
Private residence employers (e.g., house cleaners, babysitters etc.) are exempt from human rights requirements		
Human rights legislation requires that every person is treated exactly the same		
Discrimination must be intentional in order to be against the law		
Under human rights legislation, employers are responsible for current employees as well as potential employees (e.g., people who are looking for work)		
Under human rights legislation, employers are responsible for discriminatory acts of their employees		
Insurance plans are exempt from human rights requirements		
A collective agreement is a contract between an employer and the union representing a group of employees. This contract can override human rights legislation if both the employer and union agree		
An employer can refuse to promote an employee because he/she		

belongs to a protected group		
A protected group formed to promote the special interests of that group (e.g., a women's group) can discriminate and not be in violation of human rights legislation		
Under human rights legislation, an employer can discriminate against someone who is not a member of a protected group as long as it will benefit someone who is a member of a protected group		
The Duty to Accommodate means that employers must provide accommodations (e.g., adaptive/additional equipment or a change in work schedule) in order to help a member of a protected group get or keep employment		
In a job with a "bona-fide occupational requirement", all applicants must meet the same standards (e.g., physical fitness the firefighters) regardless of belonging to any of the protected groups		
An employer is required to provide, and if necessary develop an individualized assessment for testing tool for an employee belonging to a protected group even if it is costly and not the standard assessment for testing tool the employer already established for the job		
An employer must provide accommodations to a member of a protected group even if it causes the employer some hardship		
Co-workers are required to take on extra work in order to help accommodate a member of a protected group (e.g., change in work schedule or additional job duties)		
Unions are not required to support the accommodation process if it breaches the collective agreement		
Employers are required to create a new position in order to accommodate a member of a protected group to get or keep employment		

Appendix E: Human Rights and Duty to Accommodate Attitudes Questionnaire

Social environment							
Please indicate your amount of agreement to each of the following statements. For each of these statements "protected group" includes: race, national or ethnic origin, color, marital status, religion, age, family status, sex, sexual orientation, disability, conviction [for which a pardon has been granted]).							
	Strongly disagree	Disagree	Disagree a little bit	Neutral	Agree a little bit	Agree	Strongly agree
Human rights legislation should prohibit discrimination based upon membership in a protected group							

Human rights legislation should override nearly all other forms of law							
It is important that discrimination be intentional in order for it to be against the law							
An employer's responsibility under human rights legislation should include potential employees (people that are looking for work)							
Human rights legislation should be followed by every employer							
An employer should have the right to refuse to promote an employee based on their membership in a protected group							
A union contract should not override human rights legislation even if both the employer and union agree							
Insurance plans should be exempted from human rights requirements							
Reverse discrimination should be legal if it benefits a protected group							
An employer should have to treat all employees the same regardless of the protected groups							
In a job with a "bona-fide occupational requirement" (e.g., physical fitness for firefighters) all applicants should be the same standards regardless of membership in a protected group							
Human rights legislation should apply to all employment relationships, including private residence employees such as house cleaners and day care							
Human rights legislation should require that every person is							

treated exactly the same							
Employers should provide accommodations (e.g., new equipment or a change in schedule) in order to help a member of a protected group get or keep employment							
An employer should provide accommodations (e.g., new equipment or change in schedule) to a member of her protected group even if it causes the employer hardship							
Co-workers should also be required to accommodate a member of her protected group, including working additional hours or taking on additional work tasks							
Unions should also be required to accommodate a member of a protected group even if the accommodation breaches the collective agreement							
Employers should be required to create a new position in order to accommodate a member of a protected group							
Employers should be responsible for discriminatory acts of their employees							
Employers should make physical changes to their worksites for their employees and potential employees who belong to a protected group							