



CANADIAN HUMAN RIGHTS COMMISSION

EMPLOYMENT EQUITY REPORT

2001

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- This Report is one of two reports the Commission has submitted to Parliament. Its companion volume, the *Annual Report*, fulfills the Commission's legislative requirement to report annually on its activities under the *Canadian Human Rights Act*.
- The Commission also issues a Legal Report that provides information on key court and tribunal decisions in 2001.
- These publications are available on the Commission's web site at <http://www.chrc-ccdp.ca>.

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COMMISSION

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CANADIENNE DES
DROITS DE LA PERSONNE

Chief Commissioner Présidente

March 2002

The Honourable Daniel Hays
Speaker of the Senate
The Senate
Ottawa, Ontario
K1A 0A4

Dear Mr. Speaker:

Pursuant to section 32 of the *Employment Equity Act*, I have the honour to transmit the *2001 Employment Equity Report* of the Canadian Human Rights Commission to you for tabling in the Senate.

Yours sincerely,

Michelle Falardeau-Ramsay, Q.C.



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Chief Commissioner Présidente

March 2002

The Honourable Peter Milliken, M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario
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Pursuant to section 32 of the *Employment Equity Act*, I have the honour to transmit the *2001 Employment Equity Report* of the Canadian Human Rights Commission to you for tabling in the House of Commons.

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TABLE OF CONTENTS

Message from the Chief Commissioner	
A Threshold Year for the Employment Equity Act.....	1
Summary of the Audit Process	3
Progress in the Public Sector	4
Progress in the Private Sector	10
Regrets	13
The Audit Results.....	17
Getting the Message Across.....	19
The Coming Year.....	20
Monitoring for Reasonable Progress	22
Assessment of Progress of the Four Designated Groups.....	23
For More Information	34
Tables and Lists.....	35

Message from the Chief Commissioner

In December 1995, when Parliament passed a new *Employment Equity Act*, it mandated the Canadian Human Rights Commission to ensure that its requirements were met.

Six years later, and four years into our auditing mandate, I am pleased to report that there is substantial improvement in how employers are implementing the Act. The Canadian Human Rights Commission has now put under audit 215 employers, which represent more than 80% of the workforce covered by the Act. Our goal, as always, is to make certain that Canadians in workplaces under federal jurisdiction can work in an environment free of discrimination, where all employees may give their full measure, without facing barriers because of their gender, race, national origin, or disability.

The 1995 Act also made employment equity mandatory for the federal public service. This year, our report notes that positive programs and practices to foster employment equity have multiplied in the public sector, and that designated groups are making progress, though much remains to be done to achieve full equality.

Michelle Falardeau-Ramsay, Q.C.

A Threshold Year for the Employment Equity Act

**It's been
four years**

The year 2001 was the fourth anniversary of the Canadian Human Rights Commission's compliance audit program under the *Employment Equity Act*.

The original *Employment Equity Act*, passed in 1986, was aimed at federally regulated employers in the private sector. A decade later, Parliament amended this legislation, applying it to the federal public service as well, and adding a system of compliance audits to be conducted by the Commission. These audits began in October 1997, as provided in the Act.

The Act's section 2 sets out its goals:

The purpose of this Act is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and ... to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

The CHRC audits employers to verify compliance with the Act. If they are not in compliance, the Commission attempts to resolve the situation through cooperation and negotiated undertakings.

If these efforts fail, the Act allows for progressive enforcement. First, the Commission can issue a direction, which may then be confirmed or challenged at a tribunal. Employers can ask the Federal Court of Canada to review decisions made by the Commission or the tribunal. The Commission can ask the Court to confirm tribunal decisions, making them enforceable as Court orders.

The Commission's accomplishments

After four years of conducting compliance audits, the Commission has significant accomplishments to note.

- A total of 354 compliance audits were initiated at 215 employers. (In most cases, the Commission must do two audits — and sometimes three — for each employer, as explained in section 6 of this report).
- Of the 476 employers subject to the Act, 73 are now in full compliance.

- Audits now extend to more than 80% of employees covered by the Act, meaning that four-fifths work in environments where equal employment opportunities have been or are being audited.
- The remaining 261 employers — or about 50% — left to be audited account for only about 20% of the workforce covered by the Act.
- In the public sector, nearly all employees (97%) are covered by compliance audits.
- Few employers are in compliance when audits are initiated. However, more than 80% of them willingly cooperate with compliance review officers, and eventually comply without the Commission having to take more direct enforcement measures.

The changing public service

This year, the report highlights in greater detail several initiatives in the public service that meet the *Employment Equity Act* objectives. Both central agencies and individual departments have developed programs to meet their obligations under the Act. There are encouraging signs of progress for persons with disabilities and visible minorities, although a considerable distance remains before these groups are fully represented in all occupational categories and departments.

Looking ahead to 2002

Parliament provided for a review of the *Employment Equity Act* every five years. This process began in late 2001, and parliamentarians are to review the Act in 2002. The Commission hopes that the review will result in certain adjustments to the law that it would advise, drawing on its auditing experience of the past four years.

In 2002, an independent evaluation of the Commission's employment equity audit program will be released.

Also in 2002, the Commission should be able to start measuring the effects of its compliance audit program on the representation of members of designated groups at employers found in compliance.

Summary of the Audit Process

What Happens in an Initial Audit

- The employer receives an audit notification letter and is then contacted by a compliance review officer. The officer proposes an audit plan and sends a questionnaire to the employer.
- Using the questionnaire's results, the officer completes a "desk audit" that assesses compliance against the Act's 12 requirements. The officer then visits the workplace to verify the findings and review the preliminary results with the employer.
- If the employer is in compliance, a final audit report is completed. If not, the officer drafts an interim report, indicating the undertakings required for compliance and time limits of up to 12 months for their completion.
- The officer and the employer then negotiate the undertakings and time limits in the report. Once an agreement has been reached, the employer signs the report.

What Happens in a Follow-up Audit

- The employer submits a progress report and a follow-up audit is conducted to assess whether the undertakings have been fulfilled.
- If the employer is then in compliance, a final report is issued. Thereafter, the Commission will monitor the employer's annual reports, and may begin a new audit if no reasonable progress is shown.

Why a Direction is Issued

- When an employer refuses to agree to undertakings, or has not completed the work required by undertakings, the Commission may issue a "direction" to the employer. A direction stipulates the work required and the time limit for its completion. The employer can review the recommendation for a direction and may submit comments to the Commissioners before they decide whether to issue it. A follow-up audit after the time limit elapses will assess whether the employer has fulfilled the direction.

Employment Equity Review Tribunal

- Once the Commission has issued a direction, the employer may request a tribunal to reconsider it. The Commission may also ask a tribunal to issue an order when a direction has not been fulfilled.

Federal Court of Canada

- The Court may carry out a judicial review of a Commission or tribunal decision.
- A tribunal order may be registered with the Federal Court, thus giving it the force of a Court order.

Progress in the Public Sector

Last year's *Employment Equity Report* noted that the year 2000 had seen an important shift in attitude in the public service. The report highlighted, among other things, the strong commitment of the Clerk of the Privy Council, as well as the leadership shown by the Treasury Board Secretariat (TBS) in its response to the *Embracing Change* report (the Perinbam report).

A wealth of initiatives in the public sector

This pattern continued in 2001, with a wealth of initiatives by the Treasury Board Secretariat, the Public Service Commission (PSC), and numerous departments. The Commission also notes some clear progress in the representation of persons with disabilities and visible minorities in the public service (see section 10 for further details).

Treasury Board Secretariat

Under the *Employment Equity Act*, the Treasury Board Secretariat and the Public Service Commission are responsible for carrying out the employer's obligations for all federal departments, and most federal agencies.

In 2001, the TBS promoted employment equity in the public service on several fronts.

Embracing Change

The *Embracing Change* action plan was developed by the Task Force on the Participation of Visible Minorities in the Federal Public Service, and was endorsed by the president of the Treasury Board in June 2000. This task force had been led by Lewis Perinbam, and focused on a significantly under-represented designated group within the public service: visible minorities.

This action plan includes a key benchmark: by 2003, one in five new public service employees will be a member of a visible minority. Such a bold goal was necessary to correct the large under-representation of visible minorities, and to keep up with demographic change.

In 2001, the Treasury Board Secretariat advanced this action plan by advising departments and agencies on ways to implement it, by sharing best practices among departments, and by setting up an accountability and reporting mechanism to follow progress. The Commission is pleased to note that the overall representation of visible minorities in the public service has increased significantly from 5.5% in March 2000 to 6.1% just one year later. In 2000-2001, visible minorities represented 8.1% of all new public servants, an improvement over the previous year. However, considerable progress is needed before the public service reaches the visible minorities' current 10.3% availability and the 20.0% hiring goal set for 2003. More significantly, visible minorities' share of permanent hires rose

from 8.3% in 2000 to 11.5% in 2001, higher than the Census benchmark (of 10.3%) for the first time ever.

Improving the representation of persons with disabilities

The Commission believes that the *Embracing Change* initiative is a positive step forward for visible minorities. It recommends that similar bold steps be taken to increase the representation of persons with disabilities, who are also under-represented in several occupational categories in the public service.

Employment Equity and Diversity Award

The Treasury Board Secretariat has re-instituted the Employment Equity and Diversity Award to recognize organizations and individuals who are helping the public service become representative and inclusive. Three awards were given in 2001: to Public Works and Government Services Canada, the Department of Justice Canada, and the National Parole Board. These three departments have also been found in compliance with the *Employment Equity Act* by the Commission's audits.

Public Service Commission

As noted earlier, the Public Service Commission is the joint employer of the federal public service, together with the Treasury Board Secretariat.

The Public Service Commission is responsible for hiring new public service employees, and managing the staffing of its senior executives (the Executive Group). In 2001, it promoted employment equity on those two fronts.

Employment Systems Reviews (ESR)

In 2000-2001, the Public Service Commission carried out an employment systems review on the recruitment and development of its Executive (EX) Group. The study had some key findings.

- Executives' actual representation fell short of expected labour market availability for all designated groups from 1997 to 2000.
- Nine of every 10 hirings in the Executive category came from within the public service.
- There is a qualified pool of candidates in the designated groups at feeder levels who can be chosen to fill the gaps. However, these gaps are so large that they cannot be filled without using special programs targeting designated groups.

In response to these findings, the public service has begun restricting access to some EX competitions to certain designated groups, and has developed a Career Assignment Program for Aboriginal peoples and visible minorities. It recognizes, though, that more special programs are needed.

The Public Service Commission also conducted an employment systems review of its Post-Secondary Recruitment program (PSR). It found the following.

- The program plays an important role in appointing external recruits to entry-level indeterminate positions within professional categories.
- The PSR generally meets or exceeds the labour market for availability for three designated groups, but not for persons with disabilities.
- As an encouraging sign, the one-in-five benchmark for recruiting members of visible minorities among new hires by 2003, adopted with the *Embracing Change* initiative, is being achieved right now in post-secondary recruitment. This bodes well for the public service renewal.

Workforce surveys

Still in 2000-2001, the Public Service Commission undertook two surveys to find the factors influencing decisions of summer students and new hires about pursuing careers in the public service. The surveys found, among other things, that:

- members of visible minorities are more likely than others to leave the public service, in order to earn a better salary and to find increased opportunities for advancement; and
- more than 25% of new hires indicated an intention to leave the public service within five years (most of the risk is within the Scientific and Professional category, of which members of visible minorities make up a large part).

The survey results indicate that the public service will face a hard task in bringing the representation of visible minorities to levels found in the Canadian labour market.

Barriers affecting persons with disabilities

In its 2000-2001 report, the Public Service Commission also found that persons with disabilities face barriers preventing them from being hired and promoted in an equal manner. The data on hirings of persons with disabilities (see section 10 of this report) support these findings.

Special inventory and employment equity job fair

The Public Service Commission maintains an inventory of designated group members across the country, providing a good pool of candidates to departments.

In addition, in February 2001, the Public Service Commission organized a job fair in Ottawa for managers looking to fill vacancies with candidates from visible minority groups, Aboriginal peoples, and persons with disabilities. Candidates in the local inventory were invited to participate, along with employers and employment equity outreach organizations.

The Employment Equity Positive Measures Program (EEPMP)

A good number of positive practices in the public service have stemmed from the Employment Equity Positive Measures Program. The Treasury Board Secretariat set up the EEPMP in 1998 as a four-year program to assist departments and agencies in meeting their obligations under the *Employment Equity Act*. The Public Service Commission manages the program.

In 2000-2001, 87 projects had been funded by the EEPMP, for a total of 158 since its inception in 1998. Just for 2000-2001, investments in these projects exceeded \$9 million.

The EEPMP was designed as a temporary program, and the Treasury Board Secretariat announced in early 2002 that it would not be renewed beyond March 2002. For its part, the Canadian Human Rights Commission regrets this decision, and believes that similar programs will be needed as long as some groups continue to be consistently under-represented in this country's public service.

Case study 1 in the public sector

Early Compliance and Significant Progress at Public Works and Government Services Canada

Public Works and Government Services Canada (PWGSC) is one of the few federal departments that was able to achieve compliance within the first phase of the CHRC audit. During the approximately 20 months over which the audit was conducted, this department also achieved real progress in reducing the under-representation of designated groups.

The department has several positive policies and special measures, including approval from the Public Service Commission for a Special Measure Aboriginal Employment Equity Program to recruit Aboriginal people externally. The current plan also addresses the department's commitment that one in five of its external term hires will be visible minorities, in response to the Perinbam Task Force Report.

PWGSC has developed various communication tools, a consultative Joint Committee on Employment Equity, and five networks at the national level. Designated group networks have also been established in some regions.

Case study 2 in the public sector

A Sound Self-identification Survey at Canadian Heritage

The Department of Canadian Heritage conducted a new employee survey in April 2000 with a 92.5% return rate.

This new survey provided a more accurate picture of the workforce, and as a result, drastically reduced the number of gaps in the workforce analysis. The analysis revealed only small under-representation gaps. However, the CHRC asked the department to look at the causes of under-representation in the EX category, where three of the four designated groups (except women) were under-represented. The department did not limit itself to this legislative requirement, but also voluntarily reviewed employment systems relating to visible minorities in the AS and CR groups.

This shows how a well-managed campaign can lead to an improved return rate, and help focus both the employment systems review and the plan.

Case study 3 in the public sector

Enabling Resource Centre for Persons with Disabilities (ERC)

The Enabling Resource Centre is one of the four components of the Treasury Board's Employment Equity Positive Measures Program, and is housed at the Public Service Commission. It offers support and advice to managers and employees about physical accommodation of persons with disabilities. Its facilities were designed to meet the various needs of persons with disabilities, including those with a vision, hearing, and/or mobility impairment/coordination disorder.

The Centre conducts approximately 20 demonstrations a month, to raise awareness among managers, human resources professionals, and computer specialists about accommodation needs. Each month, it responds to about 35 requests for equipment loans, and more than 400 telephone enquiries. It has the most recent assistive technologies and videoconferencing equipment.

As an example, some persons with restricted forearm mobility find it difficult to use a keyboard; to overcome this barrier, the Centre provides a voice recognition system. Similarly, persons with a visual disability are provided with large print software, close circuit television (CCTV), and voice synthesizers. Each solution is designed to meet the clients' individual needs.

During CHRC audits, several human resources specialists have singled out the Centre as one of the more useful resources they can count on to accommodate employees with disabilities.

Unfortunately, the Commission learned in early 2002 that the Enabling Resources Centre would cease to exist at the end of March 2002. The Centre was funded under the Employment Equity Positive Measures Program, which the Treasury Board Secretariat has decided not to renew after that date. The Commission believes that the Centre was a most valuable tool to help recruit persons with disabilities, and that its disappearance is an unfortunate loss to the public service, where persons with disabilities are still under-represented.

Progress in the Private Sector

Preserving gains in an economic downturn

The last quarter of 2001 was marked by economic turmoil, including large layoffs in several sectors of our economy. Among the industrial sectors under federal jurisdiction, airlines have been particularly hurt by the tragic events of September 11. With the workforces shrinking in some areas, it may be tempting to set aside concerns about employment equity. The Commission believes this would be a mistaken case of throwing the proverbial baby out with the bath water. Social justice should always be the foundation of our economy, in good times and bad.

The *Employment Equity Act* is particularly well-designed in this regard. While it requires employers to set goals for hiring, it does not expect them to hire an arbitrary number of employees from designated groups. In fact, the Act specifically states that this is not its purpose. When new jobs are created or become vacant, the legislation seeks to ensure that designated groups get equal access to these jobs, and that they be represented in a fair proportion among those hired. When no hiring occurs, employers do not fail if they do not increase the number of designated group members. Of course, in times of layoff, employers should make every effort to guarantee that designated groups are not unfairly affected, but they do not have to create openings to meet hiring goals.

The Act, therefore, has the built-in flexibility to adapt to changing economic conditions, while preserving fundamental principles of equality among all Canadians.

Positive practices in the private sector

Section 3 of this report has described in detail the trends in the public sector, which is diversified but is led from the centre by the Treasury Board Secretariat and the Public Service Commission as joint public service employers. In the private sector, such central trends are rarer, as there are close to 400 employers, and few industry-wide bodies. This section, therefore, presents positive practices through individual examples of employers that have advanced employment equity in their own companies.

Case study 1 in the private sector

Vancouver International Airport Authority: Targeted Recruitment, Training, and Accessibility

The Airport Authority has few areas of under-representation, mainly for persons with disabilities and Aboriginals. To close these gaps, it has focused its employment equity plan on special recruiting efforts. These include sending job postings to the British Columbia Paraplegic Foundation, Career Place: Investing in Aboriginal People, the Neil Squire Foundation, and nearby Aboriginal communities.

The Airport Authority sponsors training that reflects the needs of designated group members; for example, training in English as a second language and career explorations through its tuition reimbursement program. It also offers training on respect in the workplace, balancing work and personal life, ergonomics, and an employment equity presentation for new employees.

Because its mandate is to serve the travelling public, the Airport Authority has paid close attention to accessibility issues. It aims at a barrier-free design for all its facilities, and this benefits employees as well as the public. It has developed a CD-ROM on how to remove barriers to accessibility, which it distributes to other employers and the community to encourage these practices. Through a consultant, it offers a disability awareness course to its employees. Other measures include insisting that at least 5% of the taxi cab fleet serving the airport be accessible.

Case study 2 in the private sector

Hiring Visible Minorities at Williams Moving and Storage (BC)

This employer has set high standards for hiring visible minority managers, at almost double their availability in the Canadian labour market. The company believes that by hiring more visible minority managers, it will project the image of being an equal opportunity employer throughout the various communities in which it operates. As well, Williams Moving believes that a “top-down” approach is necessary if a representative workforce is to be achieved and maintained.

Case study 3 in the private sector

Hudson Bay Mining and Smelting Company Limited (HBM&S)

Despite continually downsizing its workforce over the last few years, HBM&S has been able to improve the internal representation of each designated group since 1989. In particular, it has significantly improved the representation of Aboriginal employees and visible minorities.

The company is also particularly proud of implementing a modified work program for injured or ill employees who are unable to fulfill all their duties on a temporary or permanent basis. This program is overseen by a company/union committee.

Case study 4 in the private sector

Accommodating Persons with Disabilities at Citibank

Citibank is a financial services organization that has taken active measures to increase the number of persons with disabilities in its ranks. It ensures that on-campus recruitment is conducted at sites that are accessible, and has placed newspaper advertisements inviting persons with disabilities to apply. The bank also audited the referral and search agencies that it uses for external hiring to confirm that their premises are accessible and that their selection techniques do not exclude persons with disabilities. It has committed to accommodate interviewees.

Regrets

Parliament provided that the *Employment Equity Act* was to be enforced by the Canadian Human Rights Commission in a spirit of cooperation by negotiating undertakings in cases of non-compliance. Voluntary observation of the law is one characteristic of a genuinely free and democratic society.

Enforcement measures

Four years after conducting its first compliance audits, the Commission finds that this approach has been effective in most cases. With 73 employers in compliance, and only 20 directions issued, about 80% of employers have complied or continue to work toward compliance, without the Commission having to resort to more energetic enforcement measures.

Directions

Nonetheless, there are cases where the Commission has no choice but to issue a direction. In 2001, it issued five directions to employers, all for failure to fulfil their undertakings. These were issued against the Laurentian Bank of Canada, DHL International Express, Westcan Bulk Transport, AT&T, and Adby Transport.

These five directions, in addition to the 15 directions issued from 1998 to 2000, make a total of 20 since the Commission began its audits. A list of the employers under direction is included in section 12 of this report.

Of the 20 employers to whom directions have been issued, four have since complied with the Act, one is very close to compliance, five are currently under audit, another five are at the tribunal stage, and five others have directions that will expire in 2002. Encouragingly, most are still working toward compliance.

Tribunals

Of the 215 employers under audit, the Commission has referred three cases to a tribunal since 1998: Conair Aviation, Nesel Fast Freight, and Natural Resources Canada. The Commission has since withdrawn the case of Conair Aviation, because it is now in compliance with the Act.

Four employers have asked the tribunal to review the direction issued to it by the Commission: Environment Canada, Natural Resources Canada, DHL International Express, and the Laurentian Bank. The first three have since withdrawn their application, leaving only one challenge standing.

None of these cases has yet been heard by an Employment Equity Review Tribunal. The first hearings may take place in 2002.

Delays in implementing the Act are unacceptable

As was the case in previous reports, the Commission deplores that very few employers are in compliance with the Act's requirements until the Commission begins its audit.

In fact, of the 215 employers for whom audits were initiated or completed, only 8 (or 4%) were in compliance during the audit's first stage. In many cases, it appears that compliance audits are a catalyst for employers to start complying with the Act.

Employment systems reviews

Employment systems reviews are a crucial stage in developing sound employment equity programs. These reviews will identify, in employment policies and practices, intrinsic barriers that negatively impact the employment of women, Aboriginal persons, members of visible minorities, or persons with disabilities.

Too often, employers do not pay enough attention to employment systems reviews, in which too little time and too few human and financial resources are invested. Employers are often reluctant to admit that these barriers exist, even though data often show that employment and advancement opportunities for members of designated groups are unfairly limited compared with those enjoyed by other employees. In these cases, when built-in bias is evident, arguing that employment policies and practices are "neutral" is not enough.

Barriers should be eliminated first, and their effects then offset

Similarly, the Commission's auditors often note that many employers do not pay enough attention to identifying and eliminating barriers, but rush to implement positive practices or take special measures to hire and promote more members of designated groups. This approach may be doomed to failure unless employers first thoroughly review remaining barriers.

Realistic goals should be set

In addition, there is sometimes great reluctance among employers to set progressive short-term hiring and promotion goals. Often, no matter how extensive the under-representation, timid goals are set; sometimes employers even set hiring goals that are lower than the Canadian labour market availability of members of designated groups. This perpetuates under-representation and defeats the Act's purpose. The Commission must then request that more appropriate goals be set before employers are found in compliance.

Training and attitudes should be emphasized

The Act also requires employers to consider several factors in setting these goals, including the extent of under-representation and employee turnover. In many cases, the Commission notes that goal-setting is arbitrary or sketchy rather than a well-thought-out strategy.

Corporate culture and attitudes are not subject to detailed review, even though they very often harbour the most insidious barriers.

For instance, some managers and employees mistakenly believe that visible minorities do not have the required education and credentials to hold certain kinds of jobs, when studies and availability data clearly show the opposite. Similarly, auditors have been told that workloads are too heavy for persons with disabilities — a generalization that disregards the very real abilities that such people bring to their jobs.

Although one should not conclude from these examples that Canadian workplaces are rampant with discrimination, they do point to possible barriers that may affect the employment opportunities of designated groups.

Fortunately, when employers see problems of this type, they usually have the right instinct of investing in employee training and awareness. But the employment systems reviews being audited sometimes fail altogether to investigate these possible barriers, and the Commission must ensure that employers take appropriate measures to remove them.

Shortcomings in the public sector persist

Last year's report criticized certain shortcomings in human resources management in the public sector. Unfortunately, the Commission is obliged to do so again this year.

- The *Profile of Public Service Leadership Competencies*, published by the Public Service Commission, still does not include a clear competency concerning diversity.
- The Performance Management Program (PMP) does not automatically include, among managers' commitments, a performance indicator to measure improved representation of members of designated groups.

- We find that hiring systems are consistently subjective and lack structure. When coupled with attitudinal problems, this may significantly impact the employment of members of designated groups.

The Canadian Forces, RCMP, and CSIS are still left out

In passing the new *Employment Equity Act* in 1995, Parliament provided that it would apply to the Canadian Forces, the Royal Canadian Mounted Police (RCMP), and the Canadian Security Information Service (CSIS). But the Governor in Council — in effect, the Cabinet — can decide when the Act will apply. Six years later, these provisions are still not in force — a situation the Commission has criticized for the past two years and, unfortunately, is obliged to criticize again this year. While preparatory work has been done to bring these organizations under the Act, no regulations had yet been published at the end of 2001. There is no possible justification for continued failure to remedy this shortcoming.

The Audit Results

Last year, the Commission decided to focus its efforts on large employers, in order to have an impact on as many employees as possible. It continued this strategy in 2001, with the result that more than 80% of employees covered by the Act have now been audited or are under audit.

Employers under audit

In the public sector, audits have now been initiated with 41 of the 65 federal departments and public service agencies, accounting for more than 97% of public servants.

Also in the public sector, there are organizations and agencies (for example, the Canadian Food Inspection Agency) known as “separate employers” because they are not departments and not part of the public service as such. Of these 14 separate employers, 8 have been audited or are under audit, accounting for 94% of employees in this group.

In the private sector, audits have been initiated with 166 of the 397 employers, accounting for 77% of employees.

A full list of employers under audit can be found in section 12 of this report.

More audits were completed than had been planned

As shown in Table 1, the Commission has begun initial audits of 215 employers, out of the 476 employers subject to the Act, since the program started in 1998. However, in most cases at least one follow-up audit was required before these employers could be declared in compliance with the Act. As a result, the Commission has started a total of 354 audits. The Commission originally estimated that, at the end of the audit program’s fourth year, it would have conducted about 320 audits.

Table 1
Audits initiated and finished 1998-2001

	1998		1999		2000		2001		Cumulative	
	Start	Finish	Start	Finish	Start	Finish	Start	Finish	Start	Finish
Audit started	110	49	36	62	34	19	35	23	215	153
Follow-up to initial audits	0	0	68	14	38	40	21	38	127	92
Follow-up to directions	0	0	0	0	5	1	7	3	12	4
Cancelled	0	1	0	5	0	5	0	9	0	20
Total audits	110	50	104	81	77	65	63	73	354	269

Table 1 also shows that 35 audits were initiated in 2001, and another 21 follow-up audits were begun with employers who had signed undertakings when their initial audit concluded. During the same year, the period for implementing a direction had expired for seven employers, and follow-up audits were initiated immediately to determine whether they had complied with the direction.

In addition, 20 audits have been cancelled since 1998, because a business closed or was absorbed into another company, the number of employees dropped below 100 (the statutory cut-off for private sector audits), or for other reasons.

Status of audits

Table 2 shows that few employers have been found in compliance at the initial stage of an audit. In 2001, two employers achieved compliance early: the Department of Canadian Heritage and Public Works and Government Services Canada. Since 1998, only eight employers have met the Act's requirements at the time of the Commission's first audit.

STATUS	1998	1999	2000	2001	Cumulative
Compliance - Initial Audit	2	2	2	2	8
Compliance - Follow-up Audit	0	10	30	25	65
Total Employers in Compliance	2	12	32	27	73
Directions	1	4	10	5	20
Tribunals	0	0	3	4	7

Recourse to enforcement measures remains exceptional. In 2001, the Commission issued directions to five employers and referred two cases to a tribunal, while two employers asked that the direction issued to them be reviewed by a tribunal. The details of these measures are outlined in section 5 of this report.

Getting the Message Across

Parliament clearly wished the Act to be applied in a spirit of cooperation and goodwill. Thus it is important for the Commission to raise awareness of what the Act requires, what it sets out to do, and how it applies to employers as well as other parties concerned.

Education and awareness: the key to successful compliance

In 2001, the Commission's Employment Equity Branch provided 45 training sessions, presentations, and workshops in all parts of Canada. These sessions explained the Act, dispelled myths, and offered practical solutions to the various parties. They also gave the Commission a better understanding of the concerns of employers, unions, and both members and non-members of designated groups, in a frank and open atmosphere.

Working with partners

As has been said, applying the *Employment Equity Act* is a cooperative process. The Canadian Human Rights Commission works closely with various partners to ensure its program requirements are fully implemented.

In 2001, Commission representatives held discussions, consultations, and training workshops with the Treasury Board Secretariat, the Public Service Commission, Human Resources Development Canada, and the Canadian Centre for Management Development. On those occasions, the focus was on exchanging key information, and on streamlining internal processes that are important to the Act's smooth implementation in the public service.

The Commission also has ongoing contacts with groups and individuals such as employer associations, unions, advocacy bodies representing designated groups, and employment equity consultants. For example, in 2001, meetings were held with, among others, the Canadian Bankers Association, Federally Regulated Employers in Transportation and Communications Organization (FETCO), the Toronto and Winnipeg Employment Equity Practitioners' Associations and the Public Service Alliance of Canada.

The Coming Year

Employment Equity Act is to be reviewed

In passing the new *Employment Equity Act* in 1995, Parliament included a provision for its review five years after its coming into force, and at the end of every five-year period thereafter.

October 2001 marked the fifth anniversary of the Act's coming into force, and preparations for the review are well under way.

The House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities has been tasked with the review and began its deliberations in November 2001.

Human Resources Development Canada (HRDC), the Treasury Board Secretariat, the Public Service Commission, and the Public Service Alliance of Canada have held consultations and forums to discuss possible changes to the Act. They are expected to submit their reports and recommendations to the Committee in 2002. Canadian Human Rights Commission staff participated in most of the public consultations held by HRDC across the country in the spring and summer of 2001.

The Commission is also conducting its own consultations, based on a discussion paper, with key stakeholders across the country. They include employers, organizations representing designated groups, and unions. These consultations will help shape the Commission's recommendations to the Committee in 2002.

Independent evaluation is being conducted

The Commission has retained Consulting and Audit Canada to independently evaluate its compliance audit program. The evaluation will take an objective look at the Commission's activities, highlight strong points, and suggest corrective action where warranted.

Requirements under the Act should be made clearer

The Commission's final views will reflect the full results of its program's evaluation and consultations. It hopes Parliament will take the opportunity afforded by the review to clarify some requirements of the *Employment Equity Act*, clear up some ambiguities, and make certain adjustments that the Commission's auditing experience of the past four years has shown to be advisable.

Legislative framework should be retained

On the other hand, the Commission believes that it is premature to call for fundamental changes to the Act. To do so requires first answering a basic question: has the present Act reduced under-representation of members of designated groups?

As indicated in section 9 of this report, the Commission has set up a system for monitoring progress made by employers. But progress — or lack of — will manifest itself clearly only over the next two or three years. The Commission therefore considers that, overall, the Act's basic framework should remain unchanged until then.

More employers to be audited

In 1998, when the Commission began conducting compliance audits, 412 employers were subject to the *Employment Equity Act*. This number has hovered around 400 over the past four years, although it has fluctuated slightly as corporations have merged, individual employers' staffing levels have risen and fallen, and markets have been restructured.

During 2001, Human Resources Development Canada identified additional employers that come under the Act, most of them in the transportation industry, and smaller numbers in the banking, telecommunications, and other industries. This now brings the number of employers subject to audits to 476, thus increasing the Commission's workload.

Tailoring audits to smaller employers

In 2002, the Commission will continue to conduct compliance audits of employers that have not yet been audited. The objective remains to make certain that as many employers as possible have employment policies and practices that are fair to members of designated groups.

Most remaining unaudited employers are fairly small, so in 2002, the Commission will try to devise ways to simplify compliance audits for small employers, while ensuring that the Act is applied consistently.

Monitoring for Reasonable Progress

The monitoring system

In 2001, the Commission set up a system to measure whether employers found to be in compliance with the Act are making reasonable progress toward implementing their short-term hiring and promotion goals. In 2002, initial results from this system, although on a small sample of employers, will begin to arrive. Over the next few years, it should be possible to spot significant trends that will show whether the Act's purpose — ensuring full representation of designated groups — is being achieved.

Employers found in compliance by the Commission's audits have set short-term goals (usually over a three-year period) for hiring and promotion, and long-term goals for representation. Each year, every federally regulated private sector employer files a statistical report with Human Resources Development Canada. Likewise, the Treasury Board Secretariat reports each year on statistical progress in federal departments and agencies.

The Commission's system compares the results achieved by employers against the goals that they have set. If the goals are met, this indicates that the employment systems review effectively identified barriers to employment of the designated groups, that the plan did contain the appropriate measures to remove those barriers and decrease under-representation, and that the employer is making reasonable efforts in implementing this plan.

If the goals are not met, the Commission may then re-open the audit and seek corrective measures from the employer.

As noted earlier, there are now 73 employers in compliance that are being monitored. However, the majority of these were found in compliance in 2000 and 2001. To assess reasonable progress, it will be necessary to allow employers a few years to demonstrate that their employment equity plan is working. So far, only a small number of employers found in compliance two or three years ago can be monitored on the progress made since then. It is therefore too early to draw conclusions about reasonable progress of audited employers.

The Commission will be paying close attention to its monitoring results, as these will provide early indications on whether the Act is achieving its ultimate purpose.

Assessment of Progress of the Four Designated Groups

This section describes and interprets statistical data on the representation, hiring, promotion, and termination of designated group employees in workplaces covered by the *Employment Equity Act*. These data are based on annual employment equity reports filed by public and private sector employers.

Private sector employers have now been filing such employment equity reports with Human Resources Development Canada for 14 years.

In 2001, some 397 employers in banking, communications, transportation, and the “other” sector filed data on their combined workforces of about 607,000 employees as of December 31, 2000. The “other” sector includes a variety of employers such as grain companies, uranium mines, nuclear power operations, credit corporations, and museums. The number of employers reporting increased substantially from the 331 who reported in 2000, due to the addition of more than 60 employers who are subject to the Act. The majority of the additional employers report on relatively small workforces in the transportation sector.

The private sector labour force increased by 4% overall compared with the previous year. In the banking sector, employment decreased slightly, in contrast with increases in all other sectors. Overall, there were close to 30,000 more private sector hires in 2000 than in 1999, resulting in more than 100,000 opportunities to hire members of the four designated groups, particularly in the banking, communications, and transportation sectors. Although not all employers took advantage of these opportunities to improve the representation of designated group members, some progress did take place. As discussed below, outcomes varied considerably by industrial sector and designated group.

In addition, the Treasury Board reported on employment equity in 65 federal departments and agencies, with a combined workforce of more than 149,000 employees, as of March 31, 2001.

The data published by the Treasury Board indicate that there were ample opportunities to hire designated group members in the federal public service. Close to 16,000 job openings were filled — about 2,000 more than the previous year. Of these hires, close to 3,500 were for permanent jobs. The data show that all four designated groups received greater shares of hires than the previous year. The share received by members of visible minorities was lower than their availability in the Canadian labour force. However, for the first time,

their share of hires into permanent jobs, at 11.5%, was higher than the Census benchmark of 10.3%. The experiences of the four designated groups varied substantially from one department or agency to another, as discussed in more detail below.

An additional 14 separate federal agencies with a combined total of almost 69,000 employees report to Parliament under the *Employment Equity Act*. The largest of these is the Canada Customs and Revenue Agency, with more than 47,000 employees. Since these separate agencies are not part of Treasury Board's Annual Report to Parliament, they are not included in the following discussion.

In evaluating the latest data, the following points should be kept in mind.

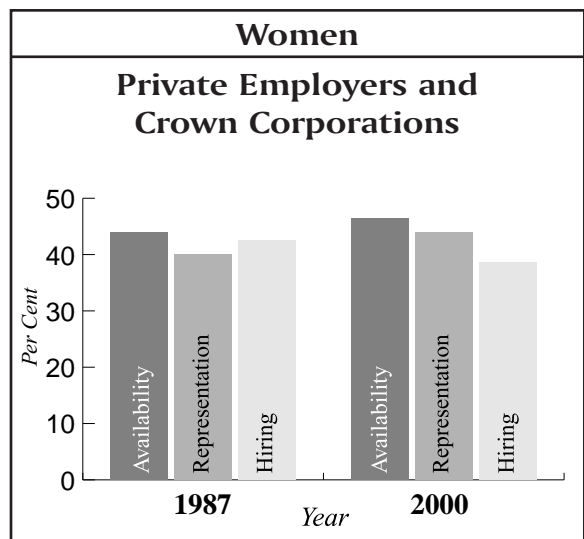
- The following sections compare employee data in both the private and public sectors with the 1996 Census availability for women, visible minorities, and Aboriginal people. The accompanying graphs compare the progress of the four designated groups from 1987 to 2000.
- Availability estimates for women, Aboriginal people, and members of visible minorities are based on the 1996 Census, since employment equity data from the 2001 Census will not be available until 2003.
- The availability estimates for persons with disabilities are from the 1991 Health and Activity Limitation Survey (HALS), since a new HALS was not conducted in conjunction with the 1996 Census. The Participation and Activity Limitation Survey (PALS) conducted in 2001 will provide updated availability data in 2003.
- Many of the more than 60 employers newly added to the list of those subject to the Act have not yet conducted workforce surveys. As a result, their first reports for the year 2000 contain representation data only for women. Therefore comparisons between data for 1999 and 2000 must be interpreted with caution. This is particularly true in the transportation sector, where most of these employers are located.
- Since a new system of grouping occupations in the private sector was adopted in 1996, it is not always possible to make comparisons at the occupational group level with data prior to that time.

- The availability estimates that the Treasury Board Secretariat has prepared for visible minorities using 1996 Census data include only Canadian citizens. In previous calculations based on 1991 Census data, the TBS estimate of 9.0% availability for the public sector was similar to the 9.1% availability estimate for the private sector, and both included landed immigrants (now known as permanent residents) as well as Canadian citizens. The 1996 Census indicates that the overall availability of visible minorities is now 10.3%. However, the TBS estimate has decreased to 8.7% because permanent residents are excluded. The TBS rationale for excluding permanent residents is that the *Public Service Employment Act* gives an absolute preference to Canadian citizens in public service hirings. This preference is currently the subject of a court challenge. The discussion below assesses the public service against the 10.3% benchmark for visible minorities.
- The *shares* of hirings or terminations in the following summaries refer to the percentage of people hired or terminated who were members of a designated group. Normally, if there were no employment barriers, a designated group would receive the same share of hirings as its availability in the Canadian labour force. For terminations, however, the group's share should correspond to its existing representation within the organization.

Women In the private sector

In 1987, women made up 40.1% of the private sector workforce. By 2000, their representation had increased to 43.9%, slightly lower than the 44.8% registered in 1999, but close to their 46.4% availability. Women's share of hirings was 38.7% in 2000, slightly lower than the 39.7% share they received in 1999.

Women's representation varied considerably from one industrial sector to another. It was highest in the banking sector, at 71.4% and lowest in the transportation sector, at 24.2%. In 2000, as in the previous year, women's share of senior management positions increased in all sectors.



Overall, their representation in senior management positions stands at 19.1%, close to their 1996 Census availability of 20.8%.

In the banking sector, women continue to be concentrated in clerical positions. However, they have made gains in senior management, where they hold 23.7% of all positions, higher than the 1996 Census benchmark of 20.8%. They now occupy more than half of all middle management and professional positions in this sector.

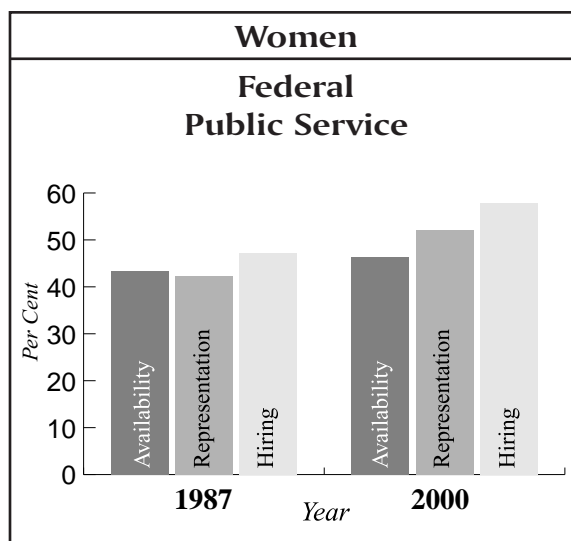
In transportation, women's representation at 24.2% in 2000 was substantially higher than the 16.0% reported in 1987. Of note is the increase in women's share of senior management positions, which reached 14.4% in 2000, up from 11.3% in 1999. In this sector, close to 30.0% of all jobs are in the semi-skilled manual workers occupational group, which includes various kinds of drivers. Women hold 10.7% of all semi-skilled positions; however, close to half of them work in part-time school bus driver positions. There is considerable work to be done before women are equitably represented in this sector.

In 2000, 22% of women in the private sector worked in part-time or temporary jobs, compared with only 9% of men. This pattern is most noticeable for Aboriginal women, 25% of whom work on a part-time or temporary basis.

In the public sector

Women's representation in the federal public sector was 52.1% as of March 31, 2001, slightly higher than the previous year and in line with the Census benchmark of 46.4%. Overall, women have made substantial progress since 1987, when their representation was 42.0%. Women received 57.8% of all hires in 2000, approximately the same as in the previous year.

Women's share of executive positions has been rising steadily and now stands at 30.0%, compared with 28.4% the previous year. Their share of Scientific and Professional positions also increased to 37.8%, compared with 36.6% in the previous year.



However, the progress noted above does not tell the whole story. In 2000, only 18% of women were hired into permanent positions, compared with 26% of men, and 45% of women were hired into administrative support positions, compared with 14% of men. Clearly there is some distance to go before women are equitably represented throughout the federal public service.

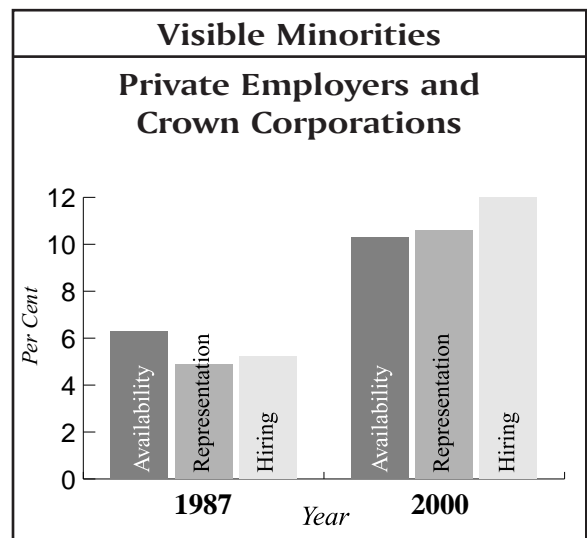
As of March 31, 2001, women's representation in organizations with 200 or more employees was highest in the National Parole Board, at 80.0%, and the civilian component of the Royal Canadian Mounted Police, at 77.5%. This is due to the high proportion of clerical positions in these workforces. It was lowest, at 28.5%, in the Department of Fisheries and Oceans, a department with a high proportion of jobs in the scientific, technical, and operational categories, where women have traditionally been under-represented.

Members of Visible Minority Groups

In the private sector

The representation of visible minorities has increased every year since 1987. From the 4.9% reported in 1987, their share of private sector employment has increased to 10.6% as of December 31, 2000, in line with the 1996 Census benchmark of 10.3%. The increase in representation stems from visible minorities accounting for 12.0% of all hires in 2000, surpassing the 10.6% share they received the previous year, and substantially higher than the 5.2% share received in 1987. However, the 2001 Census is expected to establish a higher availability estimate for this designated group.

In both the banking and communications sectors, members of visible minorities received shares of hires well above the 10.3% Census benchmark. Their representation in the banking sector reached 16.6%, a somewhat higher share than the previous year and a substantial increase from the 9.5% representation reported in 1987. In the communications sector, the representation of visible minorities also increased and now stands at 9.7% of the labour force. This is somewhat below availability, but more than double their 4.0% representation in 1987.



In the transportation sector, the representation of visible minority groups remained stable compared with 1999, at 7.0%. Nevertheless, there has been progress since 1987 when their representation was only 2.5%. Their share of hires was 9.6% in 2000, up from 7.7% in the previous year. However, as noted above, these data should be interpreted with some caution since many of the employers reporting for the first time in 2000 have not yet completed workforce surveys.

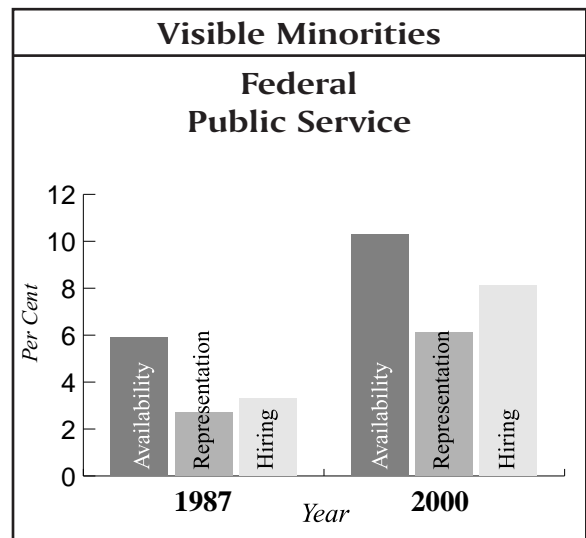
In the “other” sector, visible minorities lost ground for the third year in a row. In 1987, their representation was 2.5% and although it increased to 8.1% by 1997, it fell to 6.8% in 2000. In this sector, visible minorities have consistently received a share of hires below availability, which fell from 9.1% in 1999 to 7.1% in 2000.

Steady but uneven progress is being made for visible minorities, and much remains to be done. Their representation has reached the 1996 Census benchmark only in the banking sector, and they have yet to obtain an equitable share of employment elsewhere. In addition, visible minorities remain substantially under-represented in senior management positions, where their representation is less than half of availability.

In the public sector

For the past several years the Commission has expressed concern about the lack of progress in remedying the substantial under-representation of visible minorities in many federal departments and agencies. This year it is encouraging to note several positive instances of change.

The representation of visible minorities in the federal public service rose to 6.1% as of March 31, 2001, an increase from 5.5% the previous year. The data provided by Treasury Board suggest that the gain results largely from hires rather than increased self-identification. Visible minorities received 8.1% of all hires, substantially higher than the 5.7% received the year before. More significantly, their share of permanent hires rose from 8.3% in the



previous year to 11.5%, for the first time higher than the Census benchmark of 10.3%. Although their share of hires into temporary jobs was only 7.3%, this was also a substantial increase from the year before, when they received only 5.1%.

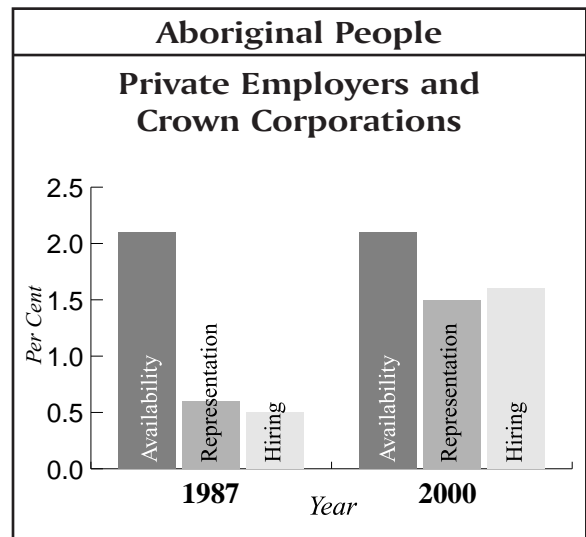
This overall progress is encouraging, but visible minorities continue to be hired mainly into the Scientific and Professional category. Only 2 of the 41 appointments to the Executive Group were members of visible minorities, a somewhat lower proportion than the previous year. During the course of the audits, departments are required to set hiring and promotion goals to remedy under-representation. They are also reporting to TBS on their achievement of the targets set by the *Embracing Change* action plan. The Commission will be carefully monitoring whether departments and agencies meet their goals and will follow up where necessary. Increased hiring rates will be especially important since the availability of visible minorities is expected to increase when data from the 2001 Census become available.

Of the 41 departments and agencies with more than 200 employees, the Immigration and Refugee Board of Canada had the highest representation of visible minorities, at 21.0%. Twenty-seven of these departments and agencies registered increases in the representation of visible minorities, and five had sufficient visible minority employees to meet the Census benchmark of 10.3%, compared with only one in the previous year.

These signs of progress are encouraging; however, the increased hiring will need to grow and be sustained for a number of years before visible minorities are equitably represented in all occupational groups and departments of the federal public service.

Aboriginal People
In the private sector

Overall, Aboriginal people benefited very little from the large number of hiring opportunities in 2000. Their share of hires increased slightly from 1.5% in 1999 to 1.6%, considerably below the 2.1% Census availability. This marginal increase was not enough to increase



the overall representation of Aboriginal people, which remained unchanged from the previous year at 1.5%.

Aboriginal people did best in the “other” sector, which includes several large grain companies and mining operations located in the western provinces. Although their share of hires fell from 3.3% in 1999 to 2.3% in 2000, their share of terminations also decreased. As a result, Aboriginal people’s representation of 2.4% reached in 1999 was maintained in 2000.

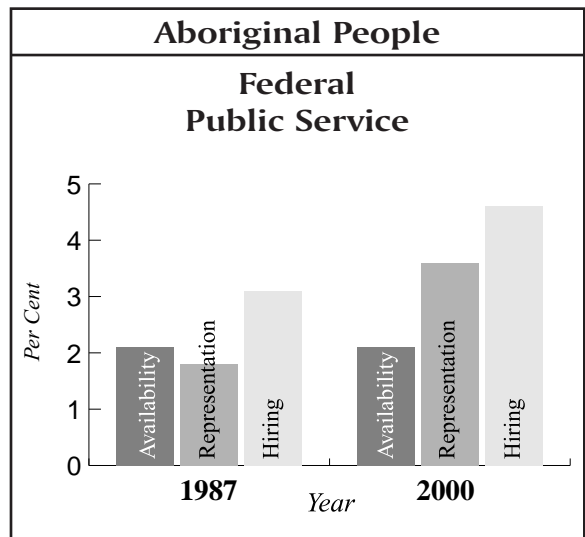
In the transportation sector, Aboriginal people’s representation remained unchanged at 1.8%, still somewhat lower than the Census benchmark. Their representation in the communications sector increased slightly from 1.1% to 1.3%, due to an increased share of hires.

It is discouraging to note that Aboriginal people’s share of jobs in the banking sector fell from the high of 1.3% achieved in 1998 and 1999, to 1.2% in 2000. This was caused by their share of hires falling from 1.1% to 0.9%, less than half their availability. None of the employers in this sector employed enough Aboriginal people to reach the 1996 Census benchmark of 2.1%. In fact, several of the major banks saw the representation of Aboriginal people decline in their workforces.

In the public sector

In strong contrast to the private sector, the representation of Aboriginals in the public sector increased to 3.6% as of March 31, 2001, compared with 3.3% in the previous year. The increase was largely caused by Aboriginal people receiving a share of hires of 4.6%, which was higher than the 3.9% share of the previous year, and more than double the Census benchmark of 2.1%.

Among federal departments and agencies, the experience of Aboriginal people continues to vary considerably. The Department of Indian and Northern Affairs, where Aboriginal people occupy 29.2% of all positions, employs about one in five of all Aboriginal



employees in the federal public service. Twenty-six of the 41 departments and agencies with more than 200 employees met the Census benchmark of 2.1%, an increase of three employers from the previous year. Overall, the representation of Aboriginal people increased in 29 departments.

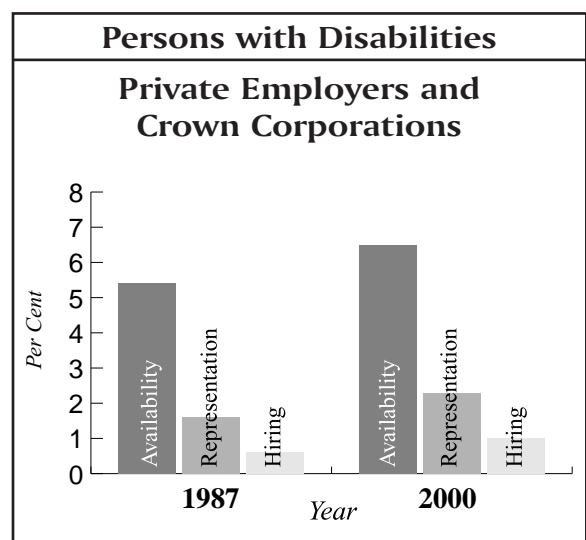
Aboriginal people received 4.6% of all hires in the public service. Their share of hires in all occupational categories, and in both indeterminate and term positions, was substantially higher than the Census benchmark of 2.1%. The volume of staffing actions at the Department of Indian and Northern Affairs has a disproportionate impact on these data. However, progress is being made elsewhere as well: representation increased in 60% of departments and agencies. During audits, the Commission is paying close attention to hiring goals to ensure that Aboriginal people receive equitable treatment in all federal departments and agencies.

Persons with Disabilities

In the private sector

As noted above, in 2000 there were substantially more opportunities to hire designated group members than in 1999. It is disappointing to note that persons with disabilities did not benefit from this situation. In fact, their overall representation in the private sector decreased slightly from 2.4% in 1999 to 2.3% in 2000. In 2000, their share of hires increased only marginally from 0.9% to 1.0%, less than one-fifth of their 6.5% availability. Had this group received hires in proportion to their availability, close to 6,700 would have been hired rather than the 1,000 who actually were.

In 2000, persons with disabilities experienced under-representation in all industrial sectors. Their representation of 2.3% in the banking sector, and 2.4% in the communications sector, rose slightly from the year before. Their representation in the “other” sector dropped slightly to 2.7%. In the transportation sector, their representation fell from 2.5% to 2.2%. But as noted above, this should be interpreted with caution as most of the employers newly reporting to Human Resources Development Canada had not yet conducted workforce



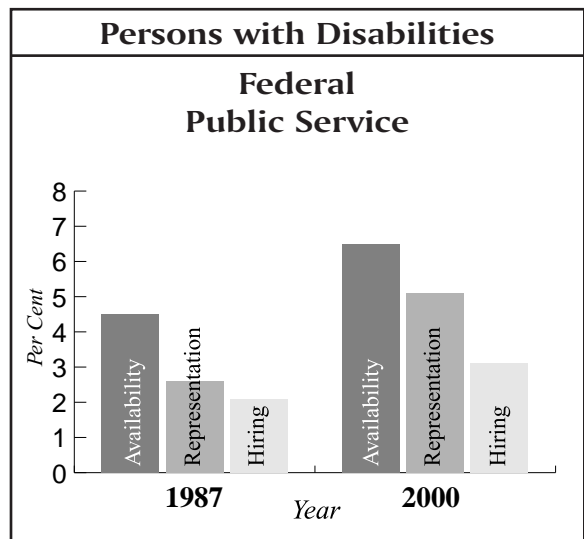
surveys. As in past years, the cause of their under-representation was that they did not receive a fair share of hirings.

In the public sector

Persons with disabilities have made substantially more progress in the public sector than in the private sector. Their representation increased in the federal public sector to 5.1% as of March 31, 2001, compared with 4.7% in the previous year. For the first time, their representation was higher than the 4.8% benchmark used by the Treasury Board, but it still falls short of this group’s 6.5% availability in the Canadian workforce based on the 1991 HALS.

Some progress is occurring, although slowly. Seven of the 41 federal departments and agencies with more than 200 employees met the 6.5% HALS benchmark, compared with 4 the previous year, and 22 met the 4.8% benchmark set by the Treasury Board. Compared with last year, when close to half

of these departments and agencies saw a decrease in the representation of persons with disabilities, 25 registered increases this year, and 4 remained unchanged.



The data suggest that the increase in the number of persons with disabilities in the federal public service is largely due to increased self-identification, rather than to hires. Although persons with disabilities did receive a larger share of hires than the previous year — 3.1%, up from 2.3% — this increased share of hires was less than half the 1991 HALS benchmark. Had they been hired at rates equivalent to the 6.5% benchmark, more than 1,000 people with disabilities would have obtained employment rather than the 488 who were hired. Only one person with a disability was appointed to the EX category. This group’s share of hires in all other occupational categories was below both the Treasury Board benchmark of 4.8% and its 6.5% representation in the Canadian workforce. The Commission is carefully evaluating hiring goals for people with disabilities during its audits, to confirm that continuous progress is achieved.

Summary

In the private sector, Aboriginal people and people with disabilities benefited very little from the ample hiring opportunities in 2000. There were encouraging signs of progress for persons with disabilities and visible minorities in the public service, but a considerable distance remains before these groups are fully represented in all occupational categories and departments. During the audit process, private sector employers and federal departments and agencies are required to set hiring and promotion goals to remedy under-representation. The Commission will monitor the implementation of these goals to confirm that all four designated groups achieve the full equality in the workplace envisioned by the *Employment Equity Act*.

For More Information

Canadian Human Rights Commission

General information
www.chrc-ccdp.ca

Information on employment equity
www.chrc-ccdp.ca/ee/English/Javafile/index.htm

Annual reports and other publications
www.chrc-ccdp.ca/publications/index.asp?l=e

Partners in implementing the Employment Equity Act

Treasury Board of Canada Secretariat
www.tbs-sct.gc.ca/ee/Index-en.html

Human Resources Development Canada
http://info.load-otea.hrhc-drhc.gc.ca/workplace_equity/home.htm

Public Service Commission
www.psc-cfp.gc.ca/centres/staff-ee_e.htm

Canadian Centre for Management Development
www.ccmd-ccg.gc.ca/diversity/vision_action/index_e.html

Tables and Lists

Table 3					
Total Number of Employers and Employees by Sector Subject to the Employment Equity Act and Under Audit					
SECTOR	SUB SECTOR	SUBJECT TO THE ACT		UNDER AUDIT	
		Employers	Employees	Employers	Employees
Private Sector (as of December 31, 2000)	Banking	21	172,447	15	168,319
	Communication	91	211,448	39	157,633
	Transportation	234	171,260	86	100,044
	Other*	51	51,438	26	40,570
Federal Public Service (as of March 31, 2001)		65	149,339	41	145,496
Separate Federal Agencies (as of March 31, 2001)		14	68,198	8	64,061
TOTAL		476	824,130	215	676,123

**The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.*

Table 4								
Public Sector Organizations Subject to the Employment Equity Act and Under Audit By Employer Size								
Range	Public Service (As of March 31, 2001)				Separate Employers (As of March 31, 2001)			
	Subject to the Act		Under Audit		Subject to the Act		Under Audit	
	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees
10,000 plus	4	64,559	4	64,559	1	47,083	1	47,083
2,000 - 9,999	14	69,117	14	69,117	5	17,654	4	15,924
1,000 - 1,999	3	4,297	2	2,775	0	0	0	0
500 - 999	7	5,639	7	5,639	2	1,439	0	0
100 - 499	21	5,230	14	3,406	6	2,022	3	1,054
less than 100	16	497	0	0	0	0	0	0
TOTAL	65	149,339	41	145,496	14	68,198	8	64,061

Table 5
Private Sector Organizations
Subject to the Employment Equity Act and Under Audit By Employer Size

Range	Subject to the Act (As of December 31, 2000)		Under Audit	
	Employers	Employees	Employers	Employees
10,000 plus*	14	343,167	14	323,041
2,000 - 9,999	30	106,077	20	72,138
1,000 - 1,999	41	58,355	23	32,775
500 - 999	53	38,371	25	18,096
100 - 499	252	59,994	82	20,418
less than 100	7	629	2	98
TOTAL	397	606,593	166	466,566

*The number of employers subject to the Act includes all employers as of December 31, 2000. The number of employers under audit includes an employer who went out of business after the audit was underway (Canadian Airlines), and others who have merged or downsized since audits were initiated. For this reason the number of employees is not the same.

Table 6
Private Sector Organizations and Employees
Subject to the Employment Equity Act by Province and Sector
(as of December 31, 2000)

Province/Territory	INDUSTRIAL SECTOR									
	Banking		Communication		Transportation		Other		Total	
	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees
Newfoundland	4	1,326	6	2,970	7	1,986	0	0	17	6,282
Prince Edward Island	2	230	2	489	2	319	0	0	6	1,038
Nova Scotia	6	4,631	6	5,247	12	3,837	2	789	26	14,504
New Brunswick	6	2,880	10	6,296	12	3,636	1	100	29	12,912
Quebec	11	29,206	39	48,084	60	30,290	10	3,489	120	111,069
Ontario	16	91,014	47	86,904	104	59,329	28	28,716	195	265,963
Manitoba	6	4,826	11	7,044	19	11,807	15	5,283	51	28,960
Saskatchewan	5	3,821	7	3,123	14	4,017	10	4,817	36	15,778
Alberta	8	13,974	22	20,363	52	22,910	13	3,239	95	60,486
British Columbia	9	18,962	22	26,095	42	22,853	10	1,808	83	69,718
Northwest Territories	1	72	1	329	0	0	0	0	2	401
Yukon	1	71	1	195	2	523	0	0	4	789
Residual*		1,434		4,309		9,753		3,197		18,693
Canada**	21	172,447	91	211,448	234	171,260	51	51,438	397	606,593

Note:

The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.

* Employees for whom no detailed reports were filed since employers only have to report on those regions where they have at least 100 employees.

** The number of employers reported by province and territory includes regional offices, which are not included in the Canada line.

**Table 7
Private Sector Organizations and Employees
Under Audit by Province and Sector
(as of December 31, 2000)**

Province/Territory	INDUSTRIAL SECTOR									
	Banking		Communication		Transportation		Other		Total	
	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees
Newfoundland	5	1,433	2	1,210	4	1,274	0	0	11	3,917
Prince Edward Island	3	293	1	185	1	190	0	0	5	668
Nova Scotia	5	4,852	6	2,791	9	1,763	2	1,888	22	11,294
New Brunswick	6	2,798	7	6,227	9	2,964	0	0	22	11,989
Quebec	11	30,239	17	36,469	28	15,011	5	1,885	61	83,604
Ontario	11	85,811	21	62,653	40	28,411	12	23,303	84	200,178
Manitoba	5	4,922	8	6,446	11	7,765	7	4,138	31	23,271
Saskatchewan	5	4,003	3	2,441	7	2,846	4	4,307	19	13,597
Alberta	7	13,502	12	15,711	22	13,813	4	1,982	45	45,008
British Columbia	9	19,368	11	21,072	21	19,370	5	1,327	46	61,137
Northwest Territories	1	17	1	329	2	591	0	0	4	937
Yukon	1	6	1	195	0	0	0	0	2	201
Residual*		1,075		1,904		6,046		1,740		10,765
TOTAL CANADA **	15	168,319	39	157,633	86	100,044	26	40,570	166	466,566

Note:

The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.

*Employees for whom no detailed reports were filed since employers only have to report on those regions where they have at least 100 employees.

**The number of employers reported by province and territory includes regional offices, which are not included in the Canada total.

List of employers audited or being audited (as of December 2001)

Banking (15)

Banca Commerciale Italiana of Canada
Bank of America Canada
Bank of Montreal
Bank of Nova Scotia, The
Laurentian Bank of Canada
BNP Paribas
Canadian Imperial Bank of Commerce
Canadian Western Bank
Citibank Canada Ltd.
Citizens Bank of Canada
HSBC Bank of Canada
National Bank of Canada
Royal Bank of Canada
Société générale, Canada
TD Bank Financial Group, The

Communication (39)

AT&T Canada Long Distance Services Company
BC Tel
Bell Canada
Bell Mobilité Radio Inc.
Bell Mobility Cellular Inc.
Bell Mobility Paging
Call-Net Enterprises (Sprint Canada)
Canada Post Corporation
Canadian Broadcasting Corporation
Canadian Satellite Communications Inc.
Craig Broadcast Systems Inc.
DHL International Express Ltd.
Federal Express Canada Ltd.
*Fundy Cable Ltd.**
Global Communications Ltd.
Manitoba Telecom Services
Maritime Broadcasting Systems Ltd.
Mayne Nickless Transport Inc. (Loomis)
*Monarch Broadcasting Ltd**
*New Brunswick Telephone Co. Ltd**
Newcap Broadcasting
Nortel Networks Ltd.
Northern Telephone Ltd.
Northwestel Inc.
Pelmorex Inc./The Weather Network
*Pelmorex Radio Inc.**
Purolator Courier Ltd.

Standard Broadcasting Inc.
*Swift Sure Courier Service Ltd.**
Teleglobe Canada Inc.
Telus Communications (Edmonton) Inc.
Telus Communications Inc.
Telus Mobility Inc.
Telus Québec
United Parcel Service Canada Ltd.
Videon CableSystems Inc.
Vidéotron Ltée.
*WIC Radio Ltd.**
*WIC Television Ltd.**

**Transportation
(86)**

A.J. Bus Lines Ltd.
Adby Transport Ltd.
Air BC Ltd.
Air France
Air Inuit (1985) Ltd.
Air Transat AT Inc.
Algoma Central Corporation
Allied Systems (Canada) Company
American Airlines Inc.
Armour Transport Inc.
Arnold Bros. Transport Ltd.
*Arrow Transportation Systems**
Atlantic Turbines International Inc.
Bearskin Lake Air Service Ltd.
Bison Diversified Inc.
*Blanchard Transport Ltd.**
Bradley Air Services Ltd.
British Columbia Maritime Employers Association
Byers Transport Ltd.
Calgary Airport Authority, The
*Canada 3000 Airlines Ltd.**
*Canada 3000 Airport Services Ltd.**
Canada Maritime Agencies Ltd.
*Canada Steamship Lines Inc.**
*Canadian Airlines International Ltd.**
Canadian Freightways Eastern Ltd.
Canadian Freightways Ltd.
Canadian Helicopters Ltd.
Canadian National Railway Company
Canadian Pacific Railway Company
Conair Aviation Ltd.

Day & Ross Inc.
Delta Air Lines Inc.
Edmonton Regional Airports Authority
Emery Air Freight Corporation
ERB Enterprises Inc.
ExECAIRE Inc.
Fednav Ltd.
GD Express Worldwide Canada Inc.
Greyhound Canada Transportation Corp.
Helijet Airways Inc.
*Household Movers & Shippers Ltd.**
Hudson General Aviation Services Inc.
*Imperial Oil Ltd.**
Innotech Aviation Ltd.
Inter-Canadian (1991) Inc.
*KLM Royal Dutch Airlines**
Laidlaw Carriers Inc.
Laidlaw Transit Ltd.
Marine Atlantic Inc.
Meyers Transport Ltd.
Midland Transport Ltd.
Municipal Tank Lines Ltd.
N.M. Paterson & Sons Ltd. (Marine Division)
N. Yanke Transfer Ltd.
Nav Canada
Nesel Fast Freight Inc.
Northern Transportation Company Ltd.
Ocean Services Ltd.
Peace Bridge Brokerage Ltd.
Pole Star Transport Inc.
Provincial Airlines Ltd.
Reimer Express Lines Ltd.
Royal Aviation Inc.
Saskatchewan Transportation Company
Seaspan International Ltd.
Sharp Bus Lines Ltd.
SLH Transport Inc.
Société de transport de l'Outaouais
Société d'électrolyse et de chimie Alcan Ltd.
St. Lawrence Seaway Management Corporation, The
Tippet-Richardson Ltd.
Trans Canada Pipelines Ltd.
Trans Mountain Pipe Line Company Ltd.
Transport Cabano Kingsway Inc.
Transport Robert Ltd.

Transport Thibodeau-Saguelac-Marcan Inc.
TransX Ltd.
Trimac Transportation Management Ltd.
Upper Lakes Group Inc.
Via Rail Canada Inc.
Van-Kam Freightways Ltd.
Vancouver International Airport Authority
Westcan Bulk Transport Ltd.
Williams Moving and Storage (BC) Ltd.
Worldwide Flight Services Ltd.

**Other
(26)**

ADM Agri-Industries Ltd.
*Agpro Grain Ltd. Partnership**
Agricore Coop. Ltd.
Atomic Energy of Canada Ltd.
Business Development Bank of Canada
Brinks Canada Ltd.
Cameco Corporation
Canada Council for the Arts, The
Canadian Science and Technology Museum Corporation
Canadian Museum of Civilization
Canadian Press, The
Canadian Wheat Board
*Cape Breton Development Corporation**
Cargill Ltd.
Export Development Canada
Farm Credit Canada
Hudson Bay Mining and Smelting Co. Ltd.
N.M. Paterson & Sons Ltd.(Grain Division)
Ontario Power Generation
Pacific Elevators Ltd.
Robin Hood Multifoods Inc.
Saskatchewan Wheat Pool
Securicor Cash Services Ltd.
Telus Management Services Inc.
*United Grain Growers Ltd.**
Verreault Navigation Inc.

**Federal
Departments
and Agencies
(41)**

Agriculture and Agri-Food Canada
Atlantic Canada Opportunities Agency
Canadian Grain Commission
Canadian Heritage
Canadian Human Rights Commission

Canadian International Development Agency
 Canadian Radio-television and Telecommunications Commission
 Canadian Space Agency
 Canadian Transportation Agency
 Citizenship and Immigration Canada
 Correctional Service of Canada
 Environment Canada
 Department of Finance Canada
 Fisheries and Oceans Canada
 Department of Foreign Affairs and International Trade
 Health Canada
 Human Resources Development Canada
 Immigration and Refugee Board of Canada
 Indian and Northern Affairs Canada
 Industry Canada
 Department of Justice Canada
 National Archives of Canada
 National Defence (Civilian Staff)
 National Library of Canada
 National Parole Board
 Natural Resources Canada
 Office of the Chief Electoral Officer
 Office of the Commissioner of Official Languages
 Office of the Registrar of the Supreme Court of Canada
 Office of the Secretary to the Governor General
 Passport Office
 Privy Council Office
 Public Works and Government Services Canada
 Royal Canadian Mounted Police
 Statistics Canada
 Status of Women Canada
 Transport Canada
 Transportation Safety Board of Canada
 Treasury Board of Canada Secretariat
 Veterans Affairs Canada
 Western Economic Diversification Canada

**Separate
Employers (8)**

Canada Customs and Revenue Agency
 Canadian Food Inspection Agency
 Canadian Forces Personnel Support Agency
 Canadian Nuclear Safety Commission
 National Film Board of Canada
 National Research Council Canada
 Natural Sciences and Engineering Research Council of Canada
 Parks Canada

** These audits have been cancelled.*

Banking	15
Communications	39
Transportation	86
Other	26
Federal Departments and Agencies	41
Separate Employers	8

Total audited or under audit as of December 2001: 215

All employers in compliance as of December 2001 (73)

Banking (4)

Banca Commerciale Italiana of Canada
Citibank Canada Ltd.
HSBC Bank of Canada
Société générale du Canada

Separate Employers (2)

National Film Board of Canada
Natural Sciences and Engineering Research Council of Canada

Transportation (30)

A.J. Bus Lines Ltd.
Air France
Arnold Bros. Transport Ltd.
Bearskin Lake Air Service Ltd.
Canada Maritime Agencies Ltd.
Canadian Freightways Eastern Ltd.
Canadian Freightways Ltd.
Canadian Helicopters Ltd.
Conair Aviation
Day & Ross Inc.
Emery Air Freight Corporation
ExECAIRE Inc.
Fednav Ltd.
Helijet Airways Inc.
Innotech Aviation Ltd.
Meyers Transport Ltd.
N. Yanke Transfer Ltd.
Northern Transportation Company Ltd.
Ocean Services Ltd.
Peace Bridge Brokerage Ltd.
Seaspan International Ltd.
Société d'électrolyse et de Chimie Alcan Ltd.
Tippet-Richardson Ltd.
TNT Canada Inc.
Trans Mountain Pipeline Company Ltd.
Transport Cabano Kingsway Inc.
Transport Robert Ltd.
TransX Ltd.
Vancouver International Airport Services
Williams Moving and Storage (BC) Ltd.

**Federal
Departments
and Agencies
(17)**

Atlantic Canada Opportunities Agency
Canadian Human Rights Commission
Canadian International Development Agency
Canadian Radio-television and Telecommunications Commission
Canadian Transportation Agency
Canadian Heritage
Human Resources Development Canada
Immigration and Refugee Board of Canada
Department of Justice Canada
National Archives of Canada
National Parole Board
Office of the Chief Electoral Officer
Office of the Secretary to the Governor General
Privy Council Office
Public Works and Government Services Canada
Status of Women Canada
Transportation Safety Board of Canada

Other (8)

Cameco Corporation
Canadian Press, The
Canada Council for the Arts
Export Development Canada
Hudson Bay Mining and Smelting Co. Ltd.
Pacific Elevators Ltd.
Saskatchewan Wheat Pool
Verreault Navigation Inc.

**Communications
(12)**

Bell Mobility Radio Inc.
Bell Mobility Cellular Inc.
Bell Mobility Paging
Call-Net Enterprises (Sprint Canada)
Canadian Satellite Communications Inc.
Global Communications Ltd.
Nortel Networks Ltd.
Northern Telephone Ltd.
Pelmorex Inc./The Weather Network
Standard Broadcasting Inc.
Telus Québec
Videon CableSystems Inc.

Bold denotes employers in compliance at first phase of the audit.

Directions and Referrals to Tribunal from 1998 to 2001

Directions (20)

Banking (2)

Banca Commerciale Italiana of Canada (*now in compliance*)
Laurentian Bank of Canada (*has requested that the direction be reviewed by a tribunal*)

Communications (2)

Fundy Cable Ltd. (*direction cancelled; this employer is no longer subject to the Act*)
AT&T Canada

Transportation (12)

Adby Transportation
Air France (*now in compliance*)
American Airlines Inc.
Byers Transport Ltd. (*the audit has been held in abeyance*)
Conair Aviation Ltd (*now in compliance*)
DHL International Express (*has submitted and withdrawn a request for review by a tribunal*)
Greyhound Canada Transportation Corp.
Municipal Tank Lines Ltd.
Nesel Fast Freight Inc. (*the Commission has since referred this case to a tribunal*)
Trimac Transportation Management Ltd.
Van-Kam Freightways Ltd.
Westcan Bulk Transport

Other (1)

N.M. Paterson & Sons Ltd.(Grain Division)

Federal Departments and Agencies (3)

Environment Canada (*this employer has submitted, then withdrawn a request for review by a tribunal*)
National Archives of Canada (*now in compliance*)
Natural Resources Canada (*this employer has submitted, then withdrawn a request for review by a tribunal; the case was then referred to tribunal by the Commission*)

Employers who requested that the Tribunal review the direction issued to them by the Commission (4)

Banking (1) Laurentian Bank of Canada

Transportation (1) DHL International Express (*the employer has since withdrawn the request for review*)

Federal Departments (2) Environment Canada (*the employer has since withdrawn the request for review*)
Natural Resources Canada (*this employer has submitted, then withdrawn a request for review by a tribunal; the case was then referred to tribunal by the Commission*)

Employers referred to Tribunal by the Commission for failure to comply with the direction issued (3)

Transportation (2) Conair Aviation Ltd. (*tribunal cancelled, since this employer is now in compliance*)
Nesel Fast Freight

Federal Departments (1) Natural Resources Canada (*this employer has submitted, then withdrawn a request for review by a tribunal; the case was then referred to tribunal by the Commission*)