

INTRODUCTION TO THE GUIDELINES FOR THE *EMPLOYMENT EQUITY ACT* 1995

Employers in federal jurisdiction have been implementing employment equity for over a decade under the *Employment Equity Act* of 1986. The new *Employment Equity Act* of 1995, which came into force on October 24, 1996, builds on the framework provided by the earlier legislation, giving further clarity to the same basic core obligations.

The Guidelines for the new federal *Employment Equity Act* are intended to assist in the transition to the new legislation. They are for everyone who will participate in the planning and implementation of employment equity in the workplace: employers and employee representatives, both unionized and non-unionized, as well as the four designated group members - women, Aboriginal peoples, persons with disabilities and members of visible minorities.

This material will also be of interest to others involved in the employment equity process or those seeking more information about employment equity. These include employer, labour community and designated group organizations as well as employment equity practitioners and human resource consultants.

The Guidelines were developed in consultation with the Canadian Human Rights Commission, as well as representatives from major employer, labour and designated group organizations as well as other employment equity and human resources professionals.

The Guidelines provide assistance in implementing employment equity in accordance with the requirements of the

new *Employment Equity Act* and *Regulations*. They will be of use to federal contractors subject to the Federal Contractors Program. They will also assist other interested parties to learn more about employment equity and how they might participate in the process. The Guidelines provide important information on the principles and implementation of employment equity. They do not, however, take the place of, or override, the *Act* and *Regulations*. When in doubt, users are urged to consult the *Act* and *Regulations*.

Overview of Guidelines

This Guideline manual includes two general information documents, eleven Guidelines and a Reference Document section.

Each Guideline contains two, and in some cases three sections:

Part A: Legal Requirements provides a summary of the provisions of the *Act* and *Regulations*.

Part B: Practical Application:

describes the purpose of each Guideline and how it relates to the employment equity process;

suggests issues for employers to consider as they apply the legislative requirements to their specific organization;

highlights key decision points in the employment equity process; and provides options for ways in which employers can meet their obligations under the *Act*.

Part C: Information Documents

Where appropriate, information documents are provided at the end of each Guideline. These documents may include several kinds of information:

examples, illustrations and models;

sample forms to copy or adapt;

checklists;

charts to provide further clarity; and

other reference material.

Adapting the Guidelines

The Guidelines recognize that employers differ in size, industrial sector and workplace culture. Organizations will find it most effective to implement employment equity in a way that is specific to their situation.

Most employers subject to the *Act* have already begun to implement employment equity programs and to adapt human resources practices to support employment equity. Since the new legislation contains the same core requirements as the earlier *Act*, these employers can build on employment equity initiatives already in place.

The Guidelines provide information and guidance, but are not exhaustive. It is impossible to anticipate every situation in a workplace. The examples given in the Guidelines are suggestions only. Employers may consider other options as long as they are consistent with the *Act* and *Regulations*.

described in the Guidelines fulfils the basic requirements of the *Act* and *Regulations*. Employers are encouraged to use this process as their starting point and build upon it, keeping in mind that the Canadian Human Rights Commission was consulted during the development of these Guidelines.

For assistance in implementing the requirements of the new *Act*, employers are encouraged to call upon HRDC's Workplace Equity Officers, in regional offices across Canada. A list of addresses is provided in the Reference Documents section of these Guidelines.

Alternate Formats

Guidelines are available in alternate formats, such as audio cassette, diskette and large print, on request.

Organization of Material

Sections

The material is divided into sections, each introduced by a tabbed divider. A complete set of dividers, as well as a title cover page and spine label for a three-ring binder are provided by HRDC.

This loose-leaf format was chosen to make it easier to photocopy the material. The material may be reproduced unaltered and distributed for non-commercial and not-for-profit purposes. Employers may want to copy the material for training sessions, employee orientation packages or newsletters. HRDC must be credited as the publishing source.

The employment equity process

Content of Guidelines

References

When explaining the legislative requirements, the Guidelines refer to specific sections of the *Act* and *Regulations*. These references can be found in square brackets [].

The *Employment Equity Act* is referred to as *Act* while the *Regulations* are abbreviated as *Reg.*

For example: [*Act*, s. 5(b)] refers to section 5(b) of the *Employment Equity Act*; [*Reg.*, s. 6(1)(b)] refers to section 6(1)(b) of the *Regulations*.

As much as possible, the Guidelines follow the sequence of major activities in the employment equity process. Each Guideline builds on information provided in previous ones. Where appropriate, there are references to other Guidelines, Information Documents and support materials that might be useful.

Document 1: Overview of Employment Equity

This Document provides background information on the *Employment Equity Act*, and describes the main steps in implementing employment equity. It explains which employers are covered by the *Act*.

Document 2: Compliance

This Document provides general information on the compliance provisions in the *Act*. The Canadian Human Rights Commission is responsible for the enforcement of all employer obligation under the *Act*, with the exception of the annual reporting requirements which, for private sector employers, fall under the responsibility of the Minister of Labour.

Guideline 1: Getting Started

This document emphasizes the importance of planning, and provides suggestions for maximizing success in employment equity through key steps taken early in the process, such as ensuring senior management commitment. It provides information on the initial steps that should be taken when developing an employment equity program.

Guideline 2: Communications

This Guideline highlights the importance of communication initiatives at all stages of the employment equity process. It also outlines employers' legislative requirements to inform employees and employee representatives about the principles of employment equity and the key steps in the process. It discusses the benefits to ensuring employees understand the process and provides suggestions on how to communicate effectively with employees.

Guideline 3: Consultation and Collaboration

This Guideline provides an overview of employers' responsibilities to consult and collaborate with employee representatives in the preparation, implementation and revision of the employment equity plan. Employee representatives includes both unionized and non-unionized employees.

It suggests steps employers can take to establish a process for involving employee representatives, in employment equity - for example, setting up working groups, forums or committees. Employers are encouraged to build on any effective processes which may already be in place.

Part C of the Guideline, Information

Documents, provides examples of different types of structures which could be established to meet the legislative requirements.

Guideline 4: Collection of Workforce Information

This Guideline discusses legislative requirements for conducting a workforce survey as well as their purpose, and outlines the process for conducting the survey. It suggests methods employers should consider when designing, distributing and collecting their survey questionnaire. It provides further information about the definitions of the designated groups and who they include. As well, it discusses the confidentiality requirements of the legislation.

Part C of the Guideline, Information Documents, contains many helpful work tools. For example, it presents criteria on how to determine if and employer-employee relationship exists; provides definitions of different categories of employees (e.g. full-time, part-time, temporary, contract employee); includes a list of commonly-asked questions regarding the inclusion of additional questions on the workforce survey questionnaire; presents an example of a form for monitoring the return of the workforce survey questionnaires; provides definitions of the four designated groups and other helpful information.

Guideline 5: Workforce Analysis

This Guideline explains the six steps involved in conducting a workforce analysis to determine under-representation. It takes the employer step-by-step through the process of analyzing the workforce, explaining technical terms and concepts.

Examples, including sample calculations, are given in Part C, Information Documents. This Guideline emphasizes the importance of designing an analysis framework suitable to each individual employer, and sets out the considerations involved in designing such a framework. It provides useful guidance about determining when under-representation exists. This guideline describes the concepts that are used in the employment equity data provided to employers by HRDC, and explains the source of the information.

Guideline 6: Employment Systems Review

This Guideline explains how an employer's human resources policies and practices may constitute barriers that limit the full participation of designated group members.

It suggests processes that employers may use to help them review the way employees are recruited, selected, trained, promoted, and retained in the workplace. Methods of identifying any existing barriers are provided.

The Guidelines also provides examples of human resources policies and practices that are inclusive of all groups as well as examples of how the special needs of designated group members can be accommodated in the workplace.

Guideline 7: Employment Equity Plan

This Guideline elaborates on the legal requirements related to the employment equity plan.

It discusses the different components of an employment equity plan: measures to eliminate barriers, positive policies and practices, accommodation measures, short and long term goals, and timetables. It elaborates on the factors to be considered in setting numerical goals and discusses the concept of “reasonableness”. It gives important guidance on the sufficiency of numerical goals contained in the plans.

Guideline 8: Aboriginal Peoples

This Guideline discusses the provision in the legislation relating to employers engaged primarily in promoting or serving the interests of Aboriginal peoples. It also provides background information on the situation of Aboriginal peoples.

Guideline 9: Monitoring, Review and Revision

This Guideline discusses the legislative requirement of employers to monitor, review and revise the employment equity plan periodically. It provides information and suggests methods organizations can use to assess their progress and results.

This Guideline discusses the requirements in the Regulations related to establishing and maintaining records, including the medium in which information can be stored, and the different periods of time for which various kinds of records must be retained.

Guideline 11: Employment Equity Report

This Guideline provides assistance to employers in completing their annual employer employment equity reports in accordance with the legal requirements, including the requirements relating to narrative summaries. It should be noted that the reporting requirements in the new Regulations are largely unchanged from the previous regulations, with the exception of the 14 occupational groups, using the National Occupational Classification.

Reference Documents

This section provides a number of important reference documents including a list of Regional Workplace Equity Offices with addresses and telephone numbers.



Document 1: Overview of Employment Equity



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This document is intended to provide background on the *Employment Equity Act* so that readers will understand its context. Separate guidelines address the methodology of implementing the *Act*.

Other documents to consult include the *Act* and *Regulations*, as well as documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

THE PURPOSE OF THE *EMPLOYMENT EQUITY ACT*

Any examination of salaries, occupations, career patterns, unemployment and labour force participation rates indicates serious disparities between the labour force experiences of women, Aboriginal peoples, persons with disabilities and members of visible minorities and those of other working age individuals.

To address these disparities, the government passed into law the *Employment Equity Act* to ensure that no one is denied employment opportunities and benefits for reasons unrelated to ability. The *Act* states that this is achieved by correcting disadvantages in the workplace experienced by the four designated groups mentioned previously. It is also achieved by implementing the principle that employment equity means more than treating people in the same way but also requires special measures and the accommodation of differences.

The *Act* is designed so that the outcome of its implementation is an equitable representation of women, Aboriginal peoples, persons with disabilities and members of visible minorities in workplaces across Canada. Employers are expected through an analysis of their workforce and employment policies and practices to develop employment equity plans. The plans include the elimination of employment barriers and special measures to enhance employment opportunities for members of the four designated groups.

Employers Subject to the *Employment Equity Act*

The following organizations are subject to the *Employment Equity Act*

- all federally regulated employers with 100 or more employees, including organizations in industries such as banking, communications, and international and interprovincial transportation.
- there are approximately 350 private sector employers and Crown corporations which represent 587,400 employees.
- all federal departments, representing approximately 220,000 employees; and
- other parts of the Public Service, including the Canadian Forces and the Royal Canadian Mounted Police as may be specified by order of the Governor in Council on the recommendation of the Treasury Board.

Steps in Implementing an Employment Equity Program

The following steps are required when implementing an effective employment equity program. The *Employment Equity Act*, the *Regulations* and the *Guidelines* provide explanations on how these steps are to be implemented.

The steps are as follows:

1. developing the organizational commitment and structure for an employment equity program. This includes getting the commitment of the chief executive officer, assigning responsibility for the program to a senior executive, making an announcement to all staff about the program, and appointing staff to undertake the administrative functions of the program;
2. developing a mechanism to consult and collaborate with employee representatives. This can be done through the establishment of an employment equity committee or by another means appropriate to the organization. Consultation and collaboration is an ongoing process, and is essential for an effective employment equity program.
3. conducting a workforce survey, that is, asking employees whether or not they are members of the designated groups;
4. undertaking a workforce analysis, that is, analyzing the representation of designated group members in the employer's workforce and comparing it to the representation in the appropriate segments or all of the Canadian workforce. This is done to determine if equitable representation exists within the employer's workforce;

5. undertaking an employment systems review, that is, examining all human resource policies and practices to determine if any barriers exist that prohibit the full participation of designated group members within the employer's workforce. This review includes examining policies and practices as they relate to the special needs of members of designated groups;
6. developing and implementing an employment equity plan to address the inequities discovered through the workforce analysis and employment systems review. The plan must include the following:
 - positive policies and practices to accelerate the integration of designated group members in employers' workforces;
 - elimination of employment barriers pinpointed during the employment systems review;
 - a timetable for implementation;
 - short term numerical goals; and
 - longer term goals; and
7. monitoring the implementation of the plan and reviewing and revising it as necessary.

Reasons for Employment Equity

Although the primary reasons for implementing employment equity programs is to improve the status of the designated group members in the labour force, it has become increasingly clear that employers benefit from having strong employment equity programs.

All employees, designated and non-designated group members, will receive benefits from properly implemented and maintained employment equity concepts and principles.

“As much as it (employment equity) is statistically justifiable, socially desirable and morally the right thing to do, it is also a fundamental necessity in today’s business world. Even a cursory examination of current market conditions makes it abundantly clear that Canadian companies must fully capitalize on this country’s greatest resource, its rich and diverse workforce, if they are remain competitive in an increasingly global economy.”

*--Hon. Sheila Finestone,
Secretary of State for
Multiculturalism and
Status of Women,
May 1995*

Business benefits

Larger markets:

Canadian senior executives are beginning to realize that to be profitable they need to expand their customer base, and one way of doing so is to tap into markets previously ignored. This means going abroad, for example into Asia, and recognizing that the customer base at home is rapidly changing as a result of changing demographics.

In a recent study by the Conference Board of Canada, 58 per cent of respondents to a survey indicated that they had taken advantage of Canada's ethnocultural diversity in expanding into international markets. Nearly two-thirds of these organizations felt they had benefited from these efforts. About half of the respondents indicated that they had found it necessary to meet the need of an increasingly ethnoculturally diverse customer base within Canada. The majority of these companies reported an increase in market share.

- “The biggest lesson is to understand that employment equity is a continuous process, that it must become part of the corporate culture and recognized for its positive contributions to the company's performance in terms of its business and financial success.”

WIC Western International Communications
Employment Equity Annual Report
1996

- “...In a time of belt tightening, the optimal use of resources is not just an asset but a question of survival. In this respect, employment equity becomes a powerful tool for management (and marketing) giving a strategic advantage to businesses that uphold its principles.”

Canadian National
Employment Equity Annual Report, 1996

Selected Costs and Benefits of Instituting a Diversity Management System	
<i>Reprinted with permission from "Measuring the Impact of Diversity", 1996, . The Canadian Institute of Chartered Accountants, Toronto, Canada</i>	
COSTS	BENEFITS
<ul style="list-style-type: none"> • cost of time to establish diversity policies and procedures • cost of developing and maintaining an inventory of organizational skills • cost of developing and maintaining internal communications vehicles on diversity • cost of developing appropriate evaluation and reward systems • cost of executing the policies, procedures, evaluations and reward systems • cost of training and education to entrench diversity values • cost of image building and public relations efforts related to diversity • cost of expanded benefits systems which acknowledge diverse needs • cost of preparing supplement to annual report 	<ul style="list-style-type: none"> • decreased dysfunctional turnover cost • decreased cost of absenteeism • increased productivity and efficiency of employees • decreased cost of poor quality goods and services • decreased cost of outside consultants • increased effectiveness and productivity of teams • decrease in legal and reputation costs of diversity-related employee grievances • increased organizational innovation • increased employee morale and job satisfaction • increased customer service and satisfaction • enhanced organizational reputation • increased long-run profitability and financial health

Larger Labour Pools:

By the year 2016, approximately, two thirds of the Canadian population aged 15 to 64 will be made up of designated group members. These people represent a great pool of skills and talents that employers cannot afford to overlook if they want to succeed in today's competitive, knowledge-based marketplace.

- “Progress in achieving workforce diversity and workplace equality goes hand-in-hand with success in the fiercely competitive financial services industry where the single most significant contributor to our capacity to differentiate ourselves in the eyes of the increasingly diverse customers demanding increasingly customized service is the quality of our employees - representative employees who understand our customers' business culture and personal priorities, and whose skills, knowledge and background are leveraged to the fullest extent possible.”

Bank of Montreal
Employment Equity Annual Report, 1995

Better Human Resource Policies and Practices:

Employment equity not only helps organizations deal with the changing demographics of Canadian society, but also leads to better management systems in the areas of recruitment, selection, promotion, hiring and an improved organization culture that benefits all employees.

This is particularly evident when reviewing human resources policies and practices for adverse impact on designated group members. Very often practices and policies have a negative impact on all employees, not just designated group members. These can be eliminated to the advantage of everyone. Measures designed to help one designated group may in fact help all employees in an organization. For instance, a day care centre set up to help female employees, will also help male employees who use the centre.

- “No employer can afford to ignore any available source of talent including designated groups such as women, visible minorities, Aboriginal peoples, and people with disabilities. In fact, by the year 2000, less than 20 per cent of the new entrants to the workforce will be white and male. Any organization which does not prepare itself to successfully manage and motivate a highly diverse workforce is likely to encounter a multitude of employee relations and other business issues.”

Sherran L. Slack,
Vice President, Human Resources,
Warner-Lambert Canada Inc.
1995

Good Public Relations:

Organizations will often receive good public relations if they implement employment equity. They will be seen as good corporate citizens and as attempting to redress some of the employment hardships faced by designated group members.

- “Diversity has traditionally been considered the domain of politicians and social engineers who have looked to legal and regulatory solutions to ensure workplace diversity...such legislated solutions have often been viewed by organizations as a threat to their autonomy and as such an added cost of regulatory compliance. But organizational attitudes are changing as more companies learn how diversity as a key intellectual asset can help ensure long-term organizational health and survival. Valuing and managing diversity can increase the organization’s long-term wealth by, for example, creating value added customer and client relationships and providing products and services that are the ‘best in the world’...”

Reprinted with permission from
“Measuring the Impact of Diversity, 1996”
The Canadian Institute of Chartered Accountants
Toronto, Canada

Social justice benefits

All the data indicates that designated group members experience particular difficulties in the labour force. Employment equity is designed to address these difficulties and allow designated group members to take their rightful place in the Canadian labour force.

- “If we do not act positively to remove barriers, we wait indefinitely for them to be removed. This would mean that we are prepared in the interim to tolerate prejudice and discrimination. By not acting, we unfairly ignore how inherently invalid these exclusionary distinctions are, and we signal our acceptance as a society that stereotypical attitudes assigned to designated group members are appropriate justifications for their disproportionate disadvantages. No exigency, economical or political can justify the knowing perpetuation of inequality in Canada. If we fail to rectify it we guarantee its survival. It is probable that absolute equality is unattainable. But even if absolute equality is unattainable, no civilized society worthy of the description can afford not to struggle for its achievement. We may not be able to achieve absolute equality, but we can certainly reduce inequality.”

Judge Rosalie Silberman Abella
Royal Commission Report
“Equality in Employment”, 1984.

Legal Benefits

Organizations are required by law to implement employment equity. If employers fail to file an annual report with Human Resources Development Canada, they may face a monetary penalty. In addition, the Canadian Human Rights Commission has the authority to ensure employers are complying with the law. The Commission may negotiate undertakings and issue directions and orders to employers who are not meeting their obligations under the *Employment Equity Act*. Employment Equity Tribunals can make orders which are similar to orders of a federal court.

Employment equity is a pro-active program designed to eliminate discrimination from the workplace. As such it can help to reduce individual cases of discrimination.

History of Employment Equity

The *Employment Equity Act* is a statute that has emerged from 30 years of experience with anti-discrimination programs.

Employment equity started out in Canada as a small experiment in eliminating workplace discrimination through a voluntary approach for a few interested employers. From this, it has changed over the years to mandatory programs which include almost all federally regulated employers with 100 or more employees, the federal public service and provincially regulated employers which have goods and services contracts with the federal government worth \$200,000 or more.

Initially, exclusion of certain groups from employment and in promotions was seen as a human relations problem - the result of bias or malice. To eradicate this type of conduct from the workplace, human rights legislation was enacted from the 1940s to the 1970s by both federal and provincial governments. By the mid-1970s however, questions were being raised about the overall effectiveness of these individual complaint-based statutes in combating broad-based employment disadvantages which continued to be experienced by certain groups.

It became apparent that exclusion could result not only from conscious bias, but also from unintentional practices or systems. Even a seemingly neutral employment policy or practice could have an adverse impact on the opportunities of certain groups of individuals.

Even a seemingly neutral employment policy or practice can have an adverse impact on the opportunities of certain groups of individuals.

The concept of “equality” took on a new form. No longer was it enough to treat everyone the same, regardless of differences. Equality, to be assured, has to recognize and accommodate for these differences. This concept was part of the basis for employment equity as it began to emerge in Canada.

In 1978, the federal government launched a voluntary affirmative action program aimed at private industry and federal contractors. Crown corporations were included in the following year. These voluntary programs were delivered from Employment and Immigration Canada which is now part of Human Resources Development Canada. Departmental consultants were hired across the country to work with employers to help them develop affirmative action programs. By 1983, affirmative action programs were extended to all departments of the federal public service.

At this time the program was directed at women, Aboriginal peoples and persons with disabilities. Members of visible minorities were included in 1985.

The legal basis for these programs was the *Canadian Human Rights Act*. Section 16.1 of the *Act* states that "it is not a discriminatory practice for a person to adopt or carry out a special plan or arrangement designed to prevent disadvantages . . . or to eliminate or reduce disadvantages that are suffered by any group of individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status, family status or disability of members of that group, by improving opportunities respecting goods . . . or employment in relation to that group". This section of the *Canadian Human Rights Act* is still the cornerstone of employment equity programs today. In 1982, the *Canadian Charter of Rights and Freedoms* constitutionally affirmed the right to equality in employment.

The Canadian Human Rights Act and the Employment Equity Act provide the legal basis for special programs for designated group members.

Although some progress was being made in the public service and with private sector employers

which were voluntarily implementing what was then called affirmative action, the status of the designated groups in the labour force continued to be poor. So in 1983, the federal government created a Royal Commission whose mandate was to study equal employment opportunities. This commission was chaired by Judge Rosalie Abella and it tabled its report *Equality in Employment* in November 1984. The report proved to be a watershed for employment equity in Canada.

In response to the Abella Report, the government announced three major initiatives:

- The *Employment Equity Act* came into force on August 13, 1986. It made employment equity mandatory for federally regulated companies with 100 or more employees.
- The second initiative announced was the Federal Contractors Program for employment equity which covered companies with 100 employees or more that submit bids or tender for federal contracts to deliver goods or services valued at \$200,000 or more. These employers must certify their commitment to implement employment equity initiatives in order to be included on the list of suppliers and as a condition of their contract. There are approximately 750 employers with federal contracts covering almost one million employees.
- The third initiative was an employment equity policy covering the entire public service, because the public service was not subject to the *Employment Equity Act*

Given the innovative nature of the program, the *Employment Equity Act* stipulated that a parliamentary review committee should be established five years after implementing the *Act* to assess its impact. The committee, chaired by MP Alan Redway, noted in its 1992 report essentially the same thing Abella had noted eight years earlier - that is, designated group members were not making as much progress in the labour force as they should.

Although the government of the day did not respond to the Redway Report before a federal election in 1993, the new government took action when it came to power. The data on the status of designated groups demonstrated to the new government of the need for strong legislative action on behalf of women and minorities. While the data demonstrated that women and members of visible minority groups were making some progress in the workforce covered by the 1986 *Employment Equity Act*, the labour force situation for Aboriginal peoples and persons with disabilities was changing only slightly.

Legislation was necessary to speed up the integration of designated group members in the labour force.

So, although the *Act* was having some impact, it was felt progress could be faster.

As a result of these data, the report of the parliamentary review committee and increasing pressure by well-organized advocacy groups, the government responded by developing new and improved legislation, the result of which was the *Employment Equity Act* of 1995, which came into force in 1996.

Differences between the 1986 *Employment Equity Act* and the 1995 *Employment Equity Act*

The purpose of employment equity remains the same in both the 1986 *Act* and the 1995 *Act*. The 1986 *Act* painted employment equity in broad brush strokes and the 1995 *Act* is more detailed in its approach.

The 1995 *Act* is much more specific than the 1986 *Act* in specifying employer obligations.

The most significant change for most employers is that the new *Act* clearly provides the Canadian Human Rights Commission with the mandate to conduct on-site compliance reviews in order to monitor compliance. It also allows for the establishment of Employment Equity Review Tribunals to hear employment equity cases.

The *Act* also establishes that seniority rights for layoff and recall and workforce adjustment measures are deemed not to be employment barriers for the purposes of the *Employment Equity Act*.

The 1995 *Act* also ensures that equivalent program requirements exist for those employers that are subject to the *Act* and those that are subject to the Federal Contractors Program.

The 1995 *Employment Equity Act* also dispels some of the myths that surround employment equity. It states that the obligation to implement employment equity should not be construed as requiring an employer to take measures which would:

- cause undue hardship on the employer;
- require the promotion or hiring of unqualified individuals;

- contradict the merit principle in the public sector;
or
- require the creation of new positions in the employer's workforce.

The 1995 *Act* clarifies that implementing employment equity does not require quotas.

The federal public service is included in the *Act* and so is subject to the equivalent program requirements as private sector employers. Although the public service was required, before the 1995 *Act* was passed, to implement employment equity as legislated in the *Financial Administration Act*, many private sector employers, designated group members and unions wanted the public sector to be subject to the same legislation they were. This issue was perceived as a matter of fairness.



Document 2: Compliance



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

The *Employment Equity Act* provides for two enforcement procedures. The Canadian Human Rights Commission (CHRC) is responsible for the enforcement of all employer obligations under the *Act*, with the exception of the annual reporting requirements which fall under the responsibility of the Minister of Labour.

COMPLIANCE

Employer obligations are set out in Part I of the *Employment Equity Act*.

Compliance procedures are the subject of Parts II and III of the *Act*.

Part II of the *Act*, entitled “Compliance” (sections 22 - 34), relates to audits by the Canadian Human Rights Commission and hearings by the Employment Equity Review Tribunal.

Part III, entitled “Assessment of Monetary Penalties” (sections 35 - 40), relates to compliance procedures for private sector reporting obligations.

Canadian Human Rights Commission (CHRC)

The *Employment Equity Act* gives the CHRC the mandate to conduct audits of both private and public sector employers with respect to sections 5, 9 to 15 and 17 of the *Act*. These include the following employer obligations:

- implementing employment equity;
- collecting workforce information;
- conducting a workforce analysis;

- reviewing employment systems, policies and practices;
- preparing an employment equity plan containing specified elements;
- making all reasonable efforts to implement the employment equity plan (the plan);
- monitoring the plan’s implementation;
- reviewing and revising the plan;
- consulting with employee representatives; and
- establishing and maintaining employment equity records.

Thus, the CHRC is responsible for ensuring compliance with employer obligations under the *Act* with the exception of reporting obligations which remain the responsibility of the Minister of Labour.

It should be noted that the *Act* requires that the Commission, in fulfilling its mandate, be guided by a policy of “persuasion and negotiation” in remedying situations of non-compliance. Directions and applications for orders are to be used only as a last resort.

The *Act* also contains a number of safeguards to ensure fairness. For example:

- Information obtained during the course of an employment equity audit cannot be used in connection with any other legal proceedings, including a complaint under the *Canadian Human Rights Act*

Any person serving as a human rights investigator under the *Canadian Human Rights Act* can not be designated as a compliance officer in a case involving the same employer.

Finding of non-compliance

During an audit, where a compliance officer finds an employer to be in non-compliance with respect to any of the matters listed in section 25(1) of the *Act*, the officer must attempt to remedy the situation by negotiating an acceptable written undertaking by the employer. If such an undertaking cannot be obtained or was breached by the employer, the CHRC has the power to issue a direction requiring the employer to take remedial actions.

Directions by the CHRC are subject to a number of important limitations. For example, no direction can be issued which, would:

- cause the employer undue hardship;
- impose a quota; or
- require the employer to hire or promote persons who are not qualified for the job.

Section 25(1) of the *Act* is important because it sets out those situations of non-compliance where a direction by the Commission could be issued, or where subsequently an order by the Tribunal could be made. Employers are therefore advised to review this section carefully.

Employment Equity Review Tribunals

The *Act* provides for the establishment of an Employment Equity Review Tribunal which can conduct hearings at the request of either the CHRC or the employer. Any employer who has received a direction may request a hearing to have the direction reviewed.

The Tribunal upon reviewing the direction can confirm or rescind the direction or make an order to remedy the non-compliance.

A Tribunal order can be registered in Federal Court and enforced as a court order.

The CHRC cannot give a direction nor can the Tribunal make an order that would:

- cause undue hardship on an employer;
- require an employer to hire or promote unqualified persons;
- require an employer to create new positions in its workforce; and
- impose a quota.

REPORTING VIOLATIONS

Under the 1986 *Employment Equity Act*, failure to report as required could result in a prosecution in criminal court. This was replaced in the new legislation by a system of administrative monetary penalties.

As set out in Part III of the new *Act*, private sector employers can be subject to a penalty for the following reporting violations:

- failure to file an employment equity report without a reasonable excuse;
- failure to include required information in the report without a reasonable excuse; and
- knowingly filing a report containing false or misleading information.

The Minister of Labour can issue a notice of assessment of a monetary penalty to the employer within two years of becoming aware of any violation. The notice must identify the violation and specify the amount of the penalty.

An employer must comply with the notice or contest the assessment within thirty days after receiving the notice.

The *Act* provides for a maximum penalty of \$10,000.00 for a single violation and \$50,000 for repeated or continued violations.



Guideline 1: Getting Started



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Guideline provides information on how to start an employment equity program in the workplace. Separate Guidelines address other topics related to implementing the *Employment Equity Act*

Guidelines provide general direction and practical pointers that reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organizations as they use the Guidelines.

PART A: LEGAL FRAMEWORK

Nothing in either the *Employment Equity Act* or *Regulations* actually sets out the first steps that must be carried out when setting up an employment equity program. However, several requirements in the *Act* would be applicable during the initial phases of a program.

Section 14 of the *Act* states that every employer shall provide information to its employees explaining the purpose of employment equity and shall inform them about measures the employer has undertaken or is planning to undertake to implement employment equity. As well, employers must inform employees about the progress that has been made in implementing employment equity.

See ***Guideline 2: Communications.***

Section 15(1)(a) states that every employer shall invite employee representatives to provide their views on how the representatives can help the employer implement employment equity and communicate to its employees on matters relating to employment equity.

See ***Guideline 3: Consultation and Collaboration.***

PART B: PRACTICAL APPLICATION

First Steps

The first steps are critical to the ultimate success of an employment equity program. These steps set the tone of the program and determine the likelihood that management, employees and unions will accept it. In this stage, demonstrating the support of management and maintaining continuous ongoing communication with staff and any union representatives are very important.

The first steps are critical to the success of an employment equity program.

The required steps in the planning phase are:

- Demonstrating Senior Management Support
 - Announcing the Program
 - Assigning Responsibility and Resources
- Setting Up an Administrative Structure
 - Consulting and Collaborating with Employee Representatives
 - Appointing an Employment Equity Coordinator
- Developing an Employment Equity Policy
 - Communicating the Policy to Employees

Demonstrating Senior Management Support

An effective employment equity program requires the ongoing commitment of the entire organization, starting with senior management. This commitment will filter throughout the organization, ensuring that everyone takes employment equity seriously.

The role of senior management is to :

- establish employment equity as a corporate objective;
- communicate the policy objective to all staff members; and
- demonstrate ongoing support and involvement in both words and actions.

Continuous visible involvement of senior management in the planning and implementation stages is crucial, particularly to ensure managers throughout the organization remain committed.

Senior management should also set an example by demonstrating employment equity at the top management level by supporting the hiring and promotion of qualified designated group members to key positions on boards of directors and to other highly visible positions.

Senior management should appoint qualified designated group members to senior and highly visible positions.

Announcing the program

The initial announcement of the program should:

- state that an employment equity program will be implemented in the organization;
- explain why the program is being implemented;

- indicate that the employment equity program will continue to incorporate the organization's fundamental principle of filling vacancies based on qualifications;
- announce the senior executive responsible for employment equity;
- announce the next steps in the employment equity planning process; and
- provide assurance to employees that they will receive ongoing information about the program's implementation.

The chief executive officer and union representatives in unionized workforces should make a joint statement announcing the program. In general, Canadian unions support employment equity principles. Involvement with the program of local union officials and representatives within the organization should be assured at the outset. This will facilitate the implementation of the employment equity process.

This statement should be provided to all employees through a "desk-drop" or via "e-mail" or by any other means the organization commonly uses to communicate important information to employees. It should also be posted on all bulletin boards, and in the human resources office and recruitment sites. Special efforts should be made to distribute it to organizations in the community representing designated groups.

The employment equity plan may have some effect on the collective agreement, and the union is a key element in communicating with all workers and enlisting their support. Employee representatives are indispensable to implementing employment equity and their co-operation and support is essential for matters like asking employees to self-identify as designated group members and for contributing to a climate favourable to designated groups.

In building support for employment equity, senior management may indicate the following reasons for the program when communicating with employees:

Reasons for implementing an employment equity program include:

- business reasons;*
- reasons of social justice;*
- good public relations; and*
- the law.*

- **Business reasons.** Document 1, the Overview to Employment Equity, discusses the general business case for employment equity. A well-managed employment equity program should affect bottom-line profits significantly. Every company should develop its own business case, taking into account its own specific circumstances. For instance, the organization may have a high and costly turnover of staff related to a lack of promotions for women. A high turnover could also be related to the fact that the organization flies southern employees to remote northern locations instead of hiring local Aboriginal employees. Another example of the business case for employment equity is that diversity within the organization can be an advantage in positioning it for success in a global and diverse marketplace.
- **Reasons of social justice.** Many employees respond to issues of social justice. They are aware of the difficulties that designated groups face in the labour force and would like to ensure that their organization is bias-free, and open to people from diverse backgrounds who are judged by their ability and not by characteristics unrelated to job performance.
- **Good public relations.** Effective employment equity programs generate goodwill and community support. Special programs for designated groups can receive positive media attention and the local community may recognize the organization as being both a good corporate citizen and a good place to work and do business.

- **Legal Obligations.** The law requires organizations to implement employment equity. Human Resources Development Canada is obliged to ensure that employers report on their program to the department every year and to develop a monetary penalty system for those who fail to do so. Individual reports submitted by employers to the department are distributed to libraries across the country for public access to this information. The Canadian Human Rights Commission has the authority to audit employers to ensure they are complying with the law and to negotiate agreements with companies that have not met their legal obligations. An Employment Equity Tribunal can order an organization to comply with the law. Such an Order is similar to an Order of the Federal Court.

Assigning responsibility and resources

Senior management can demonstrate it supports employment equity through tangible actions. The most important things that management can do are to delegate enough authority to those responsible for developing the employment equity plan and to allocate sufficient human and financial resources.

An element of prime importance within the framework of the program is to choose the organization's employment equity executive carefully. This person should have senior-level capability, excellent communication, negotiation and program management skills. In addition, this person must understand the problems, concerns and aspirations of designated group members and be committed to employment equity as a concept and be willing to "champion" the program. The employment equity executive needs to have credibility with both designated group members and other members of the senior management team.

The choice of the employment equity executive can "make or break" the program.

There is some debate about whether this person should be responsible for human resources as well as employment equity, or if these two functions should be separate. What is more important than whether the two functions are held by the same person, is the ability of the person to promote employment equity. Because advocacy work is required, the commitment is critical. The person must be open to changing existing human resource policies and practices without feeling threatened by change. Executives who have been involved in developing existing human resource policies may feel committed to their continued existence, but this is not necessarily the case.

There is also some question about where in the hierarchy of the organization the position should be placed. The higher up the position, the more power and prestige the person occupying it has and the more chance he or she has of effecting change. Ideally, this person will report directly to the chief executive officer, which will demonstrate to the rest of the organization the support of top management to the program.

Although much of the analysis can be done at lower levels, presentations to the senior management team should always be made with the support of the senior executive responsible for employment equity.

The allocation of sufficient human and financial resources will vary with the size of the organization. Resources are generally needed for:

- staff who co-ordinate the program;
- committee work by employees. If adequate time is not provided away from their regular jobs for committee work and other tasks, employees may become frustrated with the lack of progress being made and the credibility of the program may be undermined; and
- hiring expert help to undertake specific tasks that employees do not have the time or expertise to do. This may include hiring trainers to provide awareness training about designated group members or analysts to conduct a review of human resource policies and practices for their impact on designated group members.

The following resources are needed for an employment equity program:

- *staff;*
- *time; and*
- *budget.*

Setting Up an Administrative Structure

Once a senior executive has been assigned responsibility for the program and an announcement has been made that employment equity will be implemented in the organization, the administrative structure must be developed to set up the program. This task includes setting up a mechanism to consult and collaborate with employee representatives and hiring an employment equity co-ordinator.

Consulting and collaborating with employee representatives

Setting up an Employment Equity Committee is a very useful mechanism for consulting and collaborating with employee representatives. It is important to note that a committee structure may not work for some organizations. However, the employer must find some mechanism to consult and collaborate with employees about employment equity.

See Guideline 3: Consultation and Collaboration.

Employment equity coordinator

Usually organizations assign one or more people to co-ordinate and ensure that the employment equity program is implemented. In large organizations, this group is composed of several people, while in small organizations the employment equity function may be only one part of another job.

Organizations that have an employment equity committee may wish to appoint an employment equity co-ordinator after the committee is struck to allow its members to be involved in the selection of this person.

The functions of the employment equity co-ordinator and his or her group can include:

- organizing committee meetings;
- developing a corporate policy on employment equity;
- collecting data and preparing employee surveys;
- carrying out the statistical and qualitative analysis;
- co-ordinating the review of the human resource policies and practices for their impact on designated group members;
- drafting the corporate employment equity plan;
- organizing awareness training or other employment equity training for employees;
- helping line managers develop individual plans for their sphere of responsibility;

- keeping records;
- preparing reports for senior management;
- keeping lists of local designated group associations up to date to inform them of job openings;
- advising the senior executive responsible for employment equity of the progress of the program;
- representing the organization at outside meetings and functions; and
- preparing the annual report for HRDC.

These activities are carried out with the advice and help of the employment equity committee.

Like the senior executive, the employment equity co-ordinator must be aware of designated group concerns and knowledgeable about employment equity. The person must also understand the organization to ensure that proposals appropriate to that organization are put forward. If the person is hired from outside the organization because of expertise in employment equity, he or she needs to develop a knowledge of the business lines of the organization to make realistic proposals. The co-ordinator must also be able to convince and negotiate and must be willing to compromise.

The Employment Equity Co-ordinator must have the ability to convince, negotiate and be willing to compromise.

The employment equity co-ordinator can be situated in various locations within the organizational structure. If the person is placed within the human resources section, he or she will have a much easier time obtaining information necessary to undertake the analysis for the program. The person will also be seen as a member of the human resources team, and therefore may meet less resistance when proposing changes to human resource policies and practices.

However, there is an advantage to placing the co-ordinator outside human resources. If outside, this person will not be placed in a conflict-of-interest situation and may be less likely to feel any need to support existing human resource policies and practices that might hinder or compromise an employment equity program. However, the human resources department needs to be involved, otherwise it may see the analysis and requests for information as a burden.

However, as with the senior executive, it is the attitudes and the behavior of the co-ordinator and those to whom this person reports that are as important as his or her place in the organizational structure.

Developing an Employment Equity Policy

Once the administrative structure has been determined and the employment equity co-ordinator appointed, an employment equity policy must be developed and communicated to employees.

The policy statement serves two purposes. It informs employees and the public of the commitment of the organization and the union to employment equity. It also provides a framework for subsequent actions.

The policy statement should:

- state the organization's commitment to implementing employment equity;
- concisely define employment equity, specifying that it is a human resource planning tool designed to eliminate barriers in the workplace that may prevent the full participation of all employees and potential employees, including designated group members. It should also state that it contributes to the overall effectiveness of the organization;

- outline how the organization intends to monitor the implementation of the Act;
- include a statement that the principles of employment equity -- fairness and an avoidance of bias -- are not new to the organization. As well, the statement can be used to dispel some myths that exist about employment equity. For instance, it can say that employment equity **does not** mean reverse discrimination and that quotas **are not** part of the program; and
- outline the administrative structure of the program, including the reporting relationships of the staff managing the program, and the roles and responsibilities of any committees that may exist and how they fit into the overall structure of the program.

The policy statement can be used to dispel myths about employment equity.

Communicating the policy to employees

When an organization issues an employment equity policy statement, employees are likely to raise questions about how current human resource policies and practices will change, and whether employment and promotional opportunities for non-designated group members will be affected. For designated group members, there may be concerns about how self-identification will affect them individually.

It is important therefore, that a covering memorandum addressing these questions and concerns be sent to employees along with the policy statement.

This covering memorandum may also include the following:

- a reminder of the reasons why the organization is implementing employment equity, including the fact that implementing employment equity is a legal requirement;

- a statement expressing the necessary commitment of all managers to employment equity and their accountability for achieving goals within their sphere of responsibility;
- an announcement naming the members of the employment equity committee, if one has been developed;
- the name and telephone number of the employment equity co-ordinator with an invitation to telephone this person for more information; and
- an announcement of employment equity information sessions for all interested persons, including specific dates and locations.

The policy and covering memorandum should be provided to every employee in the usual manner in which information is conveyed to them.



Guideline 2: Communications



Human Resources
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INTRODUCTION

This Guideline is intended to clarify the requirements of the *Employment Equity Act* about communicating information to employees regarding employment equity and the employment equity plan. It is also intended to assist organizations and bargaining agents in developing effective communications that contribute to reasonable progress on employment equity.

Communication with respect to employment equity is not only required by law, it is also essential to the success of the employment equity plan. An informed and supportive workforce can help ensure that plan activities are carried out. Good communication will also ensure that those with direct responsibility for carrying out activities receive regular feedback on their effectiveness.

Guideline 3 addresses the related issue of consultation and collaboration with employee representatives. Guideline 1, entitled *Getting Started*, refers to some of the topics to be communicated to employees particularly in the early stages of developing a program. Reporting requirements for Human Resources Development Canada are covered in Guideline 11.

Guidelines provide general direction and practical examples that reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organization as they use the Guidelines. Other documents to consult include the *Act* and *Regulations* as well as documents available from the Canadian Human Rights Commission relating to the audit process.

PART A: LEGAL FRAMEWORK

Section 14 of the *Act* states: :

“Every employer shall provide information to its employees explaining the purpose of employment equity and shall keep its employees informed about measures the employer has undertaken or is planning to undertake to implement employment equity and the progress the employer has made in implementing employment equity.”

Communications therefore need to address:

- *Why* employment equity?
- *What* is the organization doing to achieve it?
- *How* is the organization progressing?

Section 15 of the *Act* states that every employer shall consult with its employee representatives by inviting the representatives to provide their views concerning "the assistance that the representatives could provide to the employer to facilitate ... the communication to its employees of matters relating to employment equity..."

See **Guideline 3: Consultation and Collaboration.**

The *Regulations* make no specific reference to internal communication requirements.

PART B: PRACTICAL APPLICATION

The Purpose Of Communicatig

Communication aims to create a climate of understanding, commitment and support that will contribute to the success and effectiveness of the organization's employment equity plan and activities. Effective communication keeps employees informed and promotes ownership and participation in the employment equity program. It remindsemployees that the program is ongoingand emphasizes the organization's commitment to employment equity. Good communication about employment equity also should remind employees that a bias free workplace is good for everyone as well as the efficiency of the organization.

Although Section 14 and 15 of theAct spell out certain obligations to both provide information to employees and consult with employee representatives about communication, it is important that employers go beyond these minimum requirements. Employers with effective employment equity programs will be communicating with employees at all stages of the development and implementation of the employment equity program. Such ongoing communication will help to ensure that employees understand how employment equity benefits everyone. It will also help to ensure appropriate employee participation in the program.

Employers may wish to develop a strategy to ensure this ongoing communication.

Such a strategy will include a number of components, each intended to achieve specific results. For example, communications about the workforce survey are designed to achieve a high level of accurate response from employees. Communications about the employment equity plan may be intended to increase the expertise of managers with respect to employment equity implementation; to promote the effective implementation of the plan; to remind managers about their ongoing responsibilities; to recognize achievements; and to keep staff informed of progress.

Spelling out specific goals for each communication activity helps to focus the development of communications and enables an evaluation of the success of each activity.

Laying the Groundwork

Responsibility

Responsibility for carrying out an organization's communication strategy needs to be defined at the outset. Many organizations find that investing lead responsibility in one person (such as the senior executive responsible for employment equity) provides the most consistency and control. Some organizations will find that a sub-committee of the main employment equity committee or a small working group responsible for communications works best for them. This group may include employee representatives along with the person who usually develops organizational communications. Still others may integrate the responsibility with the role of communications staff. In this model, input would still come from the senior executive and/or the employment equity committee. Input from designated group employees is critical to ensure the message will be well received by all designated group employees. All communication should be supported from the highest level.

Consultation

The law requires the employer to consult employee representatives about how these representatives might help in communicating with employees about employment equity. In many cases, representatives can play an active role in communications.

Representatives may, for instance, participate in presentations to their own members, convey the union's support for the employment equity program, and encourage participation in the workforce survey.

Communications from employee representatives can be one of the most effective ways of informing employees about the organization's employment equity program and ensuring their participation. It is important that these representatives are given the resources necessary to communicate effectively. These resources may include training on the purposes of employment equity, diversity seminars, and access to communication vehicles such as newsletters and staff meetings.

Other Resources

Larger organizations may have marketing, advertising or public relations personnel with expertise in communications. These people can serve as resources in developing an organization-wide communication strategy as well as in crafting the individual components of that strategy. Outside assistance may be helpful for specific projects, for example, management seminars.

Communication Strategy

The individual(s) responsible for communications will need to develop a general communications strategy early on in the employment equity program.

The strategy should address:

- what needs to be communicated;
- with whom to communicate;
- how to communicate; and
- when to communicate.

The strategy should take account of the realities of the organization with respect to employment equity:

- What priority has employment equity had until now?
- Is there resistance to equity? If so, where?
- What are the key concerns among staff? Among managers?
- Are other things happening in the organization that could make change difficult (e.g. downsizing corporate reorganization, takeovers, selling a portion of the company)?

It is important that the strategy has the flexibility to address unexpected issues as they arise. The findings of the Employment Systems Review and the Workforce Analysis will determine communication needs and issues as the program progresses.

Communications need to be two-ways to prevent problems occurring. Feedback is vitally important in ensuring that communication messages are understood as intended.

Communications should be provided in alternate formats where required (audio, Braille etc.).

Structure and Elements

What needs to be communicated

The law requires that organizations inform employees about:

- the **purposes** of employment equity;
- the **measures** the employer has undertaken or plans to undertake to implement equity; and
- the **progress** made in implementing employment equity.

Purposes

Informing employees about the purposes of employment equity involves raising awareness and understanding among employees of the:

- forms and effects of discrimination
- the social and economic costs of discrimination
- background on the disadvantages experienced by designated groups in the workplace and
- the need for a proactive program like employment equity to remove barriers and to ensure equal opportunity for all groups.

Other communication tasks here may include:

- explaining the myths about employment equity (claims of reverse discrimination, quotas);
- exploring sensitive issues such as the impact of employment equity in a time of downsizing; and
- outlining the business advantages of employment equity.

Measures

Organizations will need to communicate to employees about the measures taken or planned to implement an employment equity program. These may include:

- the organization's policy on employment equity and what it means for managers and employees generally;
- roles and responsibilities relating to employment equity and where to get more information;
- the workforce survey and the need for all employees to participate;
- the employment systems review process and summary of findings of the review;
- the employment equity plan, goals and timetables, activities and special measures;
- initiatives or policies, for example, revised recruitment policy, outreach recruitment, accommodation policy, flexible work arrangements, improving workplace accessibility, harassment prevention training etc.

See Guideline 4: Collection of Workforce Information

The communications on each of the above items could include a number of initiatives. See the example on communications to employees about the workforce survey on page 10.

Progress

Information on the progress in implementing equity may include:

- the percentage representation of designated groups in the organization compared to previous years;
- updates on implementation of the plan and the results achieved (quarterly or annual depending on degree of activity);

- revisions to the plan; and
- information on the results of special initiatives such as the development of a management training program for clerical workers.

The extent to which people need to know about these items will determine what communication tools to use. For example, managers who have direct responsibility for implementing the employment equity plan will need regular and detailed updates on the progress of the plan while employees generally will need less detailed information. This may mean for example, that each manager receives monthly detailed reports and employees only receive annual summary reports in a newsletter.

Similarly, a new flexible work arrangement policy will need to be communicated broadly to all employees covered by the policy. Those responsible for administering the policy will need more detailed information. A bridging program aimed at developing Aboriginal employees will require special efforts to inform them about the program and encourage their participation. Other employees need to be aware only of the general nature of the program, but do not need the details.

Organizational realities also must be taken into account in determining what and when to communicate. An organization new to employment equity may be in need of an intensive up-front training of managers on employment equity and its implementation. When myths or misconceptions exist about equity among employees generally, these would need to be discussed in communications early in the program in order to ensure its success.

SAMPLE COMMUNICATIONS STRATEGY FOR A WORKFORCE SURVEY

Workforce survey communications could include:

- a letter to all employees signed by the CEO explaining why a workforce survey is required and what it means for each employee;
- posters promoting the survey;
- directives to managers and supervisors to inform their staff about information sessions on the survey;
- information sessions explaining the survey and process, and why everyone should complete the form; defining each of the designated groups identifying resources for more information; and providing opportunity for two-way communications;
- union representatives to explain and promote the survey in union meetings and in the union newsletter;
- a brochure with the survey form that briefly explains the process and which encourages participation;
- a telephone hotline for people with questions about the survey;
- a follow-up letter from the CEO thanking people for participating and identifying the next steps in the employment equity process and
- a summary of survey results published in the staff newsletter.

With whom to communicate

The type of audience will affect the content and approach to communications. Internal audiences can include one or more of the following:

- all employees ;
- new employees;
- job applicants;
- managers and supervisors;
- employee representatives;
- employees from each of the four designated groups; and
- the board of directors.

The audience affects what is to be communicated, the level of detail, the frequency of communication, the mode of communication and the tone of the message. For example, messages to managers might stress responsibilities while messages to employees generally might focus on encouraging support or participation. Other factors that influence communications are previous knowledge level, literacy, language spoken at work and responsibilities

How to communicate

Personal communications

The type and size of audience will influence the type of media used as will the nature of the message to be communicated. Personal (face-to-face) communications, such as meetings, are often more effective than non-personal communications (e-mail, memos, newsletters etc.) This is true especially where the audience is small and not dispersed, where the literacy level is low or where English or French is not the mother tongue. Personal communications tend to be more effective also when dealing with sensitive or complex issues, and when there is a need to persuade people—for example persuading them to participate in the workforce survey.

Personal communications may be more important in the early stages of the employment equity program to ensure people understand the reasons for employment equity and the roles and responsibilities associated with implementing the program. Organizations may also decide to use personal communications to inform employees about special measures that are important to the organization. Organizations sometimes use personal communications where it is likely that written communications will be ignored (for example, where employment equity has previously been a low priority in the organization).

A major advantage of personal communications is that feedback is immediate. An immediate assessment is possible to determine if the message is understood as intended and the message can be adjusted accordingly. Immediate feedback also enables those presenting the communications to identify sensitive or problem issues for their audiences and develop communications to address these.

Non-personal communication

Non-personal communication may be appropriate for providing progress reports on the implementation of the employment equity program. If employees are working in remote locations across the country, personal communications can be difficult. They also require that the organization have access to people (either internal or external) with expertise in employment equity and with good communication skills.

Communications from senior officers

Whether using personal or non-personal media, important communications should be signed or presented by the CEO and senior officers of the organization. Their involvement helps to demonstrate that the organization takes equity very seriously and is committed to achieving equity goals.

Integrate employment equity communications

Employment equity should be integrated with other organizational communications wherever possible. For example, major employment equity activities and achievements could be reported in the organization's annual report. Employee newsletters or training videos could be used to inform staff of the goals and progress of the employment equity program.

Blend of communication methods:

Many organizations will choose a blend of communication methods. Each organization will need to look at what communication methods and approaches work best for it and modify the communication strategy accordingly.

The following lists personal and non-personal communications methods. The list is not exhaustive.

PERSONAL COMMUNICATIONS:	NON-PERSONAL COMMUNICATIONS:
<ul style="list-style-type: none">- one-on-one- cascades (through the chain of command)- meetings- information sessions- management briefings- lunch time sessions- presentations- training sessions- conference calls- annual meetings- telephone hotline- union meetings	<ul style="list-style-type: none">- e-mail- desk drops- noticeboards- posters- videos- announcements- memos and letters- newsletters- union correspondence- pay cheque inserts- manuals- pamphlets and brochures- organization's annual report- employment equity annual report- employment equity quarterly reports/newsletter- public relations communiqués

When to communicate

Communication is an ongoing process. However there are a number of important points to be aware of in developing a communication strategy. These include:

- the employment equity program set-up, commitment of senior management and assignment of responsibility;
- establishment of an employment equity committee;
- conducting the workforce survey and sharing the results;

- the results of the workforce analysis;
- review of employment policies and practices (the employment systems review);
- development of the employment equity plan;
- implementation of new policies and initiatives;
- progress reports at major milestones in the plan; and
- revision of the plan.

The communication strategy must consider carefully the timing of various communications. For example, general information on the reasons for employment equity and on any misconceptions which may exist should precede any workforce survey communications.

PART C: INFORMATION DOCUMENTS

The following examples illustrate some of the items that are typical of the communications plans of small and large organizations. In developing a strategy, it is useful to identify what needs to be communicated; who needs to know; how should it be communicated and by whom; and when should it be communicated.

Example 1: Boxco: A Small Organization

Boxco makes packing boxes at a plant in Montreal and has recently become a federal contractor. It has 100 employees, all based in the Montreal plant. Many of the workers are immigrants who are not proficient in either English or French. The workers are not unionized. Until now, employment equity has not been an issue for this organization. The Vice-President of Marketing was appointed as the senior executive responsible for employment equity. Important initiatives are usually communicated at either specially convened staff meetings or personally through the chain of command (managers or supervisors verbally inform their staff.)

Boxco Communication Plan:

A communication plan in this organization could include the following elements:

- an all staff meeting to announce the employment equity policy and program; to explain what it means for the organization and for employees to explain the rationale for such a program; to demonstrate the commitment of senior management; to introduce the senior vice-president responsible; and to inform employees about the establishment of an employment equity committee;
- a letter (followed up by a telephone call) from the Vice-President to the manager or supervisor in each work area looking for a representative for the employment equity committee;
- a seminar provided by an HRDC consultant for the employment equity committee, Vice-President and senior managers. The seminar would provide information on the background to employment equity, the status of the designated groups, and the development and implementation of an employment equity plan;
- an on-going flow of information from the employment equity committee members to staff in the areas they represent;
- briefings from the Vice-President for managers and supervisors on the workforce survey process;
- information sessions provided by managers and supervisors for their staff on the workforce survey and how the results will be used to carry out a workforce analysis. Managers and supervisors explain the process, define “designated groups”, encourage participation in survey and answer employees’ questions;
- one member of the employment equity committee designated as the main information resource for staff during the workforce survey;
- a brochure or letter accompanying the survey form. The brochure and form are translated into the main languages spoken by staff;
- an information session provided by the Vice-President for managers to inform them of the results of the workforce survey and workforce analysis. Managers in turn inform their staff;
- information from the employment equity committee to staff about the employment systems review;

- a management meeting informing managers of the planning process and asking for their input ;
- a summary of the employment systems review and the plan presented at a general staff meeting;
- a management meeting to clarify activities and the results expected of each manager;
- a brochure for new employees on the company's employment equity policy and workforce survey;
- quarterly written updates to managers on the progress of the employment equity implementation plan;
- bi-annual management meetings to review progress, exchange information and ideas;
- updates to staff on progress of plan at bi-annual staff meetings; and
- dissemination of revised human resources manual and overview of main changes at staff meeting.

Example 2: Wigtco: A Large Organization

The following example lists some of the communication activities that a larger organization could carry out.

Wigtco is a large company that provides a range of transportation services. The company has experienced significant growth in the last few years and now has about 1,000 employees in five locations across Canada, with the majority at head office in Edmonton. Clerical and administrative staff are represented by one union and drivers and technicians by another. The company has previously carried out some employment equity activities including a workforce survey. However, given the low response rate to the last survey and various changes in the company, management decided to launch a new employment equity program and undertake a new survey. The company relies mainly on e-mail to communicate to managerial, professional, administrative and clerical employees. Most of the drivers and technicians do not have computers and so communications to this group normally entail one-to-one or group meetings with management along with pay cheque inserts.

Previous employment equity efforts uncovered a certain resistance to employment equity among drivers and technicians as well as from some managers, many of whom had been promoted from the driver and technician groups. The company also knew that a few people associated employment equity with hiring unqualified people.

Wigtco Communication Plan:

A communication plan in this type of organization could include the following elements:

- e-mail and pay-cheque inserts from the Chief Executive Officer (CEO) to all employees reminding them that the organization is committed to fairness and equity, informing them that the employment equity policy has been revised and strengthened, outlining the rationale for the program, introducing the senior executive responsible for the program, and summarizing the next steps in the program;
- staff meetings at which the CEO and the senior executive responsible for employment equity reiterate the objectives and rationale for the program. This function may be delegated in organizations that have offices spread over wide distances;
- day-to-day communication by the employment equity committee to promote the program with co-workers;
- articles in the company newsletter;
- employment equity training by HRDC consultants for the committee and to the managers responsible for developing and implementing the employment equity plan;
- seminars for all staff on the background to employment equity including what it means in practice and the myths about employment equity. These sessions are presented by employment equity committee members, training staff, along with the senior executive when possible. Sessions include ample time for questions and answers and group discussion;
- developing a library which includes materials on employment equity and practical implementation issues. Information disseminated to managers and supervisors;
- briefings by the senior executive for managers on the workforce survey process at routine management meetings at the five work sites;
- a poster and brochure promoting the workforce survey with materials posted at prominent locations at each work site;
- e-mail/pay cheque insert inviting all employees to attend an information session on the survey one at each location and four at head office to accommodate large number of staff there;

- information sessions presented by senior executive and committee representatives in which the survey process is explained; designated group definitions are provided; and participation in the survey is encouraged;
- individuals at each location designated as the main information resource for staff during the survey;
- a telephone hotline established for the week of the survey to answer questions in confidence;
- a brochure or letter accompanying the survey form (brochure/letter and form translated into main languages spoken by staff);
- a summary of survey results published in a newsletter;
- a newsletter article on the employment systems review process;
- newsletter article on results of the employment systems review;
- management meetings at each location to develop an employment equity plan;
- a summary of the employment equity plan published in a newsletter and on the company web site;
- a meeting of managers responsible for implementing the plan, clarification of activities and results expected;
- information for all new employees on the company's employment equity policy;
- monthly written updates to managers on the progress of the plan;
- twice-yearly management meetings to review progress, exchange information and ideas;
- updates to staff on progress of the plan in the organization's newsletters twice each year; and
- a summary of the employment equity plan and progress to date reported in the annual report.

Considerations for Effective Communications

- Communications should be appropriate to the audience in terms of what they need to know and be presented in a way that is understandable to the target audience.
- Communications should be user-friendly, written in simple and clear language and presented in an easy-to-read format with appropriate graphics.
- Communication methods may need to vary to reach all groups, including employees (often designated group members) at the lowest levels of the organization, who may not have access to the usual communication networks.
- Communications must be a part of managers' day-to-day responsibilities. Managers need to promote the employment equity program and to set a positive example in their dealings with designated group members.
- Employment equity communications should be consistent with other messages including formal communications and actions e.g. managers should be seen to be hiring visible minorities and promoting women into male-dominated jobs where this is part of the employment equity plan
- Communications must be timely, (e.g. communications throughout the build-up to a workforce survey, during the survey and following the survey).

Communications

- Communications must be up-to-date and remind employees that employment equity is an ongoing commitment.
- Communications must meet the information needs of employees new to the organization. The special needs of newly appointed managers and supervisors need to be addressed.
- Senior management should sign important communications to demonstrate their commitment and the importance of the initiative to the organization.
- Communications must be culturally sensitive and inclusive.



Guideline 3: Consultation and Collaboration



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Guideline is intended to help employers, employee representatives, and other interested parties understand the requirements of the *Employment Equity Act* and *Regulations* relating to consultation and collaboration with employee representatives. Please note that in this Guideline “**employee representatives**” is used to refer to both representatives of unionized and non-unionized employees.

Guidelines provide general direction and practical pointers which reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organizations as they use the Guidelines. Other documents to consult include the *Act* and *Regulations*, and documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

All employers covered by the *Employment Equity Act* are required to consult with employee representatives about specific matters related to the implementation of employment equity.

Employee representatives include both unionized and non-unionized employees.

This means that they must invite employee representatives to provide their views concerning:

- assistance that the representatives could provide to facilitate the implementation of employment equity; and
- assistance that the representatives could provide in the communication to employees of matters related to employment equity; and
- the preparation, implementation and revision of the employer’s employment equity plan. [Act, s. 15(1)]

The bargaining agent has an obligation to participate in these consultations. [Act, s. 15(2)]

There is a further requirement that employers and employee representatives collaborate in the preparation, implementation, and revision of the employer’s employment equity plan. [Act, s. 15(3)]

The legislation clarifies that consultation and collaboration under the Act are not forms of co-management. This means that ultimately decision-making power rests with the employer, as well as full responsibility for implementing the legislative requirements. [Act, s. 15(4)]

Definition Of Employee Representatives

“Employee representatives” means persons who have been designated by employees to act as their representatives; it also means bargaining agents, where bargaining agents represent the employees. [Act. s. 3]

Seniority And Consultation

Seniority rights acquired as a result of provisions in a collective agreement, or acquired as a result of established practices of an employer, are protected under the *Employment Equity Act*. They are deemed not to be employment barriers within the meaning of the *Act*.

Seniority rights respecting layoff and recall are protected absolutely. [Act, s. 8(1)] Other seniority rights are protected unless they are found to constitute a discriminatory practice under the *Canadian Human Rights Act* [Act, s. 8(2)]

There is also a consultation requirement regarding seniority rights. Where it appears that a seniority provision in a collective agreement has an adverse impact on designated group members, the employer and bargaining agent are required to consult on measures that may be taken to minimize the adverse impact. [Act, s. 8(3)]

Enforcement Of Consultation and Collaboration Requirements

Section 25 of the *Act* sets out those situations which may result in a finding of non-compliance and which may ultimately therefore be the subject of a direction by the Canadian Human Rights Commission (CHRC) or an order of the Employment Equity Review Tribunal.

An employer who has failed to consult with employee representatives as required by section 15 of the *Act* can be found in non-compliance. It could therefore be subject to a direction by the CHRC or an order by the Employment Equity Review Tribunal.

There is no power to make a finding of non-compliance regarding consultations under section 8(3) of the *Act* (relating to adverse impact of seniority provisions). In addition, there is no power to make a finding of non-compliance regarding the collaboration requirement under section 15(3).

PART B: PRACTICAL APPLICATION

Purpose Of Consultation And Collaboration

Consultation and collaboration ensure that all workplace partners play an active role in the implementation of employment equity.

It is widely accepted that workplace initiatives and innovations developed and supported by both management and employee representatives have a better chance of succeeding than unilateral employer initiatives. In general, it is the policy of the federal government to encourage labour-management cooperation in the workplace.

The involvement of employee representatives, including bargaining agents, in employment equity policies and procedures should result in the development of policies and implementation of programs that will be effective in achieving employment equity goals in the workplace.

Effective consultation and collaboration require the willing participation of all parties in the workplace. There must be a genuine desire to work cooperatively present on all sides.

However, the *Act* is clear that final responsibility for compliance with the law rests with the employer. Although employers are strongly encouraged to do everything possible to maximize consultation and collaboration with employee representatives, where this proves infeasible, the employer has the duty to proceed on its own.

Scope of Collaboration and Consultation

The legislation specifies that employers must consult with employee representatives in the preparation, implementation and revision of the employment equity plan. The employer obligations in relation to these matters are set out in section 10 (preparation of the plan), section 12 (implementation of the plan), and section 13 (revision of plan) of the *Act*.

Therefore it is advisable that there be involvement by employee representatives at each stage of the employment equity process, including:

- the communication to employees of the commitment to implement employment equity in the workplace;
- the workforce survey;
- the employment systems review,
- the preparation of the employment equity plan;
- the implementation of the employment equity plan;
- the monitoring of progress in implementing the employment equity plan; and
- the review and revision of the employment equity plan.

The greater the degree of collaboration with employee representatives, the greater the likelihood of success in implementing and sustaining employment equity principles, policies and objectives.

Assistance Provided by Employee Representatives

The legislation requires employers to consult with employee representatives regarding two types of assistance that may be provided by the representatives:

- assistance in communicating with employees on

matters related to employment equity, and

- assistance in facilitating the implementation of employment equity.

Assistance in communication: Effective communication with employees and employee representatives regarding employment equity is key to the success of the program. This communication should take place on a continuous basis through ongoing education and training. It cannot be just a one-time event if attitudes are to be fundamentally changed.

*Please refer to **Guideline 2: Communications** for further information on communication strategies.*

Assistance in communications on employment equity from employee representatives should be sought at all phases in the implementation of employment equity, and especially in the initial phases. It is during the initial phases that information and the shaping of attitudes is particularly critical.

There are a number of ways that employee representatives can provide assistance to their employers during the communication process. They can:

- provide valuable input to company magazines, as well as company or employee newsletters;
- identify issues which management may not be aware of;
- participate in setting up joint labour-management information sessions;
- participate in regular staff meetings at various levels throughout the organization;
- help to ensure that designated group members are aware of training programs, other targeted measures, and procedures for obtaining reasonable accommodation; and

provide assistance to employees completing the workforce survey questionnaires.

Assistance in implementing employment equity:

Though this type of assistance is important throughout the process, it is critical during the initial phases of the employment equity process. Employers are encouraged to enlist the participation of employee representatives during the workforce survey itself, as well as the process leading up to it, including the development of the communications strategy.

*Please refer to **Guideline 2: Communications** for further information regarding the development of a communications strategy.*

Educating employees about employment equity and influencing attitudes positively prior to the actual survey is essential to ensure the best possible response rate. This will be greatly facilitated by collaboration with employee representatives, who can themselves undertake much of the actual work and organizing. Where fellow employees are seen to support employment equity and work toward its effective implementation, employee acceptance of employment equity initiatives can be enhanced.

Enforcement

Consultation

If an employer fails to consult with employee representatives as required by the *Act*, it can be found in non-compliance by a compliance officer from the Canadian Human Rights Commission (CHRC) during an audit. The compliance officer can then seek an undertaking to bring the employer into compliance. If such an undertaking cannot be negotiated by the employer and the compliance officer, the CHRC can then issue a direction to the employer to take specified action. Ultimately an Employment Equity Review Tribunal could hear the matter and issue a court-enforceable order, if the non-compliance were not remedied.

Collaboration

Although the *Act* requires that employers collaborate with employee representatives, employers cannot be subject to a direction from the CHRC nor an order from the Employment Equity Review Tribunal.

The rationale for the lack of enforcement of the collaboration obligation is two-fold:

1. Only employers may be the subject of orders by the Employment Equity Review Tribunal, not employee representatives; and to enforce against only one party would not be fair. Collaboration is a mutual obligation.
2. Collaboration requires working together towards a common goal. There has to be genuine good faith and good will. Unless these qualities are present, there may be little value to the process. It is well known that attitudes cannot be legislated. Real collaboration should be based on a mutual willingness to cooperate.

While employers cannot be held responsible if employee representatives fail to collaborate with them in the preparation, implementation and revision of the employment equity plan, the employer is still expected to make all reasonable efforts to collaborate, from their side. Employers can and should do whatever is in their power to facilitate the active involvement of employee representatives in the employment equity process. If they have made all such efforts, and the employee representative fails to respond, the employer will not be held responsible.

The current law sends a strong message to all parties that labour-management cooperation is essential to the success of employment equity in the workplace, and it calls upon employers and employee representatives to address complex issues in a spirit of cooperation and collaboration.

Providing Information to Employee Representatives

To be effective, consultation and collaboration necessitates an open dialogue and sharing of information between employer and employee representatives. This can usually be achieved through the establishment of a joint labour-management mechanism or committee to facilitate the planning and

implementation of the employment equity plan. In the absence of such a mechanism employers will have to share information so that employee representatives can collaborate in an effective manner.

For example, in order to collaborate in the preparation of the employment equity plan, employee representatives should know what barriers were identified during the employment systems review. In order to collaborate in the implementation of the employment equity plan, they should know what the plan contains as well as the analysis that formed the basis of the plan. In order to collaborate in monitoring employment equity progress, they should have information about what goals have been set and who is accountable for achieving them. Without this information, meaningful collaboration would not likely be possible.

Therefore, it is recommended that employers provide employee representatives with whatever information is reasonably necessary to allow them meaningful and effective participation in the consultation and collaboration processes, while ensuring the confidentiality requirements are met.

This information should include items such as:

- employer policies and practices regarding recruitment, retention, promotion, transfers, and terms and conditions of employment;
- collective agreements in place;
- wage and salary rates, where appropriate, benefits, and classification systems;
- measures in the employment equity plan and timetables for their implementation; and
- results of the workforce survey, workforce analysis, and employment systems review.

Consultation Regarding Adverse Impact Of Seniority Provisions In Collective Agreements

With respect to the unionized portion of the workplace, the *Act* provides two levels of protection for seniority rights. Seniority rights related to layoff and recall are fully protected. Other seniority rights are deemed not to be barriers unless they constitute a discriminatory practice under the *Canadian Human Rights Act*.

To date, there exists very little jurisprudence on the issue of seniority as a discriminatory practice. The Supreme Court of Canada decision in Central Okanagan School District No. 23 v. Renaud¹ is an important decision relating to seniority and the duty of a union to cooperate with an employer in finding solutions to accommodate employees. Renaud stands for the proposition that a union is jointly liable regarding the obligation to make reasonable accommodation, in a situation of adverse effect discrimination. It is not possible to contract out of statutory obligations through the collective bargaining process. A collective agreement which stands in the way of reasonable accommodation must give way to the duty to accommodate, and the union, as well as the employer, can be held to account. In other words, a collective agreement is no defence to failure to accommodate, where a discriminatory practice is alleged.

Though the *Act* protects seniority provisions in a collective agreement to some extent, it also recognizes that in the application and operation of such provisions, barriers may arise. Where seniority provisions in a collective agreement, including layoff and recall, have an adverse impact on designated group members, there is a further obligation on employers and employee

¹ [1992] 2 S.C.R. 970. The Renaud case involved a unionized custodian who required accommodation for religious reasons. He was a Seventh-day Adventist who could not work from sundown Friday until sundown Saturday. Therefore he needed to work a shift from Sunday to Thursday. This accommodation involved an exception to the collective agreement, however, and required union consent. Consent was withheld and the union threatened to launch a grievance. Finally, the employer terminated Renaud for failure to complete his regular Friday night shift. Renaud filed a complaint of discrimination. The court found that the union had a shared duty with the employer to accommodate, and was jointly liable for adverse effect discrimination.

representatives to consult with each other in order to identify strategies that will minimize that adverse impact.

The intent behind this provision is to encourage employers and employee representatives to work together in order to balance the various interests at stake. Each situation will be different and will require a unique and innovative approach.

Like the collaboration provision in section 15(3), this obligation may not be the subject of a Tribunal order. The rationale is also the same in this instance: true collaboration and cooperation cannot be legislated. Furthermore, only employers are subject to Tribunal orders, and to enforce only against one party would not be fair. Therefore the requirement to consult in section 8(3) was included in the legislation to send a strong signal to employers and employee representatives that they must work together in good faith to find practical solutions to complex issues on a case-by-case basis.

Similarly, where under-representation has existed in a particular organization for a long time, moving designated group members up in the organizational hierarchy may be difficult. They may not have acquired the necessary seniority.

Such situations require innovative solutions by employers and employee representatives working together.

Employer and employee representatives are required to consult with each other in order to identify options which could minimize any adverse impact resulting from seniority provisions in a collective agreement.

Implicit in this requirement, and explicit in the *Act*, is the need to determine whether seniority rights are in fact having an adverse impact on designated group members. Where an adverse impact occurs, it is at this point that the obligation to consult arises. One mechanism for consultation could be the establishment of a joint labour-management committee that is responsible for employment equity issues. However, employers are encouraged to build on any mechanism currently in place. For example, if joint labour-management committees currently exist in

the workplace, employment equity issues could be put on the appropriate committee's agenda.

The requirement to consult will be especially important in hiring hall situations, where the actual employer has little control over which employee is sent to it by the union hiring hall. Designated groups may be underrepresented in union membership lists or have less seniority. In such situations, the hiring hall and employer are required to consult in order to find solutions which will tend to increase membership and opportunities of designated group members in the union, without violating the principle of seniority.

Consultation And Collaboration Process

The legislation does not specify what type of process must be established for consultation and collaboration. Employers are, however, encouraged to build upon successful labour-management structures which already exist or introduce a new structure which will allow them to meet their responsibilities under the *Act*. Options could include:

- a joint labour-management committee;
- a number of joint labour-management sub-committees;
- a joint labour-management working group;
- a task force; or
- a combination of these structures depending upon the employer size, geographical distribution and number of bargaining units

Other structures which have proven to be effective in some workplaces include:

- task forces devoted to exploring specific aspects of employment equity;
- regional employment equity committees;

The term "joint labour-management structure" applies to workplaces that are non-unionized, unionized or partially unionized. The term "labour" includes all employees whether unionized or not.

- focus groups; and
- employee surveys and other means whereby employees are encouraged to volunteer their views.

Employers are encouraged to put in place some form of structure (e.g. joint labour-management committee, working group, advisory group) which ensures that all workplace partners have input into the employment equity process.

This structure should act as a forum for constructive, focused discussion of employment equity issues.

Laying The Groundwork

The employer should move as quickly as possible to determine a structure which will operate effectively in the workplace. Where part or all of the workplace is unionized, decisions regarding the structure should be made in consultation with bargaining agents. Bargaining agents would be responsible for choosing their committee representatives. Where part or all of the workplace is not unionized, non-unionized employees should be provided with an opportunity to volunteer their views and choose their representatives.

*See **Part C, Examples Of Labour-Management Structures** where a number of options regarding methods for selecting employee representatives are discussed under "**Obtaining Employee Representation**".*

Decision Making and General Agreement

The *Act* clearly states that the obligations to consult and collaborate are not forms of co-management. This means that final decision-making on employment equity policies and practices rests with the employer, who is also liable if employment equity obligations under the *Act* are not fulfilled.

As a practical matter, however, there are other considerations. Although the employer retains the right to make the final decision in all matters and is only bound to seek the views of employee representatives, it is recommended that advice and input from employee representatives be respected and considered.

Ideally, all major decisions related to the implementation of employment equity in the workplace should have the full support of employers and employee representatives. This is the best way to ensure buy-in by all parties in the workplace and the ultimate success of the employment equity program in the workplace.

Record-Keeping And Reporting

Under section 18(6) of the *Act*, the employer is required to include in its annual reports information on the implementation of employment equity in general and consultation with employee representative in particular. An account of the work of a committee or other type of forum used for consultation and collaboration would help satisfy this reporting requirement.

Record-keeping on consultation and collaboration is not required under the legislation. However, in order to facilitate the preparation of annual reports and compliance audits by the Canadian Human Rights Commission, the employer may wish to maintain clear and accurate records of the committee's activities. These records could include, for example, agenda items, attendance register, minutes and records of decision.

Reporting On Consultation And Collaboration

Under the new *Act*, employer reports filed with the Minister of Labour must now contain narrative descriptions of certain activities carried on by the employer, in addition to statistical information. One such

*For further information about the narrative report and criteria that should be included, please refer to **Guideline 11: Employment Equity Report.***

narrative description relates to consultations with employee representatives which have taken place during the calendar year relating to the implementation of employment equity.

Employee representatives should have the opportunity to review the narrative description to be filed with the Minister of Labour concerning the activities of the Committee, prior to its filing. In this way, employee representatives will have the opportunity to provide input and recommend changes.

This process can be documented in the narrative description itself. A statement in the narrative description that it has been reviewed by the Committee members will add weight and credibility to the substance of the report, and therefore will be of benefit to the employer.

PART C: INFORMATION DOCUMENTS

This section provides examples of different models of joint labour-management structures responsible for implementing employment equity in the workplace. Employers and employee representatives can jointly establish fora where information is shared and mechanisms are developed to ensure that all employees are aware of the objective of employment equity.

It also provides examples of joint-labour management initiatives currently being undertaken by three federal jurisdiction employers and their unions in implementing employment equity.

MODELS OF JOINT LABOUR-MANAGEMENT STRUCTURES

Joint Labour-Management Committee

One possible structure that would meet the requirements of the *Act* is a joint labour-management committee. Such a committee would normally have a minimum of four members, and not be so large as to be unwieldy. At least half the members should be employee representatives. In order to increase a feeling of inclusion by employee representatives, and thus their commitment to a constructive collaboration, consideration should be given to having the committee co-chaired by an employer and an employee representative.

Unionized workplaces

Where part or all of the workplace is unionized, each union should be invited to participate as a full member in a joint labour-management committee.

In larger workplaces where there are multiple bargaining agents, and possibly also non-unionized employees, there could be a separate committee for each union as well as a

committee for non-unionized employees. In this case, a coordinating committee could also be established, consisting of representatives from each of the sub-committees, to oversee the process and provide a forum for the sharing of information on the consultation and collaboration process. The coordinating committee, could, with the agreement of the members, fulfil the consultation and collaboration requirements under the *Act*.

In smaller workplaces with multiple bargaining agents, it may not be necessary to have a coordinating committee, so long as each of the bargaining agents can be represented on the labour-management committee.

The committee composition should be adequately representative of:

- the unionized and non-unionized portions of the workplace;
- all designated groups; and
- occupational groups within the workplace.

Committee selection criteria for consideration by the parties (employer and employee representatives) should include familiarity with employment equity issues and the organization's structure and human resource policies.

The committee members should be provided with an orientation and appropriate training on the intent and the requirements of the *Employment Equity Act* as well as other appropriate training as required.

Resource Persons

If there is a need, for reasons of inclusiveness or expertise, to invite individuals from outside the workplace to sit on the committee, this is permissible. Such a step might be contemplated, for instance, by an organization seeking the input of community representatives from a designated group that is significantly under-represented in the workplace. External representatives may be full committee members or *ex officio* members.

Consultation With Designated Group Members

It has already been noted that wherever possible, the committee should include individuals who are members of the designated groups. However, this may not always be possible.

In order to accurately reflect the needs, views, and experiences of designated group members, which employment equity seeks to assist, it is advisable for all employee representatives, whether unionized or non-unionized, to consult with the members of designated groups that they represent in carrying out their responsibilities under the *Act*.

Obtaining Employee Representation

Where seats are assigned to **non-unionized** employees, the options available could include the following:

1. **Selection by unit** If the workplace is small, a seat may be assigned to each unit or branch and then unit meetings held to select a representative.
2. **Invitation for volunteers** A **communication** may be distributed inviting employees to volunteer for the committee. If the number of volunteers more or less matches the number of available seats, a **second communication** may be distributed providing employees with the names of the volunteers and naming a contact person for anyone who has concerns. If the number of volunteers does exceed the number of seats, employees can be invited to indicate whom they would prefer to have sitting on the committee.
3. **Nomination** Employees may be invited to nominate possible representatives and -- where the nominated individuals are receptive -- vote for their preferred candidates.

Where seats are assigned to **unions**, those unions should be given the opportunity to designate their representative on the committee, but should keep in mind the principles of inclusiveness outlined in the previous section.

Other alternatives may also be available. Employers are encouraged to build on or use any existing

structures that have proven to be effective. Whatever approach is chosen, however, it must not simply be a case of selection by the employer, as the *Act* clearly requires designation by employees.

The Functioning Of The Committee

The ways the committee will operate will, of course, depend a great deal on organization size and culture. Still, there are a number of ways that employers and employee representatives can maximize the committee's effectiveness:

1. Members of the committee will benefit from training on employment equity and on interest-based, non-adversarial collaboration. The intention of the consultation and collaboration process under the *Act* is to work cooperatively towards shared goals, not to struggle over contradictory objectives.
2. The development of succinct terms of reference for the committee, which define its primary purposes and lay out how the committee plans to function is imperative to the success of the committee.
3. The development of a general action plan for the committee outlining key activities and deadlines is also important if employment equity is to be implemented effectively and efficiently.

It is recommended that certain basic principles, outlined below, be followed:

1. There should be good faith and good will on both sides. The process should not be subverted for other

issues, which have nothing to do with employment equity. Most importantly, the process must not be simply a technical exercise to fulfil the requirements of the law.

2. Committee members should be provided with a full opportunity to:
 - identify and understand the issues;
 - review and consider proposals before the committee;
 - formulate an informed response to proposals before the committee; and
 - present alternative or additional proposals to the committee for consideration.
3. The employer should give effective consideration to all proposals, advice, suggestions and other comments provided by employee representatives during the consultation and collaboration process.

The employer should advise employee representatives of any intention not to address their concerns. The employer should also give reasons for not doing so, and should provide employee representatives with a further opportunity to respond to these reasons.

Employee Participation On Committee

In order for the committee process to be meaningful, it must form part of the work-related duties of the employee representatives on the committee. This means:

- Committee meetings should take place during working hours, not after work or on days off.
- Employee representatives should receive their normal pay for time spent at committee meetings, and must be allowed work time with pay to perform their duties as a member of the committee, including preparation for meetings (such as the development of proposals).
- Where meetings exceed normal working hours, employee representatives should be paid at regular overtime rates.
- Designated group members should be granted reasonable time away from their regular duties, with pay, in order to participate in consultations with employee representatives.

EXAMPLES OF JOINT LABOUR-MANAGEMENT INITIATIVES

I. Saskatchewan Transportation Company

The Saskatchewan Transportation Company (STC) has 323 employees who work in Saskatchewan in the company's two core businesses: passenger bus service and freight express delivery.

The STC established a Joint Union/Management Employment Equity Committee which began to hold its meetings August of 1993. The committee's mandate is to develop an employment equity plan for STC for approval by the Saskatchewan Human Rights Commission and to meet compliance with Federal Regulations. Further, the committee is committed to the development, implementation and monitoring of employment equity initiatives. The committee continues to meet on a quarterly basis to explore new ways to promote employment equity in the workforce.

Quote from STC

"To achieve the goals of employment equity, this plan has outlined the initiatives to be implemented by Saskatchewan Transportation Company, the Amalgamated Transit Union Local 1374 and the Joint Union/Management Employment Equity Committee. Although we realize that this will be an evolving document, we accept our responsibility to work together to provide a work environment that promotes the employment and advancement of persons of Aboriginal ancestry, members of visible minorities, persons with disabilities and women."

Saskatchewan Transportation Company

Joint Employment Equity Committee: Terms Of Reference

The Saskatchewan Transportation Company and the Amalgamated Transit Union agree that the development of an Employment Equity Program is necessary and, therefore, mutually agree to the following:

1. A joint union-management Employment Equity Committee will be established to design, oversee the implementation of, and monitor the Employment Equity Plan.
 - The committee will consist of 6 members and will have equal representation from both the union and management.
 - There will be two Co-Chairpersons; one representing the Union, and one representing the Company. Each will assume the chairperson's role at alternate meetings.
 - Each side will appoint their own representatives. When choosing members, preference should be given to people who have an interest in employment Equity. The Committee should strive to be a representational committee of both the target groups and of the corporate structure.
2. Member substitutions may be made by the respective sides during collective bargaining negotiations if it is believed to be in the best interests of the Employment Equity Program.
3. The committee will meet at least four times a year and at any other times deemed necessary by the committee members.
4. The committee may invite resource people from various outreach agencies to provide assistance to the committee whenever required.
5. Committee meetings will be held during regular working hours. The Company will grant leaves of absence with pay for members to attend the meetings.
6. The committee will make recommendations for an Employment Equity Plan which will be submitted to the Human Rights Commission only after approval of both the Union and the Company. Interim initiatives will be undertaken with the Saskatchewan Executive Board Member for the Amalgamated Transit Union and the Director of Human Resources for the Company.
7. The Company will be responsible for implementation of any approved actions.

II. Seaspan International Ltd

Seaspan International Ltd and its wholly owned

subsidiary Vancouver Shipyards Co. Ltd. are in the business of marine transportation, operating a fleet of tugs and barges on the west coast

Seaspan is a highly unionized employer, having a total of fourteen different unions/bargaining units representing approximately 90 percent of the work force. Of these unionized employees, some 97 percent are covered by collective agreements which have union hiring hall provisions, i.e., the unions operate a manpower dispatch system, thus leaving the employer with little actual control over hirings.

**Quote from Seaspan
International**

"Yet, despite these limitations on our ability to do our own hiring, an analysis of our report indicates that the representative composition of our work force, with regard to aboriginal peoples (1.64%), persons with disabilities (5.64%) and visible minorities (7.08%) is relatively good when compared to available Census data."

In a continuing attempt to further the goals of the employment equity program, Seaspan has negotiated the following Letter of Understanding re: employment equity with their hiring hall Unions and have subsequently had follow-up discussions with the unions in a joint attempt to achieve improvement where possible:

Letter of Understanding

"In view of the new Federal Legislation re: the requirement to conform to the Government's Employment Equity Program, the Company and the Union affirm their intent to further the aims of employment equity in the work place. When real or artificial barriers to the advancement of said aims become apparent, the Parties will consult. If it is determined that the practices or conditions imposed though the Collective Agreement in fact produce an impediment, the Parties, on mutual agreement, will either set aside or amend the Agreement to correct the situation and ultimately reach compliance with all government guidelines and subsequent law in this respect. "

III. NewTel Communications

NewTel Communications Inc., an employer in the telecommunications carriers industry, operates in Newfoundland with a workforce of 1,484 employees.

During the collective bargaining process which concluded in November 1996, NewTel Communications and the Communications, Energy and Paperworkers Union extended a mandate to form a joint union-management employment equity committee. This proposal was formalized and stated in a Letter of Intent contained in the subsequent collective agreement.

NEWTEL COMMUNICATIONS
Letter Of Intent

I 996 09 26

Mr. Phil Briffett

President, Local 410, C.E.P.

330A Portugal Cove Place

St. John's, NF A1A 4Y5

Dear Sir:

Subject: **EMPLOYMENT EQUITY**

The Company and the Union continue to recognize the need to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability, and both parties agree that equal opportunity in employment means more than treating persons in the same way, but also requires special measures and the accommodation of differences.

To this end, the Company will meet annually with the Union, on matters pertaining to Employment Equity. This meeting will provide the Union with an opportunity to present its views concerning:

(a) any assistance the Union could provide to the Company in order to facilitate the implementation of employment equity in the workplace and the communication to employees of matters relating to employment equity; and

(b) the preparation, implementation and revision of the Company's employment equity plan.

Yours truly,

G.H. Erl

Vice-President & Corporate Secretary



Guideline 4: Collection of Workforce Information



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Guideline is intended to help employers, employee representatives, unions, designated group members, and other interested parties understand how to conduct an effective employment equity workforce survey which meets the legal requirements of the *Employment Equity Act* and *Regulations*.

Guidelines provide general direction and practical pointers which reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organizations as they use the Guidelines. Other documents to consult include the *Act* and *Regulations*, and documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

Conducting A Workforce Survey

All employers covered by the *Employment Equity Act* must collect information about the employer's workforce in order to determine the degree of the under-representation of persons in designated groups in each occupational group. [*Act*, s.9(1)(a)]

Designated groups are women, Aboriginal peoples, persons with disabilities and members of visible minorities.

This information must be collected by means of a workforce survey questionnaire which asks if the employee is a member of a visible minority; a person with a disability; or an aboriginal person. [*Reg.*, s. 3(1)]

Information on gender must be obtained by means other than the workforce survey questionnaire such as personnel records.

Confidentiality

Information collected by an employer is confidential and can be used only for the purpose of implementing the employer's obligations under the *Act*. [*Act*, s. 9(3)]

Self-Identification

Only those employees who identify themselves as a member of a designated group, or agree to be identified, may be counted. [*Act*, s. 9(2)]

Employee self-identification is voluntary.

Workforce Survey Questionnaire

An employer must provide a workforce survey questionnaire to each employee. The questionnaire must include questions that ask if the employee is a member of a visible minority, a person with a disability, or an aboriginal person. [Reg., s. 3(1)]

The questionnaire must contain the definitions “members of visible minorities”, “persons with disabilities” and “aboriginal peoples” set out in section 3 of the *Act* or a description of these terms consistent with the definitions. [Reg., s. 3(2)]

Questions and definitions in the form set out in Schedule IV of the *Regulations* will be considered to meet the requirements of the law. However, employers are not required to use that particular form for the questions. [Reg., s. 3(3)]

The questionnaire may include additional questions relating to employment equity. [Reg., s. 3(5)] These questions could include, for example, visible minority subgroups, accommodation needs of persons with disabilities, or special training needs for members of designated groups.

An employer can require that each employee return the questionnaire whether it is filled in or not. [Reg., s. 3(7)]

Employers shall ensure that there is a means of identifying on the questionnaire, the employee who returns it. [Reg., s. 4)]

The use of questionnaires with pre-printed employee identification numbers is advised. See “Employee identifier”, page 18, for further information.

The questionnaire itself must indicate that:

- responses are voluntary; [Reg., s. 3(6)(a)] and
- information collected is confidential and will only be disclosed or used by the employer for carrying out its obligations under the *Act*. [Reg., s. 3(6)(b)]

The questionnaire or accompanying notice must indicate that a person may be a member of more than one designated group; [Reg., s. 3(4)]

Employees

Each employee must be provided with a workforce survey questionnaire. [Reg., s. 3(1)]

*“Employee” means a person who is employed by the employer, including those on short-term and long-term leaves of absence, but does not include a person employed on a temporary or casual basis for fewer than 12 weeks in a calendar year. [Reg., s. 1(2)(a)] See **Part C** of this **Guideline, Appendices A, B, and C**, for further information.*

Previous Workforce Survey

It is not necessary to re-survey part or all of an employer’s workforce, if the previous survey meets the following criteria:

- the previous survey asked if the employee was a member of a visible minority, a person with a disability, or an aboriginal person; [Reg., s. 3(8)(a)]
- the previous survey used questions and was conducted in a manner that achieved results that are likely to be as accurate as the results that would be achieved by using the workforce survey required by the *Regulations*; [Reg., s. 3(8)(b)]
- responses to the previous survey were voluntary; [Reg., s. 3(8)(c)] and
- the previous survey results have been kept up to date. [Reg., s. 3(8)(d)]

Keeping Workforce Survey Results Up To Date

All employers are responsible for keeping the survey results up to date by providing a questionnaire to:

- all new employees hired after the date of the original survey; [Reg., s. 5(a)(i)]
- all employees who indicate that they wish to change any information previously submitted on a questionnaire; [Reg., s. 5(a)(ii)]; and
- any employee who requests it. [Reg., s. 5(a)(iii)]

The employer shall also make necessary adjustments to the survey results to take into account:

- any responses as a result of the above; [Reg., s. 5(b)] or
- members of designated groups who have been terminated. [Reg., s. 5(c)]

Employers must retain a **sample copy** of the workforce survey questionnaire that was provided to employees for two years after the period covered by the employment equity plan to which the survey relates. [Reg., s. 11(e) and s. 12(2)]

Other Relevant Requirements

Informing employees

Employers are required to inform employees about the purpose of employment equity as well as other matters (employment equity measures the employer has undertaken or is planning to undertake, and progress achieved). [Act, s. 14] It would be useful to provide employees with information about the purpose of employment equity and the related survey prior to the survey in question.

See **Guideline 2: Communications** on section 14 requirements.

Consultation and collaboration

Employers are required to consult with employee representatives (including bargaining agents) on specific matters, namely the preparation, implementation and revision of the employment equity plan, as well as the assistance employee representatives could provide to the employer in implementing employment equity and in communicating with employees on matters relating to employment equity. [Act, s.15(1)] Assistance from employee representatives in communicating with employees would be particularly useful in connection with the workforce survey. The law does not stipulate how this consultation requirement must be fulfilled.

See **Guideline 3: Consultation and Collaboration** for further information.

PART B: PRACTICAL APPLICATION

Purpose Of The Requirement To Collect Workforce Information

The implementation of employment equity depends upon the identification of areas in an organization where employment barriers to designated group members may exist. A workforce survey is undertaken to provide a clear profile of designated group representation in the employer's workforce. The results of the workforce survey are used for determining where under-representation of designated groups exists and hence where one might expect to find barriers. An analysis of the workforce survey results is undertaken by comparing the actual representation of designated group members in each occupational group in the employer's workforce (internal representation) with the representation that would normally be expected, taking into account qualifications, eligibility, and geographic location (external representation estimates).

It is important that the employer have reliable and accurate survey results, which allow the employer to determine the number of employees belonging to each of the designated groups. Information on internal representation of designated group members is essential for:

- identifying occupational groups where designated group members are underrepresented;
- identifying barriers that contribute to under-representation;
- developing measures to improve the representation of designated group members; and
- setting short term numerical goals and long term goals as required under the *Act* in the development of an employment equity plan.

*For further information see **Guideline 7: Employment Equity Plan.***

Laying The Groundwork

The groundwork for the workforce survey should be laid well in advance of the actual survey. In addition, fundamental questions about confidentiality need to be considered.

For example, the following questions about the workforce survey should be considered well ahead of time:

- Who will be responsible for co-ordinating the survey process?
- Who will distribute the questionnaires?
- Who will answer questions that arise?
- Who will ensure the right assistance is provided?
- Who will collect or receive the questionnaires?
- Who will open the questionnaires?
- Who will track returns and monitor responses?
- Who will do the follow-up that is necessary?
- How will the information collected from the questionnaires be recorded?
- What record management system will be used to store and maintain employees' records?
- If using a computerized system, who will enter the data?
- Who will determine results?
- Who will be the custodian of the data?

When answering these questions, employers should keep in mind that only those individuals responsible for carrying out the employer's obligations under the *Act* should see the completed questionnaires, unless the employee has consented to wider disclosure.

- The issue of confidentiality should also be considered at an early stage. Employers should establish clear guidelines ahead of time indicating:
- who has access to the information employees give on the questionnaire; and
- who can use it and how, and for what purposes.

Ensuring The Effectiveness Of The Survey

A key factor in ensuring a successful and effective workforce survey is commitment to the process by senior management.

Senior management commitment is vital to the success of employment equity.

An effective workforce survey is one in which:

- employees and unions understand the purpose of the survey and what the results will be used for;
- all, or at least the vast majority of, employees complete and return the self-identification questionnaire; and
- respondents provide accurate self-identification information.

Please note that under section 3 (7) of the Regulations, an employer can require that the questionnaire be returned.

There are several ways of encouraging such results, as set out below.

Preliminary communications

To begin with, an organization should prepare the groundwork for the workforce survey by disseminating general information on the purposes of employment equity and the steps involved in its implementation.

See **Guideline 2: Communications** for further information and practical examples.

A survey is likely to be more successful if employees are already familiar with the kinds of questions being asked on the questionnaire before it is actually distributed. They should already have a good idea of the kinds of answers they will give to these questions before they receive the questionnaire. This means that preliminary communications are of paramount importance.

Information about employment equity and the survey process can be disseminated, for example, through employer and union newsletters, special information sessions, E-mail or inserts in pay envelopes.

Evidence indicates that group information sessions provide the best results.

This information should be aimed, in particular, at addressing the myth that employment equity means giving preferential treatment to unqualified members of designated groups. This myth and others are referenced in section 6 of the *Act*, which clearly provides, for example, that employment equity does not require employers to hire or promote unqualified persons.

The information material should:

- confirm senior management's commitment to employment equity;
- reassure employees that the central objectives of employment equity are to ensure fair hiring and promotion procedures and to provide a workplace environment that is respectful and accommodating of all employees' needs;
- point out that special initiatives targeted to members of the designated groups may be undertaken where there is clear evidence that members of these groups are significantly under-represented in an occupational category; and
- indicate that these special initiatives are temporary in order to address an existing problem. When the problem is corrected, the special initiatives will normally be phased out.

In addition the information package could:

- briefly note the background to employment equity – evidence of the systemic disadvantage faced by members of the four designated groups; and
- state that goals and timetables are part of employment equity planning, and are used to measure progress; and
- explain that goals are flexible targets, like other business goals.

Factors to be considered in setting numerical goals are set out in section 10(2) of the Act.

For example, unlike quotas, goals are based on rational considerations, including job qualifications, degree of underrepresentation of designated group members as well as availability of qualified persons in designated groups, and anticipated growth, reduction or turnover in the employer's workforce. An important distinction is that goals do not automatically result in penalties if they are not met.

Dealing with sensitive issues

Employers may also wish to address in their preliminary information package or in information sessions certain sensitive issues related to employment equity which often are the subject of misunderstanding. Some employees, for example, may feel uncomfortable with particular definitions or questions on the survey questionnaire; or they may be reluctant to self-identify because they do not want to be perceived as having been hired or promoted solely because of their status as a member of a designated group. They want to be judged solely on ability to do the job.

In that case, the best strategy is usually to deal with these issues in a forthright manner, in advance. This is where communication efforts and information sessions can be of great value in effectively dispelling some of these concerns

To overcome such feelings, an understanding of the purpose of employment equity is essential, as well as an understanding of the rationale behind the definitions of the designated groups. Employees need to understand clearly that employment equity and merit are not mutually exclusive. Employment equity is in fact a commitment to merit, as reflected in the title of the report prepared by the Parliamentary Committee which studied Bill C-64, the new *Employment Equity Act* (Report of the Standing Committee on Human Rights and Disabled Persons, *Employment Equity: A Commitment to Merit* tabled June, 1995.)

The section in this Guideline entitled “Designated Group Definitions” on page 18 contains information about the underlying rationales behind these definitions

Employers may find that addressing these sensitive issues in a forthright manner will ultimately raise the level of awareness generally in their organization.

The Workforce Survey Questionnaire

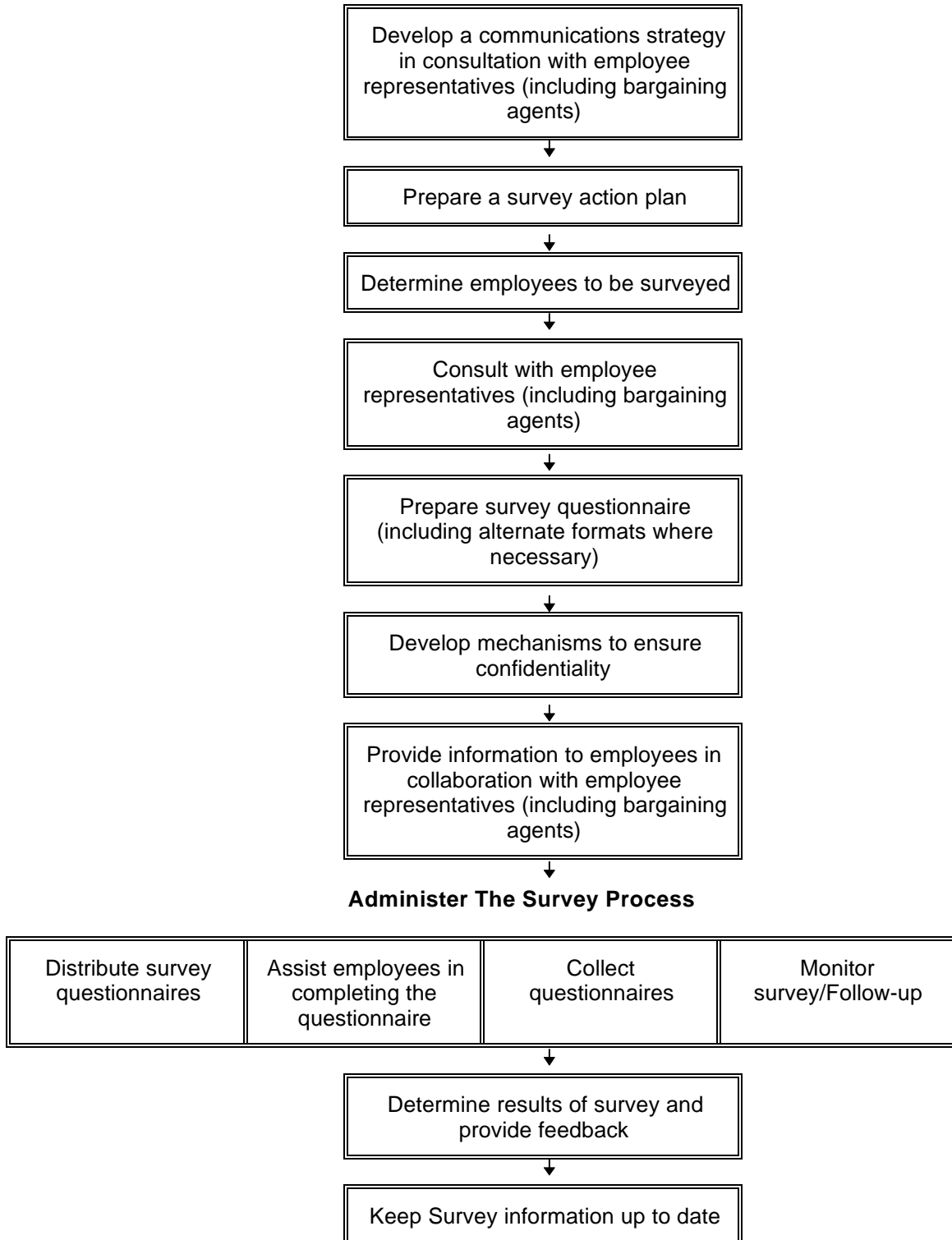
The survey of the internal workforce must be in the form of a confidential self-identification questionnaire. Responses to the questionnaire are entirely voluntary: no one can be forced to self-identify, although employers may require all employees to return their questionnaire, leaving it blank if they so choose.

Questionnaires may be in paper form, distributed and collected by hand and/or mail; or in electronic form, distributed and collected through an e-mail or intranet system. Whichever format is used, the employer must be able to:

- ensure all employees receive a questionnaire;
- ensure that employees' self-identification information remains confidential; and
- make available questionnaires in alternate formats for employees who require them or ensure that designated persons, who will have access to the questionnaire information, are available to provide confidential assistance.

Examples of alternate format include: audiocassette, large print, computer diskette; and/or Braille for visually impaired employees.

STEPS OF A WORKFORCE SURVEY



WORKFORCE SURVEY CHECKLIST

- ☐ Is there a clear policy, supported by senior management, on employment equity?
- ☐ Have all employees, employee representatives and unions been made aware of the policy, and of the benefits of employment equity?
- ☐ Have communication and survey strategies been developed which ensures that employees, employee representatives and unions are informed about the objectives of the survey?
- ☐ Have employee representatives been consulted?
- ☐ Is a joint labour-management committee structure in place? Have committee members been consulted regarding assistance that they may provide in the process? (Please refer to section 15(1)(a) of the *Act*.)
- ☐ Are the questions used on the questionnaire in conformity with the *Act* and *Regulations*?
- ☐ Does the questionnaire clearly indicate that responses to the questions are voluntary?
- ☐ Does the questionnaire clearly indicate that information collected is confidential and will only be used by or be disclosed to other persons within the employer's organization in order for the employer to carry out its obligations under the *Act*?
- ☐ Does the questionnaire, or an accompanying notice, clearly indicate that a person may be a member of more than one designated group?
- ☐ Is there an employee identifier on the questionnaire to avoid anonymous responses?
- ☐ Have the benefits of self-identification as a designated group member been clearly communicated?

- ▯ Has the organization identified individuals who are responsible for collecting and recording the survey information?
- ▯ Has the name and telephone number of a contact person been included on the survey, in case respondents have questions or require further clarification?
- ▯ Is the survey questionnaire available in alternate languages and format?
- ▯ Has a process been developed to identify and follow up on non-returns?
- ▯ Has confidentiality been ensured?
- ▯ Has a process been developed to share the results with employees, employee representatives and unions?

Key questions

The questionnaire must ask employees whether they are Aboriginal persons, persons with disabilities, or members of a visible minority. There is no requirement to ask whether a person is a man or a woman. The representation of female employees can be easily calculated using existing personnel records: there is no difficulty with respect to the availability, accuracy, or confidentiality of information on employee gender. The same is not true, however, for members of the other three designated groups.

Although it is not required, employers may choose to include a question on gender, thereby making the survey process inclusive for all employees.

*Please refer to the section below on **Page 17 “Additional Questions”** for further information about including gender questions.*

If the questions on the questionnaire are identical to or substantially the same as those set out in Schedule IV of the *Regulations*, the questionnaire will be deemed to meet the requirements of the law.

*The workforce survey questions prescribed in Schedule IV of the Act are reproduced in **Part C** of this **Guideline**.*

However, employers may wish to develop other versions of these questions for use on their self-identification questionnaire, with the goal of being “user-friendly” and adapting the questionnaire to their own particular workforce. Any such variation of the core questions must contain descriptions of the designated groups that are consistent with the definitions set out in section 3 of the *Act*.

A common variation on the questions provided in Schedule IV would give examples for each designated group, to enable employees to understand if they belong in that group.

*For further information, please refer to **page 19** in this **Guideline** on “**Designated Group Definitions**”*

Employers who do develop other versions of the questions set out in Schedule IV of the *Regulations* should review their draft questionnaires with employee representatives, an internal Employment Equity Committee, or Workplace Equity Officers at HRDC's regional offices to ensure they are acceptable before finalizing them. Ultimately, however, findings of compliance rest with the Canadian Human Rights Commission.

Required statements

The *Regulations* require that the questionnaire indicate to employees that :

- responses are voluntary [*Reg.*, s. 3(6)(a)]; and
- the information collected will be kept confidential and will only be used by or disclosed to other people in the organization for the purposes of complying with the *Act*. [*Reg.*, s. 3(6)(b)]

The questionnaire itself or an accompanying notice (normally stapled to the questionnaire if it is in paper form) must indicate that employees are free to self-identify as members of more than one designated group. [*Reg.*, s. 3(4)]

For example, a person may self-identify as an Aboriginal person and a person with a disability.

Self-identification in multiple categories allowed

Where appropriate, employees may identify themselves as belonging to more than one designated group. This is justified by the fact that each designated group faces particular kinds of employment barriers. A person who belongs to more than one of these groups is likely to experience multiple barriers (for example a man of African descent with a disability; or an Aboriginal woman).

In theory, a person could even belong to all four designated groups, although this would occur very rarely.

It is possible for a person of mixed ancestry, both Aboriginal and visible minority, to self-identify as both a member of a visible minority and an Aboriginal person.

The definition of “members of visible minorities” in section 3 of the *Act*, refers to “persons, other than aboriginal peoples...” This, however, should not be taken to mean that a person of mixed heritage could not self-identify in both groups, Aboriginal and visible minority. The language of the *Act* is intended simply to delineate two separate groups which might otherwise be considered as a single group.

Aboriginal persons who do not have a visible minority heritage **should not** identify as a “member of a visible minority”. Such individuals should self-identify only as “aboriginal persons”

There *is* a relatively small group of people who have both Aboriginal and visible minority heritage – for example, Cree and Black, or Inuit and Japanese – and they should be given the opportunity to fully self-identify. Therefore, employers may wish to provide instructions indicating that such individuals – and such individuals only – can self-identify as both Aboriginal and members of a visible minority.

Additional questions

The questionnaire can include other questions, provided they are related to employment equity. Two such “extra” questions are particularly common:

*Refer to **Part C, Appendix D, page 44** of this **Guideline** for further additional questions*

1. **Man/Woman** The questionnaire can give employees the opportunity to indicate whether they are men or women. One advantage of such a question is that it allows every employee to check off at least one box, making the self-identification process more inclusive.

Please note that if the employer does include a gender question, however, the number of women for the purposes of the annual employment equity report and the workforce analysis must still be taken from personnel records, to ensure the highest degree of accuracy.

2. **Consent:** A useful additional question is a “consent” question, asking employees if they agree to have their self-identification responses provided to managers and used for the purposes of special initiatives and implementing employment equity within the company. Designated group employees responding positively to this question can then be contacted directly if, for example, an advisory committee for their group is established, or if a

*Please refer to the section on “**Information With Questionnaire**,” **page 25** in this **Guideline**, for additional information about a consent question.*

special training program intended to address the under-representation of their group in a specific occupation is launched. It is certainly worth considering inclusion of a question of this sort, as special initiatives may be more successful if designated group employees can be directly approached – something which, given confidentiality requirements, cannot be normally done without express prior consent.

Some employers provide a space for comments by employees on the survey. This may be a way for employers to gauge reactions of employees, spot potential areas of misinformation, and consider strategies to address problems.

Employee identifier

Workforce survey questionnaires must provide a way to identify which employees provided the responses. Questionnaires without employee identifiers would create difficulties with respect to accuracy of the survey data and would make impossible the longer-term tracking of essential information, such as promotion and termination. The confidentiality of self-identification responses, after all, is legally guaranteed

All workforce survey questionnaires must provide a method to identify employees.

As an alternative to using the employee's name, an employee identification number or code can be used. However, the social insurance number should not be used. It is recommended that the questionnaire have the employee's name, number, or code already filled in before it is distributed. This facilitates following up on the missing forms.

No management identification

It is possible to include in the final count employees who explicitly agree to be identified by the employer as members of a designated group; that is, consent to completion of their questionnaire by another employee or supervisor according to the employee's instructions. However, it is important to emphasize that this does not mean that management identification or any form of management pressure on

employees is acceptable.

Designated Group Definitions

Definitions of “aboriginal peoples,” “persons with disabilities,” and “members of visible minorities,” are provided in the sample questions (Schedule IV of the *Regulations*) attached to this Guideline.

Since self-identification is a voluntary and confidential process, employers must ultimately trust the employees’ interpretation of the definitions with which they are provided. However, to help employees understand the intent of the definitions, organizations should provide further clarification by distributing explanatory information and illustrative examples prior to, or simultaneously with, the distribution of questionnaires.

The definitions of the designated groups contained in the *Act* therefore are intended to provide guidance to employees, who must decide if they see themselves as fitting into one of the categories. Ultimately, however, it is the employee’s right to decide how they choose to define themselves. It would therefore not be correct to say that someone is in fact a person with a disability, even though that person does not consider him/herself as fitting into that particular category. In other words, a person is only a member of a designated group if he/she chooses to identify him/herself as belonging to that group. The definitions and examples provided on the questionnaire therefore are intended only as a guide for employees.

Aboriginal peoples

With respect to Aboriginal peoples, the definition indicates that this group includes people of Indian, Inuit, or Métis descent. Since Aboriginal peoples are historically- and culturally-defined, there is no “blood” or racial criterion as such for self-identification as Aboriginal. However, this does not mean that it is acceptable for individuals to check off “aboriginal peoples” simply because they were born in Canada.

“Indian” includes people of North American Indian ancestry, whether or not they live on a reserve, and whether or not they are registered.

Only those Aboriginal persons who come from

Reference to cross-border

Canada and the United States should identify themselves as belonging to this designated group. In this way the survey results will be comparable to Statistics Canada census data, which are based on a question asking whether the person is a North American Indian, Métis, or Inuit. Other Aboriginal peoples, such as those from Mexico, Central and South America, Australia or elsewhere, should identify themselves as members of visible minorities.

reserves was omitted. It raises some fuzzy issues of extra-territorial jurisdiction, and there is no need to include it.

Examples may be given along with this question in order to clarify who is included. Employers are also free to ask employees to indicate their community or First Nations affiliation in responding to this question.

Persons with disabilities

With respect to persons with disabilities, the definition stipulates that, for the purposes of self-identification, a disability is an impairment which is:

*Please refer to **Part C, Appendix F, page 48** of this **Guideline** for a list of examples of persons with disabilities.*

- “long-term or recurring,” and
- in the employee’s view, results in disadvantage in employment or in a perception on the part of the employer (or potential employer) of disadvantage in employment.

Included under the definition are disabilities which have already been accommodated in the workplace. In other words, even if the immediate disadvantage has been reduced or eliminated because of accommodation by the employer, the employee should still self-identify for the purposes of employment equity. Otherwise, the employer’s statistics on persons with disabilities will not accurately reflect their presence in the workforce just because the needs of these individuals have been accommodated. However, the principle of self-identification remains paramount. Employers may not include such individuals who have received accommodations in their statistics unless such persons voluntarily self-identify as persons with disabilities.

The definition covers physical, mental, sensory, psychiatric, and learning impairments. In other words, any persistent or recurring condition – visible or

hidden -- that places limitations on the individual which may contribute to disadvantages in employment counts as a disability for the purposes of employment equity. This includes not only the more obvious disabilities related to mobility, sight, and hearing, but also conditions such as epilepsy, chronic pain, or dyslexia which are generally unseen but may have profound effects on a person's employment prospects.

Not every physical impairment, even if long-term or recurring, will count as a "disability" for the purpose of the definition. If an employee does not believe that he/she is disadvantaged in employment because of the impairment, or does not believe that the employer (or potential employer) would perceive that he/she is disadvantaged, then the employee should not self-identify as a member of this designated group.

Relatively minor conditions which are experienced by a large segment of the population, and which do not result in disadvantage in employment, are not normally considered disabilities for the purposes of employment equity. The most common examples of such conditions are limited lower back pain and poor eyesight which can be corrected with glasses.

This is not to say that back pain or poor eyesight should never be considered a disability, of course. The determining factor would be severity of the condition. The question is one of degree.

If a long-term or recurring impairment -- either physical, mental, sensory, psychiatric or learning -- does not result in disadvantage in employment, or in a perception of disadvantage by an employer, then it should not be considered a disability for the purposes of the *Act*

In each case, it is the employee who must make the determination. However, it is essential that employees must be made to understand that minor conditions, such as the wearing of eyeglasses and limited lower back pain, do not normally constitute a disability for the purposes of the *Employment Equity Act*

The preliminary communications process is a good place to make this point.

It is important to remember that employment equity does not require employers to employ individuals with disabilities which prevent them from doing their jobs effectively. The external representation estimates with which internal representation are compared take into account the qualifications necessary to perform the work in question, as well as eligibility and geography. So the benchmark for comparison already takes into account the basic requirements of the occupation.

Members of visible minorities

With respect to members of visible minorities, the definition speaks of those who are “non-Caucasian in race or non-white in colour.” (Due to their status as First Nation people, Aboriginal peoples are specifically excluded from the definition.) Essentially the same definition was used in the 1986 *Employment Equity Regulations* (now replaced by the new *Regulations*). Employers therefore have been using this definition for some time.

This definition is not based on place of birth, citizenship or religion. Some members of visible minorities were born in Canada, others were foreign-borne; some are citizens others have a landed immigrant status; and they all have different religious affiliations.

This group includes individuals of non-white or non-Caucasian origin from Europe, Australia and New Zealand, South America, Africa or any other part of the world. It does not include persons of Portuguese, Spanish, Greek, Italian, or Ukrainian descent, or other ethnic groups who are considered to be white or Caucasian in origin.

This definition has been the subject of much discussion. However, it is important to remember that the rationale for including “visible minorities” in the law is rather straightforward: *people who are visibly in a minority because of their skin colour or identifiable “racial” background may face various types of*

employment barriers. This does not mean that anyone believes “race” is a valid scientific category. (As some have pointed out, there is only one race, the human race.). Rather, it means that we recognize that belonging to a visible minority still has social implications, and that the creation of a truly integrated society must start with the efforts to identify and address these consequences in a direct and systematic manner.

An employer who so wishes is at liberty to develop a question which uses a description of “members of visible minorities” other than the definition provided in the *Act*. However, any such description must effectively reflect the rationale outlined above and must cover the population in question. As well, care should be taken to avoid confusion – in the past, members of ethnic European minorities have sometimes misconstrued “visible minority” as applying to them.

For clarity, an employer may list on the questionnaire the ethnocultural sub-groups which have been deemed -- for the purposes of calculating Census-based estimates of representation in external labour markets – to be comprised of members of visible minorities. Employees can then be asked if they fall into one of these groups.

*Please refer to **Part C, page 48**, for a list of sub-groups.*

Sub-group data

Some employers ask the employee to indicate which sub-group they belong to: what their specific disability is, or to which visible minority group they belong. Some employers choose to obtain sub-group information to pinpoint areas in need of attention or to assist employers in providing accommodation to employees. However, it is not required by the *Act* and *Regulations*.

Determining Employees To Be Surveyed

The law requires that everyone employed by the employer for a period totaling 12 weeks or more during a calendar year (except for those listed below) be given a self-identification questionnaire once they have been hired. This includes part-time and temporary employees, even if their period of employment is broken up into small portions of a few days or weeks at a time, and even if the employer is not required to provide data on designated group representation among temporary employees because such employees constitute less than 20 per cent of its total workforce. It also includes employees on any form of long-term leave, including long-term disability leave.

It does **not**, however, include:

- students enrolled full-time in a secondary or post-secondary education institution employed during a school break, including co-op students employed for less than four months (one “work term”); or
- individuals working on contract with whom there is no legal employer-employee relationship (independent contractors).

Regarding independent contractors, it should be noted that only those persons who are **in fact** independent contractors are not considered to be employees, and are therefore not required to be surveyed. What the employment relationship is called by the parties is not the determining factor, however. The facts of each case must be examined in making the determination.

Therefore, employers may be required to include in the workforce survey “independent contractors,” or employees of “independent contractors,” if these persons are **in fact** employees of the employer conducting the survey.

The twelve weeks need not be consecutive.

*See **Part C, Information Document**, Appendices **A, B** and **C**, for further information on how to determine if an employer-employee relationship exists for the purpose of employment equity.*

As a practical matter, employers may choose to give self-identification questionnaires to everyone in their workforce, including students, at the time of hiring. Often an employer does not know when they hire a temporary employee whether the employee will be working for 12 weeks or more during that calendar year. Although employers may not count students for the purposes of employment equity reporting, they may well choose to include them in a survey.

Maintaining employment equity information on temporary employees and students can provide employers with valuable information about the designated group composition of these employees who in the future might be contacted for longer term or permanent positions.

The employer is cautioned, however, that the workforce analysis and the employer's annual employment equity report should be based only on legal requirements of the survey. Where employers voluntarily survey persons not required to be surveyed under the *Act*, that information should not be used for the purposes of the workforce analysis nor the annual report.

Information with questionnaire

The information and instructions included with the questionnaire itself can have a significant impact on response rates and accuracy.

Providing too much information at this stage can be counter-productive, as this makes completion of the questionnaire appear to be a complicated and time-consuming process. Therefore, it is important to implement communication activities, such as information sessions, well in advance of the survey.

However, at the time of the survey it can be a good idea to reiterate the fundamental purposes of employment equity, briefly explain the role of the self-identification questionnaire, and emphasize the importance of accurate responses for effective planning and implementation. Employers may also wish to indicate that employment equity is part of a larger business strategy to achieve an organization which is more competitive. .

Information provided with the questionnaire should:

- make clear to employees that they are free to change their responses at any time;
- clearly state that employees may self-identify as members of more than one designated group, if this information does not appear on the questionnaire itself; and
- state that responses are confidential and that information provided will only be used to help the organization implement employment equity;

If an employer uses a “consent” question asking employees if they agree to have their self-identification responses provided to managers, information with the questionnaire should also indicate that the workforce survey provides employees with two options for self identifying:

Refer to “Additional questions” on page 17.

1. employees may self-identify solely for statistical purposes, in which case the only people who will know how they responded to the questionnaire will be a select group of human resources and data entry personnel; or
2. employees may self-identify for statistical and for human resources and employment equity planning purposes, in which case managers in the organization may also have access to their responses for employment equity planning.

A key advantage of the second option is that it permits the organization to contact designated group employees directly when it requires their input or is planning to launch measures targeted to members of a particular group. However, there may be employees who hesitate to self-identify if they believe that their managers will be made aware of their responses. Thus, providing the first option is one way of maximizing the accuracy of the workforce survey results.

Distributing The Questionnaire

Distribution strategies will vary depending on the size and circumstances of your organization.

It is recommended that the survey questionnaire be distributed with a number of support documents, including:

- a covering letter of support/endorsement from senior management and bargaining agent officials;
- the name and phone number of the person employees should contact for information or assistance;
- instructions on how to complete the questionnaire;
- definitions of designated groups; and
- a pre-addressed return envelope that employees can seal with their completed questionnaire.

Listed below are a few ideas to help in developing an easy, effective method of distributing the survey package:

- Set aside a specific time to distribute the workforce survey package. Some organizations have found that establishing a Census Day or Week helps focus communications and staff energies.
- Choose a time when most employees are available. Try to avoid holiday periods, or peak business periods.
- Set a deadline for the return of the questionnaire. Make sure it allows employees time to get help if required.

- Consider handing out the survey package to employees:
 - ⇒ during regular staff meetings or training sessions
 - ⇒ at special employment equity information sessions;
 - ⇒ through internal mail; or
 - ⇒ as part of your pay distribution system.
- Make sure employees have privacy when completing the questionnaire.
- Mail a survey package, which includes a stamped, self-addressed envelope, to those employees who are not centrally located or who are on extended leave. Consider including educational material in the survey package, including the name and telephone number of the designated contact person in the organization responsible for employment equity. You may need to check that the employee received the questionnaire, and understands both the reason for the survey and the questions being asked.
- Develop a distribution control sheet to track when each employee receives and returns the questionnaire. A Sample Distribution Control Sheet is included at the end of this guideline.

Many employees may be nervous about the self-identification process. They may be concerned about revealing information that is generally not known in their workplace. They may be worried that if they self identify they will jeopardize their present status or opportunities for advancement. Some may feel their work environment does not value diversity or that they have been hired or promoted because of their designated group membership, not for their qualifications.

For these reasons, it is absolutely essential that employees are assured that the survey information will be held in the strictest confidence. Employees need to know:

- to whom the questionnaire will be returned;
- who will open the questionnaire;
- who will have access to the information contained in the questionnaire;
- how the data will be stored; and
- how the data will be kept up to date.

Providing assistance

To help employees understand and complete the questionnaire, employers may consider the following activities:

- appointing advisers to help employees;
- conducting information meetings in consultation with employee representatives (including union representatives);
- establishing a hotline;
- asking employees what accommodation they need to complete the questionnaire; and
- using creative ways to communicate, such as posters and videos

The involvement of employee representatives (including bargaining agents) in the planning and implementation of these activities is likely to increase their effectiveness.

Once questionnaires have been distributed to and collected from all current staff, the employer must keep its data base up-to-date by providing a questionnaire to every new employee and to any employee who wants to change previously submitted information or who requests a new questionnaire.

In order to ensure accuracy, some employers choose to re-survey their entire workforce periodically. While this is not required under the *Act* so long as their survey results are up-to-date, it can sometimes be a beneficial strategy, particularly if the employer thinks that a greater response rate and more accurate and complete results can be obtained as a result of increased understanding of employment equity principles and objectives.

E-mail questionnaires

Where employees are accustomed to reading and responding to e-mail messages or using intranet systems, use of electronic questionnaires and reminders can be effective. Some individuals find it less burdensome to complete and return an electronic questionnaire rather than a paper questionnaire.

Mandatory return of questionnaire

A high return rate can also be ensured by requiring every employee to return the questionnaire, whether or not he or she chooses to complete it. This is specifically sanctioned by the *Regulations*. It may be useful to provide a deadline by which all forms must be returned, and implement follow-up procedures to track missing returns and encourage employees to submit them.

Following-up

Follow-up is essential to ensuring a good response rate on the workforce survey. There are two issues to be considered: failure to return the questionnaire, and inaccurate responses.

When the survey is returned, designated personnel who have access to the survey information may have reason to believe that some employees have declared their designated group status incorrectly.

For example, some individuals may honestly believe themselves to be a member of a visible minority because they are an immigrant.

If this occurs, employees may be approached and provided with further information on definitions of designated group members and the purpose of the workforce survey. These employees may then be asked if they wish to change their response. If they wish to change their response, they can then be invited to fill out another questionnaire.

Once an employee has returned a questionnaire, the principles of confidentiality and voluntary self-identification mean that only those designated personnel responsible for implementing employment equity within the organization should ever speak with employees about the responses provided (or not provided) on the workforce survey questionnaire. This need not be the case, however, where an employee has checked off an optional “consent” box provided on the questionnaire, indicating that the information may be provided to managers for human resources and employment equity planning purposes.

It should be noted that employees cannot be required to change their response and should only be approached if there are very good reasons for believing that they have self-identified incorrectly. If they state that they do not want to change their responses, this must be respected.

Employers should follow-up to ensure that employees who may have been absent during the distribution of the survey package receive it upon return to work. Follow-up should also take place with employees on long-term leave to ensure that they mail back the questionnaire.

Keeping Information Up To Date

An employer's survey results must be kept up to date. This is done by:

- providing each new employee with a survey questionnaire, once they have been hired; and
- providing a survey questionnaire to any employee who requests it, or who wishes to change the previous response.

The aggregated survey results must be adjusted to take into account any changes which result from employees being hired, terminated, or from changing responses.

If an employer has kept its survey results up to date, there is no requirement to re-survey the workforce periodically. Employers may choose to re-survey voluntarily, however. As employees come to understand the purpose of employment equity and drop any fears or suspicions they may have had initially, the employer's response rate may improve in a subsequent survey.

Applicant Data

Regarding new employees, it should be noted that the *Regulations* require that a survey questionnaire be given to an employee "when the employee begins employment". [Regs., s. 5(a)(i)] This means after they have been hired. Information obtained during the hiring process, therefore, is not sufficient to meet the legal requirements. Some employers include on their application forms a voluntary question about designated group status. However, in order to meet the requirements of the *Act* and *Regulations*, a survey form must be given to each new employee after they become an employee. Data obtained in this way will be more accurate, as a person who has already been hired may be less reluctant about making personal information known. As well, there is no incentive to falsely self-identify as a member of a designated group, hoping to receive some special consideration.

Employers are cautioned that if questions about designated group status are asked during the hiring process, it should be made clear that answers are voluntary. Employers should also indicate clearly the reason for asking these questions, i.e. for the purpose of implementing employment equity..

Such questions are not required under the Employment Equity Act.

The Grandparent Clause

Employers who have conducted workforce surveys in the past may not need to conduct a new survey, if it is likely that the results of the previous survey were as accurate as the results of a new survey would be. In making this determination, it is necessary to consider both the questions posed and methods used to conduct the previous survey.

Generally speaking, a workforce survey that was in compliance with definitions in the old *Regulations* is likely to be in compliance with the new ones. This means that its results can be “grandparented” and there is no need to undertake a new workforce survey provided the following two conditions are met:

- previous self-identification responses were fully voluntary; and
- the employer has kept the results up-to-date by giving questionnaires to each new employee, and to any employee who wishes to change his or her responses or who asks for a new questionnaire.

When in doubt, it is always preferable to conduct a new workforce survey rather than rely on the results of an older survey which may not be accurate or up-to-date. After all, new surveys generally tend to be better surveys and as a result produce more accurate representation figures for employers. Moreover, without reliable data on the internal representation of designated group members, the organization will have difficulty designing and implementing an effective employment equity program.

Storage And Confidentiality

A sample copy of the self-identification questionnaire and a record of each employee's self-identification responses must be kept on file. Employers are not required to retain individual questionnaires, although some employers may wish to do so, at least at first, as evidence of the response rate.

*Further details on record-keeping may be found in **Guideline 10: Record Keeping***

This information should not however be kept in the individual's personnel file.

The sample copy of the questionnaire must be held until at least two years after the plan to which it relates expires. It should be kept in mind that a workforce survey relates to every subsequent plan developed which is based on the results of that survey. As a practical matter, therefore, employers are advised to keep the sample copy of the questionnaire indefinitely.

The record of each employee's responses must be held until at least two years after the employee's employment with the organization is terminated.

The employer is required to ensure that the self-identification responses of individual employees are kept confidential. In other words, the only people who should know how any particular employee responded are those who need to know or those for whom the employee has given consent for the purposes of implementing employment equity. Normally, this would include the staff who directly handle the inputting of questionnaire responses. Unless employees have given permission for the use of their responses for purposes other than the calculation of aggregate statistics (for example, through a special check-off, as discussed above), no one else -- not even their direct superiors -- should be informed of how they self-identified.

Several fairly simple measures can help to ensure confidentiality:

- If paper questionnaires are used, they should be accompanied by sealable envelopes into which employees can place their completed questionnaires before returning them. In addition, collection can be carried out by designated staff or managers if there is any concern that envelopes will be opened or lost on the way to their destination.
- If electronic questionnaires are used, a method of encrypting responses can be considered. The e-mail account to which responses are forwarded should be a secure one, accessible only to designated personnel through the use of a password.
- Once responses are received by the appropriate office – most often that of a Human Resources or employment equity administrator – they should be stored in a secure location. When paper questionnaires are used, this will usually mean a separate, locked filing cabinet; where electronic questionnaires are used, it will usually mean a separate, password-protected electronic file. Responses should **never** be stored in the individual employee's personnel file.
- Finally, when self-identification responses are inputted into a data base, that data base should be kept separate from the more general Human Resources data base and, again, should only be accessible to specified staff through the use of a password.

In order to guard against system failures, all electronic records, accessible only to designated personnel, should be systematically backed-up on diskette. This diskette must also be locked up to ensure confidentiality.

Problems With Workforce Survey Returns And Responses

If a large number of questionnaires are not returned on time, or if they are returned with one or more questions unanswered, or if there is reason to believe that a large number of employees may have answered the questions inappropriately, this may be indicative of a larger communication problem.

In such a situation, the law does not allow employers or designated personnel to pressure people into providing or correcting responses.

However employers can attempt to improve the self-identification process by holding information sessions or by providing information through news letters or E-mail to:

- explain the purpose and principles of employment equity;
- review the definitions of designated group members;
- explain the purpose of the workforce survey and the importance of filling in the questionnaire; and
- emphasize the protection of confidentiality.

Employers should not be penalized however for matters beyond their control. The *Act* provides that where a finding of non-compliance is based on apparent under-representation which the employer believes can be attributed to a low response rate or the failure of designated group members to self-identify, then the *Act* provides some recourse, provided the employer has made all reasonable efforts to implement employment equity. [See subsections 25 (1.1) - (1.3) of the *Act*.]

Where there is some evidence that workforce survey statistics do not reflect true designated group representation, the employer may use this evidence in response to a finding of non-compliance by a Canadian Human Rights Commission compliance officer.

Such evidence, for example, might include data on the provision of accommodations to employees with disabilities, or data on participation in special programs aimed at designated group members.

The evidence cannot come from simple management identification. In other words, it cannot include the specific identification of employees who, in the employer's opinion, failed to self-identify correctly. There would have to be other evidence which does not rely on identification of individual employees.

*For example, if an employer has approved designated parking spaces for **ten** employees with disabilities and only **three** employees have self-identified as persons with disabilities, this could constitute other such evidence.*

Where the compliance officer is satisfied that this evidence explains all or part of the finding of non-compliance and that the employer has made all reasonable efforts to implement employment equity, further enforcement measures will not normally be taken.

PART C: INFORMATION DOCUMENTS

This section provides information on how to determine if an employee-employer relationship exists for the purpose of employment equity; administer the workforce survey process; and monitor the return of questionnaires.

APPENDIX A

Determining An Employment Relationship

Determining the employment relationship is critical in knowing who must be included in the workforce survey, and how they must be reported on.

How To Determine Whether A Person Is An Employee

Step 1: Does an employee/employer relationship exist?

An employee is an individual who works for an employer and receives money or money's worth for doing that work.

In many cases, the employment relationship will be obvious and already determined. This is because employee status is relevant to other employment regulations, such as employment standards legislation and income taxes.

Where the employment relationship is not clear, a case-by-case assessment will be required.

Established criteria

The courts and administrative tribunals have developed criteria for assessing whether a person is in an

employment relationship.

For example, when an organization exercises control over:

- what work is to be done;
- the way in which it is to be done;
- the means to be employed in doing it; and
- the time, when and place where it is to be done,

the individual is likely to be regarded as being in an employee/employer relationship.

On the other hand, where the individual:

- has a chance of profit or a risk of loss; or
- is required to invest capital other than his or her own labour,

then the individual is more likely not to be in an employee/employer relationship.

Deciding if a relationship exists: A few common questions

Is a written contract required?

A person is an employee regardless of whether the agreement between employer and employee is written or oral, express or implied.

What about the location where an employee works?

A person is an employee regardless of the location at which he or she performs the work or service. If the individual works at the employer's premises, at the premises of another employer, or at his or her own home, he or she may still be considered an employee.

Step 2: Permanent part-time permanent full-time, or temporary employee?

Who is a permanent employee?

The *Act* considers persons to be permanent employees if their employment is expected to continue for an indefinite period. Their employment is not temporary or time limited.

What is the difference between permanent full-time and permanent part-time employees?

Employers should follow their ordinary business practice in distinguishing between full-time and part-time employees. Employees who regularly work the standard number of hours set by the employer are considered to be full-time employees. Employees who work less than the standard number of hours set by the employer are considered to be part-time employees.

What is a temporary employee?

The *Act* considers an employee temporary if their employment is for a specified period of time of 12 weeks or more in a calendar year. (In other words, there would be a fixed starting and stopping date for the employment

relationship.) The 12 weeks do not have to be consecutive weeks, and the employment may be for any number of hours per week. Temporary employees include any term employees, and may include agency personnel or casual workers, who are employed for 12 weeks or more in a calendar year. Normally it would not include seasonal employees however. If an employee has a fixed stop date for the employment relationship, this is an indication that the person is a temporary (and not a permanent) employee.

Who is a seasonal employee?

A seasonal employee is one who is employed in a position that is filled for a specific period of time on a regular basis every year, usually due to the seasonal nature of the industry. Seasonal employees include those who perform their work on a full-time or part-time basis. Seasonal employees will normally be considered to be either permanent full-time or permanent part-time employees, due to the regularity of their employment.

Is a term employee a temporary employee?

A term employee is an employee, other than a permanent or seasonal employee, who is employed to work for a specific period of time. Term employees include those who perform such work on a full-time or part-time basis. If the term is for 12 weeks or more in any calendar year, the term employee would be considered a temporary employee.

Is a person working on a contract of less than 12 weeks a temporary employee?

Normally, a person hired to work fewer than 12 weeks in a calendar year is not considered an employee for the purposes of the *Act*. However, it is often difficult to know ahead of time how long certain employees hired on a casual or temporary basis will actually work during the year. Therefore, it is a good practice to survey all employees, even casual employees of fewer than 12 weeks, in the event they may actually end up working more than 12 weeks during the year.

APPENDIX B EMPLOYEE DEFINITIONS UNDER THE ACT (PRIVATE SECTOR EMPLOYERS ONLY)

EMPLOYEE

An employee is a person employed by an employer. It includes a permanent full-time employee, a permanent part-time employee, and a temporary employee employed for a total of 12 weeks or more. It does not include a person employed on a temporary or casual basis for fewer than twelve weeks in a calendar year nor does it include a student in full-time attendance at a secondary or post-secondary educational institution employed during a school break. [Reg., s. 1(2)]

CATEGORIES OF EMPLOYEES

For reporting purposes, employees have to be categorized as permanent full-time, permanent part-time, or temporary.

Permanent Full-time Employee

A permanent full-time employee is a person employed for an indeterminate period to regularly work the standard number of hours fixed by the employer. [Reg., s. 1(1)]

Permanent Part-time Employee

A permanent part-time employee is a person employed to regularly work fewer than the standard number of hours fixed by the employer. [Reg., s. 1(1)]

Temporary Employee

A temporary employee is an employee employed on a temporary basis for any number of hours within a fixed period or periods totalling 12 weeks or more during a calendar year. This, however, does not include students employed during school break. [Reg., s. 1(1)]

APPENDIX C

EMPLOYEE CATEGORIES	ARE THEY EMPLOYEES UNDER THE ACT	RESPONSE
Managers, senior managers, corporate officers	YES	There is no exception based on one's position within the organizational structure.
Shareholders of corporations or members of the Board of Directors of corporations	MAYBE	They would be considered to be an employee only if the individual, <u>apart from his or her role as a shareholder or member of the board of directors</u> , were an employee.
Partners and sole proprietors	NO	One cannot be an employee of oneself.
Independent contractors	NO	A consultant retained to perform a specific project is an example of an independent contractor. Each case should be assessed on an individual basis to see whether the person might actually be an employee. In making such an assessment, the factors set out on pages 38 to 40 should be considered – for example, does the contractor bear the risk of loss or chance of profit; or does the employer? It should be noted that this is a complex area of law, and the list of factors given is not exhaustive.
Students	NO	Co-op students for less than one “work term” (i.e. less than four months), summer students, or practicum placements from a local college or university, who are otherwise full-time students, are not considered employees for the purposes of the <i>Act</i> .

EMPLOYEE CATEGORIES	ARE THEY EMPLOYEES UNDER THEACT	RESPONSE
Apprentices, learners and trainees	YES	Individuals in an apprenticeship or training program who are not full-time students and who work for 12 weeks or more, may be full-time or part-time temporary or permanent employees, depending on the circumstances.
Employees on leave of absence	YES	Those who are on short-term or long-term disability, pregnancy or parental leave or other types of leaves of absence -- and keep their employee status while on leave (i.e., employer-employee relationship is maintained) -- are employees.

APPENDIX D:

About Additional Questions

Following are answers to some of the questions you may have about the use of additional questions.

What Are Additional Questions?

Additional questions are questions related to employment equity that employers may include in their workforce survey questionnaire. They are not required by legislation.

Why would I ask additional questions?

You may want to ask additional questions to obtain information that will help you in reviewing your employment policies and practices, and in developing your employment equity plan.

You may want to ask a question requesting the consent of the employee to use the information obtained from the questionnaire for other than strictly statistical employment equity purposes.

However, the desire for more information should always be balanced with the need for an easy-to-follow questionnaire. You may risk a low response rate to the survey if the questionnaire is too complex or too long for employees to complete. Often employees may be less likely to provide detailed information about disability or racial and ethnic origins, as there may be too high a level of discomfort associated with providing details of such a personal nature. For this reason, the gathering of subgroup

data has not been encouraged in the past.

Why would I ask employees to identify whether they are a member of a visible minority subgroup?

Some employers have found that subgroup information is important to identifying barriers that may be experienced by different visible minority subgroups. For example, racial stereotyping may affect the types of jobs for which members of different racial minority groups are hired.

Why would I ask questions on employment accommodation?

This question might help estimate the extent of the need to which employment accommodation — short of causing undue hardship — is required in your organization. It might also help you assign responsibility for delivering accommodation to the right person/area of your organization.

Such a question however is not essential to identifying the accommodation needs of employees with disabilities.

What Other Questions Can I Ask?

Type of disability

You might ask employees what type of disability they have. In some organizations, there may be differences in barriers experienced by persons with disabilities based on the type of disability. If this is the case, the information could help identify these barriers.

Affiliation to an aboriginal community

You might ask employees their affiliation to a particular First Nation or aboriginal community or reserve. This could assist in understanding the particular kinds of barriers that must be overcome and in developing positive policies to address the needs of aboriginal employees.

Other questions

Other questions related to employment equity are permitted in the questionnaire. For example, you could ask employees what expectations they may have concerning employment equity.

APPENDIX E:

SUGGESTED FORM FOR MONITORING RETURN OF QUESTIONNAIRES

A form set out on the next page may aid you in monitoring the distribution and return of workforce survey questionnaires. The following five steps are suggested to help with the monitoring process:

1. List all employees identified for employment equity purposes on the form.
2. Allocate each employee a number or identifier.
3. Insert the date the workforce survey questionnaire was distributed.
4. Insert the date each employee returned the questionnaire.
5. If a questionnaire is not returned, indicate what steps were taken.

Remember both the form and the workforce survey questionnaires must be stored in a secure location

**WORKFORCE SURVEY QUESTIONNAIRE
MONITORING CONTROL FORM**

Name of employee	Employee Identifier	Date questionnaire was distributed	Date questionnaire was returned	If not returned, steps taken

APPENDIX F

DESIGNATED GROUP AND EXPLANATIONS

DESIGNATED GROUP AND EXPLANATIONS	SELF-IDENTIFICATION CATEGORIES	EXAMPLES
WOMEN	N/A	N/A
<p>PERSONS WITH DISABILITIES</p> <p>Convention 159 of the International Labour Organization states that persons with disabilities means every “individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment.”</p> <p>Physical disabilities can be visible or non-visible and can include any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impairment, or physical reliance on a guide dog, on a wheelchair or other appliances or devices.</p> <p>Learning, mental or psychiatric disabilities can include learning or comprehension incapacities which are significant and persistent but permit the individual so disabled to carry out duties and perform tasks in a reliable manner under a reasonable amount of supervision.</p>	<p>Any persistent degree of:</p> <ul style="list-style-type: none"> • coordination/dexterity impairment • mobility impairment • non-visible physical impairment • deafness/hearing impairment • blindness/visual impairment • muteness/speech impairment • developmental/mental impairment • psychiatric impairment • learning impairment • other impairment 	<ul style="list-style-type: none"> • cerebral palsy • paraplegia • hemophilia • hard of hearing, deafness • glaucoma • inability to generate or emit verbal messages, such as aphasia • Down’s syndrome • a previous mental illness, or one which is under control, such as schizophrenia. • dyslexia
Aboriginal Peoples	<ul style="list-style-type: none"> • Status Indian • Non-Status Indian • Inuit • Métis 	

Collection of Workforce Information

DESIGNATED GROUP AND EXPLANATIONS	SELF-IDENTIFICATION CATEGORIES	EXAMPLES
<p>VISIBLE MINORITIES IN CANADA¹</p>	<ul style="list-style-type: none"> • Blacks • Chinese • Japanese • Korean • Filipino • Indo-Pakistani • West Asian and Arab • Southeast Asian • Other 	<p>including Black Africans, West Indians, Canadians or Americans</p> <p>Bangladeshi, East Indian, Pakistan, Sri Lankan</p> <p>Afghani, Armenian, Egyptian, Iranian, Iraqi, Jordanian, Lebanese, Palestinian, Syrian, Turk</p> <p>Burmese, Cambodian/Kampuchean, Laotian, Malaysian, Thai, Vietnamese</p> <p>Others include:</p> <ul style="list-style-type: none"> • Latin Americans • Indonesian or Pacific Islanders

¹ Visible minority groups include persons who were born in either Canada or other countries.

APPENDIX G

WORKFORCE SURVEY QUESTIONNAIRE²

Aboriginal Peoples

1. For the purposes of employment equity, “aboriginal peoples” means persons who are Indian, Inuit or Métis.

Based on this definition, **are you an aboriginal person?**

Yes _____

No _____

Persons With Disabilities

2. For the purposes of employment equity, “persons with disabilities” means persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

(a) consider themselves to be disadvantaged in employment by reason of that impairment, or

(b) believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment, and includes persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace.

Based on this definition, **are you a person with a disability?**

Yes _____

No _____

Members of Visible Minorities

3. For the purposes of employment equity, “members of visible minorities” means persons, other than aboriginal peoples, who are non-Caucasian in race or non-white in colour.

Based on this definition, **are you a member of a visible minority?**

Yes _____

No _____

² As set out in Schedule IV of the *Employment Equity Regulations*



Guideline 5: Workforce Analysis



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Guideline is one of a series intended to help employers, employee representatives, and other interested parties understand how to conduct an effective workforce analysis as required by the *Employment Equity Act*

Guidelines provide general direction and practical pointers which reflect best practices. They are not, however, a template. Readers should consider the specific circumstances of their own organizations as they use the Guidelines. Other documents to consult include the *Act* and *Regulations*, and documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

The Goal

The goal of employment equity is to achieve equality in the workplace. [Act, section 2]

Numerically speaking, an employer would approach this goal when persons in designated groups in the employer's workforce have achieved a degree of representation in each occupational group in the employer's workforce that reflects their representation in the relevant labour market. The relevant labour market would be either:

- the entire Canadian workforce (*i.e., as defined in the Act, persons in Canada of working age who are willing and able to work*); or
- relevant segments of that workforce which are based on qualification, eligibility, or geography, and from which the employer would reasonably be expected to draw employees. [Act, s. 5(b)]

“Occupational group” means one of the fourteen groups listed in Schedule II of the Regulations. This list is based on the National Occupational Classification (NOC).

The most appropriate of the above two standards should be chosen. [Regs, s. 6(1)(b)]

Conducting A Workforce Analysis

Every employer must conduct a workforce analysis to determine the degree of under-representation of designated group members in each occupational group in the employer's workforce. This analysis must be conducted according to requirements set out in the Regulations. [Act, s. 9(1)(a)]

The employer must determine the degree of under-representation by comparing the designated group representation in each occupational group in its workforce to the designated group representation in the relevant external labour pool.

The relevant external labour pool is that pool where the employer would normally be expected to draw or recruit employees.

Determining Numbers Of Designated Group Members

Based on employment records, the employer must determine the number of women in each occupational group in its workforce. [Regs. s. 6(1)(a)]

Based on information collected in the workforce survey, the employer must determine the following information for each occupational group in its workforce:

- the number of Aboriginal persons;
- the number of persons with disabilities; and
- the number of members of visible minorities.

The identification of members of the three above-mentioned designated groups must adhere to the voluntary and confidential self-identification process as well as the definitions set out in the *Act* and *Regulations*.

External Representation

For the purposes of this comparison, the employer shall use labour market information on members of designated groups who are qualified for jobs within each occupational group in the employer's workforce.

See Part C, Appendix B for a list of publications containing information and data on designated group members.

These estimates shall be for the geographic area where the employer would normally be expected to draw or to recruit employees. These statistics shall be based on information provided by the Minister of Labour (*i.e. the Employment Equity Data Report*), or on other information which the Minister has deemed to be relevant *and reliable*. [Regs., s. 6(2)]

“Grandparent” Clause

If an employer conducted a workforce analysis of all or part of its workforce before October 24, 1996, (the coming into force of the Act and Regulations), it need not conduct another workforce analysis if:

Note that the Regulations now require employers to conduct an analysis using the National Occupational Classification and that the analysis must take into account information on hirings, promotions and terminations.

- the analysis is up-to-date – that is, it takes account of up-to-date workforce survey results; and
- a new analysis would likely give the same results as the previous one. [Regs., s. 6(3)]

New Employment Equity Plan

An employer does not have to re-do its workforce analysis each time it prepares a new employment equity plan, provided that the previous analysis has been kept up to date by periodic revisions which take account of the updating of workforce survey results and new Census data. [Regs., s. 6(4)]

Summary

The employer must prepare a summary of the results of the workforce analysis. This summary is used subsequently in the preparation of the employment equity plan. [Regs., s. 7] This summary must be retained by the employer for two years after the period covered by the employment equity plan to which it relates. [Regs., s. 11(f) and s. 12(2)]

PART B: PRACTICAL APPLICATION

The Workforce Analysis

The workforce analysis is a key component of an effective employment equity program. The intention of the workforce analysis is to determine if designated group members are under-represented in any occupational group of the employer's workforce. Information about areas of under-representation identifies potential problem areas and provides *one* indication of barriers that may exist in the employer's employment systems, policies and practices.

An identification of under-representation in any of the fourteen designated Employment Equity Occupational Groups (EEOGs) is important for two other employer obligations under the *Act*:

1. **Employment Systems Review** It triggers the requirement to undertake a review of all employment systems, policies and practices related to that occupational group to identify any barriers that may be responsible for the under-representation of designated group members.
2. **Numerical Goals** It triggers the requirement to set numerical goals for the hiring and promotion of designated group members in that occupational group.

Not only does the workforce analysis identify potential problem areas in terms of employment systems, policies and practices, it also reveals the severity of the under-representation in any given occupational group. The degree of under-representation is one of the factors to be considered in setting hiring and promotion goals in the employer's employment equity plan. Therefore, the successful implementation of employment equity requires a sound and well-designed workforce analysis based on accurate employment data.

See **Part C, Appendix C** for a summary of the 14 EEOGs.

For further information please refer to **Guideline 6: Employment Systems Review**.

For further information please refer to **Guideline 6: Employment Systems Review** and **Guideline 7: Employment Equity Plan**.

Employment data includes total number of employees, representation of designated group employees by industrial sector, geographic location, employment status, occupational group, salary range, hirings, promotions and terminations.

Accurate data provides employers with information that is essential for conducting an effective employment systems review, for setting goals in the organization's employment equity plan and for monitoring progress.

Flexible Approach in Regulations

The *Regulations* were intentionally drafted in order to allow employers flexibility in adapting the legal requirements to suit their own particular organizational culture and structure. The *Regulations* provide a broad framework for undertaking a workforce analysis, but do not provide details about what employers must do in particular circumstances.

Flexible concepts of “reasonableness,” “appropriateness,” and “relevance” are measuring rods in several key areas in the legislation. This means that employers are required to use their best judgement in implementing the legal requirements.

For example, in a workforce analysis an employer must determine what is:

- the “appropriate” external workforce, and
- the “relevant” recruitment area,

that should be used in the workforce analysis for purposes of comparison?

What is appropriate or relevant will vary from one organization to another, and from one situation to another. Organizations vary in size, geographic location, occupational distribution, skill levels, and workplace culture, among other things. A decision must be based on the facts of a specific situation. This is one reason why it was not possible nor desirable to define such terms as “appropriate” or “relevant” in the legislation itself.

*The section in this Guideline on “**Design the Analysis Framework**”, page 12, provides further information about using judgement in structuring an effective workforce analysis.*

For example, employers would usually advertise nation-wide when recruiting for highly-skilled senior positions. On the other hand, for unskilled or very junior positions the employer might only advertise locally. Based on these two examples, the employer would likely use national representation data when comparing internal representation of senior positions to external representation data and metropolitan or local level data when comparing internal representation of unskilled positions. It should be noted, however, that for junior “entry-level” positions, the employer may also wish to advertise nationally, depending on the tasks and the expected career progression associated with the position.

Where little or no experience is required for certain positions, the employer might also choose to compare internal representation data on it’s workforce to external data based on educational attainment. Statistics on the working age population (aged 15 and over) provides a broader analysis than the NOC unit group data which only includes persons who have had some work experience in a seventeen month period. Thus, what is “appropriate” in and given situation should be based on a thorough knowledge of the skill or educational levels required for the positions in the employer’s workforce.

The best strategy for ensuring compliance is to make an honest and thorough effort to implement the purpose clause of the *Employment Equity Act*, when fulfilling the specific requirements of the *Act*

What Is A Workforce Analysis?

A workforce analysis is essentially a comparison of two separate labour force data sets. The representation of designated group members by occupational group in the employer’s internal workforce is compared to the availability of qualified designated group members in the external workforce in the relevant recruitment area.

The relevant recruitment area is that geographic area where the employer would reasonably be expected to draw or recruit employees. It is critical to give careful consideration to the external workforce that is being used for the purposes of comparison. Not using the relevant external workforce data could be costly in terms of time and human resources and could result in the setting of inappropriate employment equity goals.

*The relevant recruitment area can be national, provincial or metropolitan. See **Appendix D** for a listing of Census Metropolitan Areas.*

Recruiting areas vary depending upon the level of responsibility and the degree of specialization of the occupation. Usually, the higher the degree of responsibility or specialization required for the job, the wider the recruiting area.

Job Groupings

“Occupational group” is a defined term in the *Regulations*, and refers to one of the fourteen Employment Equity Occupational Groups (EEOG’s) listed in Column I of Schedule II of the *Regulations*.

The fourteen EEOG’s are groupings of 522 individual jobs (occupational unit groups) which have been classified according to the new system, the National Occupational Classification (NOC). Each of the 522 different jobs has been assigned a four-digit NOC code. These coded jobs have been grouped together into the fourteen broad EEOG’s ranging from “Senior Managers” to “Other Manual Workers”.

*See **Part C, Appendix C** for an overview of the 14 EEOGs.*

The new National Occupational Classification (NOC) is a comprehensive system that reflects the current occupations in the Canadian labour market. It classifies and describes jobs according to “skill type” (the type of work performed) and “skill level” (the minimum level of education or experience required for the job).

Sometimes employment equity practitioners speak of a workforce analysis at *the EEOG level* or the four-digit NOC level. In practice, this refers to the level of detail of the analysis:

An analysis at the *EEOG* level indicates a very general analysis, examining large groupings of jobs in each of the fourteen *EEOG*'s.

An analysis at the four-digit level indicates a very fine-tuned analysis, examining representation of designated group members in the 522 individual jobs (also known as occupational unit groups) which make up the fourteen *EEOG*s.

The most effective workforce analysis will examine data at both levels.

Since employers must code their job titles according to the *NOC* at the four-digit level and then regroup the *NOC*s into the fourteen *EEOG*s anyway, it would be wise to retain to retain this occupational data at the four-digit level for eventual review purposes.

External Data Sources

The Minister of Labour publishes reliable and detailed employment equity data for workforce analysis purposes. These data provide information by occupation (e.g., the *EEOG* or detailed four-digit *NOC* unit group levels) and the highest level of schooling by field of study for the working age population (aged 15 and over), including designated group members.

See **Part C, Appendix B** for further information on the list of data available.

Depending on the size, occupational distribution as well as the occupational skill levels and requirements of the employer's workforce, an employer may choose to base the workforce analysis on:

*A fuller discussion of these options is provided below under **Step 3: Design the Analysis Framework***

- *EEOG*-level comparisons;
- *NOC* level comparisons;
- a comparison of *EEOG* categories which have been "tailored" to suit the particular *NOC* codes found in the employer's workforce; or
- the working age population (aged 15 and over).

WORKFORCE ANALYSIS CHECKLIST

1. Compile and tabulate data on designated group employees.
2. Code all individual job titles according to the NOC four-digit level and regroup these into the fourteen EEOGs.
3. Design the analysis framework bearing in mind, for example, the relevant geographic recruiting area and the required educational, professional and skill levels required in the organization.
4. Calculate the internal and external representation rates of each designated group by occupational category.
5. Calculate the representation gap by comparing the actual number of designated group employees in the organization with the expected number based on the external representation rate by occupational group.
6. Prepare a summary of the findings of the workforce analysis.

A “tailored” EEOG would only include those NOC unit groups in a specific EEOG actually present in the employer’s workforce. For example, the “Professional” EEOG contains eighty-four NOC four-digit unit groups. If only fifty percent of these unit groups are represented in the employer’s workforce, these unit groups should be totalled to construct a “tailored” EEOG for Professionals.

Geographically, representation statistics are available for Canada, the provinces, the territories and the Census Metropolitan Areas (CMAs). Further detailed geographic level data will also be available in 1999, upon request, which give representation statistics for the geographic areas serviced by particular Human Resource Canada Centres (HRCCs).

The source of these data is the Census of Canada that is conducted every five years, as well as the Health Activity Limitation Survey (HALS), conducted in 1991 by Statistics Canada.

New employment equity data based on the 1996 Census of Canada will be released by the Minister of Labour in late 1998.

Steps In A Workforce Analysis

There are **six** basic steps necessary for an effective workforce analysis.

1. Compile internal data.
2. Review job descriptions and code jobs.
3. Design the analysis framework.
4. Extract and/or calculate external representation rates.
5. Calculate the internal representation rate and representation gap.
6. Draw conclusions and prepare summary.

These six steps are elaborated below.

1. Compile Internal Data

The first step involves compiling data on the employer's internal workforce.

*For further information please refer to **Guideline 4: Collection of Workforce Information.***

Data obtained from the workforce survey and other sources (e.g. employment records for women) on designated group members must be compiled and tabulated.

2. Review Job Descriptions And Code Jobs

All internal jobs, identified by essential duties and responsibilities, should be coded according to the National Occupational Classification (NOC) at the four-digit level and then regrouped into one of the fourteen NOC-based Employment Equity Occupational Groups (EEOGs).

Please note that this coding work must be done for the annual employment equity reports filed by June 1 of each year with the Minister of Labour. These new NOC-based EEOGs replace the previous twelve SOC-based EEOGs.

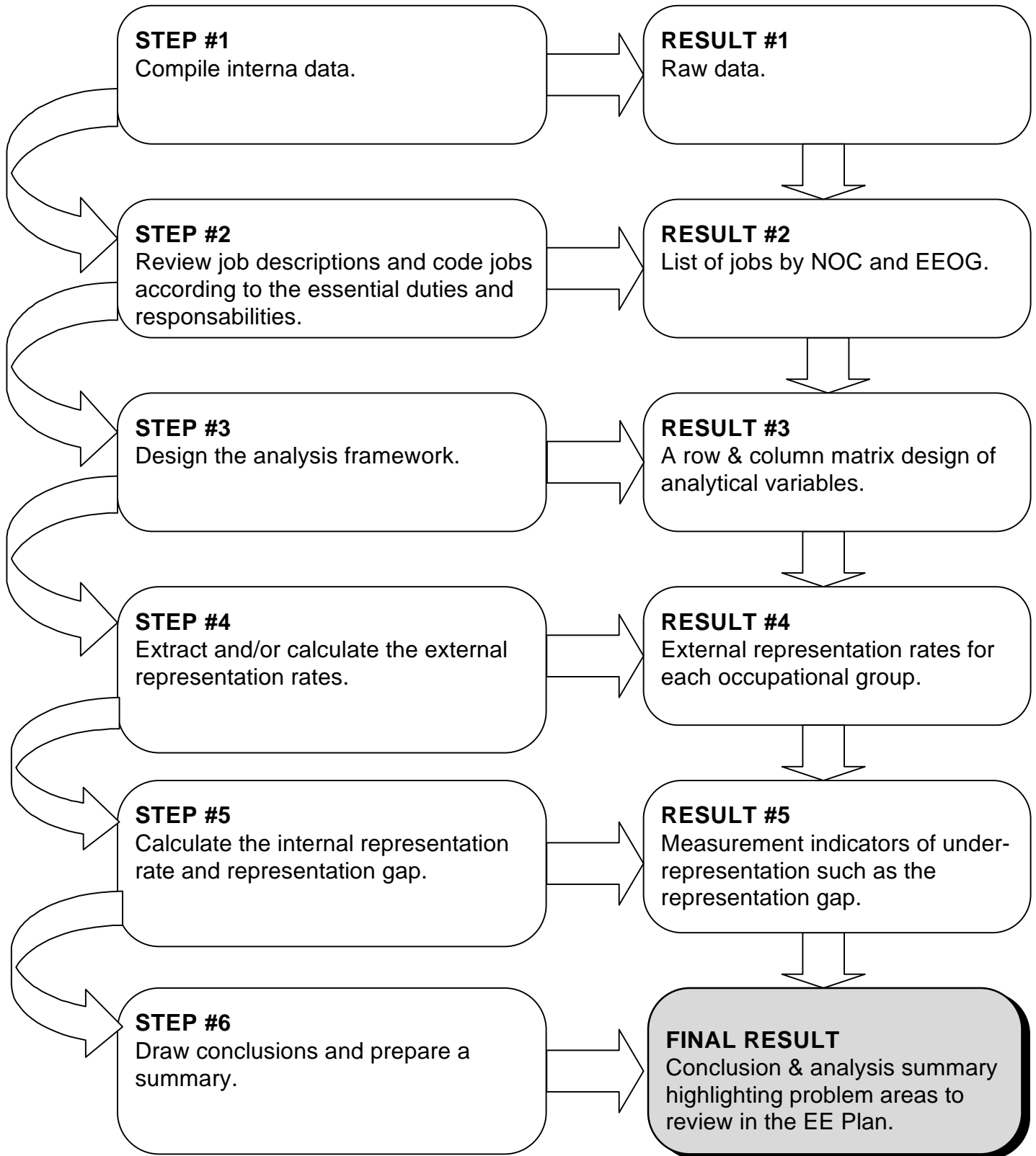
This is a very important step, since it identifies the skill levels or education required for the jobs in the employer's workforce, which in turn will, in part determine:

- the appropriate external population for comparison purposes; and
- the appropriate geographic area from which the employer would normally be expected to recruit employees.

The following diagram indicates the process involved in coding. Essentially, jobs should be coded according to the highest skill required for the job. In cases where the tasks performed are multiple (possibly reflecting more than one NOC) and equal in terms of skill level, the NOC should be assigned according to the largest percentage of time devoted to the task.

*For more information on coding jobs into NOC, please refer to the HRDC publication entitled **National Occupational Classification: Occupational Descriptions** See **Appendix F** for an example.*

STEPS AND RESULTS IN A WORKFORCE ANALYSIS



It is essential to code each job accurately at the four-digit level since subsequent goals are required for each Employment Equity Occupational Group (EEOG) where under-representation is identified. Therefore, the employer must know which jobs are in which occupational group. Again, for subsequent review purposes, it is strongly recommended that the employer retain the four-digit level information.

3. Design The Analysis Framework

The development of the analytical framework is the most critical step. To a large extent, the analytical framework chosen will determine the usefulness of the entire analysis. Again, there are no hard and fast rules to apply and the use of the employer's best judgement is essential, keeping in mind that the goal of the analysis is to identify areas of significant under-representation within the organization which could be indicative of potential barriers.

Before undertaking the analysis, , the employer must determine what kinds of comparisons make sense for that particular organization, based on factors such as size, structure and location of the organization's operations, geographical considerations, occupational requirements for the different jobs in the workforce, and the occupational categories in which jobs within that workforce are found.

Before undertaking the analysis, , the employer must determine what kinds of comparisons make sense for that particular organization, based on factors such as size, structure and location of the organization's operations, geographical considerations, occupational requirements for the different jobs in the workforce, and the occupational categories in which jobs within that workforce are found.

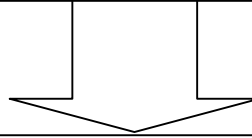
Size, Structure, and Location of Operations

The employer will first need to consider the size, organizational structure, and geographic scope of its operation. This will determine whether there should be separate analyses for different provinces, different branches, or different divisions of a single employer.

NOC CODING STEPS

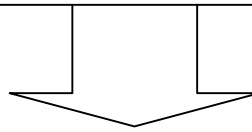
STEP #1” Review the job description

Update the list of essential duties and responsibilities for each job description.



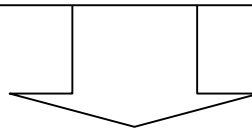
STEP #2: Determine the skill level (2nd digit of the NOC code)

Rank each duty or responsibility according to the minimum skill level required to perform each task.



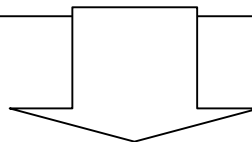
STEP #3: Determine the skill type (1st digit of the NOC code)

From the tasks ranked highest by skill level, determine the skill type according to type of tasks performed most often even if these tasks are performed less often than lower ranked tasks



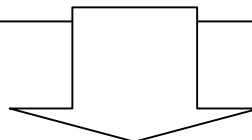
STEP #4: Determine the minor group & unit group (3rd and 4th digits)

With the first two digits « the major group » refer to the NOC manual to determine the minor group and then the unit group.



STEP #5: Identify the Employment Equity Occupational Group (EEOG)

Refer to the Employment Equity Occupational Group Structure to locate the 4-digit NOC unit group code.



FINAL RESULT

A detailed 4-digit NOC unit group code and the associated Employment Equity Occupational Group (EEOG) for every job. Occupational Group (EEOG) #5 Supervisors.

While a small employer would likely need to do a simple analysis appropriate to the composition of its particular workforce, a large employer might need to undertake a more in-depth analysis. Depending on its particular situation, it might design an analytical framework containing separate analyses for individual divisions of its operation, or for operations in different geographical locations.

For example, if an employer has establishments across Canada, it might consider conducting the workforce analysis by:

- specific provinces or CMAs; or
- company divisions within each province or CMA.

This would be advisable, particularly where the concentration of certain designated groups is significantly higher in some provinces or CMAs than in others.

By way of illustration, there is a higher concentration of visible minorities in Toronto than in Winnipeg, but a higher concentration of Aboriginal persons in Winnipeg than in Toronto. Thus, a representative workforce in Toronto may not be truly representative in Winnipeg.

What Is the Appropriate External Workforce?

The employer will need to decide on the appropriate external workforce, for the purposes of making the comparison. In other words, from what “**external feeder group**” would the employer normally be expected to draw its employees?

A thorough understanding of the purpose of the analysis is essential to determine the appropriate feeder groups that should be included in the external representation figures. The objective is to compare the internal representation of the designated groups (within the employer’s workforce) with an external pool of qualified candidates (the “external feeder group”).

An external feeder group is defined as the pool of qualified individuals eligible for a particular job, within a particular recruitment area.

There are two main considerations in choosing the appropriate external feeder group:

1. **From what external population** would the employer normally be expected to draw employees, taking into account valid occupational requirements?

In other words, what are the qualified segments of the Canadian workforce from which the employer should normally recruit for this position?

Having determined the appropriate segments of population to consider in the analysis, the employer proceeds to the next consideration:

2. **From what geographic area**— local, regional, or national – would the employer normally be expected to draw its employees?

In other words, what is the “**relevant recruitment area**” for the positions in question?

These two key considerations – external population and geographic area – are discussed in more detail below.

1. **From what external population within that geographic area would the employer normally be expected to draw employees, taking into account the skill levels and educational requirements for the job?**

An employer must determine, for each separate EEOG or NOC unit group being compared, the appropriate external population to be used in its analysis. In making this determination, the employer must consider any particular occupational requirements for the positions in question such as education, skill level and experience.

In determining which segments of the Canadian workforce are qualified for the jobs in question, employers could consider the following options:

- Where skill levels or educational attainment are transferable among certain occupations, the feeder group could include individuals with experience in one of several detailed NOC unit groups or one of the fourteen EEOGs.
- In other cases, the feeder group can be comprised of only those individuals with experience in the same occupation, in other words, the same detailed NOC unit group.
- Where little or no experience is required but specific educational attainment is required, the feeder group may be comprised of all persons who graduated with a specific level of schooling in one or more fields of study.
- Where no experience or special skills are required, an employer could also consider the entire working age population, aged 15 years or more.

In making this determination about the appropriate segments of the Canadian workforce from which to recruit (and hence on which to base its analysis), an employer would consider the following factors:

- **Is a particular level of educational attainment required?**

If a certain level of educational attainment is a valid requirement for the positions in question, but experience is not necessarily required, the appropriate segments of the Canadian workforce could be identified by highest level of schooling and possibly major field of study.

This would provide a broader recruitment base than looking only to those who have been employed in this particular occupation before (i.e. looking at the representation figures for individual NOC unit groups or the relevant EEOGs).

- **Is previous experience a job requirement? Or is no practical experience necessary?**

If an employer requires experience for a particular job or group of jobs, then it would recruit for those jobs among persons who have been employed in that type of work previously. This means that they would examine the relevant NOC four-digit unit group representation figures, or the EEOG representation figures, in the relevant recruitment area.

On the other hand, if no experience is required, then the employer could broaden the external feeder group to include all those in the total working age population (aged 15 and over) who have the required educational level in the required major field of study.

If there were no skill, education or experience requirements, the external feeder group would consist of the entire working age population in the relevant recruitment area.

- **If previous experience is required, could that experience be relevant or transferable to other jobs?**

Where work-related experience is required, often this could be experience in a number of different areas. For example, for middle-level management positions, management experience might be essential, or alternatively experience in the subject matter, or in law or teaching, could be relevant. Therefore, the external feeder group could include all those NOC unit groups which would be consistent with the required experience. Limiting the feeder group just to “middle-level managers” might be unnecessarily restrictive, and would exclude many qualified designated group members with the requisite skills and work experience.

Data inherently conservative

Employers are reminded that external representation figures are inherently conservative, and wherever possible, employers should err on the side of generosity in choosing appropriate segments of the Canadian workforce for the purposes of comparison.

For example, the external representation figures calculated using the Browser and XV Software, based on the EEOG and NOC unit-groups, only include persons who have had some work experience in the seventeen month period prior to the Census. They do not include all those who are qualified and potentially available to work – for example, those who have not yet entered the labour force or those who have become discouraged because of systemic or attitudinal barriers and have dropped out of the labour force.

Thus one would expect that in reality the external representation figures are higher and a “fair” employment equity plan would set goals above those representation figures calculated using the Browser of XV Software. Employers can, however, determine to some extent what proportion of designated groups members not in the labour force have the required skills for employment by using Tables 8 and 9 which shows the representation of women, Aboriginal peoples and members of visible minorities by highest level of schooling and by major field of study. Tables 15 and 16 provide the same information for persons with disabilities

2. From What Geographic Area Would the Employer Normally be Expected to draw employees? (“Relevant Recruitment Area”)

Having decided on an appropriate external population for the purposes of the comparison, based on the requirements for the jobs in question, the employer must next determine the geographic area from which it would be expected to hire during external recruitment. In other words, it must determine the “relevant recruitment area”.

The “relevant recruitment area” could be either national, provincial or local (i.e., Census Metropolitan Area). The recruitment area for positions that require a higher skill or educational level would normally be either Canada-wide or province-wide. For lower levels of skill or experience, employees would be normally drawn from local or province-wide populations. Other factors, such as provincial

licensing requirements, for instance, could also influence decisions about the “relevant recruitment area”.

For example, it is likely that positions such as secretaries and manual workers would be hired through local recruitment at the CMA level whereas technical and professional occupations would more often be filled through provincial or national recruitment. In the case of highly specialized or senior management positions, nation-wide recruitment is usually the norm, whether by a human resources “head-hunter” agency, or through national advertising by the employer itself.

3. Level of Occupational Detail – EEOGs, NOCs, or a Combination:

Having determined the relevant recruitment area and the appropriate population within that area with which to compare internal representation, the employer will finally need to decide on the level of detail of the actual analysis. The following questions should be considered in this regard:

- *Does it make sense to compare entire EEOGs in my organization? Do the fourteen EEOGs truly reflect the composition of my workforce?*

It is possible to examine representation for all jobs according to each broad EEOG of which they are a component.

An EEOG is composed of many job titles (four-digit NOC unit groups) grouped together. If there are only a few such job titles in a particular EEOG in the employer’s workforce, then it might not make sense to compare with external data which represent the entire EEOG.

- Should EEOGs, which have been “tailored” to more accurately represent the composition of the workforce, be used for the purpose of the comparison?

Another option is to conduct the analysis on the basis of “tailored” EEOGs, by choosing and totalling only those NOC unit groups within a specific EEOG which are in the employer’s workforce.

In other words, the employer could identify those NOC four-digit unit groups within a specific EEOG which more accurately mirror the employer’s workforce and sum them to create a “tailored” EEOG to be used as a basis of comparison between the internal distribution of job groups and the external representation data.

Usually the employer should identify those NOC four-digit unit groups within a specific EEOG which more accurately mirror the employer’s workforce and sum them to create a “tailored” EEOG to be used as a basis of comparison between the internal distribution of job groups and the external representation data.

- *Should I be conducting an analysis for the different four-digit NOC unit groups in my workforce (i.e. an analysis for the different kinds of actual jobs in my workforce, instead of larger clusters of jobs)?*

Sometimes an analysis for specific jobs in the organization (four digit NOC unit groups) is more appropriate than for job clusters. If the job clusters within the EEOG are not similar and do not require the same level of expertise, then the analysis should be based on the NOC unit groups in order to prevent the conclusions which could lead to the setting of employment equity goals that are not realistic in terms of external availability or that are not addressing serious areas of under-representation in specific areas of job groups.

It is recommended that employers establish comparisons for each job particularly if their workforce is significantly different than the EEOG structure of the external workforce. For example, the EEOG of Professionals includes many different jobs (e.g. accountants, lawyers, engineers as well as librarians, and nurses).

Many of these jobs are either male-dominated or female-dominated which could result in the representation figure at the EEOG level not reflecting the actual external representation figure. This could result in setting an unattainable goal. In this case, the employer might find it more advantageous to analyze the representation of the designated groups for each job individually

- *What if the expected representation in a number of EEOG's is so small as to be meaningless? Should I still be doing an analysis for each EEOG?*

Where expected representation in a particular EEOG, expressed as a number of actual employees, is so small as to make any meaningful analysis impossible (e.g., where expected representation is less than one person), then it is possible to group a number of similar EEOG's together for the purposes of the analysis and subsequent goal-setting. This would occur in particular in the case of Aboriginal persons and persons with disabilities where external representation rates may be very low as well as in the establishment of a small employer. Joint hiring goals might then be set for a combination of EEOG's.

*Please refer to **Guideline 7: Employment Equity Plan** for more information about aggregating EEOGs for goal-setting.*

Minimum Requirements

At a bare minimum, the employer is expected to provide an analysis at the level of the fourteen Employment Equity Occupational Groups. In most cases, however, a more carefully-structured and detailed analysis is recommended, in order to produce the most useful results. It should be borne in mind that the workforce analysis is the trigger for the employment systems review and the cornerstone of the employment equity plan. Thus, care should be taken to ensure that the results of the analysis are meaningful.

4. Extract And/Or Calculate External Representation Rates

Having developed an analysis strategy and calculated internal representation, the employer must then obtain or develop external representation rates for the occupational categories to be compared. Employers should use the employment equity data provided by the Minister of Labour for this purpose (Employment Equity Data Report, Post-Secondary Graduate Report).

However, employers can use other data as well, alone or as a supplement to the Minister's data with the Minister's approval. Such additional data might include studies by local universities about recent graduates in relevant areas of study, surveys conducted by various research organisations, or information provided by designated group organizations. Employers who wish to use data other than that published by the Minister of Labour should contact the regional Workplace Equity Officer of Human Resources Development Canada to ensure it is acceptable to the Minister of Labour.

The Browser Software provides the user with designated group data in pre-formatted tables, while the XV software allows the user to electronically extract, manipulate, and analyze these data on designated groups.

See **Appendix B** for a fuller description of the Browser and XV Software.

5. Calculate the Internal Representation Rate and Representation Gap

The internal representation rate of designated group members is calculated by dividing the number of designated group employees in each occupational group by the total number of employees in each occupational group.

Designated Group Representation (%) = actual number of designated group members divided by total number of employees.

The external representation rates for each occupational group are obtained from data supplied by Human Resources Development Canada (Browser and XV Software).

Given the external representation rates, the expected number of designated group members in each occupational group is calculated as:

EXPECTED NUMBER— Total number of all employees in each NOC or EEOG in the employer's workforce times the external availability rate of designated group members.

The representation gap is simply the difference between the actual number of each designated group by NOC and the expected number.

GAP (absolute number) = expected number minus actual number in the employer's workforce.

GAP (percentage) = expected number minus actual number divided by the expected number.

For example, if an employer employs 200 chemists, 30 of whom are women, the internal representation rate for women would be 15 percent. Given that the national external representation rate of women in this NOC category is 28.5 percent, the expected number of women chemists in the employer's workforce would be 57 (200 times 0.285) resulting in a gap of 27 women (57 minus 30) or 47.4 percent [(57 minus 30) divided by 57].

It is recommended that employers calculate the representation gap using actual numbers as well as percentages. It is only through examining both the gap expressed as a percentage and as an actual number that the significance of the gap can be determined. This is because a very small percentage gap could sometimes represent a large number of designated group members (for a very large employer), and sometimes a very large percentage gap represents a very small number of designated group members.

Determining ‘Significant’ Under-Representation

At what point can a gap be significant? In other words, at what point can "under-representation" be said to exist?

In determining whether a gap is significant, a number of factors must be considered:

Size of percentage gap

Theoretically, under-representation could be said to exist when any gap is present, regardless how small. However, sometimes a gap may not be truly indicative of potential barriers. It could be the result of chance or coincidence.

The larger the percentage gap, the greater the likelihood that significant under-representation exists. This is not the determining factor alone, however, as even a very small percentage gap could be indicative of serious under-representation – for example, in a large employer’s workforce.

Normally, where the percentage gap reaches 20 percent, this is a warning signal that there may be significant under-representation. It is a signal that barriers may exist which are giving rise to a gap of this magnitude. Such a gap indicates that an employer should proceed to an employment systems review for that particular occupational group.

Employers should be cautioned, however, that percentage gaps at much lower levels could also be significant and could indicate under-representation. This would depend on the actual number of designated group members represented by the percentage gap.

Size of gap in terms of actual numbers of designated group members

Although a percentage gap may not approach 20 percent, this does not mean that under-representation does not exist in the occupational group in question. A second factor that employers need to consider in determining the significance of any gap identified is the magnitude of these actual numbers of designated group members which could be influenced by the following:

- the size of the occupational group in question, and
- the external representation rates.

Using the example of women chemists above, a gap of 47.4 percent would have a different impact if there were 20 chemists than if there were 200 chemists. The internal representation rate of 15 percent would represent 3 women chemists in the first case and 200, in the second, and the expected representation 6 and 57 women chemists, respectively. Therefore, the gap would consist of 3 women chemists in the first case and 57, in the second.

In both cases, it should be noted, that there is under-representation of women. It should be assumed that there is under-representation whenever the representation gap is at 20% or higher.

Where the gap, expressed in terms of actual numbers of employees, is between 30 and 50 designated group members, this is also an indication that significant under-representation exists for that occupational group. In this scenario as well, an employer should proceed to an employment systems review for that particular occupational group.

Another example would be where the expected representation of women in a particular occupational group is 2,000, for a large employer, then an under-representation rate of 10 percent for that occupational group would mean 200 women in actual terms. A gap of this magnitude would clearly be seen as significant.

(It is not a gap that would likely have come about randomly.) However, where expected representation of women in a particular occupational group is 10, then an under-representation of 10 percent would represent only one woman employee and therefore would not be considered significant. However, this may not be the case for certain designated group members as discussed below.

The big picture

Overall considerations are key in a workforce analysis. It is important not to get lost in details of the analysis and lose sight of the big picture. What is the overall representation of the group in question in the organization?

Although a gap could be small for a particular designated group, it may be significant when the overall picture is examined. For example, in the case of Aboriginal peoples and persons with disabilities, we may be looking at fairly small numbers for expected representation. A gap of one person in actual terms could represent serious under-representation of that designated group, particularly if the representation rate within that occupational group in the employer's workforce is close to zero.

Therefore, employers need to keep in mind overall representation in their organization. They should take account of any overall under-representation in their workforce which may come to light. Under-representation may not appear significant when looking at particular occupational groups (or even smaller units of comparison), because the numbers of actual and expected representation of Aboriginal persons, for example, are so small. But at the end of the day, there may be no Aboriginal employees at all in the employer's workforce, which would not be considered acceptable. For this reason, particular care should be taken in assessing the situation of these two groups during the workforce analysis and in setting appropriate goals subsequently.

Gray areas

Having conducted a thorough workforce analysis, an employer may still be unsure as to whether the gap identified is significant, and whether it is necessary to set quantitative goals.

In such a situation, the employer should examine the rates of hirings, promotions and terminations of designated groups in the occupational category in question. If the representation rates of designated groups within these flow data are at par or higher than the external representation rates, usually the employer need not proceed further with quantitative measures, and should focus on areas of truly serious under-representation.

It should be noted that in the case of high external representation figures for “pink collar” job ghettos which exceed total labour force representation (e.g. women clerical workers), employers need not replicate such rates for women so long as overall representation in the particular job or group of jobs approaches the overall labour force representation. In other words, some employers may be trying to get away from gender stereotypes and move women out of job ghettos. Obviously, they should not be penalized for doing so.

6. Draw Conclusions And Prepare Summary

The last step would be to prepare a summary of the findings of the workforce analysis. Although employers are free to choose whatever format they wish for this summary, it is recommended that it be in a narrative form which would include, in an appendix, associated databases and methodologies used to conduct the workforce analysis.

The summary must provide a roll-up at the EEOG level across the employer’s workforce. Please note, if an employer chooses to conduct a more detailed analysis, the summary should also mention the results of these analyses.

The summary should provide a concise overview of what the workforce analysis revealed.

A number of questions that could be addressed include the following:

1. Are designated groups fairly represented in the employer's workforce? Are they fairly represented in each occupational group?
2. Are there any designated groups which are not represented in the employer's workforce?
3. Are the designated groups distributed throughout the employer's workforce in the same proportion as non-designated group employees?
4. Are designated group members clustered in certain NOC four-digit unit groups and EEOG categories? Does the same pattern of clustering occur in each department or geographic location? Is there evidence of a glass ceiling?
5. Are certain designated group members significantly under-represented in the higher echelons of the corporation?
6. Are designated groups equitably represented in the company's internal feeder groups for each occupation? Are they under-represented in the company's internal feeder groups for senior level positions?

At a minimum, the summary must identify those occupational groups where under-representation has been identified.

Although a standard has been given earlier for determining where under-representation exists, common sense and a reasonable approach are required. As discussed earlier, determining what is reasonable in employment equity will always depend on the particular culture and structure of the organization. The broad purpose of the *Act* should be

kept in mind: the objective of employment equity, as

stated in the purpose clause, is to achieve equality in the workplace by correcting conditions of disadvantage experienced by certain groups

A finding of under-representation in any occupational group must result in:

- an employment systems review in relation to that occupational group; and
- the setting of numerical goals for hiring and promotion of designated group members in that occupational group.

Employers should undertake an employment equity systems review and set modest hiring goals even if there is some doubt regarding a particular gap being significant or not. It should be kept in mind that under-representation is being determined according to external representation rates that to some extent are already reflective of societal barriers which have existed for a long time.

External representation figures only represent the status quo, which is already the result of a history of past disadvantage for designated groups. If employers fall short of even that standard, some effort should be made to rectify the situation.

The summary is intended to serve as a basis for future action. It should identify possible problem areas, where a subsequent employment systems review may reveal employment barriers accounting for the under-representation. It should also identify measures to be taken in the employment equity plan to correct under-representation.

*Employers should refer to **Guideline 6: Employment Systems Review** for further information.*

Grandparent Clause

Employers who have already done a thorough workforce analysis may be able to rely at least in part on the “grandparent” provision (section 6(3) of the Regulations). They do not have to re-do their workforce analysis if a new analysis would likely give the same results as the previous one.

The conversion to NOC from the earlier Standard Occupational Classification (SOC) will affect different

employers' workforces differently. In some occupational groups there may be little change. In others, there may be significant change. For those portions of the workforce where NOC has resulted in significant change, the workforce analysis should be re-done.

It should be kept in mind that what employment equity aims to achieve is not mathematical precision, but simply concrete steps moving towards a representative workforce. Therefore, the focus should be on action rather than on achieving mathematical precision through a new workforce analysis.

CHECKLIST FOR DETERMINING APPROPRIATE EXTERNAL FEEDER GROUPS

1. Do these EEOGs being compared consist predominantly of positions requiring little or no practical experience?
 - ⇒ If yes, the recruiting area would likely be CMA- or province-wide, and would include the total labour force by highest level of schooling and by major field of study (i.e., not just the EEOGs and NOCs which only include persons who have had some work experience in a seventeen month period prior to the Census.
2. Do the job groupings being compared consist predominantly of positions requiring lower levels of skill or expertise?
 - ⇒ If yes, the recruiting area would likely be provincial or local labour pools (e.g., if available, Census Metropolitan Areas).
3. Are these job groupings being compared highly specialized and/or senior management level?
 - ⇒ If yes, perhaps the relevant recruiting area would be nation-wide or province-wide and the relevant external data to be used for comparison would be Canada-based or provincial-based NOCs.
4. Do these job groups require provincial licensing?
 - ⇒ If yes, then the relevant recruiting area may be only province-wide.

PART C:

INFORMATION DOCUMENTS

This section provides examples of different methods used in conducting a workforce analysis; examples of two tables, one based on the Browser Software and one based on the XV Software; information on publications designed to assist employers with their workforce analysis; a listing of the fourteen Employment Equity Occupational Groups (EEOGs) including examples of occupations found within each specific EEOG; and a listing of the Census Metropolitan Areas (CMAs).

APPENDIX A

EXAMPLES OF DIFFERENT METHODS USED IN CONDUCTING A WORKFORCE ANALYSIS

Specific Examples

Three examples are outlined below for two fictitious companies - Company A and B. These examples demonstrate three scenarios for conducting a workforce analysis and point out the pitfalls of each.

The first example analyses the representation of women in the professional category of Company A's workforce at the Canada-wide EEOG level. The second example uses three NOC unit groups at the national level which mirrors Company A's workforce in the professional category rather than using the Canada-wide EEOG Professional Group as the benchmark for comparison. The third example presents a national and provincial comparison at the EEOG level for Company B that has establishments in Nova Scotia and Manitoba.

Example 1: Basic EEOG Comparison

Company A employs 2,000 individuals classified as "Professionals". Women account for 360 of these employees, representing 18 percent of the "Professional" category $(360/2,000) \times 100 = 18.0$ percent.

As shown in Table 1, external representation data indicate that women make up 51.9 percent of all professionals in Canada.

TABLE 1 COMPANY A CANADA						
EEOG	Total Employer's Workforce	Number of Women (Employer's Workforce)	Availability Rate for Women (Canada)	Expected Number of Women	Gap	Percentage Gap
Professional (Skill Level A)	2,000	360 (18%)	51.9%	1,038 (2,000x0.519)	678 (1,038-360)	65.3% (1,038-360)/1,038

To undertake the analysis at the level of the entire EEOG, without breaking that category down into smaller units of NOC (individual jobs or clusters of jobs), an employer would simply subtract the number of women professionals in the company from the expected number based on women's national availability rate. The representation gap of women is $(1,038 - 360) = 678$ women professionals as shown above in Table 1, indicating an under-representation rate of 65.3 percent.

A representation gap of this size indicates that there may be potential barriers to women in the professional group in Company A's employment systems, policies and practices and would require an analysis of the employer's systems, policies and practices to determine if there are any barriers to women in the professional occupational group and what these barriers might be.

Example 2: Basic NOC Unit Group Comparison

In this example assume that the professional groups in Company A's establishment are found in only three NOC unit groups: **Financial and Investment Analysts** (NOC 1112), **Chemists** (NOC 2112) and **Computer Engineers** (NOC 2147). The employer's workforce consists of 600 financial and investment analysts, 200 chemists and 1,200 computer engineers, for a total of 2,000 employees in the "Professional" category. As shown in Table 2, women's share of these NOC units groups in the employer's workforce is 41.7 percent, 28.1 percent and 4.5 percent, respectively.

TABLE 2 COMPANY A CANADA						
Professional	2,000	360 (18%)	51.9%	1,038 (2,000x0.519)	678 (1,038-360)	65.3% (1,038-360)/1,038
NOC	Total Employer's Workforce	Number of Women (Employer's Workforce)	Availability Rate for Women (Canada)	Expected Number of Women	Gap	Percentage Gap
NOC 1112 Financial and Investment Analysts	600	250 (41.7%)	39.0%	234 (600x0.39)	No Gap	No Gap
NOC 2112 Chemists	200	56 (28.1%)	28.5%	57 (200x.285)	1 (57-56)	1.7% (57-56)/57
NOC 2147 Computer Engineers	1,200	54 (4.5%)	11.8%	142 (1,200x.118)	88 (142-54)	62.0% (142-54)/142
TOTAL Employer's "Tailored" EEOG	2,000	360 (18.0%)	20.0 (400/2,000)%	400 (2,000x.18)	40 (400-360)	(10%) (400-360)/400

Example 2 indicates the importance of analysing the professional category at a more disaggregated level using the four-digit NOC unit groups. As shown in Table 4, only one professional group indicates a large under-representation problem -- **Computer Engineers**. The representation gap of women in this group is 88, resulting in an under-representation rate of 62.0 percent. In this example, employers would only be required to conduct an analysis of the employer's employment systems, policies and practices for **Computer Engineers**. In addition, the employer would not be setting unrealistic goals for that occupational group based on the gap of 65 percent or 678 women as shown in Table 1 rather than the gap of 62 percent or 88 women as shown in Table 2.

Basing the workforce analysis on the "tailored" EEOG would not be advisable either. Setting goals based on a gap of 40 women would seriously underestimate the problem observed for **Computer Engineers** where the gap is 88 women.

Example 3: Regional Comparison

Company B has two establishments -- one located in Nova Scotia, the other in Manitoba. The workforce is composed of skilled crafts and trades workers, totalling 800 - 100 in Nova Scotia and 700 in Manitoba who are hired province-wide.

TABLE 3 COMPANY B CANADA EEOG Skilled Crafts and Trades Workers (Skill Level B)						
Geographic Area	Total Employer's Workforce	Number of Aboriginal Persons (Employer's Workforce)	Availability Rate for Aboriginal Persons (Canada)	Expected Number of Aboriginal Persons	Gap	Percentage Gap
Canada	800	16 (2.0%)	3.3%	26 (800x.033)	10	
Nova Scotia	100	4 (4.0%)	1.8%	2 (100x.018)	No Gap	- No Gap
Manitoba	700	12 (1.7%)	9.4%	66 (700x.094)	54 (66-12)	81.8% (66-12)/66
Tailored EEOG	800 (100+700)	16 (2.0%)	8.5% (68/800)	68 (800x.085)	52 (68-16)	76.4% (68-16)/68

If Company B conducts the analysis at the Canada-wide level, it would mask a problem being experienced by Aboriginal peoples in Manitoba. However, if the analysis is conducted separately for the two provinces, it would indicate that Aboriginal peoples are possibly facing barriers to employment in Manitoba and this finding would warrant an examination of the employer's employment systems, policies and practices to determine.

This example is a clear indication of where "common sense" and knowledge of the external labour pool is important. Given Canadian demographics, one would expect that the proportion of Aboriginal peoples in Manitoba would be greater than in Nova Scotia. Thus if the employer set goals, based on the Canada-wide EEOG, unattainable goals could be the result for Nova Scotia given the external representation rate of less than two percent and goals could be set for the workforce in Manitoba which seriously under-represent the availability of Aboriginal peoples.

APPENDIX B: TABLES CONSTRUCTED USING BROWSER AND XV SOFTWARE

TABLE 4

Based on Table 4 in the Browser Software for Canada

POPULATION AGED 15 AND OVER WHO WORKED IN 1990 OR 1991 SHOWING REPRESENTATION OF DESIGNATED PERSONS AND CLASSIFICATIONS (NOT OCCUPATIONAL GROUPS BASED ON THE

Population aged 15+ who worked in 1990 or 1991

EMPLOYMENT EQUITY OCCUPATIONAL GROUPS	TOTAL		MALES		FEMALES		ABORIGINAL PEOPLES		VISIBLE MINORITIES	
	No.	%	No.	%	No.	%	No.	%	No.	%
All Occupations	15,509,250	100.0	8,394,850	54.1	7,114,400	45.9	462,470	3.0	1,415,750	9.1
Senior Managers	145,825	100.0	120,130	82.4	25,695	17.6	4,055	2.8	9,335	6.4
Middle And Other Managers	1,303,445	100.0	891,825	68.4	411,620	31.6	24,065	1.8	113,515	8.7
Professionals	1,971,535	100.0	949,220	48.1	1,022,315	51.9	39,750	2.0	190,945	9.7
Semi-Professionals And Technicians	912,885	100.0	469,685	51.5	443,200	48.5	27,575	3.0	79,130	8.7
Supervisors	207,775	100.0	91,995	44.3	115,780	55.7	4,865	2.3	18,155	8.7

TABLE 4

Based on Table 4 in the Browser Software for Canada

**POPULATION AGED 15 AND OVER WHO WORKED IN 1990 OR 1991 SHOWING REPRESENTATION
OF DESIGNATED GROUPS AND CLASSIFICATIONS (NOT OCCUPATIONAL GROUPS BASED ON THE**

Population aged 15+ who worked in 1990 or 1991

EMPLOYMENT EQUITY OCCUPATIONAL GROUPS	TOTAL		MALES		FEMALES		ABORIGINAL PEOPLES		VISIBLE MINORITIES	
	No.	%	No.	%	No.	%	No.	%	No.	%
Supervisors: Crafts And Trades	628,155	100.0	538,195	85.7	89,960	14.3	11,720	1.9	19,070	3.0
Administrative & Senior Clerical Workers	942,660	100.0	116,465	12.4	826,195	87.6	22,835	2.4	61,695	6.5
Skilled Sales And Trades Workers	701,250	100.0	405,230	57.8	296,020	42.2	19,630	2.8	77,225	11.0
Skilled Crafts And Trades Workers	1,288,195	100.0	1,211,380	94.0	76,815	6.0	42,655	3.3	84,220	6.5
Clerical Workers	1,678,805	100.0	465,965	27.8	1,212,840	72.2	44,385	2.6	179,190	10.7
Intermediate Sales And Service Workers	1,841,475	100.0	596,085	32.4	1,245,390	67.6	62,865	3.4	171,410	9.3
Semi-Skilled Manual Workers	1,717,525	100.0	1,316,985	76.7	400,540	23.3	59,785	3.5	172,670	10.1
Other Sales And Service Workers	1,471,685	100.0	679,070	46.1	792,615	53.9	60,475	4.1	173,705	11.8
Other Manual Workers	698,025	100.0	542,625	77.7	155,400	22.3	37,805	5.4	65,480	9.4

Totals may not equal the sum of components due to rounding and suppression.

Source: Unpublished data, 1991 Census of Canada.

TABLE 5				
Calculated with XV Software using Table EEDRNOC4				
EMPLOYMENT EQUITY OCCUPATIONAL GROUP (EEOG) - Canada	BOTH GENDERS	MALES	FEMALES	PERCENT OF FEMALES
TOTAL_EEOG	15,509,250	8,394,850	7,114,440	45.9
SENIOR MANAGERS	145,825	120,130	25,695	17.6
MIDDLE AND OTHER MANAGERS	1,303,445	891,825	411,620	31.6
PROFESSIONALS_A	1,971,535	949,220	1,022,315	51.9
SEMI-PROFESSIONALS_B	912,885	469,685	443,200	48.5
SUP_CSS_B	207,775	91,995	115,780	55.7
SUP_MPTP_B	628,155	538,195	89,960	14.3
ADMIN_B	942,660	116,465	826,195	87.6
SALES_B	701,250	405,230	296,020	42.2
SKILL_B	1,288,195	1,211,380	76,815	6.0
CLERI_C	1,678,805	465,965	1,212,840	72.2
SALES_C	1,841,475	596,085	1,245,390	67.6
SEMI_C	1,717,525	1,316,985	400,540	23.3
SALES_D	1,471,685	679,070	792,615	53.9
.OTHER_D	698,025	542,625	155,400	22.3

APPENDIX C

OTHER STATISTICAL TOOLS AVAILABLE TO ASSIST EMPLOYERS

The Minister of Labour publishes employment equity data designed to assist employers to with their workforce analysis:

Publications

Employment Equity Data Report

The report is intended to assist employers in planning, developing and implementing employment equity programs. The numbers and percentages of designated group members possessing the required skills for particular occupations are shown within a specific labour market area. These data can be used as a guide, in conjunction with internal work force data, to enable employers to assess their individual performance and subsequently to develop realistic goals and timetables for achieving employment equity.

Profiles of Visible Minority Groups

The profile provides demographic and socio-economic indicators for members of visible minorities in an electronic format readable in XV.

Profile of Persons with Disabilities

This product provides demographic and socio economic indicators for persons with disabilities in an electronic format readable in XV.

Post-Secondary Graduate Report

The Canadian Post-Secondary Graduate Report provides statistics on university and college graduates which represents potential flow to the labour market. The report has been

prepared to augment the information released in the Employment Equity Data Report on Designated Groups. The report presents the number of men and women graduating each year who have the requisite skills or training required for particular occupations. This information is intended for employers who may consider the availability of individuals not yet in the workforce but fully qualified for employment in some entry level positions.

Designated Groups Population Projections (1991-2016)

The report provides population projections for the designated groups, by gender, from 1991 to 2016 for Canada and Provinces/Regions. The report includes actual population figures for 1991 and the projections are available from 1996 to 2016 in five year intervals.

Women in Non-Traditional Occupations in 1991 (NOC)

This report describes the characteristics of women in the workforce. It includes a table of male and female representation and their average income for each occupation using the National Occupational Classification and its corresponding Employment Equity Occupational Groups. Other tables show the Full-time and Part-time workforce by gender and by occupation.

Women in Non-Traditional Occupations: A comparison between 1981 and 1991 (1980 SOC)

The report describes the gains made by women in the labour market in the previous decade. It presents the characteristics of women in the labour market and provides information on Non-Traditional Occupations.

Profiles of Industrial Sectors

The sectoral profiles are intended to provide an overview of the labour market status and other socio-economic characteristics within a specific industrial sector for members of designated groups. The analytical focus of these sectoral profiles is on the distribution of workers in each of the fourteen Employment Equity Occupational Groups (NOC based).

Employment Equity Act Annual Report

This Report provides information on measures taken by employers to achieve a representative workforce. It also describes the employment situation of the four designated groups and the progress that employers have made toward achieving an equitable workforce during the reporting year using the consolidated data from the individual employers' reports.

Software Products

Employment Equity Computerized Reporting System (EECRS)

The purpose of EECRS is to facilitate the process of reporting as prescribed under the *Act*. This system eases the burden of data entry and allows the employer to complete the Employment Equity reporting forms with a minimum knowledge of computers.

Federal Contractors Program Computerized System (FCPCS)

This system eases the burden of collection, maintenance, and analysis of workforce data and assists FCP firms to develop and maintain employment equity programs.

Workplace Equity Internet Site

This site provides users with the information they require to help them comply with the federal *Employment Equity Act and Regulations* and the program requirements of the Federal Contractors Program. The site also contains all of the above mentioned reports and information on education and training activities.

Companies and other users can access the information at any time, day or night, and obtain needed information immediately.

Internet also offers other benefits:

- Information can be viewed online and then be downloaded to the user's computer for printing later on if desired.
- Large data files can be downloaded in a matter of seconds.

Browser Software

Browser is a user-friendly software program for viewing a tabular text file, which also enables the user to print a specific page. The purpose for providing the Browser software is to facilitate access to the Employment Equity Data Report.

XV Software

The XV software was developed in order to facilitate extraction, manipulation and analysis of multi-dimensional arrays (cross-tabulations)

of employment equity data. It provides a simple means of selecting, displaying and printing subsets of the employment equity data from a variety of dimensions and variable categories in a selected table. The data can be converted into a form that can be used by other software packages and new data items can be created from arithmetic combinations of existing variables.

NOC Electronic

The electronic system of the National Occupational Classification (NOC) allows users to search the NOC database and report on information in a user friendly manner. For example, occupations can be searched by the skill type, the skill level, the NOC matrix, the EEOG, the unit group code, the occupational title or by specific keywords.

New Software

An additional software application is in development to assist employers in conducting their workforce analysis. This software is due to be released in 1998/99. It will be provided with external representation data by geography, occupation (NOC and EEOG levels) and education for the working-age population.

Employers will be able to use it to manipulate and customize the data, and to quickly perform the required calculations of internal and external representation as well as the representation gap.

Training sessions will be made available by HRDC so human resource practitioners can gain expertise in the use of this software. Employers should be cautioned however that while this software will

be able to manipulate the relevant databases, the analysis will not be completed automatically.

Manipulation of the data must still be done by an analyst rather than by the machine.

Training Products

New Software Tutorials for XV and Browser

To facilitate the learning process related to the introduction of software products, interactive training modules have been created to offer a more autodidactic approach. The hands-on method offers more detailed training sessions and large numbers of people can be trained on their own schedules. This approach is particularly cost effective when persons located in remote areas need training.

Advanced National Occupational Classification Workshop

A one day seminar including presentations, discussions and case studies providing the opportunity to acquire practical hands-on coding experience.

Workforce Analysis Workshop (under development)

One full day seminar offering participants the hands-on practise with computers to learn the electronic approach at analysing employment equity data. This new training may be segmented in different levels (beginner, intermediate and advanced).

Technical Assistance

Hotline: (819) 953-7513

APPENDIX D

DEFINITIONS OF EMPLOYMENT EQUITY OCCUPATIONAL GROUPS

1. Senior Managers

Employees holding the most senior positions in large firms or corporations. They are responsible for the corporation's policy and strategic planning, and for directing and controlling the functions of the organisation.

Examples President, chief executive officer, vice-presidents, chief operating officer, senior government officials, general managers and divisional heads, and directors who have several middle managers reporting to them or are responsible for the direction of a critical technical function.

2. Middle And Other Managers

Middle and other managers receive instructions from senior managers and administer the organisation's policy and operations through subordinate managers or supervisors. Senior managers, and middle and other managers comprise all managers.

Examples Managers of transport operations, communications, finances, human resources, sales, advertising, purchasing, production, marketing, research and development, information systems, maintenance; commissioned police officers, commissioned officers in the armed forces.

3. Professionals

Professionals usually need either university graduation or prolonged formal training and often have to be members of a professional organization.

Examples Engineers (civil, mechanical, electrical, petroleum, nuclear, aerospace), chemists, biologists, architects, economists, lawyers, teachers, doctors, accountants, computer programmers, registered nurses, physiotherapists, ministers of religion.

4. Semi-Professionals & Technicians

Workers in these occupations have to possess knowledge equivalent to about two years of post-secondary education, such as is offered in many technical institutions and community colleges, and often have further specialized on-the-job training. They may have highly developed technical and/or artistic skills.

Examples Technologists and technicians (broadcast, forestry, biological, electronic, meteorological, geological, surveying, drafting and design, engineering, library, medical, dental), specialized inspectors and testers (public and environmental health, occupational health and safety, engineering, industrial instruments), dental hygienists, midwives, ambulance attendants, paralegal

workers, graphic designers and illustrating artists, announcers and other broadcasters, coaches.

5. Supervisors

Non-management first-line coordinators of white-collar (administrative, clerical, sales, and service) workers. Supervisors may, but do not usually, perform any of the duties of the employees under their supervision.

Examples Supervisors of administrative and clerical workers such as general office clerks, secretaries, word processing operators, receptionists, and switchboard operators, computer operators, accounting clerks, letter carriers, tellers; supervisors of sales workers such as airline sales agents, service station attendants, grocery clerks and shelf stockers, cashiers; and supervisors of service workers such as food and beverage workers, canteen workers, hotel housekeeping, and cleaning workers, dry cleaning and laundry workers, janitors, groundspeople, tour guides, parking lot attendants.

6. Supervisors: Crafts And Trades

Non-management first-line coordinators of workers in manufacturing, processing, trades, and primary industry occupations. They supervise skilled crafts and trades workers, semi-skilled manual workers and/or other manual workers. Supervisors may, but do not usually, perform any of the duties of the employees under their supervision.

Examples Supervisors of workers in manufacturing (motor vehicle assembling, electronics, electrical, furniture, fabric, etc.), processing

(mineral and metal, chemical, food & beverage, plastic and rubber, textiles, etc.), trades (carpentry, mechanical, heavy construction equipment, printing, etc.), and primary industry (forestry, logging, mining and quarrying, oil and gas, agriculture and farms, etc.).

7. Administrative & Senior Clerical Personnel

Workers in these occupations carry out and coordinate administrative procedures and administrative services primarily in an office environment, or perform clerical work of a senior nature.

Examples Administrative officers; executive assistants; personnel and recruitment officers; loan officers; insurance adjusters; secretaries; legal secretaries; medical secretaries; court recorders; property administrators.

8. Skilled Sales & Service Personnel

Highly skilled workers engaged wholly or primarily in selling or in providing personal service. These workers have a thorough and comprehensive knowledge of the processes involved in their work and usually have received an extensive period of training involving some post-secondary education, part or all of an apprenticeship, or the equivalent on-the-job training and work experience.

Examples Sales: insurance agents and brokers, real estate agents, retail and wholesale buyers, technical sales specialists. **Service** police officers, firefighters, chefs, cooks, butchers, bakers, funeral directors and embalmers.

9. Skilled Crafts And Trades Workers

Manual workers of a high skill level, having a thorough and comprehensive knowledge of the processes involved in their work. They are frequently journeymen and journeywomen who have received an extensive period of training.

- 10. Examples** Sheet metal workers, plumbers, electricians, tool and die makers, carpenters, glaziers, welders, telecommunications line and cable, installation and repair technicians; mechanics (heavy duty, refrigeration, aircraft, elevator, motor vehicle), tailors, jewellers, oil and gas well drillers, fishing masters and officers, paper making control operators.

11. Clerical Personnel

Workers performing clerical work, other than senior clerical work.

Examples General office and other clerks (data entry, records and file, accounting, payroll, administrative, personnel, library, purchasing, storekeepers and parts, mail and postal, insurance clerks, customer service, statistics, purchasing and inventory clerks); typists and word processing operators; receptionists and switchboard operators; computer operators; typesetters; dispatchers and radio operators; couriers and messengers; letter carriers; tellers.

12. Intermediate Sales & Service Personnel

Workers engaged wholly or primarily in selling or in providing personal service who perform

duties that may require from a few months up to two years of on-the-job training, training courses, or specific work experience.

Generally, these are workers whose skill level is less than that of skilled sales and service, but greater than that of elementary sales and service workers.

Examples Sales: airline sales agents, non-technical wholesale sales representatives, retail salespersons. **Service:** dental assistants, nurses aides and orderlies, tour and travel guides, hotel front desk clerks, correctional service officers, sheriffs and bailiffs, bartenders, nannies, aestheticians, pet groomers.

13. Semi-Skilled Manual Workers

Manual workers who perform duties that usually require a few months of specific vocational on-the-job training. Generally, these are workers whose skill level is less than that of skilled crafts and trades workers, but greater than that of elementary manual workers.

Examples Truck drivers, railway yard workers, longshore workers, material handlers, foundry workers, machine operators (plastics processing, chemical plant, sawmill, textile, pulp mill, tobacco, welding), workers assembling, inspecting or testing products (motor vehicles, boats, electrical motors, furniture).

14. Other Sales & Service Personnel

Workers in sales and service jobs which generally require only a few days or no on-the-job training. The duties are elementary, and require little or no independent judgement.

Examples Sales: service station attendants, grocery clerks and shelf stockers, cashiers. **Service:** security guards, janitors, kitchen and food service helpers, dry cleaning and laundry occupations, attendants in recreation and sport.

15. Other Manual Workers

Workers in blue collar jobs which generally require only a few days or no on-the-job training or a short demonstration. The duties are manual, elementary, and require

little or no independent judgement.

Examples Helpers and labourers in construction and other trades (plumber assistants, carpenter helpers, refrigeration mechanic helpers, surveyor helpers), garbage collectors, road maintenance workers, railway labourers, tobacco or fruit pickers, landscape labourers, fish farm helpers, roustabouts, roughnecks, swampers, labourers in processing industries.

APPENDIX E:

CENSUS METROPOLITAN AREAS

ST.JOHN'S (NFLD)

HALIFAX

ST.JOHN (NB)

CHICOUTIMI-JONQUIERE

QUEBEC

SHERBROOKE

TROIS-RIVIÈRE

MONTREAL

OTTAWA-HULL

OSHAWA

TORONTO

HAMILTON

ST.CATHARINES

KITCHENER

LONDON

WINDSOR

SUDBURY

THUNDERBAY

WINNIPEG

REGINA

SASKATOON

CALGARY

EDMONTON

VANCOUVER

VICTORIA

APPENDIX F

DETAILED NOC CODING INSTRUCTIONS

STEP #1

Review the job description

Update the list of essential duties and responsibilities for each job description. Some tasks may need to be removed and others may need to be added. The title of the position might also need to be replaced.

STEP #2

Determine the skill level (2nd digit of the NOC code)

Rank each duty or responsibility according to the minimum skill level required to perform each task.

The order is as follows :

Management Skills		(1 st digit = 0, 2 nd digit = skill type)
Skill Level A	university degree	(2 nd digit = 1)
Skill Level B	college diploma or apprenticeships	(2 nd digit = 2 or 3)
Skill Level C	high school diploma or 2 years of on the job training	(2 nd digit = 4 or 5)
Skill Level D	15 minutes training on the job	(2 nd digit = 6)

STEP #3

Determine the skill type (1st digit of the NOC code)

From the tasks ranked highest by skill level, determine the skill type according to the type of tasks performed most often even if these tasks are performed less often than lower ranked tasks. The skill type refers to the type of work performed. The skill type is the first digit of the NOC code except for management positions where skill type is the 2nd digit and 0 is the first digit. The ten skill types are listed as follows :

1. Business, Finance and Related Occupations
2. Natural and Applied Sciences and Related Occupations
3. Health Occupations
4. Occupations in Social Sciences, Education, Government Services and

Religion

5. Occupations in Art, Culture, Recreation and Sport
6. Sales and Services Occupations
7. Trades, Transport and Equipment Operators and Related Occupations
8. Occupations Unique to Primary Industry
9. Occupations Unique to Processing, Manufacturing and Utilities

STEP #4

Determine the minor group & unit group (3rd and 4th digits)

With the first two digits, skill type and skill level, you have the « major group ». Continue by referring to the NOC manual to determine the minor group and then the unit group.

For example:

A Registered Nurse	NOC unit group	3152
Skill Type 3 (Health Occupations):	1 st digit = 3	3
Skill Level A (University degree require)	2 nd digit = 1	31
Major Group- Professional Occupations in Health		31
Minor Group- Nurse Supervisors and Registered Nurses		315
Unit Group -is Registered Nurses		3152

STEP #5

Identify the Employment Equity Occupational Group (EEOG)

Refer to the Employment Equity Occupational Group Structure to locate the 4-digit NOC unit group code. Each of the 522 detailed NOC codes is associated with one of the 14 EEOG. For example, registered nurses are found in NOC unit group 3152, which is part of the EEOG #3 “Professionals”.



Guideline 6: Employment Systems Review



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This guideline is intended to provide clarification of the requirements of the *Employment Equity Act* related to conducting an Employment Systems Review (ESR). Separate guidelines address other issues related to the *Act*, including how to conduct a workforce analysis and how to develop an employment equity plan.

These guidelines provide general direction and practical pointers which reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organizations as they use the Guidelines. Other documents to consult include the *Act* and *Regulations*, as well as documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

An Employment Systems Review (ESR) is an examination of human resource policies and practices for their impact on women, Aboriginal peoples, persons with disabilities and members of visible minorities. The review also includes an analysis of the reasonable accommodation of the special needs of designated group members to ensure their full participation in an employer's workforce.

The Employment Equity Act refers to reviewing human resource policies and practices in two places: Sections 5 and 9.

Section 5 of the *Employment Equity Act* states that employers must identify and eliminate barriers against persons in designated groups in their employment systems, policies and practices that are not authorized by law. Employers must institute positive policies and practices and make such reasonable accommodation to ensure equitable representation of designated group members in the employer's workforce.

See page 38 of this Guideline on Reasonable Accommodation.

Section 9 states that employers must review their employment systems, policies and practices in accordance with the *Regulations* to identify employment barriers against designated group members.

Sections 8, 9 and 10 of the *Regulations* that accompany the *Employment Equity Act* are more specific about when employers must undertake an ESR and what it should include.

Section 8 of the *Regulations* states that, in those occupational groups where a workforce analysis has identified underrepresentation, the employer shall conduct an ESR to determine whether any of the employment policies and practices are an employment barrier against persons in designated groups.

See **Guideline 5: Workforce Analysis** to determine underrepresentation.

The ESR needs to be done only for those occupational groups where underrepresentation occurs. For example, it may be that Aboriginal peoples are underrepresented in the “Middle and Other Managers” category. The employer would thus be obliged to examine all the human resource policies and practices that apply to the “Middle and Other Managers” category as they affect Aboriginal peoples.

The trigger for undertaking an ESR is the underrepresentation of designated groups within occupational groups found in the employer’s workforce.

Some employers have only one set of human resource policies and practices that apply to all occupational groups within their workforce. In this case, all human resource policies and practices would need to be reviewed if underrepresentation occurred in one or more occupational groups. The review could include such items as a policy on advertising for recruitment or a company training policy which applies across the organization.

In other cases, employers have some human resource policies and practices that apply to all occupational groups and others that apply only to specific occupational groups. For instance, some employers have recruiting tests designed to test skills for a particular job. In this situation, when underrepresentation occurs in one or more occupational groups, both the policies and practices applicable to all occupational groups must be reviewed, as well as those that apply only to the groups where underrepresentation occurs. Selection policies and practices are often designed for specific occupational groups.

Although the law requires an ESR only for those occupational categories in which designated group members are underrepresented, it is a good idea to do one for all occupational groups, even for those where underrepresentation is not present. Some organizations find that comments from employees, employee surveys and internal complaint processes reveal information that indicate an ESR is needed even though no underrepresentation exists. Undertaking an ESR for all occupational groups will help to ensure that no policies or practices exist which could have negative consequences for designated group members.

It is a good idea to undertake an ESR for all occupational groups.

Section 9 of the *Regulations* states that the employer shall, in relation to each occupational group in which underrepresentation has been identified, review its employment systems, policies and practices with respect to

- (a) the recruitment, selection and hiring of employees;
- (b) the development and training of employees;
- (c) the promotion of employees;
- (d) the retention and termination of employees; and
- (e) the reasonable accommodation of the special needs of members of designated groups.

Reasonable accommodation means employers must take into account the uniqueness of each individual designated group member and undertake activities or adjust policies and practices so that no member of a designated group is unfairly prohibited from taking part fully in the workplace. Reasonable accommodation must take place up to undue hardship on the employer.

See page 38 of this Guideline for information on Reasonable Accommodation.

A systems analysis must be more than just a review of written policies and clearly prescribed practices. It must determine which informal practices may also be in use and how policies are actually applied.

A systems review must include a review of human resources policies and practices.

In the case mentioned previously of Aboriginal peoples who are underrepresented in the “Middle and Other Managers” category, the employer would be obliged to examine each of the preceding five areas with respect to Aboriginal peoples in that occupational category, examining both formal and informal procedures.

Section 9 of the *Regulations* also states that the ESR must be kept up to date by reviewing any new employment systems, policies and practices for their impact on designated group members.

Section 10 of the *Regulations* states that for employers which had already completed an ESR before the *Act* and *Regulations* came into force in October 1996, it is not necessary to redo the ESR if the results of a new review would likely be the same.

In making this decision, it is important to remember that knowledge of how employment policies and practices affect designated groups is continually expanding. Therefore, a periodic review of employment systems is helpful in eliminating barriers for designated group employees.

Other factors to consider in making the decision about whether to redo the ESR are:

- how long ago was the ESR undertaken?
- have there been many changes in the number of employees and their occupational profile?
- have there been many changes to human resource policies and practices?
- has representation changed substantially?
- have plans based on previous ESRs produced demonstrable results?

PART B: PRACTICAL APPLICATION

The ESR is an analytical tool that reveals human resource policies and practices that negatively impact on the full participation of women, Aboriginal peoples, persons with disabilities and members of visible minorities in the employer's workforce.

The ESR pinpoints human resource policies and practices—whether formal or informal, written or understood—that need to be replaced, modified or expanded upon.

Human resource policies and practices, also referred to as employment systems, which unfairly exclude members of designated groups from taking part in an employer's workplace are known as systemic barriers. They usually result from a lack of awareness of their impact on designated group members.

Such systemic barriers can be subtle and therefore hard to detect. Even a policy or practice that was never designed to exclude the designated groups may result in systemic barriers.

Employment policies and practices which appear neutral and are applied equally may have a disparate effect on different groups. For example, the requirement for Canadian experience for some jobs may unfairly exclude some members of visible minorities who are recent immigrants, if Canadian experience is not mandatory to do the job. In this case, the requirement for Canadian experience is applied equally to all applicants, but the impact of the requirement is to limit the opportunities of some members of visible minorities who are qualified but who do not have the required Canadian experience. Such practices may not be related to job performance or business necessity.

In pinpointing human resource policies and practices that adversely impact designated group members, it often becomes apparent that they have a negative effect on others in the workforce as well. Thus, the ESR is a vehicle to create a workplace that is fair and equitable for everyone and benefits all employees.

Sometimes a human resource policy or practice that excludes or limits the full participation of designated group members may be required. For instance, a degree in geophysics may be a genuine requirement for a job in mining. Although fewer women might have the opportunity to apply for the job because only a small proportion may study geophysics, the job requirement is necessary for the business. Exclusion does take place in this case, but it is not unfair.

The key to detecting systemic barriers is to ask the following basic questions:

Does the human resource policy or practice in any way unfairly exclude or limit designated group members?

OR

Does the policy or practice benefit all employees?

In effect, systemic barriers exist when designated group members are unfairly hampered in their participation by the employment policy or practice so they may not reach the same level of achievement and may not be valued as highly as others. Eventually, this may affect their opportunities for developmental assignments, training, promotion or just being able to keep their job in a time of downsizing.

An ESR can pinpoint such examples of systemic barriers, and helps the employer determine where changes are needed to ensure that everyone is treated fairly.

However, employee behaviours are equally important in ensuring a fair and equitable workplace. No matter how fair an organization's policies may be, if individual managers do not apply them consistently and fairly, the organization will not be equally accessible to everyone. Attitudes are one factor in shaping behaviour, and the attitudes and behaviours of individual employees help form the organizational climate as a positive or negative experience for designated group members.

It is also important to note that an ESR benefits all employees. An ESR means ensuring employment policies and practices are fair for everyone. It identifies barriers that may affect anyone from fully participating in the workplace.

The results from the ESR are used to determine which policies and practices need to be neutralized so that all qualified people can be recruited, promoted and retained. The ESR can also help to determine where positive policies and practices would further the integration of designated group members into the employer's workforce.

The Approach to Conducting an ESR

The goal of the ESR is to ensure equality for all employees by implementing neutral policies and practices.

The approach to use in conducting an ESR is to ask the following basic questions as each policy or practice is examined:

Does this policy or practice in any way unfairly exclude or limit designated group members?

OR

Does the policy or practice benefit all employees?

These basic questions can be subdivided into five specific criteria for determining if employment policies and practices comply with the law and employment equity goals:

1. Legality: Does the policy or practice conform to applicable human rights and employment laws? For example, do the policies conform to the appropriate labour and health and safety laws?

2. Adverse impact: Does the policy or practice have a disproportionately negative impact on any designated group?

For example, job postings on a bulletin board at “eye level” may restrict employees who use wheelchairs or who are visually impaired from applying. Or rigid scheduling of work hours may affect the ability of some employees to observe religious holidays.

In other cases, a job requirement, selection tool or related standard may exclude members of one or more of the designated groups (e.g. a writing test for people who do manual work). If the level of adverse impact found through statistical analysis in a policy or practice is likely to affect the representation within the occupational group, its job-relatedness should be examined.

3. Job-relatedness: Is the policy or practice reasonable and is it related to the job? Is the content of a job test “reasonable”; does it predict how well an employee will do on the job? Requirements that are job related are known as “bona fide occupational requirements.”

For instance, is there a relationship between psychological tests and performance on the job? Or, is a Grade 12 certificate needed to work as a building cleaner?

If a policy, practice, standard or other requirement has an adverse impact, it is wise to remove or amend it unless it is essential for the safe and efficient operation of the organization. To demonstrate that the policy or practice is essential, there must be a demonstration that the requirement is consistent with the requirements of the job or predictive of performance.

Questions to ask of each human resource policy or practice:

- *Is it legal?*
- *Does it create adverse impact on designated groups?*
- *Is it related to the job?*
- *Can an accommodation be made?*
- *Is it applied consistently?*

4. Accommodation: If the policy or practice is determined to be job related, but tends to exclude designated group members, can an accommodation be made which would result in less or no adverse impact? It is important to remember that even if a job requirement is important to performing the job, accommodation must be made if possible.

5. Consistency: Is the policy or practice applied consistently?

For example, are only persons with disabilities required to undergo pre-employment medical or strength tests? Are developmental and training opportunities available only to managers and, conversely, never to clerical staff? Are only women asked about their availability to work overtime?

An employer may wish to treat the ESR as an effectiveness audit which will also pinpoint possible areas of inadequate results. The question to ask here is "Will the policy or practice be effective in reaching the intended goal?" If the ESR is positioned as an effectiveness audit, it can be an important link between improving employee management practices as a business objective and eliminating barriers for designated groups.

The ESR may be treated as an effectiveness audit.

Steps in Conducting an ESR

Conducting an ESR involves the following seven steps:

1. Involve the organization's employment equity committee, if one exists, in conducting the ESR. The committee may need some training from outside experts on how to undertake an ESR. It is particularly important that designated group members have the opportunity to provide input because they have first-hand experience on how human resource policies and practices can affect them. If a standing committee on employment equity does not exist, a group representing a cross section of employees could be established to conduct this process.

Many other people in the organization can be helpful in doing an ESR - human resource specialists, line managers and union representatives. Unions can play a critical role as part of the team in identifying practices that are barriers to employment equity. In unionized settings, employees will often speak to their union representative about employment practices. If a senior manager is not already part of your employment equity committee, it is helpful to have such a person to ensure that the recommendations have an advocate from senior management. The ESR should be carefully planned and coordinated to ensure its effectiveness and efficiency.

The committee also needs the full support of the entire senior management team. It may be a good idea for senior managers to communicate to all employees that an ESR is taking place. The communication could state that senior management looks forward to the results and hopes all employees will cooperate with the review. This communication could be signed by both senior management and union officials.

See *Guideline 3: Consultation and Collaboration.*

Steps in Conducting on ESR

1. *Involve a cross section of employees.*
2. *Determine where underrepresentation exists.*
3. *Determine which human resource policies and practices need to be examined.*
4. *Conduct a statistical analysis & determine adverse impact of human resource policies and practices.*
5. *Examine how human resource policies may have created adverse impact on designated group members.*
6. *Examine how human resource practices may have created adverse impact on designated group members.*
7. *Write report with findings.*

2. Determine in which occupational groups underrepresentation exists for designated group members by examining the workforce analysis. This will pinpoint the occupational groups for which an ESR is necessary. Where an employer has many employees in a single occupation (such as computer analysts), it is important to examine these jobs individually and not just the broad-based occupational categories.

See **Guideline 5: Workforce Analysis**.

3. Determine which human resource policies and practices apply to these occupational groups where underrepresentation occurs. This process may be relatively complex since formal policies and formal and informal practices and procedures as well as how they are implemented must be identified. This includes developing an inventory of all documentation that can affect the employment relationship. The process may reveal documents being used in individual branches that were developed by the branches, corporate documents that are policy but not being used, corporate policies that are selectively applied, and corporate documents that have been phased out but are still being used. In addition, this phase will reveal practices that are used but not documented.

4. Examine statistically which employment policies and practices create an adverse impact on designated group members. For instance, in the area of recruitment, compare the number of Aboriginal applicants to their representation in the external labour force for particular occupational groups in which they are underrepresented. Are they applying at an appropriate rate? Or, in the area of promotion, compare the percentage of promotions awarded to designated group members in the underrepresented occupational groups to their representation in the feeder groups. This examination may provide clues as to where unfair exclusion exists.

Statistical analysis may be inappropriate for occupational groups in which very small numbers work. In this case, statistical analysis may be more appropriately done on an organization-wide basis or by rolling up two or three related occupational groups for analytical purposes.

Sometimes statistical analysis does not reveal that an employer's employment policy or practice has resulted in underrepresentation of designated groups. However, external data or various studies may indicate that such a policy or practice probably has a negative effect on a particular designated group. It is wise to eliminate or adapt the policy or practice to eliminate any possible negative impact in such a situation.

5. Examine how each of the human resource policies may have created adverse impact on designated group members. Policies are formal procedures that a company requires its employees to follow, and normally are written in a policy manual. Designated group input to this examination is crucial to understand how a seemingly neutral policy can exclude designated group employees from fully participating in the workforce. Anyone involved should be familiar with barrier issues.

6. Examine how each of the human resource practices may have created adverse impact on designated group members. They are also actions that occur as a result of a common understanding or perhaps on a random basis by individual employees. Examine practices by interviewing designated group members and other employees, supervisors and managers; undertaking statistical analysis; talking to human resource staff and union representatives; and reading procedural manuals. These interviews should be clearly designed to elicit experiences and observations, not attitudes and opinions. Interviewers should be competent to assess and interpret experiences and observations for their potential to have adverse impact.

7. Write the report outlining where barriers exist for members of each of the designated groups and recommendations to eliminate them. These recommendations become part of the employment equity plan and should be shared with all employees.

Keeping the ESR Up to Date

Once an organization has completed the ESR, it must be kept up to date. Every time a new human resource policy or practice is proposed, it is good idea to review it for employment equity considerations (i.e. its impact on designated group members). Some organizations do this by having those responsible for employment equity sign any human resource proposal before it receives final approval from senior management. Other organizations pre-test policies with designated group members by using focus groups and other testing methods. Policies and practices need to be monitored regardless to ensure that they fit the changing market and organizational requirements.

An ESR must be kept up to date.

In addition, because of yearly fluctuations in the data, new underrepresented occupational groups may emerge which would dictate an ESR. Thus, an ESR is dynamic, ongoing and could be updated as part of annual monitoring.

PART C: A CLOSE EXAMINATION OF EMPLOYMENT SYSTEMS

Recruitment, Selection and Hiring

Hiring encompasses issues related to the creation of the employer/employee relationship. In order to hire, recruitment and selection must take place. These processes must be fair and unbiased which will help to ensure that members of designated groups are recruited and selected at a rate at least equivalent to their representation in the appropriate external workforce.

The recruitment process is designed to attract a representative group of qualified job applicants to fill available employment opportunities.

The focus of the recruitment system review is to determine whether the applicable policies and practices encourage or discourage qualified designated group members from applying for employment opportunities within an organization.

Employers may recruit from within their existing workforce through promotions and transfers, or externally through newspaper advertising, employment agencies and other methods.

Employers who do not have a representative workforce often say it is because designated group members do not apply for jobs. However, designated group members may lack access to employment opportunities because of the recruitment methods being used.

Sometimes designated group members are inadvertently screened out of the recruitment process.

For example, word-of-mouth recruiting may inadvertently perpetuate the exclusion of designated group members from being hired. People tend to have friends and relatives like themselves, so it is less likely they will be in contact with members outside their own socioeconomic and racial/ethnic group. On the other hand, word-of-mouth recruiting works well when extended to all groups in the community.

The recruitment method is a major factor in determining the final outcome of the recruitment process. In other words, recruitment methods or practices dictate the makeup of the pool of job applicants. For example, years of exclusion of persons with significant disabilities from many workforces mean that many standard approaches to recruitment do not reach qualified workers in this group.

To ensure that designated group members know about job opportunities, go where they are and make sure they are included in your invitation.

The following section provides examples of how some recruitment policies and practices may exclude designated group members. Each organization, through its own review, will discover what policies and practices exclude or limit designated group members in its workplace.

Internal Recruitment Issues

Seniority and other next-in-line approaches

- An organization that uses only internal candidates for job vacancies is likely to perpetuate underrepresentation if there are very few designated group members currently working in the organization.
- Designated group members are often the people who are the most recent entrants to the labour force and therefore have little seniority. Under the *Employment Equity Act*, employers must consult with employee representatives on seniority issues to determine if they create an adverse impact on the employment of designated group members and to find ways to minimize it.

See ***Guideline 3: Consultation and Collaboration.***

In-house advertising

- Employers are not always aware of the qualifications of all their staff, and therefore may wish not to restrict those who can apply to fill a vacancy. Employers should also keep in mind that limiting individuals who can apply by their classification or level in the organization may screen out many qualified employees. Appointing individuals to positions without advertising the jobs can restrict the access of designated group members to senior levels in the organization. Employers may wish to post job vacancies on bulletin boards and in other relevant communication vehicles, such as e-mail, so all those who qualify may apply. Alternate formats such as Braille should be considered when appropriate. Reviewing job posters helps to ensure that they accurately emphasize the qualifications and duties most central to the job.

Limiting individuals who can apply by their classification or level in the organization may screen out many qualified employees.

Succession planning systems

- Succession plans are helpful to organizations in planning their future human resource needs, but can exclude designated group members if they are not consciously included in the plan.

Assignments and acting positions

- Increasingly, special assignments and acting positions are stepping stones to permanent promotions. It is crucial, therefore, that access to these opportunities is equitable. During the ESR, employers should examine their policies on how individuals gain access to such opportunities because they are often the result of informal appointments by individual managers. It can be helpful to compare the percentage of designated groups members who receive such positions to the percentage of all employees.

Having proactive policies and practices on training in place will help to ensure that designated group members can take advantage of special assignments when they occur.

External Recruitment Issues

Word-of-mouth referrals

- People tend to tell friends about job vacancies that occur within their organizations. This can result in duplicating the racial/ethnic and ability/disability makeup of current employees as people are likely to have friends and relatives from similar cultural and economic backgrounds. Supplementing this practice with other external recruitment methods, such as use of employment agencies, community groups and advertising, can help to ensure that all groups of people have every opportunity to apply for available jobs.

Word-of-mouth referrals can work both for and against designated group members.

Walk-ins

- Relying on “walk-ins” as a means of recruitment can restrict an employer’s applicant pool to those who know about the organization. This could have a negative effect on designated group members if they are unaware of the employer’s existence, or if they believe, even incorrectly, that there are no opportunities for their group. The employer may need to widen the applicant pool by using other methods of recruitment. In addition, organizations may be located in a neighbourhood that does not reflect the entire city or province in which they are based.

Training on cross-cultural issues and human rights legislation may need to be provided for front-line staff to ensure they will treat all job-seekers appropriately.

Referrals from employment centres and agencies, executive search firms, professional associations, education and training institutions

- Human resource referral agencies are not always aware of an organization’s employment equity goals and interest in interviewing designated group members. They may need to be reminded so that qualified individuals from the designated groups are referred and not screened out.

- Agencies representing designated group members, schools and universities can be useful sources of qualified designated group members. Organizations may need to contact these bodies on a regular basis, as well as professional associations, education and training institutions to widen the pool of qualified applicants.

Advertising

- Employers may need to examine their advertising, and their publications available to the public, to ensure they are inclusive of designated group members.
- Employers should examine if designated group members are reading their advertising. If not, they may need to advertise in publications read by designated group members to ensure they are aware of available jobs.
- Organizations may find their advertisements are not attracting responses from the designated groups. One way of finding out is to ask on the applicant form where the individual heard about the job opening. Perhaps the perception of designated group members is that they are not welcome in the organization, although this may be far from the truth. In this case, the organization may wish to advertise that it is interested in having designated group members apply for positions.
- If organizations are receiving no applications from people who are visually impaired or who are deaf, they may need to find ways to make their advertisements accessible to persons with these types of disabilities. Alternate formats can be used, such as telephone job lines developed by organizations representing people who are blind and visually impaired. Or, you can approach organizations representing these groups.

Depicting designated group members in stereotypical ways can adversely affect their participation rate. On job advertisements, slogans such as “Applications are welcomed from everyone, including women, Aboriginal peoples, persons with disabilities and members of visible minorities” can be helpful.

Accessibility

Organizations should ensure that buildings are physically accessible to everyone. This includes bathrooms, party facilities, office space, file storage, entrance hallways and training facilities. If the building is not totally accessible, other arrangements can be made for persons with disabilities, until the building has been retrofitted.

Recruitment campaigns

- Organizations that are expanding or looking for specific skill sets often undertake extensive proactive recruitment campaigns. To ensure applications from designated group members, these campaigns could include visits to universities and high schools with a high representation of designated group members, community groups representing designated groups, and reserves.

Mergers and acquisitions

- A business transaction, such as the merger or acquisition of a new business, can result in a challenge to maintaining or increasing designated group representation. It is important to review any new policies and practices for their impact on designated group members.

Selection System Issues

Selection determines which candidates from a group of applicants are most likely to be successful in performing the job.

The focus of ESR on selection is to determine whether the applicable policies and practices unfairly screen out designated group members during the selection process.

Problems of unfair treatment often occur in both recruitment and selection systems.

If an organization is not clear exactly what criteria it will use to determine the best person for the job, non-job-related criteria often creep into the selection process. This situation can happen even when the criteria are clearly specified. An interviewer may choose a particular candidate because that person seems more “suitable” for the job than other candidates. Upon close examination, this may happen because the interviewer found the candidate “easy to talk to” or because they had interests in common, such as sports or even a favourite television program. Interviewers need to ask themselves if they are choosing a candidate strictly on job-related criteria.

The following examples show how some selection policies and practices may exclude designated group members. Each organization, through its own review, will discover what policies and practices exclude designated group members in its workplace.

Application forms

- Persons who are blind and visually impaired will not be able to fill out applications forms if they are not available in alternate formats such as Braille or large print. Another alternative is to collect this information at an interview.
- Applicants, who have been out of the labour force for a period of time, may have developed many skills in volunteer work. Application forms may need to be redesigned to allow this information to be included.
- Sometimes staff who screen applications penalize applicants for career gaps due to family responsibilities. Test for this and make adjustments as necessary.

Job requirements

- Undue emphasis on specific job skills and state-of-the-art knowledge can screen out those who have generic skills and the potential to learn.
- Inflated job requirements may screen out designated group members. Avoid this by determining minimum job-specific requirements and by eliminating any that are not. For instance, do not request that employees be available to travel if only a small portion of the time is spent travelling-this could cause many applicants not to apply when short trips could be arranged.
- Requirements for “Canadian” experience can screen out members of visible minority groups who have recently immigrated. Encourage job candidates to discuss work experience acquired in other countries.
- Specifying “desirable” personality traits can screen out designated group members. Desirable personality traits tend to reflect the values of the dominant culture. An example is asking for an “aggressive” individual. This could also be seen as a positive personality characteristic in men and a negative characteristic in women.

Essential duties and critical requirements should be reflected in job descriptions to ensure that qualified and competent people are hired.

Testing and simulations

- Tests can unfairly screen out designated group members if they are not demonstrably reliable predictors of future job performance and are bias free. All tests may need to be reviewed. Some tests designed to measure a person’s ability to write may use inappropriate subjects, such as sports related to Canada. For instance, recent immigrants may know how to write English or French extremely well, but know little or nothing about hockey.

Interviews

- An all-white, all-male interviewing board may give the wrong impression to members of designated groups. By including designated group members on the interview team, when possible, the organization conveys a message to designated group job applicants that they are welcome and an accepted part of the organization.
- Sometimes, interviewers ask questions based on stereotypes of designated group members only, which can alienate these candidates. For instance, do not ask women about child-care arrangements. This question would not only fail in obtaining the necessary information (e.g. the availability of the candidate to work overtime,) but could also result in a human rights case. However, you may ask all applicants if they are available to work overtime or to travel as long as they are actual requirements of the job and an accurate estimate of the overtime and travelling is provided. Standardize all interviews and document responses to questions to indicate why a particular candidate was chosen.
- There is a variety of different models of job interviewing. It is useful to examine whatever model is being used for any adverse impact on designated group members and its relevance to the job. However, it is important that whichever model is used, a set of fair, equitable and predetermined questions is asked of all interviewees.

Interviewers may need employment equity, human rights, cross-cultural awareness and interview training so they can effectively interview people from a variety of cultures.

Ask job interviewees, before they arrive for the interview if they need accommodation during the interview. This could include a sign language interpreter or providing tests in Braille.

References

- Selection should include a standardized reference check and not include questions which might discriminate on a ground prohibited by the *Canadian Human Rights Act*(e.g. absentee record of a person who is disabled).

Letters of offer

- Sometimes organizations offer temporary positions to candidates before offering permanent positions. Offers of temporary and permanent jobs could be tracked to ensure that designated group members receive an equitable share of permanent jobs and that movement from one type of job to the other is fair.

Training and Development

Training and development improve an employee's performance in the current job and enable the employee to acquire the necessary skills and knowledge for future opportunities.

An organization's training and development program may range from on-the-job training to educational leave with all tuition fees paid. While many organizations offer training and development opportunities, all employees may not have access to them.

Training and development are an extremely important part of an employee's career, because it influences competencies and upward mobility within an organization. As such, it is vital to review training policies and procedures for their impact on designated group members.

The following examples show how some training and development policies and practices may exclude designated group members. Each organization, through its own review, will discover what policies and practices exclude designated group members in the workplace.

Training and Development Issues

Policies

- Examine the overall corporate policy on training. If training is linked to seniority, job type and level, earnings, or next-in-line status, designated group members may be adversely affected.

Some training policies do not provide developmental training or sufficient resources for individuals in all types of work.

Participation rate of designated group members in training

- Sometimes designated group members do not participate in all training and development programs at the same rate as other employees. This could be a result of the jobs initially assigned to them. Employers may wish to keep records of designated group participation in training events to determine if training policies and procedures exclude designated group members.
- Women might be excluded from some types of training because of the assumption that they may be away from work for maternity and child-rearing leave. Employers need to ensure managers are not working under such an assumption when developing training plans for employees.

Dissemination of information

- Dissemination of information is crucial to the full participation of designated group members in training opportunities. Employers need to determine if training information is reaching all staff. Employees need to know how information on training and development is disseminated and how to apply.
- Sometimes employees with disabilities do not have access to information because it is not in alternate format. Employers need to ensure that training materials are in alternate format, such as Braille or audio form.
- All new recruits need to have the same access to health and safety training that may be necessary for their job. Check if this is the case.

All new recruits need to have the same introduction to the company's policies, rules of conduct, dress standards and introduction to appropriate personnel. Check if this is the case.

Training selection

- If selection for training is restricted solely to the discretion of supervisors, designated group members may be excluded. Employers may need to allow employees to nominate themselves for training.
- Criteria for taking training should not be inflated, otherwise designated group members may not apply.

Type of training

- Sometimes, training for employees at the lower level of the organization is given to enhance current job skills, not to prepare for different or more advanced jobs. More senior-level employees often have the option of taking courses to prepare them for promotion. This practice could adversely affect designated group members, if they are located at the lower levels of the organization. It can be useful to compare the kind of training extended to members of designated groups to the training given to senior staff.
- Employers need to support all employees, including designated group employees, to be marketable.

Trainers

- Sometimes, trainers themselves require instruction on the needs and issues of designated group members and on how to encourage them to participate during training sessions.
- It is important that trainers who are hired on contract are made aware of the organization's employment equity policies and cross-cultural issues in a training context.
- Material can contain gender and racial bias and may need to be reviewed to delete it.

Career counselling

- Employers may need to offer career counselling to all employees. It can be helpful to appoint designated group members as counsellors. Ensure that all counsellors are sensitive to designated group issues.

Location and time of training

- Some training sites may be inaccessible to some designated group members.
- Training should not coincide with major religious holidays of minority groups.

Consider the impact of out-of-town training and changing the locale to an in-town site. The training site should always be accessible to employees with disabilities.

Mentoring

- Informal mentoring of junior employees by more senior employees is a frequent form of training on the job. Because it is informal, designated group members can get left out if there are few or no designated groups members among senior staff. Informal mentoring often takes place between junior staff who are most like managers in terms of interests and personality because managers feel most comfortable with them. Informal mentoring can be helpful to designated group employees if there are designated group members among senior staff. Participation of designated group members at senior levels in mentoring programs should be encouraged to provide role models.

Designated group members should have equal access to mentoring, whether formal or informal.

Specialized diversity, equity and human rights training

- The culture of an organization can effectively “make or break” the success of a designated group employee in an organization.
- If managers are unaware of how to manage a diverse workforce, training could include interviewing techniques and the responsibility of managers for implementing employment equity within their area of responsibility. This training should be included as part of other management training instead of as a “stand-alone” package. This will encourage managers to see employment equity as part of the organization's culture and a goal similar to other business goals.

If it is determined that some employees are hostile to designated group members through a climate survey, the organization may wish to consider designated group awareness training and cross-cultural communication training for all employees.

Lateral moves

- Lateral moves in organizations help employees receive broad-based experience which makes them ready for promotions when they arise. Organizations may wish to track if designated group employees are taking advantage of such opportunities at the same rate as other employees.

Promotion

The promotion system is the process by which employees are chosen for more senior positions. A promotion system also helps employees define and acquire the skills and experience needed for promotion.

The following examples show how some promotion policies and practices may exclude designated group members. Each organization, through its own review, will discover what policies and practices exclude designated group members in its workplace.

Promotion Issues

Information dissemination about job opportunities

- Do not assume that the manager always knows the best person for the job. Other people may have qualifications unknown to him or her. One way of ensuring that all possible internal candidates are aware of available jobs is to post job opportunities throughout the organization.

Seniority or union restriction

- Seniority may be a barrier to designated group members if they are the last people to be hired, which is often the case. Consultation with unions on measures that may be taken to minimize the adverse impact is required by the *Employment Equity Act*. Any changes to seniority found in the collective agreement must be the subject of negotiations.
- Some organizations restrict applications for jobs based on levels or salary ranges. In other cases, moving from one union to another within the same company affects seniority status. These issues may need to be examined for their impact on designated group members.

*See Section 8 (3) of the
Employment Equity Act.*

Performance evaluation

- If promotions are based on formal performance evaluations, undertake a statistical analysis to see if the percentage of designated group members receive the same proportion of excellent, good, fair and poor ratings as do others in the workforce. Measuring employees on the same basic criteria helps to eliminate bias against any one group. For instance, if clerical staff are valued for “following instructions well,” while more senior staff are measured for “initiative,” it may be difficult to determine which clerical staff would be good candidates for promotions.
- There are many different types of performance evaluations in use, and all need to be examined for possible adverse impact on designated groups. For instance, some performance evaluation systems have the employee rate him or herself and then negotiate with the manager as to what the documented rating should be. This may affect women who may have lower self-esteem than men.
- Upward feedback, team-based performance evaluations and evaluations that include an employee’s community work need to be examined for how they may affect designated group members.

Access to funds for transfers

- Some organizations provide moving expenses only to people above a certain occupational level within the organization for company initiated moves including moves for jobs that have been won through a competitive process. This practice can adversely impact designated group members if they are clustered at the lower levels of the organization.

Succession planning

- Succession planning often depends on job rotations, secondments, special assignments and having the opportunity to act temporarily in more senior positions, when they are vacant for a period of time. Information on and access to these possibilities need to be available to everyone to ensure that designated group employees have an equal opportunity to benefit.

Succession plans can adversely impact designated group members if they are not consciously included.

Managerial accountability for promotions for designated group members

- Individual managers may exhibit bias within their area of responsibility. Statistical analysis reveals this bias. Managers need to be accountable for the rate of promotions and lateral transfers of designated group members within their area of responsibility. This can be done through managerial performance evaluations.

Blockages or bottlenecks in the upward movement of employees

- Sometimes “bottlenecks” occur, creating difficulty in upward mobility for staff. Organizations may have many positions at the clerical or other entry levels, a much smaller number immediately above the clerical positions, and a larger number of more senior positions. In effect, the small number of positions between the clerical and the senior positions creates a bottleneck for those seeking to gain a senior position.

An examination of the organizational chart reveals bottlenecks and can be remedied by "bridging" positions and lateral moves to appropriate jobs.

Dead-end jobs

- "Dead-end" jobs can create a problem for designated group members and others. For instance, can a bridge be made from a senior clerical position to a junior researcher position? If this cannot be done without further training, is this made clear to the incumbents and are mechanisms in place to help them receive further training?

Criteria to select employees

- If employees are not aware of criteria or other methods used to evaluate candidates for promotions, they may not be well prepared for job interviews or other methods used for evaluation. This information needs to be accessible to everyone.

Retention and Termination

Retention ensures that high-performing employees stay with an organization and that there is an overall low turnover employee rate.

Termination ends the employment of an employee or group of employees. Layoff and recall, disciplinary action, and firing are employer-initiated actions in response to such factors as a downturn in the economy, job obsolescence, poor employee performance or insubordination, restructuring and mergers of organizations.

Voluntary employee termination refers to employees leaving employment on their own volition for such reasons as the need to change jobs, better pay and benefits, better working conditions or career opportunities.

An ESR of retention and termination includes an examination of all policies and practices that affect these two areas, including the culture of an organization. A supportive and flexible culture will help reduce the turnover rate of designated group employees.

Mechanisms to Help Determine What Barriers May Exist for Designated Group Members

- Undertake exit interviews to determine the reasons why designated group employees and other employees are leaving and if their reasons for leaving are different from other employees. The questions need to be designed very carefully to ensure the information sought is elicited. Analyse the information on a statistical and qualitative basis. Sometimes the results of such exit interviews reveal that designated group employees are leaving for exactly the same reasons as other employees.

Exit interviews and climate surveys help to pinpoint why designated group members are leaving the organization.

- Undertake a climate survey of the organization. Ask respondents to identify themselves as designated group members if appropriate and compare the results of designated groups to other employees. The survey could include such questions as the perceived fairness of promotions and the performance evaluation system.

A climate survey will indicate whether designated group members as a group are as comfortable as other employees in the organization.

Retention Issues

The following examples illustrate how the application of human resource policies and practices may contribute to a high turnover of designated group members.

Harassment policies

- Sexual, racial, disability and other harassment can cause many designated group members to leave an organization. Developing anti-gender discrimination, anti-racism and anti-harassment policies can help to eliminate this problem. These policies should be well communicated and a mechanism to address complaints needs to exist and be available to all.

Dress

- Organizations need to be sensitive and flexible about allowing traditional clothing at work.

Family-related matters

- Balancing family and work is a difficulty many employees face. Providing a child-care or elder-care referral service or an on-site child care centre can help alleviate these problems. Policies which provide for leaves of absence for family-related matters and alternative work schedules are also helpful. These policies are becoming increasingly important as the population ages and as women's participation in the labour force increases.

Benefits

- Sometimes health insurance plans do not apply equally to persons with disabilities. They may need to be examined to ensure that they do not prevent anyone from getting or keeping a job and that they are fair in their coverage.
- Ensure that bonuses are fairly distributed among qualified employees.

Benefits should be extended to part-time employees.

Termination Issues

“Last hired, first fired”

- A last hired, first fired policy may adversely affect designated group members. They are often the newest recruits to the labour force. In situations where collective agreements exist, consultation with the appropriate union(s) must take place.
- Many organizations have a small group of core workers and many employees working on contract to work on an “as-needed” basis. Organizations need to examine the representation of designated group members among core and contract workers to determine if equal access to the core jobs exists for everyone.

Disciplinary measures

- Establishing formal procedures when addressing disciplinary actions helps ensure that all disciplinary procedures are the same for everyone. Providing counselling to employees who are disciplined can also be helpful-however, the counsellors need to be sensitive to the needs of designated group employees.

Criteria for layoff and termination

- Layoff and termination decisions need to be based on clearly defined, job-related and objective criteria. Communication problems often account for difficulties between an employee and supervisor; these problems could be based on cultural-specific communication styles.

Communication

- Employees need equal access to information on the organization's policies and procedures respecting layoff, recall, disciplinary action and termination. This will help ensure designated group members and others are fully informed. It is important to examine both formal and informal communications. Often, the informal network is effective in communicating information, but members of designated groups can be excluded, which is an indication that formal forms of communication need to be improved.

Reasonable Accommodation

Reasonable accommodation ensures that the special needs of designated group members are met, allowing them to participate fully in an employer's workforce.

A series of Supreme Court decisions has made it clear that the duty to accommodate is an enforceable legal obligation. Four cases decided by the Supreme Court of Canada are of particular assistance in interpreting the duty to accommodate: *O'Malley v. Simpson Sears* (1986), *Alberta Human Rights Commission v. Central Alberta Dairy Pool* (1990), *Central Okanagan School District No. 23 v. Renaud* (1992) and *Commission scolaire régionale de Chambly v. Bergevin* (1994). These cases can be found by referring to the *Canadian Human Rights Reporter*.

The duty to accommodate is not open-ended. Accommodation is required to the extent that it can be shown to be "reasonable" and in so far as it does not pose an "undue hardship." The Supreme Court has ruled that "reasonable" and "undue hardship" are different ways of expressing the same concept and are not separate criteria. Undue hardship can result from undue financial cost, disruption of operations, or major disruption of the collective agreement. However, the duty to accommodate prevails over private agreements such as collective agreements, unless disruption would result in a substantial departure from the normal operations. Under no circumstances is the "preference" of fellow employees or customers to be considered a reason for denying accommodation. For example, an employer cannot refuse to hire a deaf person because fellow employees would find it difficult to communicate with the person. Or, an employer does not have the right to terminate a member of a visible minority group because customers have complained that they do not want to be served by minority group members.

Reasonable Accommodation Issues

Reasonable accommodation policy

- Develop a policy on reasonable accommodation for the organization.
- Include in the policy:
 - the mechanism for requesting accommodation;
 - a consultation process with the individual requesting the accommodation;
 - a budget allocation and procedures to access these funds;
 - a statement of whom the policy covers. If most employees work in short-term contracts and are considered employees under the *Employment Equity Act*, it is important that the policy covers them to ensure they have the same opportunity to work in the organization as everyone else;
 - a mechanism to consult with unions on both the policy and individual accommodations, when necessary; and
 - a plan for making all office buildings, systems and processes barrier free.

This policy needs to be distributed to all employees and prospective employees to ensure they are aware of their right to ask for accommodation measures.

Financial considerations

- Phase in building design changes.
- Use special budgets or any external sources of funding that may exist in the community.
- Shift tasks between employees which can ensure the work is done and designated group employees are accommodated with minimum or no expense.

Pre-employment considerations

- Before a job interview, interviewees should be asked if they need any accommodation, such as a sign language interpreter or tests in Braille.

Accommodation issues relating to women

- Provide family-related leave for employees with family responsibilities such as child and elder-care.
- Implement a policy on part-time and flex-time work.
- Provide accommodation for pregnant women, if necessary. This may mean modifying their jobs during part or all of the pregnancy.
- Ensure off-site training or conferences are held within commuting distance so that employees with family responsibilities can return home at night if necessary.

Some employers provide a child or elder care-referral service.

Accommodation issues relating to Aboriginal peoples

- Examine leave policies to ensure that they take into account the Aboriginal concept of family and bereavement. Aunts, uncles and cousins can assume a much greater importance to many Aboriginal persons than they do for people belonging to other groups.
- Ensure that time off for voting includes the time necessary for many Aboriginal peoples to return to their reserves, which may be a long way from their place of work.

Accommodation issues relating to persons with disabilities

- Ensure that physical accessibility of the offices exists.
- Supply “readers” for blind employees and sign-language interpreters for deaf employees, if appropriate.
- Provide “work-at-home” programs, flex-time and part-time work.
- Adjust job tasks, if only some aspects of the job require physical dexterity.
- Take the following considerations into account when accommodating persons with disabilities:
 - dignity of the individual. For instance, a person with a disability would not generally be expected to enter a building through a rear entrance, when other clients or employees use the front door.
 - autonomy of the individual. For example, an automatic door opener is preferable to a call button to gain admittance to a building, unless security requires it for all employees.
 - dignity of risk. An individual should have the autonomy to assume an increased degree of risk commensurate with considerations such as the safety of others and overall efficiency. For example, a blind and mobility-impaired traveller may have a greater risk of death or accident when travelling by airplane. However, this risk by itself cannot justify denying services to a traveller with a disability.

Develop a policy on alternate means of communication (i.e. the use of Braille and cassettes).

Accommodation issues relating to visible minority groups

- Allow visible minority groups, and others, to observe the religious and cultural holidays associated with their faith.
- Allow for flexible dress to permit members of visible minority groups to wear traditional garb.

Dietary accommodations may need to be made for some members of visible minority groups and others in the cafeteria and at social functions where food is served.



Guideline 7: Employment Equity Plan



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Guideline is intended to provide clarification of the requirements of the *Employment Equity Act* related to the preparation and implementation of an employment equity plan. Separate Guidelines address related issues of consultation and collaboration with employee representatives (including bargaining agents) in this process, as well as the requirements to monitor, review and revise the employment equity plan.

Guidelines provide general direction and practical pointers which reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organizations as they use the Guidelines. Other documents to consult include the *Act* and *Regulations*, as well as documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

The main legal requirements regarding employment equity plans are contained in the *Act* itself. There are no regulations specifically relating to the contents of an employment equity plan. However, those *Employment Equity Regulations* pertaining to the **Workforce Analysis** (sections 6 and 7) and the **Employment Systems Review** (sections 8 to 10), in particular, will be relevant to aspects of the plan (such as measures to eliminate barriers and the setting of goals).

*Please refer to **Guideline 5: Workforce Analysis** and **Guideline 6: Employment Systems Review***

Preparing An Employment Equity Plan

An employer must prepare an employment equity plan which complies with the requirements described below. [Act, s. 10]

Consultation and collaboration

Preparation of the plan must take place in consultation with and with the collaboration of employee representatives. [Act, s. 15]

*“**Representatives**” means those persons designated by employees to act as their representatives or means bargaining agents where they represent the employees. Please refer to **Guideline 3: Consultation and Collaboration** for further*

information.

Positive policies and practices

The plan must set out the positive policies and practices that the employer intends to institute in the following one to three years to correct the under-representation of designated group members which has been identified in the workforce analysis. These positive policies and practices relate to:

- the hiring of designated group members;
- the training of designated group members:
- the promotion of designated group members;
- the retention of designated group members; and
- the making of reasonable accommodation for designated group members. [Act, s. 10(1)(a)]

The plan must also establish a timetable for the implementation of these positive policies and practices. [Act, s. 10(1)(c)]

Elimination of barriers

The plan must specify the measures the employer intends to take in the next one to three years to eliminate any barriers that have been identified in the employment systems review. [Act, s. 10(1)(b)]

The obligation to conduct an employment systems review to identify barriers is set out in s.9(1)(b) of the Act.

*Please refer to **Guideline 6: Employment Systems Review** for further information.*

The plan must also establish a timetable for the implementation of these measures. [Act, s. 10(1)(c)]

Short term numerical goals

The plan must contain short term numerical goals for the hiring and promotion of designated group members.

“Short term” means a period not less than one year and not more than three years [Act, s. 10(3)]

These goals must relate to a time period ranging from one to three years (“short term”).

The purpose of the goals must be to increase the representation of designated group members in each occupational group in the employer's workforce where under-representation has been identified.

“Occupational group” means one of the fourteen groups listed in Schedule II of the Employment Equity Regulations. This list is based on the National Occupational Classification (NOC).

The plan must specify measures the employer intends to take in each year, in order to meet its short term goals (where these goals relate to a period of more than one year). [Act, s. 10(1)(e)] If the employer's goals are annual goals, presumably this requirement will duplicate the other requirements for measures to eliminate barriers and positive policies. In other words, employers who have set goals for periods greater than one year are still obliged to work towards those goals each year.

Factors to consider

The employer must consider the following factors in setting short term numerical goals:

- the degree of under-representation of designated group members in each occupational group in the employer's workforce;
- the availability of qualified designated group members in the employer's workforce and in the Canadian workforce;
- the anticipated growth or reduction in the employer's workforce during the time period for the goals; and
- the anticipated turnover of employees in the employer's workforce during the time period for the goals. [Act, s. 10(2)]

“Canadian workforce” means all persons in Canada of working age who are willing and able to work.

Longer term goals

The plan must contain longer term goals for increasing the representation of designated groups in the employer's workforce. It must also contain a strategy for achieving these goals. [Act, s. 10(1)(e)] These goals do not have to be numerical, although they may be.

“Longer-term” means a period of more than three years.[Act, s. 10(3)]

Sufficiency of the plan

The plan must be such that it would result in reasonable progress toward employment equity, if it were implemented as it stands. [Act, s. 11] This should not be understood as meaning that an employer need not implement the plan. It simply represents a standard by which to judge whether the plan goes far enough or not, namely a standard of potential “reasonable progress.”

Implementing the Plan

The employer must make all reasonable efforts to implement the plan. [Act, s. 12(a)]

Monitoring, Reviewing, And Revising The Plan

The employer must also monitor the plan to ensure that reasonable progress is being made [Act, s. 12(b)]; and it must review and revise its plan, in consultation with, and with the collaboration of, employee representatives. [Act, s. 13 and s. 15] These requirements are the subject of a separate Guideline, and are not dealt with here.

*Please refer to **Guideline 9: Monitoring, Review and Revision** for a description of the legal requirements in relation to these matters.*

What The Employer Is Not Required To Do

Employment equity does not require employers to undergo undue hardship, to hire or promote unqualified persons, or to create new positions in their workforce in order to fulfil obligations under the Act. [Act, s. 6]

Moreover, no employer can be required, either by the Canadian Human Rights Commission, or by an Employment Equity Review Tribunal, to do any of the following in implementing employment equity:

- taking a measure which would result in undue hardship to the employer;
- hiring or promoting unqualified persons;
- creating new positions in its workforce;
- meeting a quota for the hiring and promotion of designated group members; and
- adopting a goal which does not take into account the four factors which are set out in section 10(2) of the Act. [Act, s. 33(1)]

“Quota” means a requirement to hire or promote a fixed and arbitrary number of persons during a given period.[Act. s. 33(2)].

Employment Equity Plan

PART B: PRACTICAL APPLICATION

Purpose of the Employment Equity Plan

An employment equity plan (“plan” hereafter) is the core of an employment equity program. The plan represents the critical link between analysis of possible shortcomings in human resources policies and procedures, and the creation of fair systems and a representative workforce. It is the document that actually represents the employer’s and employee representatives’ commitment on how the organization will move from “here” to “there.”

As such, the plan should:

- reflect the conclusions of the **Workforce Analysis** -- which determined by occupational group where there was under-representation of one or more designated groups – and the **Employment Systems Review**-- which identified policies and procedures which could act as unfair employment barriers to designated group members;
- set out goals, including a timetable for implementation, for making employment systems fair and neutral and the workforce more representative within a reasonable period of time;
- be “do-able”;
- include benchmarks that will permit assessments of success; and
- clearly indicate who is accountable and responsible for the implementation of the various components of the plan.

*Please refer to page 18 of this Guideline, “**The Sufficiency Of The Plan: What Is Reasonable?**” for a discussion of what is reasonable.*

Implementation of the plan must also be monitored, as required by the *Act*, to ensure that reasonable progress is being made.

*Please refer to **Guideline 9: Monitoring, Review and Revision** for further information.*

Structure Of The Plan

A plan may be a separate, free-standing document or a component of a broader document such as a business plan. If the latter approach is chosen, the employer should be able to extract the elements that comprise the employment equity plan when it is being audited.

Similarly, in terms of its organization, the plan may closely follow the sections of the *Act* and the relevant sections of this Guideline, or may be organized differently. If the latter is preferred, the employer should be able to explain how and where each statutory requirement in section 10 of the *Act* is reflected in its plan.

Elements Of The Plan

Elimination of barriers

Key to employment equity Under the *Act*, an overarching obligation is placed on employers to identify and eliminate barriers to the employment of designated group members. [Act, s. 5(a)] Identification of barriers takes place during the employment systems review. The findings of this review are critical in determining what measures should be included in the plan. In essence, the review identifies the problems and the plan provides solutions.

*Please refer to **Guideline 6: Employment Systems Review** for concrete examples of systems, policies and practices that may act as barriers, with suggestions for how these may be replaced or modified.*

Therefore, this aspect of the plan should flow directly from the employment systems review. It should specify:

- each system, policy, or practice that will be replaced or modified;
- where a system, policy, or practice is to be replaced, what will replace it or how the replacement will be developed;

**KEY ELEMENTS OF AN
EMPLOYMENT EQUITY PLAN**

An employment equity plan should contain:

1. **Positive policies, practices and reasonable accommodations** to be instituted in the short term for the hiring, training, promotion and retention of designated group members.
2. **Short term measures** to be taken by the employer to eliminate employment barriers identified during the review of its employment systems, policies and practices.
3. **A timetable** for the implementation of the positive policies and practices and measures to eliminate employment barriers.
4. **Short term numerical goals** for the hiring and promotion of designated group members in each occupational category where under-representation exists.
5. **Longer term goals** for increasing designated group member representation, including a strategy for achieving those goals. These goals may be numerical, qualitative or both.

- where a system, policy, or practice is to be modified, what the modifications will be or how the modifications will be developed; and
- a timetable for each replacement and modification.

Any barriers identified should be removed as quickly as possible.

Positive policies and practices

Key to employment equity: Identifying and removing barriers to the employment of designated groups is the first step towards achieving employment equity. However, simply eliminating something, taking down a wall that has existed for some time, is not enough. It is only half the picture. The elimination of a barrier may be called a neutralizing measure to achieve equity. Also required are positive measures, to counteract the residual effects of that barrier which could still be evident, for example, in under-representation.

What are they? Positive policies and practices are those initiatives which help to create a respectful, responsive working environment for members of designated groups (and others) and to attract increased numbers of individuals from under-represented designated groups into the employer's workforce. They relate to the hiring, training, promotion and retention of designated group members. They relate as well to the provision of reasonable accommodation. In this Guideline, however, reasonable accommodation will be treated separately. Positive policies and practices go beyond the mere elimination of barriers. They replace barriers with policies and practices that actively promote a representative workforce.

Fair treatment for everyone: One aspect of positive policies and practices may be formal policies and procedures aimed at ensuring that people are treated fairly; for example, policies permitting flexible work arrangements, parental leave policies, measures to improve workplace accessibility, and sensitivity training. Although these sorts of policies and procedures are often of special significance for designated group members, they are generally of benefit to the entire workforce. They will tend to improve the workplace environment for everyone.

Treating Everyone Fairly

- *flexible work arrangements*
- *parental leave policies*
- *improving workplace accessibility*
- *sensitivity training*

Targetted or special measures A second aspect of positive policies and practices is targetted or special measures. These are initiatives aimed specifically at attracting, retaining, and promoting members of designated groups.

Targetted Measures

- *outreach programs*
- *mentoring programs*
- *internal networks*
- *bridging positions*
- *targetted training programs*

The objective of such initiatives is to address the ongoing effects of under-representation by ensuring that the organization:

- reaches out to and welcomes these individuals;
- supports them as they enter new occupations; and
- promotes the creation of a “critical mass” of designated group members in areas where they have traditionally had little representation.

There are many examples of targetted or special measures, and each employer should select and design measures that reflect the organization’s situation and needs. Options include:

- launching outreach efforts in schools or communities where members of under-represented designated groups are concentrated;
- organizing workplace activities to mark dates of special significance to designated group members (e.g., International Women’s Day, International Day for the Elimination of Racism);
- establishing internal mentoring and networking

Could include active participation in the co-op programs of universities and other educational organizations.

initiatives for designated group members;

- creating special training programs or bridging positions to prepare designated group members for non-traditional occupations; and
- deciding that, for a limited period of time, the applications of “qualified” or “qualifiable” candidates from under-represented groups will be given careful consideration for a certain percentage of new openings.

Special measures are measures which, for a limited time, use designated group status as one criterion among many for acceptance into training programs; or as one criterion among many in hiring or promotion decisions. The purpose of special measures is to establish a “critical mass” of designated group members in a workplace or an occupational group. While such measures must be carefully designed to ensure that they do not unduly exclude other candidates, they can play an important role in terms of making change self-perpetuating. In addition, they are supported by the *Canadian Charter of Rights and Freedoms* (s. 15(2)) and the *Canadian Human Rights Act* (s. 16).

Timetable: The plan should also contain a timetable for the implementation of every positive policy and practice. The timetable should ensure a smooth and continuous progression towards a representative workforce. Employers are cautioned against lumping target dates at the end of the period to which the plan relates. In particular, where a plan relates to more than one year, activities must be undertaken in each year. Steady progress should be ensured by the timetable.

Accommodation

Positive policy or practice The making of reasonable accommodation is a particular type of positive measure. Because it is so important, it is treated separately here.

*Please refer to **Guideline 6: Employment Systems Review** for concrete examples of reasonable accommodation.*

The plan should outline how the organization intends to ensure that the needs of applicants and employees

from the designated groups are reasonably accommodated.

What is accommodation? Accommodation means an exemption from or an adjustment to general policies and facilities for an individual with particular needs. It is provided when the policies or facilities in question are, broadly speaking, justifiable, but have an adverse impact on the members of some groups. For something to be justifiable, it must be clearly linked to the nature of the work performed or service provided by the organization.

Accommodation does not mean changing the essential duties of the job or position.

Undue hardship Under human rights law, accommodation must be provided up to the point of undue hardship. Factors that may contribute to undue hardship include insupportable costs, substantial disruptions of operations, and health and safety considerations. It is important to emphasize in this connection that the simple fact that accommodation involves some cost, disruption, or difficulty does not mean that “undue hardship” exists. It is only when some combination of these factors creates a burden which cannot be reasonably borne by the employer that the duty to accommodate is suspended.

Responsibility of bargaining agents Unions have a responsibility to facilitate reasonable accommodation. In particular, where certain provisions of a collective agreement create special difficulties for individuals from a designated group, bargaining agents must cooperate in efforts to address this difficulty. Let’s say, for example, that provisions related to shift-work acted as a barrier to persons with disabilities, because these individuals did not have access to special transit services during the night. Under such circumstances, the union would be expected to help modify the application of the provisions in question for the affected individuals. It should be noted that recent jurisprudence in the area of human rights supports this approach.¹

See **Guideline 3: Consultation and Collaboration** for a fuller discussion of responsibility of bargaining agents and the issue of seniority.

Requesting accommodation The onus for initiating the accommodation process rests on the person requiring accommodation. That individual is also

¹ See, e.g., Central Okanagan School District No. 23 v. Renaud, [1992] 2 S.C.R. 970 (S.C.C.)

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expected to be reasonable in responding to proposals put forward by the employer and, where it is involved, the union. The employer and union should assess the specific needs of the individual and put forward options which respect his or her dignity and minimize his or her discomfort.

Suggestions In order to ensure that reasonable accommodation is provided, the plan might include:

- a written accommodation policy for the organization, if one does not already exist, or a process for developing such a policy;
- an outline of the procedures which individuals and managers should follow in making and responding to requests for accommodation, if such an outline does not exist, or a process for developing such an outline;
- a method for bringing the accommodation policy and procedures to the attention of all concerned; and
- funding mechanisms to ensure that the accommodation is not prevented or delayed by ambiguity as to the source of required resources.

The policy and procedures need not be long and detailed. All that is required is that they be sufficient to ensure that reasonable accommodation is provided when requested by individual applicants and employees from designated groups.

Timetable: The plan should also contain a timetable for the implementation of each activity or measure related to accommodation. As mentioned earlier, this timetable should ensure continuous and steady progress towards the goal of employment equity.

Short term hiring and promotion goals

Goals versus quotas The purpose of hiring and promotion goals is to serve as a tool for planning and evaluating employment equity measures. Unlike quotas, goals are based on rational considerations -- outlined below -- and do not automatically result in penalties if they are not met. However, as with any business goal, it is important to examine the factors at work and re-evaluate strategy if performance eventually falls short of expectations.

Goals are an indication of what the organization thinks it can and should achieve in terms of the representation in hiring and promotion of designated groups currently under-represented in the internal workforce.

Goals for each occupational category Separate goals for hiring and promotion must be established for each designated group. The *Act* requires employers to set goals to increase representation of designated groups in each occupational group where under-representation has been identified. Normally this will mean a separate goal for each underrepresented designated group in each occupational group where under-representation has been identified. However, where occupational groups are very small, the only practical option may be to set joint goals for a combination of them, with the understanding that the objective is to improve designated group representation in each occupational group where under-representation exists.

Absolute goals or percentage goals Hiring and promotion goals must be numerical and cover a period of one to three years, though annual goals are normal practice. They may be expressed either as absolute numbers or percentages. An example of the former would be: "we aim to hire five women into engineering positions over the next two years." An example of the latter would be: "we aim to have women account for 30 per cent of all hiring into engineering positions over the next two years."

Setting goals: These goals must, at minimum, reflect the results of the workforce analysis, the representation (“availability”) of qualified designated group members in the appropriate external workforce (or in the internal workforce in the case of promotional goals), and the requirement that the plan be sufficient to achieve reasonable progress towards a representative workforce. In the context of the reasonable progress requirement, it is important to consider statistical trends that might affect the impact of a goal over time (for example, particularly low retention rates for the designated group in question or particularly high or low rates of total hiring).

*Please refer to **Guideline 5: Workforce Analysis** for a consideration of what constitutes the appropriate external workforce for the purposes of comparison.*

Where goals are expressed as absolute numbers, they should also reflect anticipated changes in workforce size and anticipated turnover. For example, where an employer knows that a certain number of employees will be retiring within the year, or where specific downsizing or expansion is planned (such as the closing or opening of a branch operation), these factors would be taken into consideration in setting goals expressed as absolute numbers.

Promotion goals: Rates of promotion of designated group members are set based on their representation (“availability”) in those positions in the employer’s workforce which together constitute a reasonable “feeder group” for promotional opportunities in the organization. Promotion goals should not be below availability rates in the relevant internal feeder groups.

Sufficiency of goals: A percentage goal, e.g. a goal expressed as a percentage of all hires, should not be lower than the relevant external representation figure. In other words, employers should aim to achieve rates of hiring and promotion of designated group members which are at least on a par with their representation in the relevant external grouping, thus indicating the likelihood of barrier-free systems, policies and practices.

*Where little or no hiring is expected to take place, in situations of downsizing, for example, a percentage goal on a par with external representation would still be appropriate. It would apply only if there were **in fact** any new hires.*

Similarly, a goal expressed as an absolute number should, if converted to a percentage, also be at or above external representation figures.

It is recommended, however, that goals exceed the external representation figure, because this figure is inherently conservative. The external representation figures for the Employment Equity Occupational Groups (EEOGs) and the National Occupational Classification (NOC) four-digit unit groups only include persons who have had some work experience in the seventeen-month period prior to the Census. Therefore, these representation figures do not include all designated group members who may be qualified and potentially available to work. For example, they would not include those who have not yet entered the labour force or those who have become discouraged because of systemic or attitudinal barriers and have dropped out of the labour force. Thus, one would expect that in reality the availability of qualified designated group members is higher than that indicated by the external representation figures for the EEOGs and NOC unit groups. A “fair” employment equity plan would take this into consideration and set goals above such conservative representation figures.

It is essential that the external representation figures which are chosen for the purposes of comparison in establishing goals reflect, for example, the skill, education or experience actually required for the job. If no particular skill level or experience is required, the external representation figures could be based on the total population 15 years of age and over in the relevant recruitment area. On the other hand, if a particular skill or educational level is required for a job, but no experience is necessary, the external representation figures could be based on the population data by “Highest Level of Schooling” and “Major Field of Study” in the relevant recruitment area.

The appropriateness of the goal must be determined on a case-by-case basis, taking into account the considerations outlined above as well as the impact of the goal on members of groups that are not covered by it.

*Please refer to **Guideline 5: Workforce Analysis** for further information.*

In the case of persons with disabilities, it should be noted that data is currently available on the population aged 15 to 64 who worked anytime between 1986 and 1991.

*The **Browser and XV Software** contain data on the population aged 15 and over by highest level of schooling and major field of study.*

*Please refer to **Guideline 5: Workforce Analysis** for a fuller description of the Browser and XV Software.*

Measures each year Hiring and promotion goals should be accompanied by a description of the measures to be taken each year in order to achieve them. These measures are likely to overlap with elements of the plan required in connection with removal of barriers, positive policies and practices, and reasonable accommodation.

This requirement means that an employer who has set two- or three-year goals, must still implement specific measures each year, rather than leaving it all to the last year of the period covered by the plan.

Longer term goals

Purpose: The purpose of longer term goals is to require the employer to step back, away from immediate operational requirements, and to consider the broad picture. Where is the organization going, what are the industry trends, what are the global economic trends, and how do these relate to the implementation of employment equity in that particular workplace over the long term?

Qualitative or quantitative? Longer term goals may be numerical, qualitative, or both.

How long? Longer term goals lay out the organization's objectives over a period of more than three years (there is no maximum), with respect to increasing the representation of under-represented designated groups in its workforce.

Strategy: Longer-term goals should be accompanied by a description of the strategy for attaining them. Again, this strategy may overlap with elements of the plan outlined above.

For example, a longer term **numerical goal** could be to achieve equitable representation of designated groups in all management positions within five years.

Longer term **non-numerical goals** could include:

- the completion of building modifications to improve access for and accommodation of persons with disabilities;
- the establishment of an on-site day care facility; and
- achievement of a truly welcoming and hospitable work environment for designated groups.

The Sufficiency Of The Plan: What Is Reasonable?

Taken together, the elements of the plan described above must be capable of producing reasonable progress towards the implementation of employment equity. In other words, the plan as a whole must be sufficiently comprehensive and well-designed to result in the elimination of discriminatory employment barriers and the achievement of a more representative workforce within a reasonable period of time.

It is not possible to arrive at a definition of what constitutes "reasonable progress". There are no hard and fast rules about what must be done in all situations. The principle of "reasonableness" is the measuring rod in several key areas in the legislation. What constitutes "reasonable efforts" towards implementing the plan, or a "reasonable" recruitment area? What is the "appropriate" external workforce that should be used in the workforce analysis for purposes of comparison?

What is reasonable or appropriate will always vary from one situation to the next, because no two situations are ever identical. This is why it was not possible nor desirable to define "reasonableness" in the legislation itself. To define what is reasonable or appropriate would require a standard for each possible situation.

The principle of reasonableness is found in all areas of law. For example, in criminal law there is the necessity to prove guilt beyond a reasonable doubt. In tort law, a person is required to take reasonable care not to harm someone through negligence. What is reasonable care? It is the care a reasonable person in the circumstances would take. It has never been either possible or necessary to define satisfactorily in law what is reasonable without losing flexibility.

In implementing employment equity, what is reasonable will vary according to:

- the particular situation and circumstances of the employer;
- the industrial sector in question;
- the local, regional, national and global economies;
- the employer's past history;
- the kinds of barriers identified;
- the anticipated growth or reduction of the employer's workforce;
- the turnover of employees in the employees workforce;
- the internal and external availability of qualified designated group members;
- the degree of under-representation in each occupational group in the employer's workforce; and
- many other considerations.

Employers must use their own best judgement, made in good faith -- in collaboration with the employee representatives -- to assess what is reasonable. Ultimately, the employer and the Canadian Human Rights Commission will have to come to an agreement about what is reasonable.

The best strategy for ensuring compliance is to make an honest and thorough effort to implement the purpose clause of the *Employment Equity Act* when fulfilling the specific requirements of the *Act*.

Minimum Standard Employers may want to consider the following four factors which together constitute a bare minimum standard of reasonable progress:

1. The *Act* requires that employers achieve appropriate representation of designated group members. Employers must move towards this goal at an appropriate rate of progress.
2. In some cases, overall representation of designated groups in the workforce cannot be altered significantly in the short term, either because the employer is downsizing or not hiring at a rate that could significantly affect overall representation.
3. In such cases, where improvement in overall representation is evolving slowly, the actual rates of hiring and promotion of designated groups (often referred to as “flow data”) cannot be lower than external representation figures (sometimes referred to as “availability” data).² In most cases, they should exceed this level, particularly in situations of serious under-representation. This means that goals must be at levels that do not fall below external representation of the designated groups in the relevant occupational group and the relevant recruitment area; furthermore, they should normally exceed this level, to ensure progress in overall representation.
4. Finally, the plan must contain measures that are likely to achieve the results described in the above point 3.

*Please refer to “**Sufficiency of Goals**” on page 15 of this Guideline for additional information.*

² It should be noted that in the case of promotion goals, “availability” refers to internal representation in the relevant feeder groups.

These factors together constitute a minimum standard for measuring the sufficiency of the plan, i.e. whether the plan would represent “reasonable progress” if implemented. In other words, this represents a floor below which progress towards employment equity would not be taking place at a reasonable rate. The degree to which numerical goals should exceed the external representation rate (“availability”) will depend on the factors discussed above.

It should be pointed out that where actual rates of hiring and promotion fall below expected levels, based on external representation, this is an indication that barriers may continue to exist. Therefore, the focus of the inquiry should be to identify barriers that may continue to be responsible for the inadequate flow levels (rates of hiring and promotion).

Implementing The Plan

By law, the employer is required to make “all reasonable efforts” to implement the plan. Effective implementation of employment equity requires the support by all partners in the workplace.

*The Act requires that employers implement the employment equity plan in consultation with, and the collaboration of, employee representatives (which includes bargaining agents). Please refer to **Guideline 3: Collaboration and Consultation**, for further information in this regard.*

While one cannot over-generalize in this area – what will constitute reasonable efforts will vary from situation to situation -- some of the relevant considerations include:

- the degree to which various components of the plan have been implemented according to schedule;
- an indication of ongoing senior-level support, on the part of both the employer and union, for employment equity generally and, in particular, for implementation of all elements of the plan;

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- the setting up of a joint labour-management committee or forum;
- the establishment of clear lines of responsibility and accountability mechanisms for implementation;
- the devotion of adequate financial and human resources to facilitate implementation of each element of the plan;
- utilization of the expertise of employees – including those who are members of designated groups -- and external sources, such as HRDC Regional Workplace Equity Officers, community and advocacy organizations, employer associations, regional and national labour federations, government departments and agencies, and consulting firms; and
- the establishment of regular review mechanisms to ensure that, as much as possible, time frames are adhered to and goals are met.

*A listing of HRDC Regional Workplace Equity Officers is contained under the tab entitled “**Reference Documents**” at the back of these Guidelines.*

*For further information please refer to **Guideline 9: Monitoring, Review, and Revision.***

Full attainment of a plan’s qualitative and quantitative goals can be taken as evidence that all reasonable efforts have, in fact, been made, assuming the sufficiency of the plan in the first instance. Where goals have been missed, the employer should be able to show that this was the result of factors beyond its control; that is, all reasonable efforts to implement the plan, were made but the stated objectives were not achieved because of extenuating circumstances.

Monitoring Implementation Of The Plan

Monitoring the implementation of the plan on a regular basis is essential to its successful implementation, and is key in achieving reasonable progress towards employment equity. This area is the subject of a separate Guideline, and will not be dealt with here.

*For further information, please refer to **Guideline 9: Monitoring, Review and Revision.***

What The Employer Is Not Required To Do

While the full implementation of employment equity is the central purpose of the *Employment Equity Act*, there are limits to what the employer is required to do to achieve this purpose. In particular, the *Act* makes it clear that employment equity need not result in:

- undue hardship to the employer, which is most often associated with insupportable costs but may also stem from factors such as a substantial disruption of operations or a precipitous decline in productivity;
- the hiring or promotion of any individual who is not qualified to do the job in question (hiring and promotion goals, after all, reflect qualifications and eligibility); or
- the creation of any new position in the workforce.

The *Act* also prohibits directions of the Canadian Human Rights Commission or orders of the Employment Equity Review Tribunal that would produce any of the outcomes listed above; impose a quota; or establish hiring and promotion goals that do not take into account under-representation, availability, and expected turnover, growth and reduction in the workforce.



Special Guideline: Application of Section 7

*This Guideline applies ONLY to employers
operating in federal jurisdiction which
exist primarily to promote the interest of
ABORIGINAL PEOPLES*



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Special Guideline is intended to provide information to employers in federal jurisdiction who are engaged primarily in promoting or serving the interests of Aboriginal peoples. Normally this will mean Band Councils operating on Indian reserves. It is intended to clarify the intent and meaning of section 7 of the *Employment Equity Act* regarding the employment of Aboriginal peoples by those employers. It does not apply to employers who are not engaged primarily in serving or promoting the interests of Aboriginal peoples.

Guidelines provide general direction and practical pointers which reflect best practices. They are not, however, a template: readers should consider the specific circumstances of their own organizations as they use the Guidelines. Other documents to consult include the *Act* and *Regulations*, as well as documents available from the Canadian Human Rights Commission (CHRC) relating to the audit criteria and audit framework, and the CHRC policy statement on Aboriginal Employment Preferences.

PART A: LEGAL FRAMEWORK

Section 7 of the *Act* applies to private sector employers engaged primarily in promoting or serving the interests of Aboriginal peoples.

This provision was intended primarily to address the situation of Band Councils on Indian reserves, acting as employers.

Such employers may give preference to Aboriginal peoples, or employ only Aboriginal peoples.

However, this must not constitute a discriminatory practice under the *Canadian Human Rights Act*.

PART B: PRACTICAL APPLICATION

Purpose Of Section 7

The objective of section 7 of the *Employment Equity Act* is to ensure that employers and organizations whose main purpose is to advance the interests of Aboriginal peoples are not unduly restricted from doing so by certain requirements of the *Employment Equity Act*.

Section 7 allows employers under certain conditions to give preference to or to hire only Aboriginal employees. It does not exempt them from other requirements of the *Employment Equity Act*, however, such as the requirement to hire Aboriginal women and Aboriginal persons with disabilities.

This provision reflects the special status of Aboriginal peoples as well as the reality that, by virtually every measure, Aboriginal peoples are among the most disadvantaged of Canadians.

Section 7 also ensures consistency with special programs to address disadvantage permitted by section 16 of the *Canadian Human Rights Act*

Section 7 of the *Employment Equity Act* was included primarily to address the situation of Band Councils on Indian reserves acting as employers. Such Indian Band Councils, if they employ 100 or more employees in connection with federally-regulated activities, are subject to the *Employment Equity Act*.

Other federally-regulated organizations which meet the eligibility criteria discussed on page 4 of this Special Guideline may also benefit from this exemption.

The provision is consistent with the Government's commitment to give greater autonomy to Aboriginal communities, and to allow Aboriginal peoples to assume greater control over decision-making that affects their communities.

Why Only Aboriginal Organizations?

Section 7 focuses only on organizations which exist to promote the interests of Aboriginal peoples. There is no corresponding provision relating to the other three designated groups. It should be noted that organizations

which exist to serve the interests of women, persons with disabilities and members of visible minorities by and large fall under provincial jurisdiction. Many provincial human rights codes have provisions which allow for employment preferences in such situations.

Even among those organizations which exist to further the interests of Aboriginal peoples, many also fall under provincial jurisdiction.

Which Employers Are Covered By Section 7?

Section 7 applies to any private sector employer which operates in federal jurisdiction, employs 100 or more employees in connection with a federally-regulated activity, and whose primary purpose is to serve the interests of Aboriginal communities and peoples or to promote their interests in the larger society.

Band Councils on Indian Reserves

For the most part, this section is intended to apply to certain Band Councils operating on Indian reserves. However, the *Act* does not restrict the application to Band Councils alone.

See pages 4-5 for a discussion of the criteria which apply to employers besides Band Councils.

As noted above, not all organizations which exist to promote or serve the interests of Aboriginal peoples are in federal jurisdiction. For example, certain on-reserve manufacturing operations controlled by Aboriginal people have been found by the courts to be in provincial jurisdiction.¹ As well, off-reserve social service organizations to promote the economic betterment of non-status Indians and Metis have been found to operate in provincial jurisdiction.²

It should be noted that a Band Council is only subject to the *Employment Equity Act* if it has 100 or more employees who are employed in connection with a federally-regulated activity. In other words, it may have 100 or more employees, but it would only be subject to the *Act* if at least 100 of those employees

¹ *Four B Manufacturing Ltd. v. United Garment Workers of America*, [1980] 1 S.C.R. 1031.

² *Ontario Public Service Employees Union v. Ontario Métis and Non-Status Indian Association et al.*, [1980] 3 Can.L.R.B.R. 328 (Ontario Labour Relations Board).

were engaged in federally-regulated activities.

How can one determine whether the activities in question are federally- or provincially-regulated? Jurisdictional issues with respect to Aboriginal organizations are quite complex. They must be dealt with on a case-by-case basis. A few general principles will usually apply, however.

Activities on a reserve operated by a Band Council will normally fall under federal jurisdiction where those activities involve the functions associated with **governance**. This would include the operation, management or administration of a local government, or the provision of services to local residents or performance of other governance functions by that Band Council. Such activities might include the administration of education, housing, or public works, or the maintenance of schools, roads, sanitation and garbage collection.

Other Employers

As has already been mentioned, the application of section 7 is not restricted to Band Councils alone.

Federally-regulated activities for the private sector in general, for the purposes of the *Employment Equity Act*, are those set out in section 2 of the *Canada Labour Code*. These activities include *any work, undertaking or business that is within the legislative authority of Parliament*. Section 2 of the *Canada Labour Code* provides a non-exhaustive list of particular activities that are within the legislative authority of Parliament, including banks, telecommunications, inter-provincial and international rail, air, road and water transport.

A private sector employer engaged in any of these federally-regulated activities may also benefit from the exemption granted by section 7 provided all the criteria set out below are met:

- the organization is engaged in promoting or serving the interests of Aboriginal peoples;
- the organization employs 100 or more employees

in connection with a federally-regulated activity;

- the interests of Aboriginal peoples being served relate to the well-being of the larger Aboriginal society, not merely the financial interests of certain individuals;
- promoting or serving the interests of Aboriginal peoples is the primary goal of the employer, not simply an incidental consideration; and
- employment practices engaged in, further to section 7, do not constitute discriminatory practices under the *Canadian Human Rights Act*

Any commercial business seeking to benefit from the exemption provided in section 7 would normally be owned and operated by Aboriginal peoples. In this regard, control by a Band Council, rather than by individuals, would tend to indicate that it exists for the benefit of the larger Aboriginal society.

What Are Employers Covered By Section 7 Permitted To Do?

Employers covered by section 7 of the *Act* do not receive a blanket exemption from the Act. They are, however, allowed to give employment preference to Aboriginal peoples or to employ only Aboriginal peoples, subject to the limits discussed below in this guideline.

What does this mean in practice?

Employers to whom section 7 applies should survey their workforces and file reports annually with the Minister of Labour reporting on all four designated groups, like any other employer.

However, aside from this requirement, such employers would be relieved of any further activities relating to non-Aboriginal persons.

This means that such an employer's workforce analysis, employment systems review and employment equity plan are only required to address two designated groups, women and persons with

disabilities. In both cases, the requirements of the legislation could be met through the hiring of Aboriginal women and Aboriginal persons with disabilities only. However, there would be no requirement to address members of visible minorities.

In addition, the employer would not be obliged to undertake any special activities regarding Aboriginal persons in general as a separate designated group. The employer would not need to improve representation of Aboriginal peoples overall, since representation of Aboriginal peoples in the employer's workforce would in all likelihood be well above what is required for other private sector employers under the *Act*. An employment systems review is not required where there is no under-representation in any given occupational group, nor is the setting of numerical goals required to improve representation.

It is important to note, however, that all obligations under the *Act* relating to women and persons with disabilities would continue to apply to employers covered under section 7 of the *Act*. In practice, employers could fulfill these obligations through activities relating only to Aboriginal women and Aboriginal persons with disabilities.

Workforce Analysis

In terms of workforce analysis requirements and goal-setting, however, it should be noted that the external representation estimates for women and persons with disabilities will not be based on their numbers in the Canadian workforce, but rather on their representation within the relevant Aboriginal population.

In other words, for the purposes of the workforce analysis (which leads to all subsequent steps, since it shows where under-representation exists), the employer will use tailor-made estimates of the external representation of Aboriginal women and Aboriginal persons with disabilities, taking into account the usual factors of qualifications, eligibility, and geography.

If the employer is a Band Council operating on a reserve and if it is reasonable to recruit from that reserve alone, the employer can construct tailor-made

*For further information about the workforce analysis in general, please refer to **Guideline 5: Workforce Analysis**.*

Employers are referred to sections 6(1)(b) and 6(2) of the Employment Equity Regulations for further information regarding tailor-made estimates of the external representation of Aboriginal women and Aboriginal persons with disabilities..

estimates of external representation based on the labour pool of women and persons with disabilities on that particular reserve. These estimates would then be used as the benchmark to compare the representation of women and persons with disabilities in the employer's workforce to the external workforce.

Example

As an illustration, we can consider a Band Council, with more than 100 employees, that operates schools and a hospital on a reserve. As these activities form part of a "governance" function – providing services to residents of the reserve -- these activities would normally fall under federal jurisdiction. Existing primarily to promote the interests of Aboriginal people, such an employer would be covered by section 7, and would therefore be permitted to employ only Aboriginal employees for the requirements of the *Employment Equity Act*. Moreover, it would not be required to take any other step related to members of visible minorities, beyond the workforce survey and reporting requirements.

Because the workforce is comprised nearly exclusively of Aboriginal persons, there would be no practical need to undertake a detailed workforce analysis for Aboriginal peoples overall, in order to reveal areas of under-representation. With no under-representation of Aboriginal peoples, there would be no need to undertake an employment systems review or to set numerical goals with a view to increasing Aboriginal representation.

However, the employer would have to comply with all obligations under the legislation related to persons with disabilities and women. It would be expected to look at its internal representation of Aboriginal women and Aboriginal persons with disabilities, to compare these figures with expected representation – based on appropriate estimates of external representation – and to identify barriers and design an employment equity plan wherever under-representation is found. In other words, it would be expected to carry out the same analyses and implement the same type of employment equity measures as any other employer covered by the *Act* – the only difference (though it is a critical

one) being that the employment equity program is designed only for Aboriginal women and Aboriginal persons with disabilities.



*Guideline 9:
Monitoring, Review
and Revision of
Employment Equity
Plan*



Human Resources
Development Canada

Labour Program

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INTRODUCTION

This Guideline is intended to help employers, employee representatives, unions, designated group members, and other interested parties understand how to monitor progress in achieving employment equity and how to review and revise the organization's employment equity plan.

The main focus of monitoring and review is to determine to what extent the employment equity plan is being implemented and to determine if the activities in the plan are effective. The revision of the plan is then based on these findings.

Guidelines provide general direction and practical pointers that reflect best practices. They are not, however, a template: readers should consider the circumstances in their organizations as they use the Guidelines. Other documents to consult include the *Act and Regulations*, the related Guidelines such as those on the Employment Equity Plan, as well as documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

Monitoring Requirements

Section 12 of the *Act* states that every employer shall:

- a) make all reasonable efforts to implement its employment equity plan; and
- b) monitor implementation of its plan on a regular basis to assess whether reasonable progress toward implementing employment equity is being made.

This means that every employer must try to ensure that every activity included in the employment equity plan is being implemented as intended and as scheduled. This is done by regularly assessing the progress being made with respect to all of the activities in the plan.

Review and Revision Requirements

Section 13 of the *Act* states that every employer shall, at least once during the period covered by the short term numerical goals review its employment equity plan and revise it by:

- a) updating numerical goals, taking into account the factors referred to in subsection 10(2) of the *Act*; and
- b) making any other changes that are necessary as a result of an assessment of reasonable progress or as a result of changing circumstances.

“Short-term” means a period of not less than one year and not more than three years.

The factors to be taken into account in updating numerical goals include:

See Section 10 (2) of the Employment Equity Act.

- the degree of underrepresentation of designated groups in each occupational group;
- the availability of qualified people in designated groups within the employer’s workforce and the Canadian workforce;
- the anticipated growth or reduction of the employer’s workforce during the period covered by the numerical goals;
- the anticipated turnover during the same period; and
- any other factor which may be prescribed.

This means that every employer must examine the organisation’s numerical goals and determine whether they need to be changed. If so, employers then revise them as appropriate, taking into account the factors listed above.

Section 13 of the *Act* also means that employers must review the effectiveness of the activities to assess whether the activities are providing the anticipated results. If these results are not being achieved, then employers must revise the plan, with the goals of achieving the desired outcomes.

Section 15(1)(b) of the *Act* states that every employer shall consult with its employees' representatives by inviting the representatives to provide their views concerning the preparation, implementation and revision of the employer's employment equity plan.

Section 15(2) also states that where employees are represented by a bargaining agent, the bargaining agent shall participate in the consultation.

Section 15(3) continues, stating that every employer and its employees' representatives shall collaborate in the preparation, implementation and revision of the employer's employment equity plan.

Therefore, employers should ask the advice and work with employee representatives who include bargaining agents in a unionised workplace, on the revision of the plan.

PART B: PRACTICAL APPLICATION

Purpose of Monitoring, Review and Revision

The purpose of monitoring the plan is to:

- follow-up on the responsibilities and accountabilities of individuals and groups in the organization to ensure that they are implementing the various components of the plan. (Many activities in an employment equity plan are interlinked; success or failure for one component can affect others.);
- demonstrate that the organisation is making a reasonable effort to implement the plan, according to the plan's goals and timetables. ("Reasonable" is not defined in law. It will vary according to the circumstances of an individual organization. However, it is implicit that the effort monitored here will be consistent with the activities and timetables set out in the plan.); and
- ensure that reasonable progress in implementing the activities set out in the plan is being made.

The purpose of the review and revision is to:

- identify activities that work and those which don't. (Some activities will generate results and others will not.);
- outline new or better ways of achieving results;
- establish new or higher numerical goals as circumstances require. Changes in occupational groups, numbers of employees, growth or reduction of units, or the release of new census data, all may mean changes in employment equity goals.); and
- set out new, or improved responsibilities and

accountabilities. These are critical to ongoing monitoring of activities and results.

Monitoring

Setting up the monitoring system

The first step in setting up the monitoring system is to decide who is responsible for this part of the employment equity process. The overall responsibility and accountability for monitoring will rest with senior management.

However, staff assigned to employment equity and members of the employment equity committee, if one exists, are likely to have the day-to-day responsibilities of ensuring monitoring occurs by playing the co-ordination role. They ensure that an effective monitoring system has been developed and implemented, that findings are communicated to senior management and others who require them, and that management acts to remedy any problems that have been identified. They could also assign responsibility to others who collect and analyse information on monitoring and evaluation.

Those who actually collect and analyse this information may work in various areas, including human resources, systems, management, unions, the employment equity committee and employment equity staff. The responsibilities of staff who carry out monitoring activities will include activities such as:

- designing and implementing the statistical monitoring systems that will generate the information on changes in the representation of designated groups in various occupational categories and in various departments of the organisation;
- determining if implementation of plan initiatives have been implemented and if not, why; and
- if appropriate individuals have been held

accountable.

The monitoring system should be established in conjunction with the start-up of the employment equity plan. During the start-up phase of employment equity programming there will be considerable emphasis on the initiating process as well as monitoring early results. For example, in the plan, there may be a requirement for human resources to try a new recruitment strategy. The various steps in setting up that strategy and implementing it may be monitored to see if they are happening as planned.

Once the organisation has implemented its employment equity programming, the emphasis will shift more to reviewing and revising. This means examining what works and what doesn't, what longer term results can be expected and how the organisation can improve its employment equity outcomes. For instance, the new recruitment strategy, referred to above, may have had a short lived effect. The turn-over of those recruited by this method may have been high. Therefore, a new approach is needed to attract and retain staff and produce better longer term results.

Setting up the monitoring system requires thinking about all of the components of the employment equity plan that need to be monitored, and determining the most reasonable and effective approach to doing so. The legislated requirement to have short and long term goals means that monitoring must be timely and ongoing. Whoever is responsible for monitoring the implementation of a specific project should monitor its individual components and not wait until the deadline for the completion of the entire project.

If employers do not develop an effective process for monitoring their employment equity program, they will seldom be able to thoroughly review the program later on.

Effectiveness of the monitoring system

A good employment equity monitoring system:

1. measures the extent to which the key processes/activities set out in the plan are being implemented;
2. addresses short, medium and long term goals with measurement at appropriate intervals;
3. is relatively easy to maintain, once established;
4. is adequately resourced;
5. is integrated with other organizational audit tools where appropriate;
6. feeds into accountability mechanisms;
7. is meaningful to those who need to use the results;
8. respects privacy;
9. is flexible in terms of dealing with program changes; and
10. provides an indication of individual, group and overall organizational changes at various points in time, which may influence the implementation of the plan.

Components of a monitoring system

Monitoring the employment equity plan

The *Act* requires employers to monitor their employment equity plans to determine whether it is enabling the organisation to make reasonable progress towards implementing employment equity.

The plan must include, at a minimum, the following elements and each element must be monitored:

- positive policies and practices to be instituted in the short term for hiring, training, promoting and retaining of the designated group members and making reasonable accommodations;
- measures to eliminate barriers identified by the employment systems review;
- a timetable for the first two items;
- short-term numerical goals; and
- longer-term goals for increasing the representation of persons in designated groups.

Monitoring positive policies and practices:

Positive policies and practices may include such things as a special recruitment program for Aboriginal persons if they are significantly underrepresented in the organisation or a special training program for women for senior management positions. Positive policies and practices are usually of a short-term duration to help create an immediate increase in the representation of an underrepresented group. These positive policies and practices need to be monitored on an ongoing basis to ensure all necessary steps are taken to ensure their full implementation.

Each step in the implementation of such a positive policy or practice should be monitored to pinpoint at exactly what stage problems occur. If the goal of the positive policy or practice is to increase the representation of the designated group in question, the goals will be monitored and if they are not reached, a close examination of this activity will occur during the review and revision of the plan.

Monitoring of the elimination of barriers:

As is true for monitoring positive policies and practices, monitoring the elimination of barriers created by existing policies and practices is a relatively simple exercise. It involves determining if the existing policy or practice has indeed been eliminated, modified or replaced according to the employment equity plan and its timetable. The new policy or practice will be ongoing and part of the overall human resource policies and practices of the organisation.

Monitoring the timetable:

The employment equity plan sets out a timetable for policies and practices and eliminating barriers. Monitoring includes ensuring that the activities are undertaken within the timetable set out in the plan.

The reasons for any delay should be examined and fully justified by those responsible for the implementation of various activities of the plan. Once the delays are explained, new deadlines should be set and the plan should be revised accordingly.

Monitoring the short-term numerical goals:

Employers must monitor whether they are achieving the short-term numerical goals set out in the plan for hiring and promoting designated group members.

Changes in the representation of designated groups provide an indication over time of how successful various activities aimed at increasing representation have been. These changes show whether or not progress towards a representative workforce in the short-term is reasonable, whether it is being achieved with some designated groups but not with others, and whether it is happening in some occupational groups and not others. They also indicate whether various organisational branches and their managers are on-target.

Monitoring of short-term numerical goals may mean instituting an improved Human Resource Information System(HRIS). The existing system may be augmented to include employment equity data with linkages to other data bases. Where a computerised HRIS does not exist it will be necessary to develop procedures for tracking new hires, changes in the job classification and termination information. These procedures should be developed at the beginning of the program. The baseline workforce survey data, updated with current data, provides ongoing monitoring on occupational representation.

Monitoring representation focuses on changes in overall representation, by occupational group, and by salary grid for each of the designated groups. Employers may wish to monitor changes by organizational unit such as department or branch. This will help identify exactly where change is occurring and at what rate.

If an organisation is not meeting its short-term numerical goals, the employer will need to examine them closely to determine reasons why they are not being effective during the review and revision of the plan.

Monitoring the longer-term goals:

Longer-term goals lay out the organization's objectives over a period of more than three years (there is no maximum time period) with respect to increasing the representation of underrepresented designated groups in the workforce. These objectives could include things like providing a child care facility for all employees or making buildings physically accessible for persons with disabilities.

Monitoring of major projects such as these would involve ensuring that the steps to achieve the goals have been taken according to schedule. If the steps are not being followed, the scheduling of the longer-term goals would need to be reviewed and revised.

If the longer-term goals include numerical goals (this is not obligatory under the *Act*), monitoring would involve ensuring that the short-term numerical goals are being reached according to schedule to ensure the eventual attainment of the longer-term numerical goals.

Monitoring the employment equity environment

Structural change:

It is important to monitor how changes in organisational structure affect the objectives of the employment equity plan. Downsizing, closing operations, changes to the types of jobs or the status of people in the organization can have significant effects. The monitoring strategy here would require examining the effects of changes in organizational structure on the representation of designated groups. Monitoring structural change will impact on the review and revision of the employment equity plan as changing circumstances are to be taken into account.

*See Section 13(b) of the
Employment Equity Act*

The monitoring system here may use existing information from the HRIS. In the case of downsizing, a preliminary examination of the impact of the layoff policy could focus on designated groups. Depending on union agreements it may be possible to soften the impact with a proportional layoff strategy for different job groups especially if there is a concentration of any of the designated groups in some occupations.

The impact of structural change will be reflected in statistics which show possible reductions in representation of designated groups and disproportionate changes in overall representation or representation by status (e.g. full-time, part-time). Structural change that involves growth in the number of employees should reflect at a minimum a proportional improvement in the representation of designated groups.

Changes in climate and values:

Changes in climate and values may be critical in promoting an employment equity-friendly workplace. Monitoring such changes can be useful in both pinpointing any problems they may cause in relation to representation and in determining how to solve them.

An organisation's climate and values can affect things like who gets ahead in the organization, who gets developmental opportunities, and who gets assigned less favourable work. The examination requires carefully analysing of the types of workplace behaviour or individuals who are rewarded; the public persona of the organization as expressed in matters such as advertising and community involvement; the emphasis on different extracurricular events like season tickets to hockey or football, employer team sports and cocktail parties.

Attitude surveys are a good way of looking at how employees feel about an organisation's climate and values. Analysing the attitudes of designated group employees is useful in identifying how the different policies and practices of the organization affect various groups. In addition to examining climate and values, attitude surveys can focus on topics such as interest in different work arrangements, different benefit packages, compensation issues. Such surveys are often carried out as part of the employment systems review to provide base line data on employee attitudes. Once the employment equity program has been in operation for a few years, the survey can be redone to determine whether any change in attitudes has occurred amongst employees.

Positive changes in climate also may be reflected in memberships of designated groups on informal and formal committees, more diverse non-work activities, (e.g. social committees) and publications which better reflect ethnocultural diversity. These can be monitored through periodic special studies.

Monitoring the performance of managers

The employer's responsibility for employment equity program activities is carried out by individual managers. The importance of this responsibility is reflected in whether or not managers are held accountable for results. This accountability can be reinforced through the performance management system.

The employment equity plan should assign specific responsibilities to managers. The monitoring system should ensure that managers actually carry them out. For instance, they may be required to recruit in a certain way or to provide training to all employees. Monitoring may involve spot audits of different competitions, and analysing changes in policies and practices in a particular branch or organisational unit.

The impact of the various activities, policies and practices should be reflected in representation statistics, removal of barriers, and a positive work environment. Building accountability for employment equity into the employer's performance management system demonstrates that employment equity is a valued and essential function. Poor equity performance should be the subject of remedial counselling and follow-up as well as impact the reward outcome. Good equity performance should influence whatever positive rewards would normally arise.

The monitoring schedule

The scheduling of monitoring activities will depend on a number of factors: (i) the timing set out in the plan; (ii) the reasonable timeframe in which to anticipate noticeable change; and, (iii) the normal monitoring cycle involving such mechanisms as performance management, financial or productivity reports, the operational planning cycle, and annual reports.

Monitoring must be timely. Some monitoring components may take place quarterly such as assessing hiring and termination statistics; others may be at various intervals depending on the activities involved. Reporting requirements to Human Resources Development Canada will influence some monitoring schedules and not others.

Some examples of monitoring timeframes are:

- representational change annually over time;
- changes in hiring and promotion quarterly in large organizations; less frequently in smaller ones;
- effects of changes in policy and practice as indicated in the plan goals over time;
- effects of positive measures should be looked at over time;
- management performance-- annually, or more frequently;
- structural change annually and as required; and
- changes in climate and values - every three years.

Review And Revision Of The Plan

The information obtained in the monitoring process is used to review the effectiveness of the plan and to provide direction in revising it.

The *Employment Equity Act* states that employers shall review and revise their employment equity plan at least once during the period covered by the short-term goals.

Practically, some aspects of the plan will lend themselves to more frequent monitoring, while others will require a longer timeframe to produce results.

The important factor for the employer is that the review and revision should be timely. Activities that are not producing results should not continue for an extended period of time—they siphon off resources which could be better applied elsewhere.

The review will compare projected and actual results. Where actual results fall short of projected results, the review will determine why. Some areas may be identified for a more detailed review, e.g., a special study on promotions and qualifications of designated and non-designated groups. The review could also include examining what accommodation measures seem to produce real results.

The new plan which results from this review will be the product of experience, and it will also reflect new circumstances, availability statistics, and any changes in the environment.

The review focus

The review focuses on—and tries to answer—a number of key questions:

- Have the positive policies relating to short-term hiring, training, promotion, and retention of persons from designated groups been effective? Has accommodation had an effect?
- If not, why? If for some groups and not others, which ones and why?

- Has removing barriers affected the outcomes? For example, have changes to the recruitment strategy resulted in more designated group candidates? Have changes in the selection strategy resulted in more hires? Have changes in training access attracted more designated groups in programs where they were previously absent?
- Where has the expected change occurred or not occurred? What factors appear to have contributed in each situation?
- How much progress has the organisation made towards achieving the longer-term representation goals? Is it reasonable? Does the employment equity plan appear to create the desirable outcomes?
- Will the level of short-term numerical change produce the needed long-term result?
- Have there been positive changes in the climate and values of the organization in support of equity?

The answers to these questions will identify where and how well the plan is working. It is important to keep in mind that even where results are in accordance with the plan, it may be necessary to make changes. For example, the organisation may have met its short-term goals. However, the goals may need to change because availability of designated groups may have changed. The revision to the plan will be based on these outcomes and the analyses will identify new directions.

Revising the plan

Revising the plan depends upon the outcome of the monitoring and review of the plan.

For instance, if the positive policies that are part of the plan have not been implemented and are still seen as appropriate, the revised plan should restate them with a new and better accountability mechanism and earlier follow-up.

If the positive policies have not been effective, they will need to be revised. For example, a developmental program designed to prepare more women and members of visible minorities for promotion to senior level jobs would have to be revised if it proved effective for women but not for members of visible minorities. Similarly, it would have to be changed if promotion rates were in fact lower over time for this group and those who were promoted did not perform well.

This scenario presents a number of potential areas of concern. Was the developmental program appropriate for this group? Was the issue of lower promotion rates really one of development of the group? Are there other policies or practices which could change to produce a more successful result? Is the lack of success in the higher level job related to the lack of support measures or different assessment standards?

The review will have answered the above questions. Depending on the answers, the revised plan could incorporate an executive identification and development program combined with a mentorship arrangement for visible minority candidates. The mentorship program could include a contract which outlines roles, responsibilities and performance indicators on both sides. Short-term promotional goals would be revised.

Each plan element should be subjected to the type of analysis set out above, new directions identified, and new plan requirements developed. If an organisation does not meet its employment equity plan objectives, it is extremely important to determine why. The precision of the problem-solving and the relevance of the revised plan will contribute to future success. Where an organisation has met its objectives for employment equity, but where circumstances have changed, new elements may have to be inserted in the plan.

The revised plan, like the original, will include positive policies, activities to remove barriers, and short-term and long-term representation goals. Timelines will be realistic. Accountability mechanisms may need to be strengthened, communication improved, new organizational realities recognized, and new implementation processes put in place. Employment equity plans and programs, like the employer and the society in which they exist, must evolve in response to a changing environment.



Guideline 10: Record Keeping



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INTRODUCTION

This Guideline is intended to help employers understand the requirements of the *Employment Equity Act* and *Regulations* relating to developing and retaining certain records with respect to the implementation of employment equity. This Guideline clarifies what is involved in keeping these records and will help organizations to meet the requirements of the legislation.

The required records pertain to data on individual employees, the workforce survey and analysis, the employment systems review, the employment equity plan, monitoring the implementation of the plan, and communication to employees about employment equity. Reference should be made to the Guidelines addressing these areas. In addition, Guideline 11 on the Employment Equity Report, also covers data requirements. Organizations also should consult the *Act*, the *Regulations* and documents available from the Canadian Human Rights Commission (CHRC) relating to the audit process.

PART A: LEGAL FRAMEWORK

Legal Requirements

Section 17 of the *Act* states that all employers covered by the *Employment Equity Act* must establish and maintain employment equity records with respect to:

- the employer's workforce;
- the employer's employment equity plan; and
- the implementation of employment equity by the employer.

Section 11 of the *Regulations* provides more details on what is required:

- a) a record of each employee's designated group membership, if any;
- b) a record of each employee's occupational group classification;
- c) a record of each employee's salary and salary increases;

Keeping Records

- d) a record of each employee's promotions;
- e) a sample copy of the workforce survey questionnaire that employees received and any other information the employer used in conducting its workforce analysis;
- f) the summary of the results of the workforce analysis; *See section 7 of the Regulations.*
- g) a description of the activities the employer carried out in conducting its employment systems review;
- h) the employer's employment equity plan:
- i) a record of the employer's monitoring of the implementation of its employment equity plan; and *See section 12(b) of the Act regarding monitoring.*
- j) a record of activities undertaken by the employer and information provided to employees in accordance with section 14 of the *Act*. *See section 14 of the Act regarding information to employees.*

Other Records

Where a private sector employer has used specially designed computer software—such as the Employment Equity Computerized Reporting System (EECRS)—to generate its annual employment equity report, the employer must maintain a copy of the data base or other computer record used to generate the report for two years following the year in respect of which the report is filed. For example, the computer records for the report filed in 1998 for reporting year 1997 must be kept until Dec. 31, 1999.

See section 12 (3) of the Regulations.

Retention Timeframes

The *Regulations* stipulate that employee data [(a) to (d) above], in the case of terminated employees, be kept for two years following the date of their termination. The other records [(e) to (j) above] must be kept for two years following the period covered by the employment equity plan to which the records relate.

See section 12(1) of the Regulations.

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In other words, if the plan covers a period of one year, the records (e) to (j) must be kept for three years. If the plan covers three years, the records (e) to (j) must be kept for five years.

PART B: PRACTICAL APPLICATION

Purpose of Keeping Records

The main purpose of the records is three fold:

- to help organizations to develop their employment equity plans and to monitor implementation;
- to help organizations meet the reporting requirements of the *Act*; and
- to provide data for an audit by the CHRC.

A record is any piece of information that provides details, both qualitative and numerical, about the implementation of employment equity in the employer's workforce. Records can be either in hard copy or electronic format.

Setting Up

The Regulations allow employers to use a system suited to their particular needs and circumstances. Some employers will keep all records electronically; some will keep all records in hard copy; and others will use a combination of systems.

In setting up a record-keeping system, it is important that records are orderly, accurate and up-to-date. It is also important to consider reporting requirements to HRDC each year.

Employers who have the computer capacity can link their human resource personnel data base with the employment equity data system for record-keeping purposes and to generate reports.

Confidentiality of the Data

Designated group status must be kept confidential. The *Regulations* state that the self-identification questionnaire used to collect information on designated group status must be kept confidential and will be disclosed to other people within the organization only as needed to implement employment equity. Employers who keep a signed hard copy of each self-identification questionnaire should lock the questionnaires in a cabinet to which only a few people have access. The signed questionnaires should not be stored in human resource files to which most people in the human resources department usually have access.

See section 9(3) of the Act.

See section 3(6)(b) of the Regulations.

Employers who keep information on designated group status in electronic format should store this information on a separate protected field in an employment equity data base, accessible to only a few people. Numerical codes may be used to identify each employee.

Responsibility

It is important to assign responsibility for establishing and maintaining each of the required records. Responsibility may rest with the senior executive responsible for employment equity, the employment equity co-ordinator, and/or another appointed individual. The person responsible for maintaining personal information on the designated group status of individuals will have a special responsibility for protecting the confidentiality of that data.

Required Records

(a) Designated group membership

A record of each employee's designated group status, if any, is required. Employers do not have to keep a hard copy of the signed self-identification questionnaire for each employee. Employers may keep this information in electronic format.

This record will indicate whether or not an employee is female, an Aboriginal person, a person with a disability and/or a member of a visible minority. Data for the three groups (other than women) will be acquired through voluntary employee self-identification in the workforce survey. As mentioned earlier, this information must be kept confidential. Information on gender is obtained through other employer records.

It is possible that not all designated group employees will choose to identify themselves as a member of one or more of the designated groups. While the employer is required to encourage self-identification, designated group data can only be recorded and reported in the annual employment equity report for those employees who do choose to self-identify.

Designated group information will be compiled and analysed as part of the workforce analysis. However, individual self-identification data must be retained separately.

It should be noted that there is a requirement to retain the designated group information on terminated employees for two years after they leave the organization. While the information should be removed from the active data base and overall survey results, it must be retained in the organization for at least two years. Data for current employees will be kept indefinitely and continuously updated.

(b) Occupational group classification

The first column of Schedule II of the *Regulations* lists the 14 occupational groups to be used in recording and reporting employment equity data for private sector employers, Crown corporations and some federal agencies. These groups are:

1. Senior Managers
2. Middle and other Managers
3. Professionals
4. Semi-Professionals and Technicians
5. Supervisors
6. Supervisors: Crafts and Trades
7. Administrative and Senior Clerical Personnel
8. Skilled Sales and Service Personnel
9. Skilled Crafts and Trades Workers
10. Clerical Personnel
11. Intermediate Sales and Service Personnel
12. Semi-Skilled Manual Workers
13. Other Sales and Service Personnel
14. Other Manual Workers

The second column in Schedule II lists the occupational unit groups that fall within each of the main groups listed above. The third column identifies the National Occupational Classification (NOC) code for each of the unit groups.

The following illustrates a small part of Schedule II:

Column I	Column II	Column III
<u>Occupational Group</u>	<u>Occupational Unit Group</u>	<u>NOC Code</u>
Professional Group	Chemists	2112
	Civil Engineers	2131
	Dentists	3113
	Social Workers	4152
	...and many others	

Please refer to Schedule II of the *Regulations* for a complete list.

Employers covered by the *Act* must record each employee's occupation as belonging to one of the fourteen groups listed above. However, many employers choose to record both the employee's main occupational group and the unit group (for example, employee x is a Civil Engineer and, therefore, a Professional). This is useful when undertaking a detailed workforce analysis.

See **Guideline 5: Workforce Analysis**

Occupational group information, like other records, must be kept up to date (for example, they must be updated when employees leave or change jobs).

There is a requirement to retain the occupational group information of terminated employees for two years after they leave. However, it should be retained separately from the current employee data base to facilitate analysis and monitoring.

Records for non-terminated employees must be kept indefinitely. The record will show each of the occupations in which the employee has worked while employed for that organization. This information will provide the employer with a means to track the progress of individual employees and to develop a career path for them.

(c) Salary and salary increases

The *Regulations* require employers to establish and to maintain a record of each employee's current salary and salary increases that have occurred. Salary data is also required for reporting purposes.

See Guideline 11: Employment Equity Report

The *Regulations* define salary for private sector employers as remuneration paid for work performed by an employee in the form of salary, wages, commission, tips, bonuses and piece-rate payments, rounded to the nearest dollar, but does not include overtime wages. An annualized salary is required for reporting purposes and enables comparison for monitoring purposes. For example, if an employee left in July of any given year, the salary recorded would be what that person would have earned if she or he had worked the full year.

See section 26(2) of the Regulations to determine when annualization should occur.

Employers must retain records of salary for terminated employees for two years after the date of termination. Employers must also report on salaries for the previous year. Records for current employees must be kept indefinitely. In this way, it is possible to assess both the progress made by individual designated group members, and the success of the employment equity plan.

(d) Promotions

Employers must keep a record of the promotions for each employee. Section 1(2) of the *Regulations* defines promotion in the private sector as moving an employee permanently from one position or job in the employer's organization to another position or job that:

- i. has a higher salary or higher salary range than the salary or salary range of the position or job that the employee previously held, and
- ii. ranks higher in the organizational hierarchy of the employer,

and includes a reclassification of the employee's position or job where the reclassified position or job meets the requirements of subparagraphs (i) and (ii).

The reporting requirements demand that employees be reported only as a member of the occupational group to which or within which they have been last promoted. However, the employer should consider keeping a record of the occupational group or unit group from which the employee was promoted. Such a record over time will facilitate analysing promotion patterns and identifying potential barriers to promotion.

As with the other records on individual employees, there is a requirement to retain the promotion record of terminated employees for two years after the employee leaves. For current employees, records must be kept indefinitely.

(e) *Workforce survey and analysis*

Employers must keep both a sample copy of the workforce survey questionnaire that they used to survey employees, and any other information used in carrying out its workforce analysis. These items must be retained for at least two years following the period covered by the employment equity plan to which they relate.

Along with the workforce survey questionnaire, it is useful to keep a record of the communication activities relating to the survey (e.g. communication plan, letter from CEO, the agenda and overheads for information sessions, any brochure or letter and accompanying form, etc). In this way, the organization can help to demonstrate that it has made reasonable efforts to get a good response to the survey.

The employer also needs to establish and maintain any other information used in carrying out the workforce analysis.

The workforce analysis requires employers to compare representation of designated groups in each occupational group in the employer's workforce with the appropriate external workforce.

*See **Guideline 5: Workforce Analysis***

The employer must record the data used in the comparison and summarize the findings.

Records here will include:

- internal representation of designated groups by occupational group; and
- the external representation data used for comparison, its sources and how it was developed.

Additional records here may include a comparison of internal and external data by occupational unit groups, if occupational unit groups were used as the basis for the analysis.

(f) *Workforce analysis summary*

Employers must maintain a record of the summary of the results of the workforce analysis required under section 7 of the *Regulations*. The workforce analysis summary is used to prepare the employment equity plan. The record will contain a summary of findings of the comparison of internal and external data as discussed under (e) workforce survey and analysis above. The summary should indicate in what occupational groups underrepresentation occurred. This record must be retained for two years following the period covered by the employment equity plan to which the record relates. In many cases, this would mean the original records of the workforce analysis would be maintained indefinitely along with any additional records as the workforce analysis is updated.

(g) *Employment systems review*

The employer must keep a record of the activities related to carrying out the systems review and any updates that have been done. This record is to be retained for at least two years following the employment equity plan to which it relates. Like the workforce analysis summary, in many cases, this would mean that the original records of the employment systems review would be maintained indefinitely along with any additional records as the employment systems review is updated.

Documents to be retained here could include:

- the employment systems review strategy and methodology;

- any communications with employees about the review;
- the names and qualifications of those carrying out the review;
- questionnaires used in consulting with managers, staff and employee representatives as part of the review;
- a list of the policies and practices reviewed; and
- findings and recommendations of the review.

(h) *Employment equity plan*

The employment equity plan is required under the law. Employers must retain a record of the plan for at least two years after the plan has expired. In practice this means that a one year plan must be kept for three years, and a three year plan for five years. No plan need be kept for longer than five years. The *Act* requires that the plan includes:

- short-term positive policies and practices;
- short-term measures to eliminate employment related barriers;
- a timetable for implementation;
- short-term numerical goals;
- longer-term goals; and
- any other related matters, such as an explanation of the process for implementing the plan.

(i) Monitoring implementation of the plan

Employers are required to establish and maintain a record of activities relating to monitoring the implementation of its employment equity plan, undertaken in accordance with paragraph 12(b) of the *Act*. This section states that every employer shall monitor implementation of its plan on a regular basis to assess whether reasonable progress towards implementing employment equity is being made.

As with the other non-personal records, the monitoring record must be retained for two years following the employment equity plan to which it relates.

Monitoring records should describe whether the planned activities are being implemented as scheduled and explain why if they are not. The dates and timeframes of monitoring activities should be noted.

The monitoring record may contain reports or descriptions of:

- accountability for monitoring;
- monitoring activities undertaken;
- monitoring tools and processes; and
- the timing of monitoring activities.

Employers will benefit from maintaining a record of the review of the employment equity plan indicating whether the individual activities in the employer's plan are achieving the desired results. This record—although not required by law--will help the employer develop effective plans in the future.

*See **Guideline 9: Monitoring, Review and Revision.***

(j) Information to employees

Employers are required to establish and maintain a record of activities and information provided to employees in accordance with section 14 of the *Act*. This section requires every employer to provide information to its employees explaining the purpose of employment equity. It also requires employers to keep employees informed about the steps that have already been carried out or planned for implementing employment equity, and on the progress achieved.

These records must be retained for two years following the period of the employment equity plan to which the record relates.

Much of the information required will probably have already been documented in letters, memos, newsletters, minutes of meetings, agendas and notes for training seminars, etc. In compiling the record, the following are items to consider:

Activities associated with:

- communication strategy or plans;
- consultation with employee representatives;
- training sessions; and
- meetings.

Information on:

- the purposes of employment equity;
- any measures taken or planned to implement employment equity (including the employment equity plan); and
- progress made on implementing employment equity.

Records Using Computer Software

Where a private sector employer has generated an annual employment equity report as required under subsection 18(1) of the *Act* using a specially designed computer software such as the Employment Equity Computerized Reporting System (EECRS), the employer must maintain a copy of the data base or other computer record used to generate the report for two years following the year in respect of which the report is filed.

See **Guideline 11: The Employment Equity Report**

Computerized systems usually bring together the data for most reporting requirements. The employer inputs a record of each employee identifying employment status, industrial sector, occupational group, salary, location, and designated group status. New hires, promotions and terminations in the period are also entered. The system then converts the data into the required reporting formats. It should be noted that where individual designated group data is contained in the system, special efforts are required to protect confidentiality.

Other records

There are other records that an employer may wish to keep that although, not required by law, would be helpful in implementing employment equity. They include:

- training records which would provide data to determine whether designated group employees have equal access to training funds, and on the type of training they receive;
- records on consultation with employee representatives. These records will help employers prepare their annual report to HRDC, in which they are obliged to report on this matter;

- records on the steps taken to implement employment equity. These records also help employers prepare their annual report to HRDC, in which they are obliged to report on this matter as well.

PART C: INFORMATION DOCUMENTS

Summary of useful records and contents

Individual	<ul style="list-style-type: none">- Designated group membership- Date of hire- Occupational group classification- Salary and salary increases- Promotions-Terminations
Workforce Survey and Analysis	<ul style="list-style-type: none">- Workforce survey questionnaire- Workforce survey communications- Internal representation by occupational group (and possibly by unit group)- Appropriate external comparison data- Summary of comparison findings/analysis
Employment Systems Review	<ul style="list-style-type: none">- Employment systems review strategy and methodology- Communications relating to the review- Names and qualifications of those doing the review- Any questionnaires used- List of policies and practices reviewed- Findings and recommendations of review

Keeping Records

Employment Equity Plan	<ul style="list-style-type: none">- Short-term positive policies and practices- Short-term measures to eliminate barriers- Timetable for implementation- Short-term numerical goals and measures- Longer-term goals- Any other related matters
Monitoring Implementation	<ul style="list-style-type: none">- Accountability for monitoring- Monitoring activities, tools and processes- Monitoring tools and processes- Monitoring outcomes (degree and areas of progress or lack thereof)- Timing of monitoring activities
Information to Employees	<ul style="list-style-type: none">- Communication strategy or plans- Consultation with employee representatives- Training sessions- Meetings- Documented information provided on the purposes of employment equity, measures taken or planned; and progress made on implementing employment equity
Other Records	<ul style="list-style-type: none">- Data base or other computer records used to generate the employment equity report

Keeping Records

The following format is an example of one that might be used to retain individual records required under the law.

Employee name: <i>Carmen, Ceta</i> Employee #: <i>G2-45</i>						
Date of last update: <i>October 30, 1997</i>						
Designated Group Membership: <i>Confidential - in protected file</i>						
Industrial Sector:						
Current Occupational Group: <i>Professional</i>						
Current Occupational Unit Group : <i>Civil Engineers</i>						
Current Internal Classification: <i>Chief Engineer</i> Promotion: <i>Yes</i>						
Date of Appointment: <i>Jan. 6, 1997</i>						
Current Annual Salary: <i>\$75,000</i> Increase: <i>\$10,000</i>						
Employee History:						
OG	OUG	Title	Promo	Date	Salary	Increase
<i>Prof.</i>	<i>Civil Engineers</i>	<i>Engineer III</i>	<i>No</i>	<i>Jan 96</i>	<i>\$65,000</i>	<i>\$3,000</i>
<i>Prof.</i>	<i>Civil Engineers</i>	<i>Engineer III</i>	<i>Yes</i>	<i>Oct 95</i>	<i>\$62,000</i>	<i>\$2,000</i>
<i>Prof.</i>	<i>Civil Engineers</i>	<i>Engineer II</i>	<i>Yes</i>	<i>Jan 95</i>	<i>\$60,000</i>	<i>\$5,000</i>
<i>Prof.</i>	<i>Civil Engineers</i>	<i>Engineer I</i>	<i>No</i>	<i>Oct 94</i>	<i>\$55,000</i>	<i>\$5,000</i>
<i>Prof.</i>	<i>Civil Engineers</i>	<i>Engineer I</i>	<i>No</i>	<i>Jan 93</i>	<i>\$50,000</i>	<i>N/A</i>



Guideline 11: Employment Equity Report



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This Guideline is intended to help employers fulfill their employment equity reporting obligations under the new *Employment Equity Act*. Private sector employers who are federally regulated and Crown Corporations with 100 employees or more must report annually on their employees in respect of industrial sector, geographic location and employment status including occupational groups, salary ranges, hires, promotions and terminations.

Employer collection of employment equity data fulfills two purposes:

- 1) it provides the individual employer with information for an internal analysis, for setting goals in the employment equity plan and for monitoring development; and
- 2) it permits external examination of employer progress in improving the employment situation of designated group members (i.e. by the Canadian Human Rights Commission (CHRC) and the public).

The *Employment Equity Act* requires employers to provide both qualitative and quantitative data on the representation of designated group members for review, publication and dissemination to the public. Information gleaned from the Employment Equity Reports is consolidated and analyzed in the Annual Report to Parliament submitted by the Minister of Labour.

While this Guideline aims to clarify and simplify employer reporting requirements under the new *Act*, it is not exhaustive. Employers should consult the *Act* and *Regulations*, as well as their Regional Workplace Equity Officer with specific inquiries.

PART A: LEGAL FRAMEWORK

The principal legal requirements for reporting are contained within the *Act* and *Regulations*. Employer obligations for reporting are outlined in Section 18 of the Employment Equity Act and Sections 14 to 31 of the Regulations.

Schedule I (Designated CMAs), Schedule II (Occupational Groups), Schedule VI (Form 1), Schedule VII (Industrial Sectors), and Schedule VIII (Salary Sections) are also available for consultation. These schedules supplement the *Regulations*; employers must report on their workforce in accordance with the information listed in the appended Schedules.

According to the *Regulations*, **Forms 1-6 of Schedule VI** are prescribed for the purpose of filing an Employment Equity Report. [*Regulations*, s. 15(1)]

Please refer to **Appendix E** of this Guideline for sample forms.

While the *Act* and *Regulations* explicitly detail quantitative reporting requirements, there exist fewer precepts concerning the required narrative report. The information provided in this Guideline is intended to clarify and elaborate issues relating to both numerical and narrative reporting.

Filing an Employment Equity Report

All private sector employers and Crown Corporations with 100 employees or more covered by the *Employment Equity Act* must prepare and submit an Employment Equity Report to the Minister of Labour on or before June 1st of each year in respect of the preceding calendar year, from January to December.

“Employer” means the person who or organization that was the employer on December 31st of the immediately preceding year. [*Act*, s. 18(2)]

Reports may be submitted on diskette or in hard/printed copy .

Please refer to pages 13 to 15 of this Guideline for diskette filing specifications.

All reports are to be sent to the following address:

Labour Standards and Workplace Equity,
Operations Labour Branch
Department of Human Resources Development
Place du Portage, Phase II
165 Hôtel de Ville
Hull, Quebec
K1A 0J2

Definitions

Federally-regulated employers must submit annual Employment Equity Reports in respect of their employees. **Only those employees who fulfill the definition of “employee” under the *Regulations* are to be considered employees for reporting purposes.**

For the purpose of the *Act*, “employee” means a person who is employed by the employer, but **does not include a person employed on a temporary or**

casual basis for fewer than 12 weeks in a calendar year. [*Regulations*, s.1(2)(a)]

“Permanent full-time employee” means a person who is employed for an indeterminate period to regularly work the standard number of hours fixed by the employer for employees in the Occupational Group in which the person is employed. [*Regulations*, s. 1(1)]

“Permanent part-time employee” means a person who is employed for an indeterminate period to regularly work fewer than the standard number of hours fixed by the employer for employees in the occupational group in which the person is employed. [*Regulations*, s. 1(1)]

“Temporary employee” means a person who is employed on a temporary basis for any number of hours during a fixed period or periods totaling 12 weeks or more during a calendar year, but does not include a person in full-time attendance at a secondary or post-secondary educational institution who is employed during a school break. [*Regulations*, s. 1(1)]

Report Components

The Employment Equity Report contains information regarding:

- the industrial sector in which employees are employed, the location of the employer and its employees and the number of designated group members; [*Act*, s. 18(1)(a)]
- the occupational groups in which employees are employed and the degree of representation of designated group members in each occupational group; [*Act*, s. 18(1)(b)]
- the salary ranges of its employees and the degree of representation of designated group members in each range and in each prescribed subdivision of the range; [*Act*, s. 18(1)(c)] and

“Designated Groups” means women, Aboriginal peoples, persons with disabilities and members of visible minorities. [*Act*, s. 3]

- the number of employees hired, promoted and terminated and the degree of representation in those numbers of designated group members [Act, s. 18(1)(d)]

Form 1 includes employer identification information, a report summary, and the certification of accuracy. This data is often referred to as the employer snapshot.

Narrative Report

Each employer filing an Employment Equity Report under the new Act must submit an accompanying narrative report to supplement the numerical data. [Act, s. 18(6)] The narrative report must include:

- a description of the **measures** taken by the employer during the reporting period to implement employment equity and the **results** achieved; and
- a description of the **consultations** between management and employees' representatives (unionized and non-unionized) during the reporting period concerning the implementation of employment equity

Please refer to Part B of this Guideline for a recommended format for narrative reporting.

Appendix A provides a sample narrative report.

*Please refer to **Guideline 3: Consultation and Collaboration.***

The narrative report is an integral part of the Employment Equity Report and will be made public along with the numerical portion of the report.

Numerical Data

Forms 2 to 6 record numerical data detailing the representation of designated group members in the employer's workforce.

Self-identification

According to the Act, only those employees who identify themselves or who agree to be identified as members of designated groups are to be counted as members of those designated groups for the purposes of the report. [Act, 18(4)]

The information recorded in the Employment Equity Report must directly coincide with the results of an employer's Self-identification Survey. If members of an employer's workforce do not identify

*themselves as designated group members, their choices are not to be altered in the report. To promote employee self-identification, please refer to **Guideline 4: Collection of Workforce Information***

Certification

The signature of a senior officer certifies that the submitted Employment Equity Report is both complete and correct. The certification of accuracy constitutes a legal statement. [*Regulations*, s. 16(3)]

Formerly, the certification required the signature of the Chief Executive Officer (CEO). Employers may also include an employer seal, but it is not mandatory.

Consolidated Reporting

Where associated or related federal works, undertakings or businesses are operated by two or more employers having common control or direction, the Minister may authorize the submission of one consolidated Employment Equity Report. [*Act*, s. 18(7)]

Authorization for consolidated reporting may be granted by the Minister following a formal written request submitted by the employer.

The Labour Standards and Workplace Equity Program accepts applications for consolidated reporting on behalf of the Minister. Employers must submit a **formal written request** for consolidated reporting to the Director of the Labour Standards and Workplace Equity Program for consideration. An employer must meet several criteria to be considered eligible for the consolidated reporting option.

Appendix B of this Guideline outlines specific requirements for consolidated reporting eligibility.

Record Keeping

Employers must maintain a copy of the database or other computer record used to generate the report for two years after the year in respect of which the report is filed. [*Regulations*, s. 12(3)]

*Please refer to **Guideline 10: Record Keeping**.*

Although not legally required, employers are encouraged to retain a copy of the submitted Employment Equity Report for a period of two years.

Compliance

Failure to submit a complete and accurate Employment Equity Report places the employer in violation of the *Employment Equity Act*. Employers found to be in violation of the *Act* are subject to monetary penalties as specified in Sections 35 to 40 of the *Act*. Reporting violations include:

- failure to file an Employment Equity Report without a reasonable excuse; [Act, s. 35(1)(a)]
- failure to include required information in the report without a reasonable excuse; [Act, s. 35(1)(b)] and
- knowingly filing a report containing false or misleading information [Act, s. 35(1)(c)]

Previous to the amended *Act*, failure to report as required could have resulted in prosecution in a criminal court. The new assignment of monetary penalties now replaces criminal prosecution.

Exemption

An employer may be granted an exemption for a period of up to one year if special circumstances beyond the employer's control prevent the employer from fulfilling their obligations. Decisions sanctioning an extension may only be made by the Minister.

Note: Appendix C of this Guideline outlines the changes in reporting requirements effected by the new *Employment Equity Act*.

The Minister may, within two years after the day on which the Minister becomes aware of the violation, issue a notice of assessment of a monetary penalty in respect of the violation. [Act, s. 36(1)]

The assessment of "reasonable excuse" rests with HRDC.

The auditing process contains a degree of flexibility so as to recognize legitimate business constraints. Where genuine obstacles to the implementation of certain requirements are found to exist, or where the exercise of discretion is warranted, an employer's good faith efforts will be an influential factor in assessing compliance.

Only in very extreme circumstances may an employer not be required to file an Employment Equity Report. Applications for exemptions should be made to the Minister in only the most exceptional and unavoidable situations. [Act, s. 18(8)]

PART B: PRACTICAL APPLICATION

This section has been developed to help employers understand the specific requirements of both the narrative and numerical reports. While the following outline is intended to clarify reporting issues, it is not exhaustive. Employers with other specific reporting inquiries are invited to consult the *Act* and *Regulations*, or their Regional Workplace Equity Officer.

Narrative Report

Under the new *Act*, employers are required to submit narrative descriptions of their business practices along with their numerical report. [Act, s. 18(6)] The narrative report allows employers the opportunity to exchange and promote best practices of the reporting year. It also allows for a measurement of progress in the attainment of projected employment equity goals.

Note: In the case of an employer submitting a consolidated report, each legal entity must be represented in a narrative report. The employer may choose to submit a separate narrative report for each legal entity, or submit one narrative report accounting for all of the legal entities.

The narrative report must outline:

- the **measures** taken by the employer during the reporting period to implement employment equity and the **results** achieved; and
- a description of the **consultations** between management and employees' representatives (unionized and non-unionized) during the reporting period concerning the implementation of employment equity

While the above items are mandatory under the *Act*, the employer is not limited to only those items. Information that qualifies the numerical data is beneficial to the

Many employers have voluntarily been including similar qualitative information in their Employment Equity Reports in the form of an Executive Summary. The narrative report, by comparison, requires more specific and detailed information and is now a mandatory requirement under the Act.

*Please refer to **Guideline 3: Consultation and Collaboration.***

*Please refer to **Appendix A** of this Guideline for a sample narrative report*

overall presentation and clarity of the Employment Equity Report.

Confidentiality

Complete confidentiality of responses to the Self-identification survey is required under the *Act*. [*Act*, s. 9(3)] Therefore, the narrative report must not contain personal information, such as employee names, or other information that would identify particular employees.

Note: Employers wishing to publish employees' names in reference to awards or other circumstances may do so only upon **written consent of the employee**.

Narrative Report Components

The following is intended as a general format to follow when preparing the narrative report. **Please note that the narrative report should not exceed eight pages in length.**

The Labour Standards and Workplace Equity Program reserves the right to restrict the publication page limit of narrative reports to eight pages.

The narrative report may be submitted on diskette in a PC-compatible word processing format.

I. General Overview

This section should contain an overview of the main events that have influenced the activities of the employer during the reporting period. A brief statement on the business activity, corporate structure and geographic locations in which the business operates could be included. Information on acquisitions, mergers, transfer of employees, layoffs, strikes, reorganizations and other structural changes should be part of this overview when applicable, as well as a general synopsis of the business climate i.e. economic and industrial conditions.

If an employer organization has undergone significant changes, it is recommended that advance notification be provided to the Regional Workplace Equity Officer prior to filing the Employment Equity Report since these changes may affect the legal status of the reporting corporation.

*Please refer to **Appendix D** of this Guideline for a complete contact list of Regional Workplace Equity Officers.*

Note: If the information contained in the general overview does not change from year to year, employers may find it useful to retain the business profile segment of the General Overview (business activity, corporate

structure and geographic locations) as a standard portion of their narrative reports to be submitted in future reporting years.

II. Quantitative Information

Employers may use this portion of the narrative report to address unusual variances between the submitted report and the previous year's report. A brief description of the statistical situation of designated group members should be included, focusing on both overall representation and how hirings, promotions and terminations, *in numerical terms*, contributed to any reported progress or decline.

This section should also reflect the impact of changes on data identified in the General Overview (for example, the number of employees involved in an acquisition). Information that could explain the data provided in the numerical report should be discussed, including:

- changes in the employment status of workers (from part-time to full-time, from temporary to full-time, etc.);
- changes affecting the occupational distribution of employees (coding, reorganization, mergers, downsizing, etc.),
- the results of a new self-identification survey, and
- the results of a new workforce analysis.

This section should also be used to explain other variations not accounted for or unusual data results appearing in the numerical portion of the report.

III. Qualitative Measures

The Act requires employers to include a description of the measures undertaken in support of the employer's employment equity program during the reporting period and the results achieved during the reporting period by those measures. While it is recognized that not every measure and result can be described in detail, employers should aim to include the

The inclusion of qualitative measures and results in the narrative report is required under the Employment Equity Act. [Act, s. 18(6)(a)].

principal or most significant measures taken in the reporting year. Examples include:

Communications

This section describes the internal and external communication initiatives found to be particularly effective in implementing employment equity in the organization. These may include, but are not limited to, sensitizing activities to increase employment equity awareness and understanding among the workforce, as well as marketing and public relations tools such as videos, posters, seminars, etc.

*Please refer to **Guideline 2: Communications.***

Equity Environment

Employers may describe those measures aimed at creating a corporate environment which supports employment equity. Examples include policies on harassment and pay equity and the introduction of counselling services. Employers may also wish to include other measures undertaken to improve the workplace environment for designated group members.

Employment Systems

Activities undertaken to address any employment barriers identified as a result of the employment systems review should be included. This includes a review of the policies and practices used to attract, select, train, promote and compensate employees.

*Please refer to **Guideline 6: Employment Systems Review.***

Initiatives for Designated Groups

This segment outlines the activities undertaken and the results attained for designated group members in respect of the following:

a) Recruitment

Corporate initiatives and programs designed to broaden the recruitment pool and increase the representation of designated group members may be discussed here. Examples include liaison activities, industry-related campaigns, outreach programs/policies, training and internship programs, ongoing employer-union initiatives,

applicant tracking, skill-based inventories and recruitment/selection techniques.

b) Training and Development

Employers are invited to outline corporate initiatives aimed at promoting and improving the occupational distribution of designated group members. Examples include bridging programs, skill developmental assignments, mentorship programs, career tracking, career counselling, skills upgrading and support for employees on training.

c) Promotion

Corporate initiatives in place to ensure designated group members are represented at all levels of the organization may be outlined. Examples include succession planning, career counselling and career pathing initiatives.

d) Retention and Termination

Employers may illustrate corporate initiatives in place to consider ways to retain designated group members. For example, employers may conduct exit interviews and climate surveys to determine reasons why designated group members are leaving. Other examples include the examination of lay-off and termination criteria in order to ensure designated group members are not leaving in disproportionate numbers to other employees.

e) Reasonable Accommodation

Employers may specify employment practices, systems and support mechanisms designed to accommodate differences so that designated group employees are not denied access to employment opportunities or benefits. Reasonable efforts to accommodate health, cultural, religious and family-related needs of employees should be incorporated. Such initiatives as the creation of support systems and the provision of technical equipment, vocational aids and attendant services could also be included.

IV. Constraints

This section affords employers an opportunity to describe any constraints or restrictions encountered in implementing employment equity. Such constraints include, but are not limited to, the availability of designated group members, the geographical situation of the employer, problems related to self-identification, and legal or technical requirements.

V. Consultations with Employee Representatives

Employers must report on the consultations between management and union/employee representatives regarding the implementation of employment equity during the reporting period.

This portion of the narrative report is required under the Employment Equity Act. [Act, s. 18(6)(b)]

*Please refer to **Guideline 3: Consultation and Collaboration.***

VI. Future Strategies

Employers are invited to describe short-term or long-term future employment equity initiatives.

Numerical Report

Forms Required

According to the *Regulations*, the amended Forms 1-6 of Schedule VI are prescribed for the purpose of filing an Employment Equity Report. [*Regulations*, s. 15(1)]

*Please refer to **Appendix E** of this Guideline for sample forms.*

The amended forms reflect the following changes:

Form 1: A senior officer of the corporation may now sign Form 1. Formerly, this document was signed by the Chief Executive Officer. An employer's seal is not mandatory.

For example, the Director of Human Resources constitutes a senior officer.

Form 2: The National Occupational Classification System (NOC), from which were derived the 14 occupational groups, is now reflected on Form 2. Employers must also use the newly developed Salary Ranges specified in Schedule VIII of the *Regulations* and found in **Appendix J** of this Guideline.

Form 3: Form 3 includes updated salary ranges.

Forms 4 to 6: Forms 4 to 6 also reflect the National Occupational Classification System (NOC).

Electronic Format

In order to simplify the reporting process, employers are invited to produce and submit their Employment Equity Report on diskette.

Please refer to pages 14 and 15 of this Guideline for further information.

Note: Currently, reports cannot be submitted via the Internet. This option is in the course of being developed, and will be made available in the future.

Employment Equity Computerized Reporting System (EECRS)

Employers are encouraged to install the report generating computer software **EECRS (Employment Equity Computerized Reporting System)** developed by the Labour Standards and Workplace Equity

Experiencing technical difficulties? Employers may call the EECRS ☎ hotline at (819) 953-7510 between 9:00am and 5:00pm Eastern

Program.

Standard Time for technical help.

EECRS generates Forms 1 to 6 and provides many benefits for employers:

- user-friendly
- built-in edit checks
- automatic data calculations
- simplifies the applications of reporting requirements
- imports employer data from other Human Resource (HR) systems, payroll systems, and text tab delimited files
- exports data for workforce analysis
- user-supported 📞 **hotline (819) 953-7510**
- software is free of charge
- effective method of tracking employees for Employment Equity purposes

Employers using the EECRS software may submit their report on diskette accompanied by a hard copy of a signed and dated Form 1.

Other Electronic Formats

Although Human Resources Development Canada (HRDC) encourages employers to use the EECRS software, employers may submit forms produced by other report generating programs. **If an employer chooses to generate its own forms, the following criteria must be respected:**

Employers interested in obtaining the EECRS software are encouraged to consult their Regional Workplace Officer.

- a) The forms must include all the data elements required, in the same order as the prescribed forms.
- b) Column or box headings must be identical to those in the prescribed forms in at least one official language; there may be no abbreviations or omissions. For example, employers must use “Members of visible

minorities” and not “VM”.

c) Employer-designed forms must directly replicate the format of the prescribed forms. All lines and boxes must be displayed correctly, including all appropriate headings and form identifiers.

The **spacing** or **type size** of information may vary slightly from the prescribed forms, provided that the form contains all the information required. However, the **order** of information on the prescribed forms must be preserved. In addition, a one-page form (Forms 1, 3, 4, 5, 6) must remain on one page, and a two-page form (Form 2) must span two pages.

d) The forms and information contained may be submitted in either hard/printed copy or on diskette.

If employers are using other electronic formats, they may call the EECRS hotline at (819) 953-7510 for the exact file layout and related questions on EECRS compatibility.

Note: Employers using other report-generating software may only submit their report on diskette if the software employed is compatible with the EECRS system. The file layout structure is available upon request. If the software is compatible, the electronic report must be accompanied by a hard copy of a signed and dated Form . **An electronic signature on Form 1 will also be accepted as a formal certification to the accuracy of the report.**

An electronic signature may be a scanned signature, a signature designed with specific software, or simply a typed name attesting to the accuracy of the report.

e) The forms and information contained within must be legible and sufficiently clear to Labour Standards and Workplace Equity staff and of a paper size that permits mass duplication for dissemination to the public as required by the Act, i.e. letter (8.5 x 11) or legal (8.5 x 14).

Note: A copy of the database used to generate the Employment Equity Report must be retained at the place of the employer for a period of at least 2 years after the year in respect of which the report is filed. [Regulations, s. 12(3)]

*Please refer to **Guideline 10: Record Keeping***

Reports that do not fulfill the above criteria may be refused. Employers failing to comply with the above specifications will be required to make the necessary amendments and resubmit the report.

Reporting Forms

Employers must submit complete and accurate reporting forms in order to ensure reliable data.

If some areas on the reporting forms do not apply to an employer, the employer may choose to:

- leave sections blank and enclose an explanatory note in the narrative report
- enter “0” in the appropriate spaces
- enter N/A in the appropriate spaces

For example, a company which employs employees in only three Occupational Groups may choose to leave blank those spaces which do not apply to their workforce. This employer would then enclose a brief explanatory note in the accompanying narrative report describing the nature of the workforce.

If entire forms are not applicable to the employer, the employer must still submit the blank forms. For example, if an employer does not have any new full-time hires during the reporting period, Form 4A must still be submitted for the appropriate geographic location(s). Recording zeros or N/A across the bottom (totals) of the forms is sufficient.

“C” forms for temporary employees are only to be submitted by employers whose temporary workforce (box 16) represents 20% or more of their entire workforce (i.e. 20% of the total workforce at peak period listed in box 19 on Form 1). Blank “C” forms are not to be included by employers whose temporary workforce is less than 20%.

The EECRS software automatically generates the required forms.

FORM 1: EMPLOYER IDENTIFICATION, REPORT SUMMARY AND CERTIFICATION

All employers must complete Form 1. Form 1 contains three main components:

- Employer Identification (boxes 1-9)
- Report Summary (boxes 10-19)
- Certification (box 20)

Employer Identification

On Form 1, Boxes 1 to 9 record essential identification information including the name of the employer, the address of the principal place of business and the names and titles of relevant personnel.

Report Summary

On Form 1, Boxes 10 to 19 provide a general numerical synopsis of an employer's Employment Equity Report. Employers are asked to provide information on the industrial sector in which they function, the employment status of their employees, and the geographical locations of their business operations. The information provided reflects the **employer's workforce**, that is, the number of employees who fulfill the definitions of "permanent full-time employee", "permanent part-time employee" and "temporary employee" under the Act. **Casual employees working fewer than 12 weeks are never included on Form 1.**

Employees classified as "Other" (by EECRS) are sometimes counted on Form 1. Please refer to page 23 of this Guideline for further information.

The definitions of permanent full-time, permanent part-time and temporary employees are provided on page 3 of this Guideline.

Determine Number of Forms Required

The information employers provide in the Report Summary on Form 1 determines the number of forms each employer must submit.

*Please refer to **Appendix F** of this Guideline . This Form 1 diagram is a useful visual tool to help employers determine their individual form requirements.*

Boxes 10-13: Industrial Sectors

Employers list the number of employees in each industrial sector, in decreasing order, in boxes 10 to 13.

*Please refer to **Appendix G** (Schedule VII) of this Guideline for correct identification of the Standard Industrial Classification (SIC).*

Employers must submit a complete set of Forms 2 to 6 [at the National level, as well as the appropriate Provincial and Census Metropolitan Area (CMA) levels, including applicable employment status forms A,B, and C] for each industrial sector in which they employ 1,000 employees or more. Most employers operate in only one industrial sector, thereby submitting a single set of Forms 2 to 6 for the one industrial sector.

If an employer operates in more than one industrial sector but employs less than 1,000 employees in an additional sector, **those employees must be rolled into the largest sector and reported along with the largest sector employees on Forms 2 to 6**. These employees, however, must still appear separately on Form 1 in boxes 10 to 13.

*Employers are encouraged to contact their Regional Workplace Equity Officer (see **Appendix D**) with specific inquiries.*

Boxes 14 -16: Employment Status Categories

Box 14: Permanent Full-time Employees

“Permanent full-time employee” means a person who is employed for an indeterminate period to regularly work the standard number of hours fixed by the employer for employees in the Occupational Group in which the person is employed. [*Regulations*, s. 1(1)]

Box 14 records the number of permanent full-time employees. These employees are reported on the prescribed “**A**” Forms, that is, Forms 2A, 3A, 4A, 5A and 6A.

Note: If the nature of an employer’s business activity is seasonal in nature (ex. water transport), **seasonal employees should be recorded as permanent full-time employees**. It is recommended that employees are reported at **seasonal peak** in this instance; that is, the date on which the seasonal workforce is largest. Employers should contact their Regional Workplace Equity Officer for additional clarification.

Box 15: Permanent Part-time Employees

“Permanent part-time employee” means a person who is employed for an indeterminate period to regularly work fewer than the standard number of hours fixed by the employer for employees in the Occupational Group in which the person is employed. [*Regulations*, s. 1(1)]

Box 15 records the number of permanent part-time employees. These employees are reported on the prescribed “**B**” Forms, that is, Forms 2B, 3B, 4B, 5B and

6B.

Note: Employers must report their permanent part-time employees regardless of their number.

Box 16: Temporary Employees

“Temporary employee” means a person who is employed on a temporary basis for any number of hours during a fixed period or periods totaling 12 weeks or more during a calendar year, but does not include a person in full-time attendance at a secondary or post-secondary educational institution who is employed during a school break. [*Regulations*, s. 1(1)]

Box 16 records the number of temporary employees. **If the number in box 16 reflects 20% of the employer’s total workforce in Canada (box 19), “C” Forms must be completed for temporary employees** that is, Forms 2C, 3C, 4C, 5C and 6C.

Boxes 17-19: Geographical Areas

Employers must report on employees at the **National, Provincial and eight designated Census Metropolitan Area (CMA)** levels. However, employers whose total workforce is located in one province and/or one CMA need only submit one set of forms at the national level for each industrial sector to avoid unnecessary duplication of information.

*Please refer to **Appendix H (Schedule I)** of this Guideline for a complete listing of the eight designated CMAs.*

National level (box 19) Each employer must submit one set of Forms 2 to 6 recording data on the total number of employees across Canada.

Provincial level (box 18) Employers must submit additional sets of Forms 2 to 6 for each province or territory where 100 employees or more are located.

In boxes 17 and 18, employers must record the exact number of employees, regardless of whether there are less than 100 employees in a given province or CMA.

Designated CMA level (box 17) Employers must submit additional Forms 2 and 3 for any of the eight designated CMAs where 100 employees or more are located.

Forms Required: A Case Study

The following represents different portions of the Report Summary section found on Form 1. The numbers provided reflect fictitious Company X's workforce.

INDUSTRIAL SECTOR(S)	(10)	INDUSTRIAL SECTOR 1 Agricultural and Related Service Industries	NO. OF EMPLOYEES 177
	(11)	INDUSTRIAL SECTOR 2 Logging and Forestry Industries	NO. OF EMPLOYEES 50
	(12)	INDUSTRIAL SECTOR 3	NO. OF EMPLOYEES
	(13)	INDUSTRIAL SECTOR 4	NO. OF EMPLOYEES

EMPLOYMENT STATUS CATEGORIES	(14)	NUMBER OF PERMANENT FULL-TIME EMPLOYEES	(15)	NUMBER OF PERMANENT PART-TIME EMPLOYEES	(16)	NUMBER OF TEMPORARY EMPLOYEES
		155		21		3

GEOGRAPHICAL AREAS (INDICATE NUMBER OF EMPLOYEES LOCATED IN EACH AREA)	(17)	DESIGNATED CMAs		(18)	PROVINCES/TERRITORIES	
	CALGARY	.....		ONT.	.....
	EDMONTON	.....		QUE.	156	
	HALIFAX	.....		N.S.	.....
	MONTREAL	115		N.B.	.....
	REGINA	71		MAN.	.....
	TORONTO	.....		B.C.	.....
	VANCOUVER	.....		P.E.I.	.....
	WINNIPEG	.....		SASK.	71	
					ALTA.
				NFLD	.....
				Y.T.	.....
				N.W.T.	.....
	(19)	TOTAL EMPLOYEES IN CANADA >			227	

Required Forms for Company X

Boxes 10-13: Industrial Sector

Company X employs 177 employees in Industrial Sector 1 and 50 employees in Industrial Sector 2. Since Company X employs fewer than 1,000 employees in the second industrial sector, those employees (recorded in box 11) must be rolled up into the first industrial sector for reporting on Forms 2-6.

- ↪ **Forms required:** Company X must provide one set of Forms 2-6 for the Agricultural and Related Service Industries sector (the employees in the Logging and Forestry Industries sector are included on these forms).

Boxes 14-16: Employment Status Categories

On December 31st of the reporting year, Company X employed 155 permanent full-time employees and 21 permanent part-time employees. At the peak employment period for temporary employees, Company X employed three temporary employees.

- ↪ **Forms required:** Company X must provide “A” Forms 2A, 3A, 4A, 5A, 6A for permanent full-time employees and “B” Forms 2B, 3B, 4B, 5B, 6B for permanent part-time employees. Company X is not required to submit “C” forms for temporary employees since this number does not reflect 20% of the total workforce ($3 \div 227 \times 100 = 1.3\% = < 20\%$)

Boxes 17-19: Geographical Areas

National level (box 19)

Company X employs 227 employees in Canada.

- ↪ **Forms required:** Company X must provide a complete set of Forms 2 to 6 recording data on the total number of employees across Canada.

Provincial level (box 18)

Company X employs 156 employees in Quebec and 71 employees in Saskatchewan.

- ↪ **Forms required:** Since Company X employs more than 100 employees in Quebec, Company X must provide a complete set of Forms 2 to 6 for those employees. Company X is not required to include a set of forms for Saskatchewan since fewer than 100 employees are employed in that province.

CMA level (box 17)

Company X employs 115 employees in Montreal and 71 employees in Regina.

- ↪ **Forms required:** Since Company X employs more than 100 employees in Montreal, Company X must include additional Forms 2 and 3 for Montreal. Company X is not required to submit Forms 2 and 3 for Regina since fewer than 100 employees are employed in that CMA.

TOTAL FORMS REQUIRED:

- ↳ **One set of National Forms 2 to 6 including Forms 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B** (These forms report on the Agricultural and Related Service Industries sector and the Logging and Forestry Industries sector with 176 employees.)
- ↳ **One set of provincial Forms 2 to 6 for Quebec, including Forms 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B**
- ↳ **Additional Forms 2 and 3 for Montreal, including Forms 2A, 2B, 3A, 3B. Forms 4, 5 and 6 are not submitted for CMAs.**

Which Employees Are Counted

For the purpose of the Act, “employee” means a person who is employed by the employer, but does not include a person employed on a temporary or casual basis for fewer than 12 weeks in a calendar year. [Regulations, s.1(2)(a)]

Please refer to page 26 of this Guideline for information on how to determine the number of weeks worked.

Only those employees who meet the definition of “employee” (permanent full-time, permanent part-time and temporary) are to be counted on Form 1 Boxes 10 to 13 and boxes 17, 18 and 19 record the number of employees who meet the definition of “employee” at peak period of employment, while boxes 14 and 15 record the number of employees who meet the definition of “employee” on December 31st. Box 16 records the number of temporary employees who meet the definition of “employee” at the peak employment period for temporary employees.

Please refer to pages 18-19 of this Guideline for detailed definitions.

Additional information concerning when to count employees (at peak period or on December 31st) is provided on pages 25 and 26 of this Guideline.

Permanent full-time and permanent part-time employees on leave on December 31st (for example, longterm disability leave or maternity leave) must still be counted in boxes 10 to 13, 17, 18 and 19. These employees may only be recorded in boxes 14 and 15 if the employer continues to pay a salary or income replacement benefits.

Employers using the **Employment Equity Computerized Reporting System (EECRS)** will find additional fields for employees classified as “Casual” and “Other”. **“Casual employees”** refers to those employees with designated start and end dates working less than 12 weeks during a reporting year. **“Other employees”** refers to those employees who are on unpaid leave but who otherwise fulfill the definitions of permanent full-time, permanent part-time or temporary employees and maintain the right to return to work.

Please refer to page 24 for instruction on how to record employees on leave.

Casual employees (employees working less than 12 weeks throughout the year) and students working during a school break do not fulfill the requirements of the definition of a temporary “employee” and must not be counted.

Exception: Cooperative education students or students working on a part-time basis throughout the year may be counted provided they worked 12 weeks or more.

Employees “**on call**” may be counted as temporary employees provided they work 12 cumulative weeks during the reporting period.

To determine the number of weeks worked, please refer to page 26 of this Guideline.

There exist, however, some specific situations that require individual attention. The following cases are provided to clarify some frequently raised issues.

Employers are invited to contact their Regional Workplace Equity Officer with specific cases.

Employees on Leave

Employees on either paid or unpaid leave of absence (sick leave, education leave, maternity leave, disability leave, etc.) during the reporting period must still appear in boxes 10 to 13 and boxes 17 to 19 on Form 1. Even if the employer does not pay the employee a salary or the employee has been absent for an extended period (*or even the entire reporting year*), the employee must be counted on Form 1 if the right to return to work following their absence has been retained.

Employers are encouraged to consult their Regional Workplace Equity Officers (see Appendix D) with specific inquiries.

Note: Employers using EECRS would record these employees under “Other”.

An employee on leave will also be counted in Boxes 14, 15 or 16 (and consequently reported on Forms 2 to 6) IF:

- the employer continues to pay a salary to the employee, or income replacement benefits are paid by the employer and not a third party (ex. Insurance company) **AND**
- the employee continues to meet the definition of permanent full-time employee, permanent part-time employee or temporary employee

Please refer to page 3 of this Guideline.

For example, a permanent full-time employee on maternity leave who continues to be paid a salary would be reported in boxes 10 to 13, 17 to 19 **AND** box 14 on Form 1 and on Forms 2 to 6. In contrast, a permanent

full-time employee on longterm disability leave who no longer receives a salary but who retains the right to return to work would only appear in boxes 10 to 13 and 17 to 19 on Form 1.

Employees from Canada Posted Abroad

In order for an employee normally employed in Canada but posted abroad during the reporting period to be counted and reported on Forms 1-6, three criteria must be met:

- 1) there must exist an employee/employer relationship
- 2) the employee's home base must be in Canada
- 3) the employee's posting has been for a period of less than one year

If the employee has been abroad for a period exceeding one year, but the first two criteria have been met and the employee retains the right to return to employment in Canada, then the employee may appear in boxes 10 to 13.

Note: These employees are not counted in boxes 17 to 19 since these boxes record employees working in Canada.

Employees from Abroad Posted in Canada

Employees from abroad and working in Canada are to be counted and reported in the appropriate boxes on Form 1 if an employee/employer relationship exists, regardless of the length of the assignment and the employee's home base. These employees are also reported on Forms 2-6 provided they fulfill the definitions of permanent full-time, permanent part-time and temporary employees.

When to Count Employees

Some boxes in the Report Summary portion of Form 1

"Employees from Canada posted abroad" are employees of a Canadian employer working abroad on assignment of the Canadian employer.

*Please refer to Part C of **Guideline 4: Collection of Workforce Information** for employment relationship criteria*

"Employees from abroad posted in Canada" refers to employees whose home base is outside of Canada working in Canada for a Canadian employer.

*Please refer to **Appendix F** of this Guideline. This Form 1*

require employers to record their workforce at **peak period of employment**, while other boxes require employers to record their workforce **as of December 31st** of the reporting year.

Boxes 10 to 13 and **boxes 17 to 19** reflect the employer's workforce at **peak period of employment**. For these boxes, this period is defined as the date during the reporting year on which the employer's workforce was the largest (the date on which the most employees were employed).

Note: Peak period of employment for boxes 10 to 13 and boxes 17 to 19 must **NOT** be calculated by adding full-time employees' peak period, part-time employees' peak period and temporary employees' peak period since these peaks may each occur on separate dates during the calendar year.

Boxes 14 and 15 reflect the number of permanent full-time employees and permanent part-time employees **as of December 31st** of the reporting year.

Note: If an employee experiences a change in employment status during the year, (from part-time to full-time, for example), the employee must be recorded according to the position they hold **on December 31st** of the reporting period.

Box 16 reflects the employer's temporary workforce at its **peak period of employment**. This period refers to *the date during the reporting year on which the number of temporary employees is largest*. It does **not** refer to the point at which the employer's entire workforce is at its largest.

Temporary employees are calculated according to the **cumulative number of weeks worked**, not by the cumulative number of days. As a result, the decision as to whether an employee may be considered "temporary" may only be made at the end of the reporting period. For example, an employee may be called to work two days one week, three days the following week and one day per week for 10 other weeks during the calendar year. This employee is considered to have worked 12 weeks for employment equity purposes.

Diagram is a useful visual tool to help employers determine when to count employees.

The EECRS software automatically calculates peak period of employment.

Employers must record the exact number of temporary employees in box 16 even if this number represents less than 20% of the employer's workforce.

Please ensure that only those employees meeting the definition of "temporary employee" are counted.

FORM 2: OCCUPATIONAL GROUPS

Form 2 is the most complex form to complete and the most useful for analysis. Form 2 collects data on employees' membership in designated groups according to their representation in the 14 pre-defined Employment Equity Occupational Groups (hereafter referred to as Occupational Groups) and corresponding salary ranges. A maximum and a minimum salary range must be recorded.

The **National Occupational Classification (NOC)** System was developed to best reflect the type of work performed by employees. Occupations are grouped in terms of particular tasks, duties and responsibilities. The use of this standardized system ensures consistency of data from year to year within the same company and between companies.

Completing Form 2 requires employers to follow three steps. Each employer must:

Step 1) Identify which occupations in their workforce fall within each of the 14 Occupational Groups according to the nature of the work being performed (i.e. according to their classification in the NOC Unit Groups) [*Regulations*, s. 22(1)(2)]

Step 2) Calculate the four Salary Quarters for each of the 14 Occupational Groups [*Regulations*, s. 27(1)(2)]

Step 3) Identify the highest and lowest Salary Ranges for each of the 14 Occupational Groups [*Regulations*, s. 26(1)]

Employers are advised to take special care in completing the following steps to ensure valid and reliable data are provided.

Reminder: Form 2 includes Forms **2A, 2B and 2C** (when applicable) and captures information on permanent full-time, permanent part-time and temporary employees, respectively.

These forms are submitted at the National, Provincial and CMA (Census Metropolitan Area) levels when applicable.

Please refer to **Appendix I** (Schedule II) of this Guideline for a listing of the 14 Occupational Groups and Unit Groups.

Please refer to **Appendix I** of this Guideline for a listing of the 14 Occupational Groups and individual Occupational Unit Groups (NOC).

One Salary Range is made up of four Salary Quarters. Employees are assigned to Salary Quarters to best reflect their distribution within a given Salary Range.

A Salary Range is a pre-determined salary limit used to mask actual salaries and maintain confidentiality.

Appendix J (Schedule VII) of this Guideline lists the Salary Ranges outlined in Schedule VIII.

Step 1) Employers must match occupations in their own workforce with one of the 14 pre-defined Occupational Groups set out in Appendix I.

Employers are required to report employees according to the 14 Occupational Groups listed in Column I of Schedule II of the *Regulations* (**Appendix I**). To properly classify employees, employers must first choose the 4-digit Occupational Unit Group to which the employees belong. Once employees are assigned to a particular Unit Group, they may then be listed within one of the 14 greater Occupational Groups.

*Please refer to **Guideline 5: Workforce Analysis**(pages 14-17) for information on coding employees.*

Occupational Groups: A Case Study					
Employees	Job/Duties	Occupational Unit Group	Unit Group #	Occupational Group	Occupational Group #
A, B, C, D, E, F	Typists	Typists and Word Processing Operators	1412	Clerical Personnel	10
G, H, I, J	Long Distance Truck Drivers	Truck Drivers	7411	Semi-Skilled Manual Workers	12
K, L, M, N, O	Cleaners	Light Duty Cleaners and Specialized Cleaners	6661, 6662	Other Sales and Service Personnel	13

Step 2) Once employees are assigned to Occupational Groups, they must be ranked within four salary quarters for that group according to the salary earned during the reporting period. Note that actual salaries are never reported on Forms 2 and 3.

*Reminder: In some cases, salaries earned during the reporting period must be annualized. Please refer to **Salary and Annualization** pages 34-37 of this Guideline.*

Salary Quarters: A Case Study

Six typists are the only members of the Occupational Group "Clerical Personnel". Their salaries, listed from highest to lowest, are as follows:

Employee A → \$29,000

Employee B → \$27,000

Employee C → \$26,500

Employee D → \$25,500

Employee E → \$24,000

Employee F → \$21,000

Each Occupational Group contains four quarters. To calculate salary quarters, employers must:

- 1) Calculate the difference between the lowest and highest salaries;

$$\begin{array}{r} \$29\,000 \\ -\$21\,000 \\ \hline \$8\,000 \text{ difference} \end{array}$$

- 2) Divide this difference by 4 to obtain the width of each quarter;

$$\frac{\$8\,000}{4} = \$2\,000 \text{ width of each quarter}$$

- 3) Employee F's salary is the lowest. It is therefore the bottom of quarter 1. Add \$2 000 to \$21 000 to obtain the top of quarter 1;

Quarter 1: \$21 000 to \$23 000

- 4) Determine the bottom and top of Quarters 2, 3 and 4 by adding \$1 to the top of the preceding quarter to determine the next bottom, and by then adding the width (minus \$1) to determine the next top:

Quarter

4→ \$27 001 - \$29 000

3→ \$25 001 - \$27 000

2→ \$23 001 - \$25 000

1→ \$21 000 - \$23 000

- 5) Finally, group the employees into the Salary Quarters according to their salaries;

Quarter

4→ Employee A

3→ Employees B, C, and D

2→ Employee E

1→ Employee F

Quarter 4 always refers to the highest earnings and Quarter 1 to the lowest.

NOTE: There should be at least one employee in Quarter 1 and one in Quarter 4. The only possible exception would be if all employees within the same Occupational Group earned the exact same salary. In this case, employees may be grouped in either Quarter 4 or Quarter 1. It is recommended that an explanation be provided in the accompanying narrative report.

Step 3) Once the salaries have been properly assigned to Quarters, employers must identify the highest and lowest salaries in the Occupational Group and fit them into pre-determined Salary Ranges.

In the example of Clerical Personnel:

Highest salary is \$29 000

Lowest salary is \$21 000

In order to protect confidentiality and ensure privacy, actual salaries are not listed on Form 2. Salary Ranges are used to mask them.

Schedule VIII of the *Regulations* (Appendix J) lists the Salary Ranges employers must use to mask employees' actual salaries.

Schedule VIII
\$100,000 and over
\$95,000 - \$99,999
\$90,000 - \$94,999
\$85,000 - \$89,999
\$80,000 - \$84,999
\$75,000 - \$79,999
\$70,000 - \$74,999
\$65,000 - \$69,999
\$60,000 - \$64,999
\$55,000 - \$59,999
\$50,000 - \$54,999
\$45,000 - \$49,999
\$40,000 - \$44,999
\$35,000 - \$39,999
\$30,000 - \$34,999
\$25,000 - \$29,999
\$20,000 - \$24,999
\$15,000 - \$19,999
\$10,000 - \$14,999
\$ 5,000 - \$ 9,999
Under \$5,000

Employment Equity Report

The six employees in Clerical Personnel would appear on Form 2 as follows:

Occupational Group	Top and Bottom of Salary Ranges	Quarter	Total	Men	Women	
Clerical Personnel	\$25,000	4	1	1		→ Employee A
	\$29,999	3	3	2	1	→ Employees B, C, D
<i>(Occupational Group #10)</i>	\$20,000	2	1		1	→ Employee E
	\$24,999	1	1	1		→ Employee F

This method is repeated for all Occupational Groups listing employees.

Employment Equity Report

Note 1) If an employer employs zero employees in an Occupational Group, the employer may choose to:

- leave sections blank and enclose an explanatory note in the narrative report
- enter “0” in the appropriate spaces
- enter N/A in the appropriate spaces

Note 2) If the lowest salary in an Occupational Group is \$100,000 and over, employers are asked to leave the top range blank and indicate “\$100,000 and over” in the bottom range. [*Regulations*, s. 26(4)]

Occupational Group	Salary Ranges	Quarter	Total	Men	Women
Senior Managers		4	3	1	2
		3	2	1	1
(Occupational Group #1)	\$100,000 and over	2	1	1	
		1	2	2	

Note 3) If the highest and lowest salaries in an Occupational Group fall into the same Salary Range, the same Range is indicated twice.

For example: Semi-skilled Manual Workers

Highest salary: \$38,000

Lowest salary: \$35,000

Occupational Group	Top and Bottom of Salary Ranges	Quarter	Total	Men	Women
Semi-skilled Manual Workers	\$35,000	4	1	1	0
	\$39,999	3	2	1	1
(Occupational Group #12)	\$35,000	2	0	0	0
	\$39,999	1	1	1	0

Salary and Annualization

According to the *Regulations*, “salary” means remuneration paid for work performed by an employee in the form of salary, wages, commissions, tips, bonuses and piece rate payments, rounded to the nearest dollar, **but does not include overtime wages** [*Regulations*, s. 2]

There are some circumstances for which permanent full-time and permanent part-time employees’ salaries must be **annualized** or made to reflect yearly earnings. Annualization is necessary in certain cases where the use of actual salaries would misrepresent occupational earnings and distort the employer’s salary ranges.

*Employers are encouraged to contact their Regional Workplace Equity Officer (see **Appendix D**) with specific cases.*

In general, an employee’s salary should be annualized when the employee has not been available to work the full reporting year or has been hired or promoted part way through the reporting year.

The following table illustrates when employers should and should not annualize salaries.

<u>Do Not Annualize Salary</u> in the case of:	<u>Annualize Salary</u> in the case of:
<ul style="list-style-type: none"> • temporary employees • seasonal employees who have worked a complete season • employees who are temporarily laid off • employees recalled in accordance with a collective agreement part way through the reporting year • strike • permanent part-time employees working part of the year as a full-time employee • acting assignment • new hire with a fluctuating base salary and commission • commission-only salary • employees who experience a change in employment status part way through the year (for example, from temporary to part-time, or part-time to full-time) 	<ul style="list-style-type: none"> • new hires or promotions during the reporting period • seasonal employees who have worked only part of a complete season. <i>For example, if an employee works for only four months of a six month season, the salary must be calculated to reflect earnings of six months.</i> • unpaid leave of absence granted at the request of the employee, including parental leave, personal leave or educational leave , for employees who returned to work on or before December 31st <i>*see Note below</i> • new hire with a salary including commission; add salary and commission and annualize total • new hire with a steady base salary and commission; annualize only the base salary and then add the commission • transferred employees as a result of a corporate transaction; employees are considered new hires

Note: Employers are **not** to annualize the salaries of employees on leave of absence who retain their salary or who receive income replacement benefits from the employer. Example: an employee working from January 1st to May 30th is granted a leave of absence; the employee then receives income replacement benefits from June 1st to December 31st. The employee's salary is **not annualized** but is instead recorded according to the sum of the salary earned and the income replacement benefits received.

The following case studies indicate how and when annualized salaries are calculated.

Note: These employees would be assigned to a Salary Quarter according to their annualized salaries

Salary Annualization: Case Study #1

A Truck Driver earns \$1,592 bi-weekly and was absent for three months of **unpaid personal leave**. Since the pay is bi-weekly, the company has 26 pay periods per year.

Pay periods worked: 26 minus 7 (approximately 3 months' worth) = 19

Actual Salary:

Pay Periods Worked		Salary per Period		Actual Salary
19	X	\$1,592	=	\$30,248

Annualized Salary:

Pay Periods per Year		Salary per Period		Annualized Salary
26	X	\$1,592	=	\$41,392

In this case, \$41,392 is reported to best reflect the employee's yearly earnings.

Salary Annualization: Case Study #2

A Ticket Agent is **hired** on June 1st of the reporting year and earns \$463.00 per week. Since the pay is weekly, the company has 52 pay periods per year.

Pay periods worked: 52 minus 21(from January to June) = 31

Actual Salary:

Pay Periods Worked		Salary per Period		Actual Salary
31	X	\$463	=	\$14,353

Annualized Salary:

Pay Periods per Year		Salary per Period		Annualized Salary
52	X	\$463	=	\$24,076

In this case, \$24,076 is reported to best reflect the employee's yearly earnings

Salary Annualization: Case Study #3

A Record Clerk is **promoted** to a Loan Officer position on October 1st of the reporting year and now earns \$1378 bi-weekly. Since the pay is bi-weekly, the company has 26 pay periods per year.

Pay periods worked **following promotion** 26 minus 19 (from January to October)
= 7

Actual Salary:

Pay Periods Worked		Salary per Period		Actual Salary
7	X	\$1378	=	\$9, 646

Annualized Salary:

Pay Periods per Year		Salary per Period		Annualized Salary
26	X	\$1378	=	\$35,828

In this case, \$35,828 is reported to best reflect the employee's yearly earnings

FORM 3: SALARY SUMMARY

This Form is designed to collect data on the representation of all employees and Members of Designated Groups according to pre-determined salary ranges.

Reminder: Form 3 includes Forms 3A, 3B and 3C (when applicable) and captures information on permanent full-time, permanent part-time and temporary employees, respectively.

These forms are submitted at the National, Provincial and CMA (Census Metropolitan Area) levels when applicable.

These salary ranges are already printed on the forms, and are different from those listed in Schedule VIII and found on Form 2. The salary ranges also vary between Forms 3A, 3B and 3C, since differences in earnings are to be expected between the three Employment Status Groups.

Employers must use the same salary information collected to complete Form 2 and Form 3; non-annualized or annualized salaries.

Note: Totals at the bottom of Form 3 must match the totals at the bottom of Form 2 as both forms report on exactly the same employees. These numbers must also match boxes 14 and 15 on Form 1.

Please refer to **Appendix K: Report Checklist**

Salary Summary: A Case Study

Some of Company X's employees are Sales Workers. Their salaries are as follows:

Men	Salaries	Women	Salaries
A	\$23,580	B	\$39,000
C	\$30,000	D	\$25,000
E	\$17,600	F	\$19,500
G	\$28,000	H	\$22,800
I	\$38,000	J	\$21,000
K	\$15,800	L	\$33,000
M	\$23,000	N	\$16,000
O	\$18,400	P	\$29,000

Employment Equity Report

SALARY RANGES	ALL EMPLOYEES			
	Total Number Col.1	Men Col.2	Women Col.3	
Under \$15,000				
\$15,000 - \$19,999	5	3	2	→ Employees E, F, K, N, O
\$20,000 - \$24,999	4	2	2	→ Employees A, H, J, M
\$25,000 - \$29,999	3	1	2	→ Employees D, G, P
\$30,000 - \$34,999	2	1	1	→ Employees C, L
\$35,000 - \$39,999	2	1	1	→ Employees I, B
\$40,000 - \$44,999				
\$45,000 - \$49,999				
\$50,000 - \$59,999				
\$60,000 - \$69,999				
\$70,000 - \$84,999				
\$85,000 - 99,999				
\$100,000 and over				
TOTAL NUMBER OF EMPLOYEES	16	8	8	

FORM 4: EMPLOYEES HIRED

Section 2 of the *Regulations* defines “hire” for private sector employees as “engaged by the employer”.

Reminder: Form 4 includes Forms **4A, 4B and 4C** (when applicable) and captures information on permanent full-time, permanent part-time and temporary employees, respectively.

Form 4 records the total number of employees hired during the reporting period as well as the occupational distribution by Designated Group of these new employees.

These forms are submitted at the National and Provincial levels **only**. **Form 4 is not submitted at the CMA (Census Metropolitan Area) level.**

Note: Hires are recorded in the geographic location in which they took place despite the employee’s location on December 31st (or in the case of temporary employees, at peak period). For example, an employee hired in Saskatchewan in June but employed in Ontario on December 31st is counted as a hire in Saskatchewan (Form 4) but an employee in Ontario (Form 2).

Corporate Transactions

In the case of a merger or corporate transaction involving the transfer of employees from one company to another, **employees are to be counted as hires by the company to which they transferred.**

Please refer to page 45 of this Guideline for information regarding the effect of corporate transactions on **terminations**.

Employers are encouraged to contact their Regional Workplace Equity Officer (see **Appendix D**) with specific inquiries.

Temporary Lay-offs

Employees recalled to work in accordance with a specific collective agreement after a temporary lay-off period are **not** to be recorded as new hires.

Changes in Employment Status

During the reporting year, some employees may experience changes in employment status. For example, some temporary employees may become permanent part-time employees, or some permanent part-time employees may become permanent full-time employees and vice-versa. Employees who experience a change in employment status are **not** to be recorded as new hires.

For example, a typist working part-time is awarded more hours per week than normally worked, altering the employment status from part-time to full-time. This employee is **not** to be recorded as a **hire**.

Changes in National Occupational Classification (NOC) Coding

During the reporting year, some employees may be moved from one NOC Unit Group to another NOC Unit Group. A change in NOC coding does **not** constitute a new hire.

Exception: Employees moved from one NOC Unit Group to another NOC Unit Group due to a corporate transaction are counted as new hires by the company to which they transferred.

Extended and Renewed Contracts

Employees whose employment contracts have been extended or renewed must **not** be recorded as new hires.

FORM 5: EMPLOYEES PROMOTED

According to Section 2 of the *Regulations*, “promoted” means an employee has **permanently** moved from one position or job in the employer’s organization to another position or job that:

- I. has a higher salary or a higher salary range than the salary or salary range of the position or job previously held by the employee, and

- II. ranks higher in the organizational hierarchy of the employer, and

includes a reclassification of the employee’s position or job where the reclassified position or job meets points I and II.

Note: Promotions are recorded in the geographic location in which they took place, despite the employee’s location on December 31st (or in the case of temporary employees, at peak period). For example, an employee promoted in Saskatchewan in June but employed in Ontario on December 31st is counted as a promotion in Saskatchewan (Form 5) but an employee in Ontario (Form 2).

Form 5 reports two totals:

- I. the total number of employees promoted or who have changed Occupational Groups as a result of having been promoted; and
- II. the total number of promotions

Note: It is possible that these two totals may be different. The total number of employees promoted is a count of the number of people who were promoted. The total number of promotions indicates the total number of transactions; this number may be greater since *some employees may*

Reminder: Form 5 includes Forms **5A, 5B and 5C** (when applicable) and captures information on permanent full-time, permanent part-time and temporary employees, respectively.

These forms are submitted at the National and Provincial level **only**. **Form 5 is not submitted at the Census Metropolitan Area (CMA) level.**

have been promoted more than once during the reporting period.

When employees are promoted more than once during the reporting period, they are to be reported in the last Occupational Group to which they were promoted.

Employers may asterisk (*) boxes where such employees are listed.

Temporary Acting Positions

A **temporary** acting position does not meet the definition provided in the *Regulations* and does **not** constitute a promotion.

*To be considered promoted, employees must have **permanently** moved from one position or job in the employer's organization to another.*

Changes in Employment Status

A change in employment status does **not** necessarily constitute a promotion.

For example, a welder working part-time is awarded more hours per week than normally worked, altering the employment status from part-time to full-time. Despite making more money for additional hours worked, the employee did not earn a higher salary and did not move up the company's organizational hierarchy. The welder in this example, therefore, should **not** be recorded as having been promoted.

Changes in National Occupational Classification (NOC) Coding

A change in NOC coding does not necessarily constitute a promotion.

For example, if an employee's job description is updated and the employee is consequently moved from one NOC Unit Group to another NOC Unit Group, the employee may not necessarily be counted as a promotion. In order to be recorded as a promotion on Form 5, this employee must still fulfill the criteria for promotion listed above.

FORM 6: EMPLOYEES TERMINATED

Section 2 of the *Regulations* defines “terminated” as retired, resigned, laid off, dismissed, or otherwise having ceased to be an employee, **but does not include laid off temporarily or absent by reason of illness, injury or a labour dispute**

Form 6 records data on employees whose employment was terminated. These employees are recorded in the Occupational Group to which they were last assigned.

Reminder: Form 6 includes Forms **6A, 6B and 6C** (when applicable) and captures information on permanent full-time, permanent part-time and temporary employees, respectively.

These forms are submitted at the National and Provincial level **only**. **Form 6 is not submitted at the Census Metropolitan Area (CMA) level.**

Temporary Employees

Completion of an employment contract must **not** be recorded as a termination. A temporary employee may only be considered terminated if the employee left before their specified termination date.

Corporate Transactions

In the case of a merger or corporate transaction involving the transfer of employees from one company to another, **employees are to be counted as terminated by the company from which they transferred.**

Please refer to page 41 of this Guideline for information regarding the effect of corporate transactions on **hires**.

Changes in Employment Status

For example, a ticket agent working part-time is awarded more hours per week than normally worked, altering the employment status from part-time to full-time. This employee is **not** to be recorded as a part-time termination.

Changes in National Occupational Classification (NOC) Coding

During the reporting year, some employees may be moved from one NOC Unit Group to another NOC Unit Group. A change in NOC coding does **not** constitute a termination.

For example, employees moved from one NOC Unit Group to another NOC Unit Group are not to be counted as terminated in the Unit Group from which they moved.

Exception: Employees moved from one NOC Unit Group to another NOC Unit Group due to a corporate transaction are counted as terminated by the company from which they transferred.

VERIFICATION

Employers are encouraged to review their Employment Equity Reports prior to submission. The Labour Standards and Workplace Equity Program verifies reports for internal consistency in order to ensure data integrity upon publication. Should any internal discrepancies arise, or should there exist unusual year to year variations that are not accounted for in the narrative report, the employer will be contacted either for an amendment or for additional clarification.

Appendices K (Report Checklist) and L (Year to Year Variations) are provided to help eliminate the need for amendments following submission of the report.

PART C: INFORMATION DOCUMENTS

This section includes a variety of reference materials for employers filing Employment Equity Reports. Employers are encouraged to consult these documents with any questions they may have in order to help them file accurate reports. Employers may contact their Regional Workplace Equity Officer (see **Appendix D**) for further advice or information.

APPENDIX A

Sample Narrative Report

The narrative report is an essential part of reporting. Employers are allowed the opportunity to qualify their data, to describe those measures they have found to be most successful, and identify areas in need of improvement.

The following sample report is a composite of three comprehensive narrative reports submitted by actual employers. The portions of the narrative report required under the legislation are noted with an asterix (*). Employers are encouraged to include additional information, such as the examples outline below, or related information particular to the individual employer. The more comprehensive the information provided, the more accurate the perception of the employer's progress. The narrative report is an excellent forum for employers to show how far they have come and where they would like to go in the future.

The following extracts have been reprinted with permission of N. Yanke Transfer Ltd, Rogers Broadcasting Limited, Saskatchewan Wheat Pool and the Bank of Montreal.

I. General Overview

"N. Yanke Transfer Ltd is a full truckload motor carrier based in Saskatoon, SK. In 1996, the corporation undertook a fundamental restructuring of its operations which resulted in reductions in all its terminals—located in Vancouver, Edmonton, Calgary, Saskatoon, Winnipeg, Mississauga and Pointe Claire—to accommodate centralization of operational activities to Head Office. As well, originally centralized business processes—and in particular management reporting and sales strategies—were divisionalized to allow now separate business units offering specialized transportation services the opportunity to respond more effectively to their target markets.

Also notable for 1996 was the corporation's shift in its customer base. One major customer with volumes representing a fair proportion of corporate revenues was replaced over the year by a number of others who, in the end, offered improved revenues and opportunities for growth.

These changes had a large impact on staffing. The restructuring/centralization of operations created job losses within the terminals—as transfers offered were declined by existing employees, usually for family reasons—while creating job opportunities within the Head Office. As well, the shift from one large customer to a number of alternates caused a reduction in the Professional Transport Operators group at the start of the year—all through attrition and redistribution of the workforce—with progressive increases in those numbers throughout the year as new business was started.” –N. Yanke Transfer Ltd

II. Quantitative Information

“A review of the flow data for the Rogers Broadcasting employment equity report for 1996 (978 employees) as compared to the 1995 report (889 employees) indicates that there are 53 employees being reported that are not accounted for in the number of employees hired.

These differences are accounted for either through part-time employees being transferred to full-time employment, or temporary employees being transferred to part-time or full-time employment. This is because employees whose employment status changes during the course of the year are not treated as either promotions or terminations.” –Rogers Broadcasting Limited

III. Qualitative Measures*

(results* achieved are highlighted in bold text)

Communications

“RBL communicates its equity philosophy and new initiatives to managers and employees on an ongoing basis. In 1996, in addition to communication through the Equity Advisory Committee and the Employee Opinion Survey described in the next section, all managers were provided with an update on the following information:

- RBL's equity philosophy
- The 1995 Annual Report Executive Summary
- Summary of workforce representation and availability data
- Mandate of the Equity Advisory Committee”

–Rogers Broadcasting Limited

“Saskatchewan Wheat Pool continues to make presentations at educational institution[s] and outreach agencies. Specifically encouraging Aboriginal [peoples], visible minorities and persons with disabilities and female students to consider

careers in Computer Science as well as in other non-traditional occupations such as the customer service representative and agricultural positions in the Country Services Division where Saskatchewan Wheat Pool usually demands workers.”

–*Saskatchewan Wheat Pool*

Equity Environment

“The Bank continues to offer a variety of courses to help the Bank create an equitable and supportive work environment. Such courses include “Women and Men as Colleagues” and “Attitudes and Protocol: Working with People with Disabilities”.

In addition, there is an on-going commitment to incorporate equity and diversity issues into core training programs and courses. In 1996, for example, Bank of Montreal developed its “Career Bridge” course. A key message delivered throughout this course is that the Bank is enriched by welcoming and valuing the diversity in its workforce and in the community it serves. Independent consultants are hired from time to time to help the Bank ensure that its courses are free from gender and cultural bias, and fully accessible to employees with disabilities.

In 1996, over 800 managers received training in the use of Behaviour Focused Interviewing (BFI), a structured, objective and competencies-based approach to interviewing which ensures a fair, equitable and consistent selection process. Over 1700 managers ranging from mid-management level to senior executives have been trained in the use of BFI since its introduction by the Bank in 1992...” –*Bank of Montreal*

Employment Systems

“Rogers Broadcasting continues to monitor and review its policies and procedures from time to time to ensure the objectives set in the Rogers Broadcasting Equity Plan are met. **This review resulted in a number of changes to established Rogers policies in the area of human resource management. New (or revised) company policies were developed with respect to diversity management, harassment, hiring, employee benefits, and termination practices, which are currently pending executive approval.**

Each new employee receives a copy of our employee benefit and policy handbook which clearly states our harassment policies and procedures. Our harassment policy is also clearly posted at each of our locations...”—*Rogers Broadcasting Limited*

Initiatives for Designated Groups

Recruitment

“As outlined, recruitment of Professional Transport Operators was slow in the early

months of 1996, with more emphasis being placed on the re-allocation of Operators to different equipment, customers and/or lanes and schedules. **Though there was an increase in representation of visible minorities in this personnel group—particularly in the Toronto area—this shift occurred mainly among our Lease/Operators, who numbered approximately 40% of the driving force in that year but who were not included in the statistical report by virtue of their status as independent businesses.**

As well, the corporation showed good progress in its hiring and promotion of women as Professional Transport Operators. Of a total 241 Company Operators, 31 were women, representing 12% of that workforce in an industry where women represent an average of 1% of the driving workforce, N. Yanke Transfer Ltd is proud of its record and continues its efforts to support growth in this area.”—*N. Yanke Transfer Ltd*

Training and Development

“...In November 1996 approximately 40 managers attended the first bi-annual Rogers Broadcasting Leadership College which provided training in RBL leadership philosophy, policies and procedures. The next leadership college will be held in July of 1998, and thereafter every second year.

The new Program Director Understudy Program was established in 1996. The two-year program trains RBL employees who wish to become Radio Program Directors using regular training sessions, mentoring and job shadowing. **A total of 18 applications were received (4 from women, 14 from men) across the company, and of the four candidates selected, 2 are women.**

All managers at RBL have attended a full day workshop on Diversity Awareness. In 1996, newly hired employees attended a half-day workshop on Diversity Awareness. All new employees attend this workshop within their first year of employment.”—*Rogers Broadcasting Limited*

Promotion

“Seventy-four Professional Transport Operators were promoted in 1996. Of these, sixty-five received wage increases to reflect the length of service and the concurrent experience gained. The nine others were appointed Trainers in the corporate training program started in March of that year, in recognition of their good performance. Trainers benefit from a guaranteed annual income and a regular schedule with pre-determined time off.

As regards non-driving personnel, a review of internal candidates' performance appraisals was given increased emphasis in 1996, as a means of increasing the focus on job-related issues as the main criteria for promotion. **As well, the corporation's internal posting policy—which guarantees a formal interview to**

every employee applying for a position—proved effective in providing all applicants equal opportunity to compete for job openings. An indicator of this success was the transfer of women from administrative functions to less traditional operational functions, as a result of internal competitions.

In total, 64 office and maintenance employees were promoted or transferred to new positions in 1996, and of these 24 were women.”—*N. Yanke Transfer Ltd*

Retention and Termination

“We continue to monitor our termination rates for all employees, to ensure there are no systemic issues reflected in the proportional number of terminations in each of the designated groups.”—*Rogers Broadcasting Limited*

Reasonable Accommodation

“All terminals were renovated, including the addition or improvement of facilities for women Operators where necessary. As well, the introduction of a physicians’ network to undertake the medical examination of prospective Operators for the corporations included instructions specific to creating safe environments for women being examined by physicians unknown to them. Finally, a buddy system was implemented to support individuals from linguistic and other minorities who wished to be employed as Professional Transport Operators. This system allowed new recruits to be paired with seasoned PTOs until such time as they gained a level of comfort and confidence in the application of corporate policies, procedures and paperwork.”—*N. Yanke Transfer Ltd*

“We continue to provide accommodations to staff members such as interpretive services for staff training, accommodations related to visual disabilities, modified work to injured workers and pregnant women and having staff work at home after surgery. **Based on their qualifications staff with allergies or other physical disabilities have been accommodated into various positions such as clerks, marketing representatives, or other available openings**—*Saskatchewan Wheat Pool*

“...The services of community agencies are used to identify the best solutions for individual employees requesting accommodations, particularly where equipment is to be provided. Work schedules are also adjusted to provide variable start times where circumstances warrant, and modified work weeks are provided for users of WheelTrans, and where appropriate, for working mothers. Rogers Broadcasting also provides a maternity supplementary unemployment insurance plan to all women and guarantees they will receive 55% of their salary while they are on maternity leave.

Rogers Broadcasting has conducted extensive system reviews and facilities audits to ensure that employment or physical barriers that would either systematically or

overtly deny equal employment opportunities to any individual do not exist.

In keeping with its commitment to identify and eliminate physical barriers in the workplace, in 1996 the Equity Advisory Committee re-examined the issue of access for persons with disabilities at The Shopping Channel location, specifically parking.

This resulted in an increase in the number of designated parking spaces.

—*Rogers Broadcasting Limited*

IV. Constraints

While the above companies did not identify constraints in their narrative reports, employers are invited to describe any limitations that may have affected their ability to implement initiatives for designated group members. Such constraints could include, but are not limited to, the availability of designated group members, the geographical situation of the employer, problems related to self-identification, and legal or technical requirements.

V. Consultations with Employee Representatives*

“Bank of Montreal actively solicits feedback from its employees on an on-going basis. Several mechanisms are used to capture employees’ attitudes and opinions on various issues related to employment equity and diversity. This feedback plays a critical role in the Bank’s culture change process. It enables the Bank to measure progress, establish goals, and fine-tune its Workplace Equity initiative.

One of the mechanisms used to monitor the attitudes of its employees is the Employee Opinion Survey. This survey, which covers a broad range of issues, is administered to approximately 3,000 to 10,000 employees on a quarterly basis. Results to date indicate that the Bank is continuing to make excellent progress toward creating an equitable workforce. The Bank’s employees increasingly feel that they are treated equitably and that the workplace is supportive of diversity. For instance, the majority of employees agree that “people of diverse backgrounds find it easy to fit in and contribute fully at the Bank”. Further, in 1996 there was a stronger sense among employees that they could advance regardless of race, colour and disability.

Another important means for capturing feedback from employees is the Bank’s network of Workplace Equality Coordinators and its Divisional Advisory Councils. These groups hold conference calls on a monthly or bimonthly basis to share information and discuss key issues/concerns facing the Bank with respect to the implementation of workplace equality. Findings and recommendations are summarized and presented to the Bank’s National Advisory Council on the Equitable Workplace.”—*Bank of Montreal*

“Union and management [representatives] continue to discuss creative [methods] to employ designated group members such as the customer service representative training program for designated group members and lengthening employee’s work

assignments at head office to provide them with work experience.”—*Saskatchewan Wheat Pool*

VI. Future Strategies

“1996 also marked the planning phase for a new program in Quebec designed to train people with disabilities for careers in the financial services sector. This apprenticeship-style program, which was developed by the Bank in co-operation with the Paraplegic Association of Quebec, the provincial and federal governments, and a community college in Montreal, will be implemented in 1997”—*Bank of Montreal*

“RBL looks forward to continuing with the development of a number of important equity initiatives in 1997 including the completion of its corporate video, and support for the new Aboriginal Media program which is being launched in 1997 by the First Nations Technical Institute.”—*Rogers Broadcasting Limited*

APPENDIX B

Consolidated Reporting Eligibility Requirements

Employers must submit a formal written request for consolidated reporting to the Director, Labour Standards and Workplace Equity Program for consideration. An employer must meet several criteria to be considered eligible for the consolidated reporting option.

Employers are invited to submit their written request for consolidated reporting to:

Labour Standards and Workplace Equity
Operations Labour Branch
Department of Human Resources Development
Place du Portage, Phase II
165 Hôtel de Ville
Hull, Quebec
K1A 0J2

To be considered for the consolidated reporting provision, employers must first meet two essential requirements:

- 1) each separate legal entity must employ 100 or more employees
- 2) each separate legal entity must be federally regulated

Should an employer meet these requirements and choose to submit an application for consolidated reporting, the written request must include detailed descriptions of:

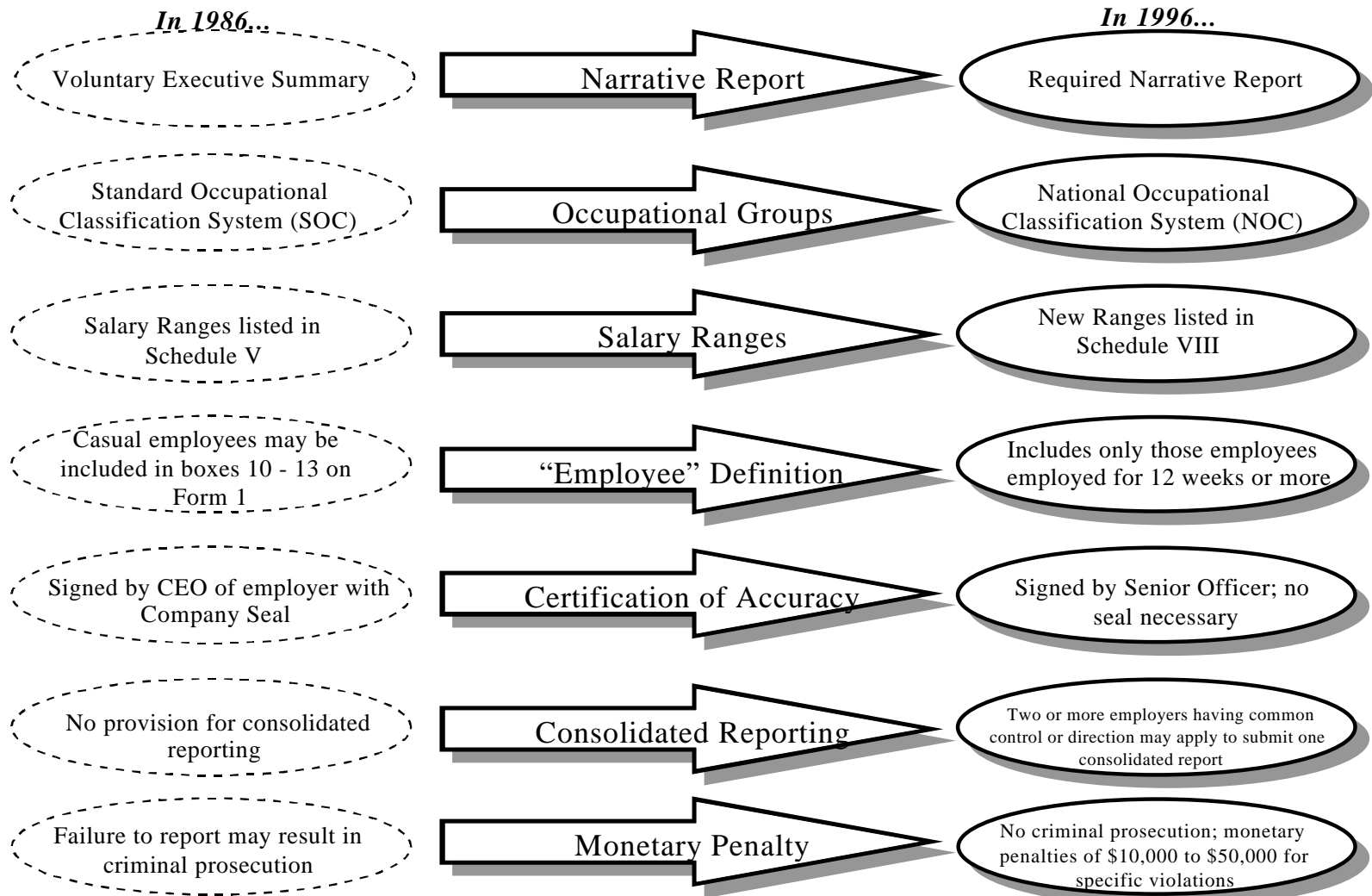
- the business operations of the companies in question
- the nature/type of services offered by each entity, including areas or fields of activity
- the relationship between the various areas or fields of activity
- legal status (licensed, incorporated, registered, certified, etc.)
- the legal relationship between the companies in question
- the organizational structure of each entity
- the parties responsible for the hiring, promotion and termination of staff for the

companies in question

- the parties responsible for payroll and benefits (in the case of employee transfers, do employees retain benefits, seniority, etc.?)
- the policies developed for each legal entity; the consistency or differences of policies and practices between entities
- the centralization or decentralization of human resource functions, including employment equity
- the extent to which the companies in question share facilities, equipment or information systems
- the extent to which the companies in question share management and personnel
- the extent to which the operations of the companies in question are integrated
- the existence of workforce unions; do the companies in question maintain separate unions and collective agreements or is there a global collective agreement?

APPENDIX C

Changes in Reporting Requirements Effected by the New Employment Equity Act



APPENDIX D

Regional Workplace Equity Officer Contact List

Newfoundland***Helen Gosine***

Workplace Equity Officer
277 Water Street
P.O. Box 8548
St. John's, Newfoundland
A1C 3P3
(709) 772-4656
Fax: (709) 772-5985

Nova Scotia***Rick Sider***

Workplace Equity Officer
Metropolitan Place
99 Wyse Road
P.O. Box 1350
Dartmouth, Nova Scotia
B2Y 4B9
(902) 426-1764
Fax: (902) 426-1390

New Brunswick/P.E.I.***Mary Farrell***

Workplace Equity Officer
615 Prospect Street West
P.O. Box 2600
Fredericton, New Brunswick
E3B 5V6
(506) 452-3779
Fax: (506) 452-3134

Quebec***Jacinthe Brunet******Guy Delisle******Muriel Ménard***

Workplace Equity Officers
715 Peel Street, 4th Floor
Montreal, Quebec
H3C 4H6
(514) 283-8407
(514) 496-1608
(514) 283-2270
Fax: (514) 283-5748

Ontario***Lindsay Beattie******Janet Pugsley******Veronica Rodwell-Simon******Theresa McElhone-Stevack******Joy Rawlins***

Workplace Equity Officers
4900 Yonge Street
Suite 200
North York, Ontario
M2N 6A8
(416) 954-7194
Fax: (416) 954-7201

Manitoba***Sandra Hrychuk***

Workplace Equity Officer
Paris Building
600 - 259 Portage Ave.
Winnipeg, Manitoba
R3B 3L4
(204) 983-4547
Fax:(204)983-2117

Saskatchewan***Ken Taylor***

Workplace Equity Officer
1870 Albert Street, 3rd Floor
Regina, Saskatchewan
S4P 4B7
(306) 780-5015
Fax: (306) 780-5415

Judy Buckley

Workplace Equity Officer
HRDC
Room 100
101 - 22 St. E.
Saskatoon, Saskatchewan
S7K 0E2
(306)975-5559

Alberta/NWT***Brenda Noland***

Workplace Equity Officer
Canada Place
9700 Jasper Avenue
Edmonton, Alberta
T5J 4C1
(403) 495-5643
Fax: (403) 495-2998

British Columbia/Yukon***Joanne Ursino***

Labour Program
Workplace Equity Officer
Suite 1400
300 West Georgia Street
Vancouver, British Columbia
V6B 6G3
(604) 666-6569
Fax:(604)666-6206

APPENDIX E

Schedule VI: Sample Forms

Schedule VI of the *Regulations* prescribes Forms 1 to 6 for reporting. These forms are located in a separate document and can be downloaded from the Employment Equity Guidelines Download page. You can go directly there by typing the following address in the location area on your Internet Browser:

<http://info.load-otea.hrdc-drhc.gc.ca/~weeweb/eeact/downlen.htm>

Note: The download option for Appendix E is located directly below the download option for Guideline 11.

Employers using report-generating software (other than the Employment Equity Computerized Reporting System (EECRS)) are reminded to respect the prescribed format of the provided forms. Questions regarding format compatibility may be directed to the EECRS ☎ hotline at (819) 953-7510.

APPENDIX F

Form 1 Diagram

The following diagram is provided to help employers record their employees correctly. This visual tool is intended to supplement pages 16 to 26 of this Guideline.

Employment Equity Report

Human Resources Development
 Ressources humaines Canada

SCHEDULE VI / ANNEXE VI
(Subsection 16(1) / paragraph 16(1))
EMPLOYMENT EQUITY: EMPLOYER IDENTIFICATION, REPORT SUMMARY AND CERTIFICATION OF ACCURACY
ÉQUITÉ EN MATIÈRE D'EMPLOI : IDENTIFICATION DE L'EMPLOYEUR, SOMMAIRE DU RAPPORT ET ATTESTATION D'EXACTITUDE

Form
Formulaire **1**

IDENTIFICATION NAME OF EMPLOYER / NOM DE L'EMPLOYEUR ADDRESS / ADRESSE OFFICERS / AGENTS POSITION / FONCTION	FULL LEGAL NAME - NOM LÉGAL AU COMPLET ADDRESS OF PRINCIPAL PLACE OF BUSINESS - ADRESSE DU PRINCIPAL ÉTABLISSEMENT NAME OF CHIEF EXECUTIVE OFFICER OF EMPLOYER - NOM DU PRÉSIDENT D'UNIVERSITÉ DE L'ENTREPRISE POSITION TITLE - TITRE OU FONCTION INDUSTRIAL SECTOR 1 - BRANCHE D'ACTIVITÉ 1 INDUSTRIAL SECTOR 2 - BRANCHE D'ACTIVITÉ 2 INDUSTRIAL SECTOR 3 - BRANCHE D'ACTIVITÉ 3 INDUSTRIAL SECTOR 4 - BRANCHE D'ACTIVITÉ 4	COMMON OR BUSINESS NAME - NOM USUEL OU COMMERCIAL MAILING ADDRESS - ADRESSE POSTALE NAME OF OFFICER RESPONSIBLE FOR EMPLOYMENT EQUITY - NOM DE L'OFFICIER RESPONSABLE DE L'ÉQUITÉ EN MATIÈRE D'EMPLOI POSITION TITLE - TITRE OU FONCTION GEOGRAPHICAL AREAS (INDICATE NUMBER OF EMPLOYEES LOCATED IN EACH AREA) REGINA TORONTO VANCOUVER OTHER CITIES / AUTRES VILLES OTHER PROVINCES / AUTRES PROVINCES OTHER COUNTRIES / AUTRES PAYS	NAME OF CHIEF EXECUTIVE OFFICER OF EMPLOYER - NOM DU PRÉSIDENT D'UNIVERSITÉ DE L'ENTREPRISE POSITION TITLE - TITRE OU FONCTION FULL-TIME EMPLOYEES / NO. OF EMPLOYEES TEMPORARY EMPLOYEES / NO. OF TEMPORARY EMPLOYEES PART-TIME EMPLOYEES / NO. OF PART-TIME EMPLOYEES TOTAL EMPLOYEES IN CANADA / NO. TOTAL D'EMPLOYES AU CANADA ALTA. - ALB. B.C. - C.B. M.B. - M.B. N.S. - N.S. N.W.T. - T.N.O.
CERTIFICATION OF ACCURACY / ATTESTATION D'EXACTITUDE	I HEREBY CERTIFY / I ATTESTE THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. QUE LES RENSEIGNEMENTS FOURNIS DANS LES FORMULAIRES 1 A 8 DU PRÉSENT RAPPORT SONT, AVANT QU'ILS LE SONT, VRAIS ET EXACTS À TOUT ÉGARD. DATE _____ SIGNATURE _____		

LAB 1113 (07/97) B
 NOTE: SEE INSTRUCTIONS TO COMPLETE ALL FORMS.
 NOTI: VOIR INSTRUCTIONS POUR REMPLIR TOUS LES FORMULAIRES

20% of workforce?
C forms required

Boxes 10-13
PEAK PERIOD
1000+?
Forms 2-6
Required

Box 17
PEAK PERIOD

Box 18
PEAK PERIOD

Any CMA over 100?
Forms 2 and 3 required

Any province over 100?
Forms 2-6 required

Box 14
AS OF DEC.31

Box 15
AS OF DEC.31

Box 16
PEAK PERIOD
for temps

Box 19
SUM OF BOXES 10,
11, 12, 13



APPENDIX G

Schedule VII: Standard Industrial Classification (SIC)

	Column I Industrial Classification		Column II Industrial Group Description
1.	AGRICULTURAL AND RELATED SERVICE INDUSTRIES	(1) Agricultural Industries	(a) Livestock Farms (except Animal Specialties) (b) Other Animal Specialty Farms (c) Field Crop Farms (d) Field Crop Combination Farms (e) Fruit and Other Vegetable Farms (f) Horticultural Specialties (g) Livestock, Field Crop and Horticultural Combination Farms
		(2) Service Industries Incidental to Agriculture	(a) Services Incidental to Livestock and Animal Specialties (b) Services Incidental to Agricultural Crops (c) Other Services Incidental to Agriculture
2.	FISHING AND TRAPPING INDUSTRIES	(1) Fishing and Trapping Industries	(a) Fishing Industries (b) Services Incidental to Fishing (c) Trapping
3.	LOGGING AND FORESTRY INDUSTRIES	(1) Logging Industry	(a) Logging Industry
		(2) Forestry Services	(a) Forestry Services Industry
4.	MINING (INCLUDING MILLING), QUARRYING AND OIL WELL INDUSTRIES	(1) Mining Industries	(a) Metal Mines (b) Non-Metal Mines (except Coal) (c) Coal Mines
		(2) Crude Petroleum and Natural Gas Industries	(a) Crude Petroleum and Natural Gas Industries
		(3) Quarry and Sand Pit Industries	(a) Stone Quarries (b) Sand and Gravel Pits
		(4) Service Industries Incidental to Mineral Extraction	(a) Service Industries Incidental to Crude Petroleum and Natural Gas (b) Service Industries Incidental to Mining
5.	MANUFACTURING INDUSTRIES	(1) Food Industries	(a) Meat and Poultry Products Industries (b) Fish Products Industry (c) Fruit and Vegetable Industries (d) Dairy Products Industries (e) Flour, Prepared Cereal Food and Feed Industries (f) Vegetable Oil Mills (except Corn Oil) (g) Bakery Products Industries (h) Sugar and Sugar Confectionery Industries (i) Other Food Products Industries
		(2) Beverage Industries	(a) Soft Drink Industry (b) Distillery Products Industry (c) Brewery Products Industry (d) Wine Industry

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Item	Column I Industrial Classification	Column II Industrial Group Description
	(3) Tobacco Products Industries	(a) Leaf Tobacco Industry (b) Tobacco Products Industry
	(4) Rubber Products Industries	(a) Tire and Tube Industry (b) Rubber Hose and Belting Industry (c) Other Rubber Products Industries
	(5) Plastic Products Industries	(a) Foamed and Expanded Plastic Products Industry (b) Plastic Pipe and Pipe Fittings Industry (c) Plastic Film and Sheeting Industry (d) Other Plastic Products Industries
	(6) Leather and Allied Products Industries	(a) Leather and Allied Products Industries
	(7) Primary Textile Industries	(a) Man-made and Filament Yarn Industry (b) Spun Yarn and Woven Cloth Industries (c) Broad Knitted Fabric Industry
	(8) Textile Products Industries	(a) Natural Fibres Processing and Felt Products Industry (b) Carpet, Mat and Rug Industry (c) Canvas and Related Products Industry (d) Other Textile Products Industries
	(9) Clothing Industries	(a) Men's and Boys' Clothing Industries (b) Women's Clothing Industries (c) Children's Clothing Industry (d) Other Clothing and Apparel Industries
	(10) Wood Industries	(a) Sawmill Planing Mill and Shingle Mill Products Industries (b) Veneer and Plywood Industries (c) Sash, Door and Other Millwork Industries (d) Wooden Box and Pallet Industry (e) Coffin and Casket Industry (f) Other Wood Industries
	(11) Furniture and Fixture Industries	(a) Household Furniture Industries (b) Office Furniture Industries (c) Other Furniture and Fixture Industries
	(12) Paper and Allied Products Industries	(a) Pulp and Paper Industries (b) Asphalt Roofing Industry (c) Paper Box and Bag Industries (d) Other Converted Paper Products Industries
	(13) Printing, Publishing and Allied Industries	(a) Commercial Printing Industries (b) Platemaking, Typesetting and Bindery Industry (c) Publishing Industries (d) Combined Publishing and Printing Industries

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Item	Column I Industrial Classification	Column II Industrial Group Description
	(14)Primary Metal Industries	<ul style="list-style-type: none"> (a) Primary Steel Industries (b) Steel Pipe and Tube Industry (c) Iron Foundries (d) Non-Ferrous Metal Smelting and Refining Industries (e) Aluminum Rolling, Casting and Extruding Industry (f) Copper and Copper Alloy Rolling, Casting and Extruding Industry (g) Other Rolled, Cast and Extruded Non-Ferrous Metal Products Industries
	(15)Fabricated Metal Products Industries (except Machinery and Transportation Equipment Industries)	<ul style="list-style-type: none"> (a) Power Boiler and Heat Exchanger Industry (b) Fabricated Structural Metal Products Industries (c) Ornamental and Architectural Metal Products Industries (d) Stamped, Pressed and Coated Metal Products Industries (e) Wire and Wire Products Industries (f) Hardware, Tool and Cutlery Industries (g) Heating Shop Industry (h) Machine Shop Industry (i) Other Metal Fabricating Industries
	(16)Machinery Industries (except Electrical Machinery)	<ul style="list-style-type: none"> (a) Agricultural Implement Industry (b) Commercial Refrigeration and Air Conditioning Equipment Industry (c) Other Machinery and Equipment Industries
	(17)Transportation Equipment Industries	<ul style="list-style-type: none"> (a) Aircraft and Aircraft Parts Industry (b) Motor Vehicle Industry (c) Truck and Bus Body and Trailer Industries (d) Motor Vehicle Parts and Accessories Industries (e) Railroad Rolling Stock Industry (f) Shipbuilding and Repair Industry (g) Boatbuilding and Repair Industry (h) Other Transportation Equipment Industries
	(18)Electrical and Electronic Products Industries	<ul style="list-style-type: none"> (a) Small Electrical Appliance Industry (b) Major Appliance Industry (Electric and Non-electric) (c) Electric Lighting Industries (d) Record Player, Radio and Television Receiver Industry (e) Communication and Other Electronic Equipment Industries (f) Office, Store and Business Machine Industries (g) Electrical Industrial Equipment Industries (h) Communications and Energy Wire and Cable Industry (i) Other Electrical Products Industries

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Item	Column I Industrial Classification	Column II Industrial Group Description
	(19) Non-Metallic Mineral Products Industries	<ul style="list-style-type: none"> (a) Clay Products Industries (b) Hydraulic Cement Industry (c) Concrete Products Industries (d) Ready-Mix Concrete Industry (e) Glass and Glass Products Industries (f) Abrasives Industry (g) Lime Industry (h) Other Non-Metallic Mineral Products Industries
	(20) Refined Petroleum and Coal Products Industries	<ul style="list-style-type: none"> (a) Refined Petroleum Products Industries (b) Other Petroleum and Coal Products Industries
	(21) Chemical and Chemical Products Industries	<ul style="list-style-type: none"> (a) Industrial Chemical Industries (b) Agricultural Chemical Industries (c) Plastic and Synthetic Resin Industry (d) Pharmaceutical and Medicine Industry (e) Paint and Varnish Industry (f) Soap and Cleaning Compounds Industry (g) Toilet Preparations Industry (h) Other Chemical Products Industries
	(22) Other Manufacturing Industries	<ul style="list-style-type: none"> (a) Scientific and Professional Equipment Industries (b) Jewellery and Precious Metal Industries (c) Sporting Goods and Toy Industries (d) Sign and Display Industry (e) Other Manufactured Products Industries
6.	CONSTRUCTION INDUSTRIES	
	(1) Building, Developing and General Contracting Industries	<ul style="list-style-type: none"> (a) Residential Building and Development (b) Non-Residential Building and Development
	(2) Industrial and Heavy (Engineering) Construction Industries	<ul style="list-style-type: none"> (a) Industrial Construction (other than Buildings) (b) Highway and Heavy Construction
	(3) Trade Contracting Industries	<ul style="list-style-type: none"> (a) Site Work (b) Structural and Related Work (c) Exterior CloseIn Work (d) Plumbing, Heating and Air Conditioning, Mechanical Work (e) Mechanical Specialty Work (f) Electrical Work (g) Interior and Finishing Work (h) Other Trade Work
	(4) Service Industries Incidental to Construction	<ul style="list-style-type: none"> (a) Project Management Construction (b) Other Services Incidental to Construction

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Item	Column I Industrial Classification	Column II Industrial Group Description
7.	TRANSPORTATION AND STORAGE INDUSTRIES	(1) Transportation Industries <ul style="list-style-type: none"> (a) Air Transport Industries (b) Service Industries Incidental to Air Transport (c) Railway Transport and Related Service Industries (d) Water Transport Industries (e) Service Industries Incidental to Water Transport (f) Truck Transport Industries (g) Public Passenger Transit Systems Industries (h) Other Transportation Industries (i) Other Service Industries Incidental to Transportation
		(2) Pipeline Transport Industries <ul style="list-style-type: none"> (a) Pipeline Transport Industries
		(3) Storage and Warehousing Industries <ul style="list-style-type: none"> (a) Grain Elevator Industry (b) Other Storage and Warehousing Industries
8.	COMMUNICATIONS AND OTHER UTILITY INDUSTRIES	(1) Communication Industries <ul style="list-style-type: none"> (a) Telecommunication Broadcasting Industries (b) Telecommunication Carriers Industry (c) Other Telecommunication Industries (d) Postal and Courier Service Industries
		(2) Other Utility Industries <ul style="list-style-type: none"> (a) Electric Power Systems Industry (b) Gas Distribution Systems Industry (c) Water Systems Industry (d) Other Utility Industries
9.	WHOLESALE TRADE INDUSTRIES	(1) Farm Products Industries, Wholesale <ul style="list-style-type: none"> (a) Farm Products, Wholesale
		(2) Petroleum Products Industries, Wholesale <ul style="list-style-type: none"> (a) Petroleum Products, Wholesale
		(3) Food, Beverage, Drug and Tobacco Industries, Wholesale <ul style="list-style-type: none"> (a) Food, Wholesale (b) Beverage, Wholesale (c) Drugs and Toilet Preparations, Wholesale (d) Tobacco Products, Wholesale
		(4) Apparel and Dry Goods Industries, Wholesale <ul style="list-style-type: none"> (a) Apparel, Wholesale (b) Dry Goods, Wholesale
		(5) Household Goods Industries, Wholesale <ul style="list-style-type: none"> (a) Electrical and Electronic Household Appliances and Parts, Wholesale (b) Household Furniture, Wholesale (c) Household Furnishings, Wholesale
		(6) Motor Vehicle, Parts and Accessories Industries, Wholesale <ul style="list-style-type: none"> (a) Motor Vehicles, Wholesale (b) Motor Vehicle Parts and Accessories, Wholesale
		(7) Metals, Hardware, Plumbing, Heating and Building Materials Industries, Wholesale <ul style="list-style-type: none"> (a) Metal and Metal Products, Wholesale (b) Hardware and Plumbing, Heating and Air Conditioning Equipment and Supplies, Wholesale (c) Lumber and Building Materials, Wholesale

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Item	Column I Industrial Classification	Column II Industrial Group Description
	(8) Machinery, Equipment and Supplies Industries, Wholesale	<ul style="list-style-type: none"> (a) Farm Machinery, Equipment and Supplies, Wholesale (b) Construction, Forestry and Mining Machinery, Equipment and Supplies, Wholesale (c) Industrial Machinery, Equipment and Supplies Wholesale (d) Electrical and Electronic Machinery, Equipment and Supplies, Wholesale (e) Other Machinery, Equipment and Supplies, Wholesale
	(9) Other Products Industries, Wholesale	<ul style="list-style-type: none"> (a) Waste Materials, Wholesale (b) Paper and Paper Products, Wholesale (c) Agricultural Supplies, Wholesale (d) Toys, Amusement and Sporting Goods, Wholesale (e) Photographic Equipment and Musical Instruments and Supplies, Wholesale (f) Jewellery and Watches, Wholesale (g) Industrial and Household Chemicals, Wholesale (h) General Merchandise, Wholesale (i) Other Products Wholesale
10.	RETAIL TRADE INDUSTRIES	
	(1) Food, Beverage and Drug Industries, Retail	<ul style="list-style-type: none"> (a) Food Stores (b) Liquor, Wine and Beer Stores (c) Prescription Drugs and Patent Medicine Stores
	(2) Shoe, Apparel, Fabric and Yarn Industries, Retail	<ul style="list-style-type: none"> (a) Shoe Stores (b) Men's Clothing Stores (c) Women's Clothing Stores (d) Clothing Stores (e) Fabric and Yarn Stores
	(3) Household Furniture, Appliances and Furnishing Industries, Retail	<ul style="list-style-type: none"> (a) Household Furniture Stores (b) Appliance, Television, Radio and Stereo Stores (c) Household Furnishings Stores
	(4) Automotive Vehicles, Parts and Accessories Industries, Sales and Service	<ul style="list-style-type: none"> (a) Automobile Dealers (b) Recreational Vehicle Dealers (c) Gasoline Service Stations (d) Automotive Parts and Accessories Stores (e) Motor Vehicle Repair Shops (f) Other Motor Vehicle Services
	(5) General Retail Merchandising Industries	<ul style="list-style-type: none"> (a) General Retail Merchandising Industries

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Item	Column I Industrial Classification	Column II Industrial Group Description
	(6) Other Retail Store Industries	<ul style="list-style-type: none"> (a) Book and Stationery Stores (b) Florists, Lawn and Garden Centres (c) Hardware, Paint, Glass and Wallpaper Stores (d) Sporting Goods and Bicycle Shops (e) Musical Instrument and Record Stores (f) Jewellery Stores and Watch and Jewellery Repair Shops (g) Camera and Photographic Supply Stores (h) Toy, Hobby, Novelty and Souvenir Stores (i) Other Retail Stores
	(7) Non-Store Retail Industries	<ul style="list-style-type: none"> (a) Vending Machine Operators (b) Direct Sellers
11.	FINANCE AND INSURANCE INDUSTRIES	<ul style="list-style-type: none"> (1) Deposit Accepting Intermediary Industries <ul style="list-style-type: none"> (a) Central Banks (b) Chartered Banks and Other Banking Type Intermediaries (c) Trust Companies (d) Deposit Accepting Mortgage Companies (e) Credit Unions (f) Other Deposit Accepting Intermediaries (2) Consumer and Business Financing Intermediary Industries <ul style="list-style-type: none"> (a) Consumer Loan Companies (b) Business Financing Companies (3) Investment Intermediary Industries <ul style="list-style-type: none"> (a) Portfolio Investment Intermediaries (b) Mortgage Companies (c) Other Investment Intermediaries (4) Insurance Industries <ul style="list-style-type: none"> (a) Life Insurers (b) Deposit Insurers (c) Property and Casualty Insurers (5) Other Financial Intermediary Industries <ul style="list-style-type: none"> (a) Security Brokers and Dealers (b) Mortgage Brokers (c) Security and Commodity Exchanges (d) Other Financial Intermediaries
12.	REAL ESTATE OPERATOR AND INSURANCE AGENT INDUSTRIES	<ul style="list-style-type: none"> (1) Real Estate Operator Industries (except Developers) <ul style="list-style-type: none"> (a) Operators of Buildings and Dwellings (b) Other Real Estate Operators (2) Insurance and Real Estate Agent Industries <ul style="list-style-type: none"> (a) Insurance and Real Estate Agencies
13.	BUSINESS SERVICE INDUSTRIES	<ul style="list-style-type: none"> (1) Business Service Industries <ul style="list-style-type: none"> (a) Employment Agencies and Personnel Suppliers (b) Computer and Related Services (c) Accounting and Bookkeeping Services (d) Advertising Services (e) Architectural, Engineering and Other Scientific and Technical Services (f) Offices of Lawyers and Notaries (g) Management Consulting Services (h) Other Business Services

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Item	Column I Industrial Classification	Column II Industrial Group Description
14.	GOVERNMENT SERVICE INDUSTRIES	(1) Federal Government Service Industries <ul style="list-style-type: none"> (a) Defence Services (b) Protective Services (c) Labour, Employment and Immigration Services (d) Foreign Affairs and International Assistance (e) General Administrative Services (f) Human Resource Administration (g) Economic Services Administration
		(2) Provincial and Territorial Government Service industries <ul style="list-style-type: none"> (a) Protective Services (b) Labour and Employment Services (c) General Administrative Services (d) Human Resource Administration (e) Economic Services Administration
		(3) Local Government Service Industries <ul style="list-style-type: none"> (a) Protective Services (b) General Administrative Services (c) Human Resource Administration (d) Economic Services Administration
		(4) International and Other Extra-Territorial Industries <ul style="list-style-type: none"> (a) International and Other Extra-Territorial Government Service Agencies
15.	EDUCATIONAL SERVICE INDUSTRIES	(1) Educational Service Industries <ul style="list-style-type: none"> (a) Elementary and Secondary Education (b) Post-Secondary Non-University Education (c) University Education (d) Library Services (e) Museums and Archives (f) Other Educational Services
16.	HEALTH AND SOCIAL SERVICE INDUSTRIES	(1) Health and Social Service Industries <ul style="list-style-type: none"> (a) Hospitals (b) Other Institutional Health and Social Services (c) Non-Institutional Health Services (d) Non-Institutional Social Services (e) Offices of Physicians, Surgeons and Dentists, Private Practice (f) Offices of Other Health Practitioners (g) Offices of Social Services Practitioners (h) Medical and Other Health Laboratories (i) Health and Social Service Associations and Agencies
17.	ACCOMMODATION, FOOD AND BEVERAGE SERVICE INDUSTRIES	(1) Accommodation Service Industries <ul style="list-style-type: none"> (a) Hotels, Motels and Tourist Courts (b) Lodging Houses and Residential Clubs (c) Camping Grounds and Travel Trailer Parks (d) Recreation and Vacation Camps
		(2) Food and Beverage Service Industries <ul style="list-style-type: none"> (a) Food Services (b) Taverns, Bars and Night Clubs

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Item	Column I Industrial Classification	Column II Industrial Group Description
18. OTHER SERVICE INDUSTRIES	(1) Amusement and Recreational Service Industries	<ul style="list-style-type: none"> (a) Motion Picture, Audio and Video Production and Distribution (b) Motion Picture Exhibition (c) Theatrical and Other Staged Entertainment Services (d) Commercial Spectator Sports (e) Sports and Recreation Clubs and Services (f) Gambling Operations (g) Other Amusement and Recreational Services
	(2) Personal and Household Service Industries	<ul style="list-style-type: none"> (a) Barber and Beauty Shops (b) Laundries and Cleaners (c) Funeral Services (d) Private Households (e) Other Personal and Household Services
	(3) Membership Organization Industries	<ul style="list-style-type: none"> (a) Religious Organizations (b) Business Associations (c) Professional Membership Associations (d) Labour Organizations (e) Political Organizations (f) Civic and Fraternal Organizations
	(4) Other Service Industries	<ul style="list-style-type: none"> (a) Machinery and Equipment Rental and Leasing Services (b) Automobile and Truck Rental and Leasing Services (c) Photographers (d) Other Repair Services (e) Services to Buildings and Dwellings (f) Travel Services (g) Other Services

APPENDIX H

Schedule I: Designated Census Metropolitan Areas (CMAs)

1. Calgary
2. Edmonton
3. Halifax
4. Montreal
5. Regina
6. Toronto
7. Vancouver
8. Winnipeg

APPENDIX I

Schedule II: Occupational Groups

Item	Column I Occupational Groups	Column II Occupational Unit Groups	Column III NOC Codes
1.	Senior Managers	Legislators	0011
		Senior Government Managers and Officials	0012
		Senior Managers - Financial, Communications Carriers and Other Business Services	0013
		Senior Managers - Health, Education, Social and Community Services and Membership Organizations	0014
2.	Middle and Other Managers	Senior Managers - Trade, Broadcasting and Other Services, n.e.c.	0015
		Senior Managers - Goods Production, Utilities, Transportation and Construction	0016
		Financial Managers	0111
		Human Resources Managers	0112
		Purchasing Managers	0113
		Other Administrative Services Managers	0114
		Insurance, Real Estate and Financial Brokerage Managers	0121
		Banking, Credit and Other Investment Managers	0122
		Other Business Services Managers	0123
		Telecommunication Carriers Managers	0131
		Postal and Courier Services Managers	0132
		Engineering Managers	0211
		Architecture and Science Managers	0212
		Information Systems and Data Processing Managers	0213
		Managers in Health Care	0311
		Administrators in Post-Secondary Education and Vocational Training	0312
		School Principals and Administrators of Elementary and Secondary Education	0313
		Managers in Social, Community and Correctional Services	0314
		Government Managers in Health and Social Policy Development and Program Administration	0411
		Government Managers in Economic Analysis, Policy Development and Program Administration	0412
		Government Managers in Education Policy Development and Program Administration	0413
		Other Managers in Public Administration	0414
		Library, Archive, Museum and Art Gallery Managers	0511
		Managers in Publishing, Motion Pictures, Broadcasting and Performing Arts	0512
		Recreation and Sport Program and Service Directors	0513
		Sales, Marketing and Advertising Managers	0611
		Retail Trade Managers	0621
		Restaurant and Food Service Managers	0631
		Accommodation Service Managers	0632
		Commissioned Police Officers	0641
		Fire Chiefs and Senior Officers	0642
		Commissioned Officers, Armed Forces	0643
		Other Services Managers	0651
		Construction Managers	0711
Residential Home Builders and Renovators	0712		
Transportation Managers	0713		
Facility Operation Managers	0721		
Maintenance Managers	0722		
Primary Production Managers (except Agriculture)	0811		
Manufacturing Managers	0911		
Utilities Managers	0912		
3.	Professionals	Financial Auditors and Accountants	1111
		Financial and Investment Analysts	1112
		Securities Agents, Investment Dealers and Traders	1113
		Other Financial Officers	1114
		Specialists in Human Resources	1121
		Professional Occupations in Business Services to Management	1122
		Physicists and Astronomers	2111
		Chemists	2112

n.e.c. = not elsewhere classified

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Geologists, Geochemists and Geophysicists	2113
Meteorologists	2114
Other Professional Occupations in Physical Sciences	2115
Biologists and Related Scientists	2121
Forestry Professionals	2122
Agricultural Representatives, Consultants and Specialists	2123
Civil Engineers	2131
Mechanical Engineers	2132
Electrical and Electronics Engineers	2133
Chemical Engineers	2134
Industrial and Manufacturing Engineers	2141
Metallurgical and Materials Engineers	2142
Mining Engineers	2143
Geological Engineers	2144
Petroleum Engineers	2145
Aerospace Engineers	2146
Computer Engineers	2147
Other Professional Engineers, n.e.c.	2148
Architects	2151
Landscape Architects	2152
Urban and Land Use Planners	2153
Land Surveyors	2154
Mathematicians, Statisticians and Actuaries	2161
Computer Systems Analysts	2162
Computer Programmers	2163
Specialist Physicians	3111
General Practitioners and Family Physicians	3112
Dentists	3113
Veterinarians	3114
Optometrists	3121
Chiropractors	3122
Other Professional Occupations in Health Diagnosing and Treating	3123
Pharmacists	3131
Dietitians and Nutritionists	3132
Audiologists and Speech-Language Pathologists	3141
Physiotherapists	3142
Occupational Therapists	3143
Other Professional Occupations in Therapy and Assessment	3144
Head Nurses and Supervisors	3151
Registered Nurses	3152
Judges	4111
Lawyers and Quebec Notaries	4112
University Professors	4121
Post-Secondary Teaching and Research Assistants	4122
College and Other Vocational Instructors	4131
Secondary School Teachers	4141
Elementary School and Kindergarten Teachers	4142
School and Guidance Counsellors	4143
Psychologists	4151
Social Workers	4152
Family, Marriage and Other Related Counsellors	4153
Ministers of Religion	4154
Probation and Parole Officers and Related Occupations	4155
Natural and Applied Science Policy Researchers, Consultants and Program Officers	4161
Economists and Economic Policy Researchers and Analysts	4162
Economic Development Officers and Marketing Researchers and Consultants	4163
Social Policy Researchers, Consultants and Program Officers	4164
Health Policy Researchers, Consultants and Program Officers	4165
Education Policy Researchers, Consultants and Program Officers	4166
Recreation and Sports Program Supervisors and Consultants	4167
Program Officers Unique to Government	4168
Other Professional Occupations in Social Science	4169
Librarians	5111
Conservators and Curators	5112
Archivists	5113
Writers	5121
Editors	5122
Journalists	5123
Professional Occupations in Public Relations and Communications	5124
Translators, Terminologists and Interpreters	5125
Producers, Directors, Choreographers and Related Occupations	5131

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	Conductors, Composers and Arrangers	5132
	Musicians and Singers	5133
	Dancers	5134
	Actors	5135
	Painters, Sculptors and Other Visual Artists	5136
4.	Semi-Professionals and Technicians	
	Applied Chemical Technologists and Technicians	2211
	Geological and Mineral Technologists and Technicians	2212
	Meteorological Technicians	2213
	Biological Technologists and Technicians	2221
	Agricultural and Fish Products Inspectors	2222
	Forestry Technologists and Technicians	2223
	Conservation and Fishery Officers	2224
	Landscape and Horticultural Technicians and Specialists	2225
	Civil Engineering Technologists and Technicians	2231
	Mechanical Engineering Technologists and Technicians	2232
	Industrial Engineering and Manufacturing Technologists and Technicians	2233
	Construction Estimators	2234
	Electrical and Electronics Engineering Technologists and Technicians	2241
	Electronic Service Technicians (Household and Business Equipment)	2242
	Industrial Instrument Technicians and Mechanics	2243
	Aircraft Instrument, Electrical and Avionics Mechanics, Technicians and Inspectors	2244
	Architectural Technologists and Technicians	2251
	Industrial Designers	2252
	Drafting and Design Technologists and Technicians	2253
	Survey Technologists and Technicians	2254
	Mapping and Related Technologists and Technicians	2255
	Non-Destructive Testers and Inspectors	2261
	Engineering Inspectors and Regulatory Officers	2262
	Inspectors in Public and Environmental Health and Occupational Health and Safety	2263
	Construction Inspectors	2264
	Air Pilots, Flight Engineers and Flying Instructors	2271
	Air Traffic Control Occupations	2272
	Deck Officers, Water Transport	2273
	Engineer Officers, Water Transport	2274
	Railway and Marine Traffic Controllers	2275
	Medical Laboratory Technologists and Pathologists' Assistants	3211
	Medical Laboratory Technicians	3212
	Animal Health Technologists	3213
	Respiratory Therapists and Clinical Perfusionists	3214
	Medical Radiation Technologists	3215
	Medical Sonographers	3216
	Cardiology Technologists	3217
	Electroencephalographic and Other Diagnostic Technologists, n.e.c.	3218
	Other Medical Technologists and Technicians (except Dental Health)	3219
	Denturists	3221
	Dental Hygienists and Dental Therapists	3222
	Dental Technicians	3223
	Opticians	3231
	Midwives and Practitioners of Natural Healing	3232
	Registered Nursing Assistants	3233
	Ambulance Attendants and Other Paramedical Occupations	3234
	Other Technical Occupations in Therapy and Assessment	3235
	Paralegal and Related Occupations	4211
	Community and Social Service Workers	4212
	Employment Counsellors	4213
	Early Childhood Educators	4214
	Instructors and Teachers of Disabled Persons	4215
	Other Instructors	4216
	Other Religious Occupations	4217
	Library and Archive Technicians and Assistants	5211
	Technical Occupations Related to Museums and Galleries	5212
	Photographers	5221
	Film and Video Camera Operators	5222
	Graphic Arts Technicians	5223
	Broadcast Technicians	5224
	Audio and Video Recording Technicians	5225
	Other Technical Occupations in Motion Pictures, Broadcasting and the Performing Arts	5226
	Support and Assisting Occupations in Motion Pictures, Broadcasting and the Performing Arts	5227
	Announcers and Other Broadcasters	5231

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		Other Performers	5232
		Graphic Designers and Illustrating Artists	5241
		Interior Designers	5242
		Theatre, Fashion, Exhibit and Other Creative Designers	5243
		Artisans and Craftspersons	5244
		Patternmakers - Textile, Leather and Fur Products	5245
		Athletes	5251
		Coaches	5252
		Sports Officials and Referees	5253
		Program Leaders and Instructors in Recreation and Sport	5254
5.	Supervisors	Supervisors, General Office and Administrative Support Clerks	1211
		Supervisors, Finance and Insurance Clerks	1212
		Supervisors, Library, Correspondence and Related Information Clerks	1213
		Supervisors, Mail and Message Distribution Occupations	1214
		Supervisors, Recording, Distributing and Scheduling Occupations	1215
		Retail Trade Supervisors	6211
		Food Service Supervisors	6212
		Executive Housekeepers	6213
		Dry Cleaning and Laundry Supervisors	6214
		Cleaning Supervisors	6215
		Other Service Supervisors	6216
6.	Supervisors: Crafts and Trades	Supervisors, Machinists and Related Occupations	7211
		Contractors and Supervisors, Electrical Trades and Telecommunications Occupations	7212
		Contractors and Supervisors, Pipefitting Trades	7213
		Contractors and Supervisors, Metal Forming, Shaping and Erecting Occupations	7214
		Contractors and Supervisors, Carpentry Trades	7215
		Contractors and Supervisors, Mechanic Trades	7216
		Contractors and Supervisors, Heavy Construction Equipment Crews	7217
		Supervisors, Printing and Related Occupations	7218
		Contractors and Supervisors, Other Construction Trades, Installers, Repairers and Servicers	7219
		Supervisors, Railway Transport Operations	7221
		Supervisors, Motor Transport and Other Ground Transit Operators	7222
		Supervisors, Logging and Forestry	8211
		Supervisors, Mining and Quarrying	8221
		Supervisors, Oil and Gas Drilling and Service	8222
		Farmers and Farm Managers	8251
		Agricultural and Related Service Contractors and Managers	8252
		Farm Supervisors and Specialized Livestock Workers	8253
		Nursery and Greenhouse Operators and Managers	8254
		Landscaping and Grounds Maintenance Contractors and Managers	8255
		Supervisors, Landscape and Horticulture	8256
		Aquaculture Operators and Managers	8257
		Supervisors, Mineral and Metal Processing	9211
		Supervisors, Petroleum, Gas and Chemical Processing and Utilities	9212
		Supervisors, Food, Beverage and Tobacco Processing	9213
		Supervisors, Plastic and Rubber Products Manufacturing	9214
		Supervisors, Forest Products Processing	9215
		Supervisors, Textile Processing	9216
		Supervisors, Motor Vehicle Assembling	9221
		Supervisors, Electronics Manufacturing	9222
		Supervisors, Electrical Products Manufacturing	9223
		Supervisors, Furniture and Fixtures Manufacturing	9224
		Supervisors, Fabric, Fur and Leather Products Manufacturing	9225
		Supervisors, Other Mechanical and Metal Product Manufacturing	9226
		Supervisors, Other Products Manufacturing and Assembly	9227
7.	Administrative and Senior Clerical Personnel	Administrative Officers	1221
		Executive Assistants	1222
		Personnel and Recruitment Officers	1223
		Property Administrators	1224
		Purchasing Agents and Officers	1225
		Conference and Event Planners	1226
		Court Officers and Justices of the Peace	1227
		Immigration, Unemployment Insurance and Revenue Officers	1228
		Bookkeepers	1231
		Loan Officers	1232
		Insurance Adjustors and Claims Examiners	1233
		Insurance Underwriters	1234
		Assessors, Valuers and Appraisers	1235
		Customs, Ship and Other Brokers	1236
		Secretaries (except Legal and Medical)	1241

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		Legal Secretaries	1242
		Medical Secretaries	1243
		Court Recorders and Medical Transcriptionists	1244
8.	Skilled Sales and Service Personnel	Technical Sales Specialists, Wholesale Trade	6221
		Insurance Agents and Brokers	6231
		Real Estate Agents and Salespersons	6232
		Retail and Wholesale Buyers	6233
		Grain Elevator Operators	6234
		Chefs	6241
		Cooks	6242
		Butchers and Meat Cutters, Retail and Wholesale	6251
		Bakers	6252
		Police Officers (except Commissioned)	6261
		Firefighters	6262
		Hairstylists and Barbers	6271
		Funeral Directors and Embalmers	6272
9.	Skilled Crafts and Trades Workers	Machinists and Machining and Tooling Inspectors	7231
		Tool and Die Makers	7232
		Electricians (except Industrial and Power System)	7241
		Industrial Electricians	7242
		Power System Electricians	7243
		Electrical Power Line and Cable Workers	7244
		Telecommunications Line and Cable Workers	7245
		Telecommunications Installation and Repair Workers	7246
		Cable Television Service and Maintenance Technicians	7247
		Plumbers	7251
		Steamfitters, Pipefitters and Sprinkler System Installers	7252
		Gas Fitters	7253
		Sheet Metal Workers	7261
		Boilermakers	7262
		Structural Metal and Platework Fabricators and Fitters	7263
		Ironworkers	7264
		Welders	7265
		Blacksmiths and Die Setters	7266
		Carpenters	7271
		Cabinetmakers	7272
		Bricklayers	7281
		Cement Finishers	7282
		Tilesetters	7283
		Plasterers, Drywall Installers and Finishers and Lathers	7284
		Roofers and Shinglers	7291
		Glaziers	7292
		Insulators	7293
		Painters and Decorators	7294
		Floor Covering Installers	7295
		Construction Millwrights and Industrial Mechanics (except Textile)	7311
		Heavy-Duty Equipment Mechanics	7312
		Refrigeration and Air Conditioning Mechanics	7313
		Railway Carmen/women	7314
		Aircraft Mechanics and Aircraft Inspectors	7315
		Machine Fitters	7316
		Textile Machinery Mechanics and Repairers	7317
		Elevator Constructors and Mechanics	7318
		Motor Vehicle Mechanics, Technicians and Mechanical Repairers	7321
		Motor Vehicle Body Repairers	7322
		Oil and Solid Fuel Heating Mechanics	7331
		Electric Appliance Servicers and Repairers	7332
		Electrical Mechanics	7333
		Motorcycle and Other Related Mechanics	7334
		Other Small Engine and Equipment Mechanics	7335
		Upholsterers	7341
		Tailors, Dressmakers, Furriers and Milliners	7342
		Shoe Repairers and Shoemakers	7343
		Jewellers, Watch Repairers and Related Occupations	7344
		Stationary Engineers and Auxiliary Equipment Operators	7351
		Power Systems and Power Station Operators	7352
		Railway and Yard Locomotive Engineers	7361
		Railway Conductors and Brakemen/women	7362
		Crane Operators	7371
		Drillers and Blasters - Surface Mining, Quarrying and Construction	7372
		Water Well Drillers	7373
		Printing Press Operators	7381

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		Commercial Divers	7382
		Other Trades and Related Occupations	7383
		Underground Production and Development Miners	8231
		Oil and Gas Well Drillers, Servicers, Testers and Related Workers	8232
		Logging Machinery Operators	8241
		Fishing Masters and Officers	8261
		Fishing Vessel Skippers and Fishermen/women	8262
		Central Control and Process Operators, Mineral and Metal Processing	9231
		Petroleum, Gas and Chemical Process Operators	9232
		Pulping Control Operators	9233
		Papermaking and Coating Control Operators	9234
10.	Clerical Personnel	General Office Clerks	1411
		Typists and Word Processing Operators	1412
		Records and File Clerks	1413
		Receptionists and Switchboard Operators	1414
		Computer Operators	1421
		Data Entry Clerks	1422
		Typesetters and Related Occupations	1423
		Telephone Operators	1424
		Accounting and Related Clerks	1431
		Payroll Clerks	1432
		Tellers, Financial Services	1433
		Banking, Insurance and Other Financial Clerks	1434
		Collectors	1435
		Administrative Clerks	1441
		Personnel Clerks	1442
		Court Clerks	1443
		Library Clerks	1451
		Correspondence, Publication and Related Clerks	1452
		Customer Service, Information and Related Clerks	1453
		Survey Interviewers and Statistical Clerks	1454
		Mail, Postal and Related Clerks	1461
		Letter Carriers	1462
		Couriers and Messengers	1463
		Shippers and Receivers	1471
		Storekeepers and Parts Clerks	1472
		Production Clerks	1473
		Purchasing and Inventory Clerks	1474
		Dispatchers and Radio Operators	1475
		Transportation Route and Crew Schedulers	1476
11.	Intermediate Sales and Service Personnel	Dental Assistants	3411
		Dental Laboratory Bench Workers	3412
		Nurse Aides and Orderlies	3413
		Other Aides and Assistants in Support of Health Services	3414
		Sales Representatives, Wholesale Trade (Non-Technical)	6411
		Retail Salespersons and Sales Clerks	6421
		Travel Counsellors	6431
		Pursers and Flight Attendants	6432
		Airline Sales and Service Agents	6433
		Ticket and Cargo Agents and Related Clerks (except Airline)	6434
		Hotel Front Desk Clerks	6435
		Tour and Travel Guides	6441
		Outdoor Sport and Recreational Guides	6442
		Amusement Attraction Operators and Other Amusement Occupations	6443
		MaTtres d'h^tel and Hosts/Hostesses	6451
		Bartenders	6452
		Food and Beverage Servers	6453
		Sheriffs and Bailiffs	6461
		Correctional Service Officers	6462
		By-law Enforcement and Other Regulatory Officers, n.e.c.	6463
		Occupations Unique to the Armed Forces	6464
		Other Protective Service Occupations	6465
		Visiting Homemakers, Housekeepers and Related Occupations	6471
		Elementary and Secondary School Teacher Assistants	6472
		Early Childhood Educator Assistants	6473
		Babysitters, Nannies and Parents' Helpers	6474
		Image, Social and Other Personal Consultants	6481
		Estheticians, Electrologists and Related Occupations	6482
		Pet Groomers and Animal Care Workers	6483
		Other Personal Service Occupations	6484
12.	Semi-Skilled Manual Workers	Truck Drivers	7411

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Bus Drivers and Subway and Other Transit Operators	7412
Taxi and Limousine Drivers and Chauffeurs	7413
Delivery Drivers	7414
Heavy Equipment Operators (except Crane)	7421
Public Works Maintenance Equipment Operators	7422
Railway Yard Workers	7431
Railway Track Maintenance Workers	7432
Deck Crew, Water Transport	7433
Engine Room Crew, Water Transport	7434
Lock and Cable Ferry Operators and Related Occupations	7435
Boat Operators	7436
Air Transport Ramp Attendants	7437
Residential and Commercial Installers and Servicers	7441
Waterworks and Gas Maintenance Workers	7442
Automotive Mechanical Installers and Servicers	7443
Pest Controllers and Fumigators	7444
Other Repairers and Servicers	7445
Longshore Workers	7451
Material Handlers	7452
Underground Mine Service and Support Workers	8411
Oil and Gas Well Drilling Workers and Service Operators	8412
Chainsaw and Skidder Operators	8421
Silviculture and Forestry Workers	8422
General Farm Workers	8431
Nursery and Greenhouse Workers	8432
Fishing Vessel Deckhands	8441
Trappers and Hunters	8442
Machine Operators, Mineral and Metal Processing	9411
Foundry Workers	9412
Glass Forming and Finishing Machine Operators and Glass Cutters	9413
Concrete, Clay and Stone Forming Operators	9414
Inspectors and Testers, Mineral and Metal Processing	9415
Chemical Plant Machine Operators	9421
Plastics Processing Machine Operators	9422
Rubber Processing Machine Operators and Related Workers	9423
Water and Waste Plant Operators	9424
Sawmill Machine Operators	9431
Pulp Mill Equipment Operators	9432
Papermaking and Finishing Machine Operators	9433
Other Wood Processing Machine Operators	9434
Paper Converting Machine Operators	9435
Lumber Graders and Other Wood Processing Inspectors and Graders	9436
Textile Fibre and Yarn Preparation Machine Operators	9441
Weavers, Knitters and Other Fabric-Making Occupations	9442
Textile Dyeing and Finishing Machine Operators	9443
Textile Inspectors, Graders and Samplers	9444
Sewing Machine Operators	9451
Fabric, Fur and Leather Cutters	9452
Hide and Pelt Processing Workers	9453
Inspectors and Testers, Fabric, Fur and Leather Products Manufacturing	9454
Process Control and Machine Operators, Food and Beverage Processing	9461
Industrial Butchers and Meat Cutters, Poultry Preparers and Related Workers	9462
Fish Plant Workers	9463
Tobacco Processing Machine Operators	9464
Testers and Graders, Food and Beverage Processing	9465
Printing Machine Operators	9471
Camera, Platemaking and Other Pre-Press Occupations	9472
Binding and Finishing Machine Operators	9473
Photographic and Film Processors	9474
Aircraft Assemblers and Aircraft Assembly Inspectors	9481
Motor Vehicle Assemblers, Inspectors and Testers	9482
Electronics Assemblers, Fabricators, Inspectors and Testers	9483
Assemblers and Inspectors, Electrical Appliance, Apparatus and Equipment Manufacturing	9484
Assemblers, Fabricators and Inspectors, Industrial Electrical Motors and Transformers	9485
Mechanical Assemblers and Inspectors	9486
Machine Operators and Inspectors, Electrical Apparatus Manufacturing	9487
Boat Assemblers and Inspectors	9491
Furniture and Fixture Assemblers and Inspectors	9492
Other Wood Products Assemblers and Inspectors	9493
Furniture Finishers and Refinishers	9494
Plastic Products Assemblers, Finishers and Inspectors	9495

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		Painters and Coaters, Manufacturing	9496
		Plating, Metal Spraying and Related Operators	9497
		Other Assemblers and Inspectors	9498
		Machining Tool Operators	9511
		Forging Machine Operators	9512
		Woodworking Machine Operators	9513
		Metalworking Machine Operators	9514
		Welding, Brazing and Soldering Machine Operators	9515
		Other Metal Products Machine Operators	9516
		Other Products Machine Operators	9517
13.	Other Sales and Service Personnel	Cashiers	6611
		Service Station Attendants	6621
		Grocery Clerks and Shelf Stockers	6622
		Other Elemental Sales Occupations	6623
		Elemental Medical and Hospital Assistants	6631
		Food Service Counter Attendants and Food Preparers	6641
		Kitchen and Food Service Helpers	6642
		Security Guards and Related Occupations	6651
		Light Duty Cleaners	6661
		Specialized Cleaners	6662
		Janitors, Caretakers and Building Superintendents	6663
		Attendants in Recreation and Sport	6671
		Other Attendants in Accommodation and Travel (except Airline Travel)	6672
		Dry Cleaning and Laundry Occupations	6681
		Ironing, Pressing and Finishing Occupations	6682
		Other Elemental Service Occupations	6683
14.	Other Manual Workers	Construction Trades Helpers and Labourers	7611
		Other Trades Helpers and Labourers	7612
		Public Works and Maintenance Labourers	7621
		Railway and Motor Transport Labourers	7622
		Harvesting Labourers	8611
		Landscaping and Grounds Maintenance Labourers	8612
		Aquaculture and Marine Harvest Labourers	8613
		Mine Labourers	8614
		Oil and Gas Drilling, Servicing and Related Labourers	8615
		Logging and Forestry Labourers	8616
		Labourers in Mineral and Metal Processing	9611
		Labourers in Metal Fabrication	9612
		Labourers in Chemical Products Processing and Utilities	9613
		Labourers in Wood, Pulp and Paper Processing	9614
		Labourers in Rubber and Plastic Products Manufacturing	9615
		Labourers in Textile Processing	9616
		Labourers in Food, Beverage and Tobacco Processing	9617
		Labourers in Fish Processing	9618
		Other Labourers in Processing, Manufacturing and Utilities	9619

APPENDIX J

Schedule VIII: Salary Ranges

Employers must mask the salaries of their employees to ensure confidentiality. To this end, Schedule VIII of the *Regulations* provides pre-determined Salary Ranges for reporting on Form 2.

\$100,000 and over
\$95,000 - \$99,999
\$90,000 - \$94,999
\$85,000 - \$89,999
\$80,000 - \$84,999
\$75,000 - \$79,999
\$70,000 - \$74,999
\$65,000 - \$69,999
\$60,000 - \$64,999
\$55,000 - \$59,999
\$50,000 - \$54,999
\$45,000 - \$49,999
\$40,000 - \$44,999
\$35,000 - \$39,999
\$30,000 - \$34,999
\$25,000 - \$29,999
\$20,000 - \$24,999
\$15,000 - \$19,999
\$10,000 - \$14,999
\$ 5,000 - \$ 9,999
Under \$5,000

APPENDIX K

Report Checklist

Employers are encouraged to verify their reports against this list in order to ensure internal consistency and eliminate the need for amendments to the report after filing. See also **Appendix F: Form 1 Diagram**.

Please ensure that:

- On Form 1 (Report Summary), the sum of all employees identified in the provinces in box 18 is equal to the number in box 19.
- On Form 1 (Report Summary), the total number of employees identified for each CMA in box 17 does not exceed the total number of employees in each province identified in box 18.
- On Form 1 (Report Summary), box 10, employees are counted at peak period of employment (the time of year when the total workforce was at its largest). All employees are to be counted, including permanent full-time, permanent part-time and temporary as defined in Section 1(1) of the *Regulations*.
- On Form 1 (Report Summary), boxes 14 and 15 are counted as of December 31st while box 16 is calculated at peak period, reflecting the time when the temporary workforce was at its largest.
- On Form 1 (Report Summary), the number recorded in box 19 is equal to the sum of employees reported by industrial sector identified in boxes 10, 11, 12, and 13.
- On Form 1 (Report Summary), the sum of boxes 10, 11, 12 and 13 is equal to box 19. **Exception:** *in the case of employees posted abroad, the sum of boxes 10, 11, 12 and 13 would necessarily be greater than box 19.*
- On Form 2 (Occupational Groups), the salary ranges are consistent with Schedule VIII of the *Regulations*.
- On Form 2 (Occupational Groups), when two different salary ranges are indicated, employees must appear in both the first and fourth quarters.
- On Form 2 (Occupational Groups), salary range quarters are calculated according to the specifications in Section 26 of the *Regulations*.

Employment Equity Report

- The totals across the bottom of Form 2 (Occupational Groups) and Form 3 (Salary Summary) correspond. Both forms record information on the same employees.
- The total number of permanent full-time employees identified on National Forms 2A and 3A is equal to the total in box 14 of Form 1 (Report Summary).
- The total number of permanent part-time employees on National Forms 2B and 3B is equal to the total in box 15 of Form 1 (Report Summary).
- The total number of temporary employees on National Forms 2C and 3C is equal to the total in box 16 of Form 1 (Report Summary).
- For every occupational group, the number of hirings on Form 4 (Hirings) minus the number of terminations on Form 6 (Terminations) does not exceed the totals on Form 2 (Occupational Groups).
- For every occupational group, the number of employees promoted on Form 5 (Promotions) does not exceed the number of employees reported on Form 2 (Occupational Groups) unless terminated on Form 6 (Terminations).
- Form 6 (Terminations) captures data on employees whose employment was terminated during the reporting period. *Note: This does not include employees who were in a temporary layoff situation.*
- The sum of all employees reported on the Provincial Forms is less than or equal to the figures on the National Forms.
- The sum of all employees reported on the CMA Forms is less than or equal to the figures recorded on the appropriate Provincial Forms.
- On all forms, the totals under the designated group sections do not exceed the total under the “all employees” section.

Please see *Appendix L: Year to Year Variations* to verify:

- Variations in the Total number of employees**
- Occupational Group Variations**
- Salary Range Variations**

APPENDIX L

Year to Year Variations

While year to year variations in the total number of employees, occupational group numbers and salary ranges are expected, especially large variations may not be accounted for. Each example listed below illustrates a variation that may be incorrect for different reasons. Employers are asked to verify that any unusual variations accurately reflect the employer's workforce. **Note: If large variations remain in the report upon submission, they should be explained in the employer's narrative report.**

a) Variations in the total number of employees

Some variation in the number of employees is expected, as the workforce profile changes for reasons other than hires, promotions and terminations. For example, transfers, leaves, secondments, lay-offs and strikes in the reporting year would result in a variation with respect to the previous year's numbers.

Example: Permanent part-time employees:

Previous Year Total number of all permanent part-time employees → 300

Reporting Year Total number of all permanent part-time employees → 522

Variation: +222 employees

If the net result of hires minus the number of terminations does not account for the increase, then this sort of large variation would require explanation in the narrative report. (For example, this variation may be explained by a large number of temporary workers becoming part-time employees.)

b) Occupational Group Variations

Unusual year to year variations in the number of employees in various Occupational Groups should also be elaborated in the narrative report.

Example: Permanent full-time employees:

Previous Year Total number of Middle and other Managers → 37

Reporting Year Total number of Middle and other Managers → 15

Variation: -22 employees

If the net result of hires minus the number of terminations or promotions does not account for the decrease, then this sort of large variation would require explanation in the narrative report. (For example, this variation may be explained by a large amount of reclassifications.)

c) Salary Range Variations

While salary ranges tend to increase with time as employees are awarded raises and receive promotions, year to year variations should normally not exceed two salary ranges.

**Example: Permanent full-time employees,
Other Sales Personnel**

STANDARD SCENARIO:

Previous Year Bottom salary range for Other Sales Personnel → \$25,000-\$29,999

Reporting Year Bottom salary range for Other Sales Personnel → \$30,000-\$34,999

Variation: +1 Salary Range

UNUSUAL SCENARIO:

Previous Year Bottom salary range for Other Sales Personnel → \$25,000-\$29,999

Reporting Year Bottom salary range for Other Sales Personnel → \$70,000-\$74,999

Variation: +9 Salary Ranges

If the number of promotions does not explain the significant increase in salary, then this sort of large variation would require explanation in the narrative report. (For example, the above variation may be explained by a sales worker gaining an increased number of sales, thereby earning a larger amount of commission in the reporting year.)

Note: Large salary variations also occur if an employee is incorrectly coded into an Occupational Group. Employers are advised to take special care when coding employees to ensure accurate data.

APPENDIX M

Where to Find Employers' Reports

The *Employment Equity Act* applies to employers within federal jurisdiction and Crown Corporations with 100 or more employees. These employers operate primarily in the banking, transportation and communications industries.

Federally regulated employers are required to implement employment equity programs and submit annual reports to the Government of Canada by June 1st of each year. The report provides workforce data including the total number of employees and the representation of designated group employees by: industrial sector, geographic location, employment status, occupational category and salary range. It also includes data on hires, promotions and terminations of employment.

To explain the data, employers must submit an accompanying narrative report. Factors which affect results may be described, such as special recruitment efforts, training programs, or periods of unusual economic constraint or growth.

The Government of Canada verifies that the reports comply with the requirements of the *Act*. Part III of the *Act* provides that an employer who fails to comply with the employment equity obligations is subject to a monetary penalty.

AVAILABILITY OF REPORTS

Section 19(1) of the *Employment Equity Act* requires that employer reports be made available for public review, and that they be sold at the cost of printing. Public access ensures designated group members and organizations the opportunity to identify areas of inequity.

HOW TO OBTAIN A COPY OF AN ANNUAL EMPLOYMENT EQUITY REPORT

Employers' employment equity reports are available through associated bookstores and other booksellers selling Government of Canada publications. Interested parties are invited to address their inquiries to:

Labour Standards and Workplace Equity Operations, Labour Branch
Department of Human Resources Development
Place du Portage, Phase II
165 Hôtel de Ville
Hull, Quebec
K1A 0J2
Telephone: (819) 953-7548
Fax: (819) 953-8768

Requests for Employment Equity Reports must be accompanied by the following information the name of the employer the year covered by the report the Employment Equity Report Series Catalogue Number, and the number of the report in question. The price of the report varies according to the number of pages and the associated printing costs.

WHERE TO CONSULT REPORTS

Employer reports are in the course of being made available via the Internet. Until the reports become electronically accessible, copies of the employer reports may be consulted in selected libraries.

LIBRARIES

Employment Equity Reports are provided on Microfiche and in paper copies in libraries across Canada under the federal Depository Services Program (DSP).

Persons interested in obtaining copies of the employers' reports from libraries not included in the following list should ask whether the librarian can order the reports through the DSP or whether an inter-library loan may be arranged.

The following list of libraries is ordered by province.

NEWFOUNDLAND

Torbay Public Library	Site 6, Box 39	Torbay	A0A 3Z0	Paper
Newfoundland Public Library Services	Arts and Culture Centre	St. John's	A1B 3A3	Microfiche
	Government Documents			
Provincial Reference and Resource Library	Allandale Road			

NOVA SCOTIA

Halifax City Regional Library	5381 Spring Garden Road	Halifax	B3J 1E9	Paper
Dalhousie University Killam Memorial Library		Halifax	B3H 4H8	Microfiche
Government Documents				
Acadia University Library		Wolfville	B0P 1X0	Microfiche

PRINCE EDWARD ISLAND

Confederation Centre Public Library	P.O. Box 7000	Charlottetown	C1A 8G8	Paper
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Employment Equity Report

Government Services Library
Government Documents

P.O. Box 2000
Charlottetown C1A 7N8
Microfiche

NEW BRUNSWICK

Bibliothèque régionale du Haut-
Saint-Jean

50, rue Queen
Edmunston E3V 3N4
Paper

Bibliothèque législative
Publications officielles

766, rue King
C.P. 6000
Fredericton E3B 5H1
Microfiche

University of New Brunswick
Harriet Irving Library
Government Documents

Fredericton E3B 5H5
Microfiche

Université de Moncton
Bibliothèque Champlain
Publications officielles

Moncton E1A 3E9
Microfiche

Mount Allison University
Ralph Packard Bell Library
Government Documents

Sackville E0A 3C0
Microfiche

QUEBEC

Bib. des jeunes de la Maison de
la Cult. Bonsecours

20, rue St-
Charles Sud
Joliette J6E 4T1
Paper

Bibliothèque de Quebec

350, rue Saint-
Joseph est
Québec G1K 3B2
Paper

Westmount Public Library

4574 Sherbrooke
Westmount H3Z 1G1
Paper

McGill University Library
Government Documents

3459 McTavish
Street
Montréal H3A 1Y1
Microfiche

Bibliothèque municipale de
Montréal
Publications officielles

1210, rue
Sherbrooke est
Montréal H2L 1L9
Microfiche

Concordia University Libraries
Publications officielles

1455, boulevard
de Maisonneuve
Ouest
Montréal H3G 1M8
Microfiche

Services Documentaires
Multimedia
Publications Officielles fédérales

75, rue de Port-
Royal Est, bureau
300
Montréal H3L 3T1
Microfiche

Université du Québec à Montréal
Bibliothèque
Service des publications des
gouvernements internationaux

1200, rue Berri
Montréal H2L 4S6
Microfiche

Université de Montreal
Bibliothèque des sciences
humaines et sociales
Publications officielles

C.P. 6128,
Succursale
'A'3000, Chemin
de la Tour
Montréal H3C 3J7
Microfiche

Employment Equity Report

Bibliothèque de l'Assemblée nationale Service des documents officiels canadiens	Edifice Pamphile	Québec	G1A 1A5	Microfiche
Université de Sherbrooke Bibliothèque générale Publications gouvernementales Cité universitaire	2500, boulevard de l'Université	Sherbrooke	J1K 2R1	Microfiche
Université Laval Bibliothèque générale Service des documents officiels Pavillon Bonenfant Cité universitaire		Ste-Foy	G1K 7P4	Microfiche
Human Resources Development Canada Library	Place du Portage, Phase IV, Level 1	Ottawa/Hull	K1A 0J9	Paper/ Microfiche

ONTARIO

City of York Public Library Jane Dundas Branch	620 Jane Street	City of York	M6S 4A6	Paper
Elliot Lake Public Library	1 Mary Walk	Elliot Lake	P5A 1Z9	Paper
Queen's University Law Library Sir John A MacDonald Hall		Kingston	K7L 3N6	Paper
Niagara-on-the-Lake Public Library	Rear-26 Queen Street P.O. Box 430	Niagara-on- the-Lake	L0S 1J0	Paper
Canadian Human Rights Commission Library	Room 458 90 Sparks Street Royal Bank Building	Ottawa	K1A 1E1	Paper
Metropolitan Toronto Reference Library Business and Social Sciences Dept.	789 Yonge Street	Toronto	M4W 2G8	Paper
University of Guelph Library Government Documents		Guelph	N1G 2W1	Microfiche
Hamilton Public Library Government Documents	P.O. Box 2700, Station 'A' 55 York Boulevard	Hamilton	L8N 4E4	Microfiche
McMaster University Mills Memorial Library		Hamilton	L86 4L6	Microfiche
Queen's University Douglas Library Macintosh Corry Hall Government Documents		Kingston	K7L 3N6	Microfiche

Employment Equity Report

University of Western Ontario D.B. Weldon Library Government Documents		London	N6A 3K7	Microfiche
York University Scott Library Government Documents	4700 Keele Street	North York	M3J 2R6	Microfiche
Bibliothèque du Parlement Publications officielles		Ottawa	K1A 0A9	Microfiche
Canadian Labour Congress Women's Bureau	2841 Riverside Drive	Ottawa	K1V 8X7	Microfiche
National Library of Canada Canadiana Acquisitions Government Documents		Ottawa	K1A 0N4	Microfiche
Public Service Alliance of Canada, Library	233 Gilmour Street	Ottawa	K2P 0P1	Microfiche
Université d'Ottawa Bibliothèque Morisset Services spéciaux	65, rue Université	Ottawa	K1N 9A5	Microfiche
Laurentian University J.N. Desmerais Library Technical Services Department Government Documents	Ramsey Lake Road	Sudbury	P3E 2C6	Microfiche
Lakehead University Chancellor Paterson Library Government Documents	955 Oliver Road	Thunder Bay	P7B 5E1	Microfiche
Thunder Bay Public Library Government Documents	216 South Brodice Street	Thunder Bay	P7E 1C2	Microfiche
Legislative Library Parliament Buildings Collection Development	99 Wellesley Street West, Room 2350	Toronto	M7A 1A9	Microfiche
Metropolitan Toronto Reference Library Government Documents	789 Yonge Street	Toronto	M4W 2G8	Microfiche
University of Toronto Robarts Library Government Documents		Toronto	M5S 1A5	Microfiche
University of Waterloo Dana Porter Arts Library Government Documents		Waterloo	N2L 3G1	Microfiche
Windsor Public Library Government Documents	850 Ouelette Avenue	Windsor	N9A 4M9	Microfiche

MANITOBA

Keewatin Community College Learning Resource Centre	P.O. Box 3000	The Pas	R9A 1M7	Paper
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Employment Equity Report

Legislative Library	200 Vaughan Street, Main Floor	Winnipeg	R2C 0V8	Microfiche
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University of Manitoba Elizabeth Dafoe Library Government Documents		Winnipeg	R3T 2N2	Microfiche
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SASKATCHEWAN

Saskatchewan Provincial Library	1352 Winnipeg Street	Regina	S4P 3V7	Paper
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Legislative Library Government Documents	234 Legislative Building	Regina	S4S 0B3	Microfiche
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University of Saskatchewan The Main Library Government Documents		Saskatoon	S7N 0W0	Microfiche
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ALBERTA

Calgary Public Library Government Documents Acquisitions Department	616 Macleod Trail South East	Calgary	T2G 2M2	Paper
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Edmonton Public Library Government Library	No. 7 Sir Wilfrid Churchill Square	Edmonton	T5J 2V4	Paper
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University of Calgary Library Government Documents	2500 University Drive, North West	Calgary	T2N 1N4	Microfiche
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Legislature Library Government Documents	216 Legislature Building	Edmonton	T5K 2B6	Microfiche
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University of Alberta Library Government Documents		Edmonton	T6G 2J8	Microfiche
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BRITISH COLUMBIA

North Vancouver District Library	1280 East 27 th Street	North Vancouver	V7J 1S1	Paper
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University of Victoria Diana M. Priestly Law Library	P.O. Box 2300	Victoria	V8W 3B1	Paper
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Simon Fraser University Library Government Documents		Burnaby	V5A 1S6	Microfiche
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University of British Columbia Library Government Documents	1956 Main Mall University Campus	Vancouver	V6T 1Y3	Microfiche
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Vancouver Public Library Government Documents	750 Burrard Street	Vancouver	V6Z 1X5	Microfiche
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Employment Equity Report

Legislative Library
Government Documents

Victoria

V8V 1X4

Microfiche

University of Victoria
McPherson Library
Government Documents

P.O. Box 1800

Victoria

V8W 3H5

Microfiche

**NORTHWEST
TERRITORIES**

Northwest Territories Public
Library Service

P.O. Box 1100

Hay River

X0E 0R0

Paper

Government Library
Government of the Northwest
Territories

P.O. Box 1320,
Laing-1

Yellowknife

X1A 2L9

Microfiche



EMPLOYMENT EQUITY: EMPLOYER IDENTIFICATION, REPORT SUMMARY AND CERTIFICATION OF ACCURACY
ÉQUITÉ EN MATIÈRE D'EMPLOI : IDENTIFICATION DE L'EMPLOYEUR, SOMMAIRE DU RAPPORT ET ATTESTATION D'EXACTITUDE

IDENTIFICATION	NAME OF EMPLOYER NOM DE L'EMPLOYEUR	FULL LEGAL NAME - NOM LÉGAL AU COMPLET ①	COMMON OR BUSINESS NAME - NOM USUEL OU COMMERCIAL ②																																										
	ADDRESS ADRESSE	ADDRESS OF PRINCIPAL PLACE OF BUSINESS - ADRESSE DU PRINCIPAL ÉTABLISSEMENT ③	MAILING ADDRESS - ADRESSE POSTALE ④																																										
	OFFICERS AGENTS POSITION FONCTION	NAME OF CHIEF EXECUTIVE OFFICER OF EMPLOYER - NOM DU PREMIER DIRIGEANT DE L'ENTREPRISE ⑤ POSITION TITLE - TITRE OU FONCTION ⑥	NAME OF OFFICER RESPONSIBLE FOR EMPLOYMENT EQUITY - NOM DE L'AGENT RESPONSABLE DE L'ÉQUITÉ EN MATIÈRE D'EMPLOI ⑦ POSITION TITLE - TITRE OU FONCTION ⑧																																										
SUMMARY REPORT	INDUSTRIAL SECTOR(S) BRANCHE(S) D'ACTIVITÉ	INDUSTRIAL SECTOR 1 - BRANCHE D'ACTIVITÉ 1 ⑩	NO. OF EMPLOYEES NOMBRE DE SALARIÉS	GEOGRAPHICAL AREAS (INDICATE NUMBER OF EMPLOYEES LOCATED IN EACH AREA) SECTEURS GÉOGRAPHIQUES (INDIQUER LE NOMBRE DE SALARIÉS DANS CHAQUE SECTEUR)	<table border="1"> <tr> <td colspan="2">⑬ DESIGNATED C M A s R M R DÉSIGNÉES</td> <td colspan="2">⑭ PROVINCES/TERRITORIES PROVINCES/TERRITOIRES</td> </tr> <tr> <td>CALGARY</td> <td>.....</td> <td>ONT. - ONT.</td> <td>.....</td> </tr> <tr> <td>EDMONTON</td> <td>.....</td> <td>QUE. - QC</td> <td>.....</td> </tr> <tr> <td>HALIFAX</td> <td>.....</td> <td>N.S. - N.-É.</td> <td>.....</td> </tr> <tr> <td>MONTRÉAL</td> <td>.....</td> <td>N.B. - N.-B.</td> <td>.....</td> </tr> <tr> <td>REGINA</td> <td>.....</td> <td>MAN. - MAN.</td> <td>.....</td> </tr> <tr> <td>TORONTO</td> <td>.....</td> <td>B.C. - C.-B.</td> <td>.....</td> </tr> <tr> <td>VANCOUVER</td> <td>.....</td> <td>P.E.I. - Î.-P.-É.</td> <td>.....</td> </tr> <tr> <td>WINNIPEG</td> <td>.....</td> <td>SASK. - SASK.</td> <td>.....</td> </tr> <tr> <td colspan="2">⑮ TOTAL EMPLOYEES IN CANADA NOMBRE TOTAL DE SALARIÉS AU CANADA</td> <td colspan="2">.....</td> </tr> </table>	⑬ DESIGNATED C M A s R M R DÉSIGNÉES		⑭ PROVINCES/TERRITORIES PROVINCES/TERRITOIRES		CALGARY	ONT. - ONT.	EDMONTON	QUE. - QC	HALIFAX	N.S. - N.-É.	MONTRÉAL	N.B. - N.-B.	REGINA	MAN. - MAN.	TORONTO	B.C. - C.-B.	VANCOUVER	P.E.I. - Î.-P.-É.	WINNIPEG	SASK. - SASK.	⑮ TOTAL EMPLOYEES IN CANADA NOMBRE TOTAL DE SALARIÉS AU CANADA		
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WINNIPEG	SASK. - SASK.																																										
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INDUSTRIAL SECTOR 3 - BRANCHE D'ACTIVITÉ 3 ⑫	NO. OF EMPLOYEES NOMBRE DE SALARIÉS																																												
INDUSTRIAL SECTOR 4 - BRANCHE D'ACTIVITÉ 4 ⑬	NO. OF EMPLOYEES NOMBRE DE SALARIÉS																																												
EMPLOYMENT STATUS CATEGORIES CATÉGORIES DE SALARIÉS	⑭ NUMBER OF PERMANENT FULL-TIME EMPLOYEES NOMBRE DE SALARIÉS PERMANENTS À PLEIN TEMPS	⑮ NUMBER OF PERMANENT PART-TIME EMPLOYEES NOMBRE DE SALARIÉS PERMANENTS À TEMPS PARTIEL	⑯ NUMBER OF TEMPORARY EMPLOYEES NOMBRE DE SALARIÉS TEMPORAIRES																																										
CERTIFICATION	CERTIFICATION OF ACCURACY ATTESTATION D'EXACTITUDE	⑰ I, (Name) _____, HEREBY CERTIFY ON BEHALF OF (Legal name of employer) _____ THAT THE INFORMATION CONTAINED IN FORMS 1 TO 6 OF THIS REPORT IS TRUE AND ACCURATE IN EVERY RESPECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF. MOI, (nom) _____, J'ATTESTE PAR LES PRÉSENTES AU NOM DE (nom légal de l'employeur) _____ QUE LES RENSEIGNEMENTS FOURNIS DANS LES FORMULAIRES 1 À 6 DU PRÉSENT RAPPORT SONT, AUTANT QUE JE SACHE, VRAIS ET EXACTS À TOUS ÉGARDS.																																											
		DATE _____	SIGNATURE _____																																										



OCCUPATIONAL GROUPS: PERMANENT FULL-TIME EMPLOYEES*
CATÉGORIES PROFESSIONNELLES : SALARIÉS PERMANENTS À PLEIN TEMPS*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :	Reporting Period: Période de rapport :
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Location-Endroit

National (Canada)
 National (Canada)

Province / Territory (specify)
 Province / territoire (préciser) _____

Designated CMA (specify)
 RMR désignée (préciser) _____

Occupational Groups Catégories professionnelles	Top and bottom of salary range Maximum et minimum de l'échelle de rémunération	** Quarter Quart	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles			
			Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	
			Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	
Senior Managers Cadres supérieurs		4													
		3													
		2													
		1													
Middle and Other Managers Cadres intermédiaires et autres administrateurs		4													
		3													
		2													
		1													
Professionals Professionnels		4													
		3													
		2													
		1													
Semi-Professionals and Technicians Personnel semi-professionnel et technique		4													
		3													
		2													
		1													
Supervisors Surveillants		4													
		3													
		2													
		1													
Supervisors: Crafts and Trades Contremaîtres		4													
		3													
		2													
		1													
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal		4													
		3													
		2													
		1													

* Use the other Parts for permanent part-time and temporary employees
 Utiliser les autres parties pour les salariés permanents à temps partiel et les salariés temporaires

** 1 refers to the lowest salary quarter; 4 refers to the highest salary quarter
 1 représente le quart le moins élevé de l'échelle de rémunération; 4 représente le plus élevé



OCCUPATIONAL GROUPS: PERMANENT FULL-TIME EMPLOYEES*
CATÉGORIES PROFESSIONNELLES : SALARIÉS PERMANENTS À PLEIN TEMPS*

NOTE: See instructions
 NOTA : Voir instructions

Occupational Groups Catégories professionnelles	Top and bottom of salary range Maximum et minimum de l'échelle de rémunération Col. 1	* * Quarter Quart	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles			
			Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	
			Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services		4													
		3													
		2													
		1													
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans		4													
		3													
		2													
		1													
Clerical Personnel Personnel de bureau		4													
		3													
		2													
		1													
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services		4													
		3													
		2													
		1													
Semi-Skilled Manual Workers Travailleurs manuels spécialisés		4													
		3													
		2													
		1													
Other Sales and Service Personnel Autre personnel de la vente et des services		4													
		3													
		2													
		1													
Other Manual Workers Autres travailleurs manuels		4													
		3													
		2													
		1													
TOTAL NUMBER OF EMPLOYEES NOMBRE TOTAL DE SALARIÉS															

* Use the other Parts for permanent part-time and temporary employees
 Utiliser les autres parties pour les salariés permanents à temps partiel et les salariés temporaires

** 1 refers to the lowest salary quarter; 4 refers to the highest salary quarter
 1 représente le quart le moins élevé de l'échelle de rémunération; 4 représente le plus élevé



OCCUPATIONAL GROUPS: PERMANENT PART-TIME EMPLOYEES*
CATÉGORIES PROFESSIONNELLES : SALARIÉS PERMANENTS À TEMPS PARTIEL*

NOTE: See instructions
 NOTA: Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :	Reporting Period: Période de rapport : _____
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Location-Endroit

National (Canada)
 National (Canada)

Province / Territory (specify)
 Province / territoire (préciser) _____

Designated CMA (specify)
 RMR désignée (préciser) _____

Occupational Groups Catégories professionnelles	Top and bottom of salary range Maximum et minimum de l'échelle de rémunération	** Quarter Quart	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles			
			Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	
			Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	
Senior Managers Cadres supérieurs		4													
		3													
		2													
		1													
Middle and Other Managers Cadres intermédiaires et autres administrateurs		4													
		3													
		2													
		1													
Professionals Professionnels		4													
		3													
		2													
		1													
Semi-Professionals and Technicians Personnel semi-professionnel et technique		4													
		3													
		2													
		1													
Supervisors Surveillants		4													
		3													
		2													
		1													
Supervisors: Crafts and Trades Contremaîtres		4													
		3													
		2													
		1													
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal		4													
		3													
		2													
		1													

LAB 1109 (07-97) P-1 B * Use the other Parts for permanent full-time and temporary employees
 Utiliser les autres parties pour les salariés permanents à plein temps et les salariés temporaires

** 1 refers to the lowest salary quarter; 4 refers to the highest salary quarter
 1 représente le quart le moins élevé de l'échelle de rémunération; 4 représente le plus élevé





OCCUPATIONAL GROUPS: PERMANENT PART-TIME EMPLOYEES*
CATÉGORIES PROFESSIONNELLES : SALARIÉS PERMANENTS À TEMPS PARTIEL*

NOTE: See instructions
 NOTA : Voir instructions

Occupational Groups Catégories professionnelles	Top and bottom of salary range Maximum et minimum de l'échelle de rémunération	* * Quarter Quart	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles			
			Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	
			Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services		4													
		3													
		2													
		1													
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans		4													
		3													
		2													
		1													
Clerical Personnel Personnel de bureau		4													
		3													
		2													
		1													
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services		4													
		3													
		2													
		1													
Semi-Skilled Manual Workers Travailleurs manuels spécialisés		4													
		3													
		2													
		1													
Other Sales and Service Personnel Autre personnel de la vente et des services		4													
		3													
		2													
		1													
Other Manual Workers Autres travailleurs manuels		4													
		3													
		2													
		1													
TOTAL NUMBER OF EMPLOYEES NOMBRE TOTAL DE SALARIÉS															

* Use the other Parts for permanent full-time and temporary employees
 Utiliser les autres parties pour les salariés permanents à plein temps et les salariés temporaires

** 1 refers to the lowest salary quarter; 4 refers to the highest salary quarter
 1 représente le quart le moins élevé de l'échelle de rémunération; 4 représente le plus élevé



OCCUPATIONAL GROUPS: TEMPORARY EMPLOYEES*
CATÉGORIES PROFESSIONNELLES : SALARIÉS TEMPORAIRES*

NOTE: See instructions
NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :	Reporting Period: Période de rapport : _____
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Location-Endroit

National (Canada)
National (Canada)

Province / Territory (specify)
Province / territoire (préciser) _____

Occupational Groups Catégories professionnelles	Top and bottom of salary range Maximum et minimum de l'échelle de rémunération	** Quarter Quart	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles			
			Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	
			Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	
Senior Managers Cadres supérieurs		4													
		3													
		2													
		1													
Middle and Other Managers Cadres intermédiaires et autres administrateurs		4													
		3													
		2													
		1													
Professionals Professionnels		4													
		3													
		2													
		1													
Semi-Professionals and Technicians Personnel semi-professionnel et technique		4													
		3													
		2													
		1													
Supervisors Surveillants		4													
		3													
		2													
		1													
Supervisors: Crafts and Trades Contremaîtres		4													
		3													
		2													
		1													
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal		4													
		3													
		2													
		1													

LAB 1107 (07-97) P-1 B * Use the other Parts for permanent full-time and permanent part-time employees

Utiliser les autres parties pour les salariés permanents à plein temps et les salariés permanents à temps partiel

** 1 refers to the lowest salary quarter; 4 refers to the highest salary quarter

1 représente le quart le moins élevé de l'échelle de rémunération; 4 représente le plus élevé





OCCUPATIONAL GROUPS: TEMPORARY EMPLOYEES*
CATÉGORIES PROFESSIONNELLES : SALARIÉS TEMPORAIRES*

NOTE: See instructions
 NOTA : Voir instructions

Occupational Groups Catégories professionnelles	Top and bottom of salary range Maximum et minimum de l'échelle de rémunération	* * Quarter Quart	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles			
			Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	
			Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services		4													
		3													
		2													
		1													
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans		4													
		3													
		2													
		1													
Clerical Personnel Personnel de bureau		4													
		3													
		2													
		1													
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services		4													
		3													
		2													
		1													
Semi-Skilled Manual Workers Travailleurs manuels spécialisés		4													
		3													
		2													
		1													
Other Sales and Service Personnel Autre personnel de la vente et des services		4													
		3													
		2													
		1													
Other Manual Workers Autres travailleurs manuels		4													
		3													
		2													
		1													
TOTAL NUMBER OF EMPLOYEES NOMBRE TOTAL DE SALARIÉS															

LAB 1106 (07-97) P-2 B * Use the other Parts for permanent full-time and permanent part-time employees
 Utiliser les autres parties pour les salariés permanents à plein temps et les salariés permanents à temps partiel

** 1 refers to the lowest salary quarter; 4 refers to the highest salary quarter
 1 représente le quart le moins élevé de l'échelle de rémunération; 4 représente le plus élevé





SALARY SUMMARY: PERMANENT FULL-TIME EMPLOYEES*
PROFIL SALARIAL : SALARIÉS PERMANENTS À PLEIN TEMPS*

NOTE: See instructions
 NOTA: Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) National (Canada) <input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____	Reporting Period: Période de rapport : _____
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SALARY RANGES ÉCHELLES DE RÉMUNÉRATION	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Under / Moins de \$15,000												
\$15,000 - \$19,999												
\$20,000 - \$24,999												
\$25,000 - \$29,999												
\$30,000 - \$34,999												
\$35,000 - \$37,499												
\$37,500 - \$39,999												
\$40,000 - \$44,999												
\$45,000 - \$49,999												
\$50,000 - \$59,999												
\$60,000 - \$69,999												
\$70,000 - \$84,999												
\$85,000 - \$99,999												
\$100,000 and over / et plus												
TOTAL NUMBER OF EMPLOYEES NOMBRE TOTAL DE SALARIÉS												

* Use the other Parts for permanent part-time and temporary employees
 * Utiliser les autres parties pour les salariés permanents à temps partiel et les salariés temporaires



SALARY SUMMARY: PERMANENT PART-TIME EMPLOYEES*
PROFIL SALARIAL : SALARIÉS PERMANENTS À TEMPS PARTIEL*

NOTE: See instructions
 NOTA: Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
Location-Endroit <input type="checkbox"/> National (Canada) National (Canada)	<input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____
Reporting Period: Période de rapport : _____	

SALARY RANGES ÉCHELLES DE RÉMUNÉRATION	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Under / Moins de \$5,000												
\$5,000 - \$7,499												
\$7,500 - \$9,999												
\$10,000 - \$12,499												
\$12,500 - \$14,999												
\$15,000 - \$17,499												
\$17,500 - \$19,999												
\$20,000 - \$22,499												
\$22,500 - \$24,999												
\$25,000 - \$29,999												
\$30,000 - \$34,999												
\$35,000 - \$39,999												
\$40,000 - \$49,999												
\$50,000 and over / et plus												
TOTAL NUMBER OF EMPLOYEES NOMBRE TOTAL DE SALARIÉS												

* Use the other Parts for permanent full-time and temporary employees
 Utiliser les autres parties pour les salariés permanents à plein temps et les salariés temporaires



SALARY SUMMARY: TEMPORARY EMPLOYEES*
PROFIL SALARIAL : SALARIÉS TEMPORAIRES*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) National (Canada) <input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____	Reporting Period: Période de rapport : _____
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SALARY RANGES ÉCHELLES DE RÉMUNÉRATION	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Under / Moins de \$5,000												
\$5,000 - \$7,499												
\$7,500 - \$9,999												
\$10,000 - \$12,499												
\$12,500 - \$14,999												
\$15,000 - \$17,499												
\$17,500 - \$19,999												
\$20,000 - \$22,499												
\$22,500 - \$24,999												
\$25,000 - \$29,999												
\$30,000 - \$34,999												
\$35,000 - \$39,999												
\$40,000 - \$49,999												
\$50,000 and over / et plus												
TOTAL NUMBER OF EMPLOYEES NOMBRE TOTAL DE SALARIÉS												

* Use the other Parts for permanent full-time and permanent part-time employees
 Utiliser les autres parties pour les salariés permanents à plein temps et les salariés permanents à temps partiel



PERMANENT FULL-TIME EMPLOYEES HIRED*
RECRUTEMENTS : SALARIÉS PERMANENTS À PLEIN TEMPS*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) National (Canada)	Reporting Period: Période de rapport :
<input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____	_____

Occupational Groups Catégories professionnelles	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Senior Managers Cadres supérieurs												
Middle and Other Managers Cadres intermédiaires et autres administrateurs												
Professionals Professionnels												
Semi-Professionals and Technicians Personnel semi-professionnel et technique												
Supervisors Surveillants												
Supervisors: Crafts and Trades Contremaîtres												
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal												
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services												
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans												
Clerical Personnel Personnel de bureau												
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services												
Semi-Skilled Manual Workers Travailleurs manuels spécialisés												
Other Sales and Service Personnel Autre personnel de la vente et des services												
Other Manual Workers Autres travailleurs manuels												
TOTAL NUMBER OF EMPLOYEES HIRED NOMBRE TOTAL DE RECRUTEMENTS												

* Use the other Parts for permanent part-time and temporary employees
 * Utiliser les autres parties pour les salariés permanents à temps partiel et les salariés temporaires



PERMANENT PART-TIME EMPLOYEES HIRED*
RECRUTEMENTS : SALARIÉS PERMANENTS À TEMPS PARTIEL*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) National (Canada)	Reporting Period: Période de rapport :
<input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____	_____

Occupational Groups Catégories professionnelles	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Senior Managers Cadres supérieurs												
Middle and Other Managers Cadres intermédiaires et autres administrateurs												
Professionals Professionnels												
Semi-Professionals and Technicians Personnel semi-professionnel et technique												
Supervisors Surveillants												
Supervisors: Crafts and Trades Contremaîtres												
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal												
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services												
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans												
Clerical Personnel Personnel de bureau												
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services												
Semi-Skilled Manual Workers Travailleurs manuels spécialisés												
Other Sales and Service Personnel Autre personnel de la vente et des services												
Other Manual Workers Autres travailleurs manuels												
TOTAL NUMBER OF EMPLOYEES HIRED NOMBRE TOTAL DE RECRUTEMENTS												

* Use the other Parts for permanent full-time and temporary employees
 * Utiliser les autres parties pour les salariés permanents à plein temps et les salariés temporaires



PERMANENT FULL-TIME EMPLOYEES PROMOTED*
AVANCEMENTS : SALARIÉS PERMANENTS À PLEIN TEMPS*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) National (Canada)	Reporting Period: Période de rapport : _____
<input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____	

Employees promoted (Employees promoted during the year are to be reported only in the occupational groups in which or to which they have been last promoted.)
 Salariés promus (Les salariés promus au cours de l'année doivent être inscrits seulement dans la catégorie professionnelle à laquelle ils ont été promus en dernier.)

Occupational Groups Catégories professionnelles	Employees promoted (Employees promoted during the year are to be reported only in the occupational groups in which or to which they have been last promoted.) Salariés promus (Les salariés promus au cours de l'année doivent être inscrits seulement dans la catégorie professionnelle à laquelle ils ont été promus en dernier.)											
	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Senior Managers Cadres supérieurs												
Middle and Other Managers Cadres intermédiaires et autres administrateurs												
Professionals Professionnels												
Semi-Professionals and Technicians Personnel semi-professionnel et technique												
Supervisors Surveillants												
Supervisors: Crafts and Trades Contremaîtres												
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal												
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services												
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans												
Clerical Personnel Personnel de bureau												
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services												
Semi-Skilled Manual Workers Travailleurs manuels spécialisés												
Other Sales and Service Personnel Autre personnel de la vente et des services												
Other Manual Workers Autres travailleurs manuels												
TOTAL NUMBER OF EMPLOYEES PROMOTED NOMBRE TOTAL DE SALARIÉS PROMUS												
TOTAL NUMBER OF PROMOTIONS NOMBRE TOTAL D'AVANCEMENTS												



PERMANENT PART-TIME EMPLOYEES PROMOTED*
AVANCEMENTS : SALARIÉS PERMANENTS À TEMPS PARTIEL*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) <input type="checkbox"/> Province / Territory (specify) National (Canada) Province / territoire (préciser) _____	Reporting Period: Période de rapport : _____
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Occupational Groups Catégories professionnelles	Employees promoted (Employees promoted during the year are to be reported only in the occupational groups in which or to which they have been last promoted.) Saliariés promus (Les salariés promus au cours de l'année doivent être inscrits seulement dans la catégorie professionnelle à laquelle ils ont été promus en dernier.)											
	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Senior Managers Cadres supérieurs												
Middle and Other Managers Cadres intermédiaires et autres administrateurs												
Professionals Professionnels												
Semi-Professionals and Technicians Personnel semi-professionnel et technique												
Supervisors Surveillants												
Supervisors: Crafts and Trades Contremaîtres												
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal												
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services												
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans												
Clerical Personnel Personnel de bureau												
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services												
Semi-Skilled Manual Workers Travailleurs manuels spécialisés												
Other Sales and Service Personnel Autre personnel de la vente et des services												
Other Manual Workers Autres travailleurs manuels												
TOTAL NUMBER OF EMPLOYEES PROMOTED NOMBRE TOTAL DE SALARIÉS PROMUS												
TOTAL NUMBER OF PROMOTIONS NOMBRE TOTAL D'AVANCEMENTS												

* Use the other Parts for permanent full-time and temporary employees
 Utiliser les autres parties pour les salariés permanents à plein temps et les salariés temporaires



PERMANENT FULL-TIME EMPLOYEES TERMINATED*
CESSATIONS DE FONCTIONS : SALARIÉS PERMANENTS À PLEIN TEMPS*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) National (Canada) <input type="checkbox"/> Province / Territory (specify) Province / territoire (préciser) _____	Reporting Period: Période de rapport : _____
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Occupational Groups Catégories professionnelles	All Employees Tous les salariés			Aboriginal Peoples Autochtones			Persons with Disabilities Personnes handicapées			Members of Visible Minorities Membres des minorités visibles		
	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes	Total Number Nombre total	Men Hommes	Women Femmes
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12
Senior Managers Cadres supérieurs												
Middle and Other Managers Cadres intermédiaires et autres administrateurs												
Professionals Professionnels												
Semi-Professionals and Technicians Personnel semi-professionnel et technique												
Supervisors Surveillants												
Supervisors: Crafts and Trades Contremaîtres												
Administrative and Senior Clerical Personnel Personnel administratif et de bureau principal												
Skilled Sales and Service Personnel Personnel spécialisé de la vente et des services												
Skilled Crafts and Trades Workers Travailleurs qualifiés et artisans												
Clerical Personnel Personnel de bureau												
Intermediate Sales and Service Personnel Personnel intermédiaire de la vente et des services												
Semi-Skilled Manual Workers Travailleurs manuels spécialisés												
Other Sales and Service Personnel Autre personnel de la vente et des services												
Other Manual Workers Autres travailleurs manuels												
TOTAL NUMBER OF EMPLOYEES TERMINATED NOMBRE TOTAL DE CESSATIONS DE FONCTIONS												

* Use the other Parts for permanent part-time and temporary employees
 * Utiliser les autres parties pour les salariés permanents à temps partiel et les salariés temporaires



PERMANENT PART-TIME EMPLOYEES TERMINATED*
CESSATIONS DE FONCTIONS : SALARIÉS PERMANENTS À TEMPS PARTIEL*

NOTE: See instructions
 NOTA : Voir instructions

Name of Business: Nom de l'entreprise :	Industrial Sector: Branche d'activité :
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Location-Endroit <input type="checkbox"/> National (Canada) <input type="checkbox"/> National (Canada) <input type="checkbox"/> Province / Territory (specify) <input type="checkbox"/> Province / territoire (préciser) _____	Reporting Period: Période de rapport : _____
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* Use the other Parts for permanent full-time and temporary employees
 * Utiliser les autres parties pour les salariés permanents à plein temps et les salariés temporaires



*Reference
Document:
The Status of the
Designated Groups
in the Labour Force*



Human Resources
Development Canada

Labour Program

Développement des
ressources humaines Canada

Programme du travail

Canada

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INTRODUCTION

This reference document is intended to provide information on the status of the designated groups in the Canadian labour force and in the workforce covered by the *Employment Equity Act*. This information will help readers understand the need for the *Act* and why women, Aboriginal peoples, persons with disabilities and members of visible minority groups are the designated groups under the *Act*. Separate guidelines address the methodology of implementing the *Act*.

Although there are a variety of sources with differing data on the labour force and workforce status of designated groups, all sources indicate that these groups generally have higher unemployment rates; lower salaries; lower labour force participation rates; and are underrepresented in some higher-level occupational groups and are concentrated in lower paying occupations. Each of the four groups also has particular barriers they must overcome to participate fully in the Canadian workforce.

Women

The 1991 census reveals many factors about the status of women in the labour force. Results from the 1996 census will be available in 1998. The 1991 census shows that for:

Representation:

- 59.9 percent of all Canadian women of working age were in the workforce, compared to 76.4 percent of all men. Women represented 51 percent of the Canadian population and 46 percent of the Canadian labour force.

Unemployment:

- The unemployment rate for women was 10.2 percent compared to 10.1 percent for men.

- Although the overall unemployment rate of women was slightly higher than that of men, the unemployment rate of young males, aged 15 to 24 years, was 16.4 percent compared to 14.5 percent for that of females in the same age group. However, generally, the female unemployment rate was consistently higher than the male unemployment rate.

Wage Gap:

- The average salary of Canadian women working full-time in 1991 was \$26,033 compared to the average salary of Canadian men working full-time which was \$38,684.
- Statistics Canada reported in its publication *Women in Canada: A Statistical Report* that in 1993, the full-time, full-year employment income of women was \$28,400, 72 percent of the figure for their male counterparts.

Women earned just over two-thirds of what men earned in 1991.

Labour force issues facing women

a) Occupational Concentration

- Although women have greatly increased their labour force participation in the past three decades and have made some gains in extending their range of work, they still remain concentrated in relatively few occupations. Many of these jobs are poorly paid. Women are often employed in the lower levels of most occupational fields and in a limited number of employment sectors; primarily in clerical and service occupations.
- Statistics Canada reported that in 1994, 70 percent of all employed women were working in either teaching, nursing and related health occupations, clerical positions, or sales and service occupations. This compared with 31 percent of employed men.

b) Family Responsibilities

- Statistics Canada reported that in 1992, employed women with a spouse and at least one child under age five spent 5.3 hours a day on household activities, including domestic work, primary child care and shopping. This is about two hours more per day than their male counterparts spent on unpaid work. Women are also likely to have significantly more intensive elder-care responsibilities than men. Thus, family responsibilities can cause an employment barrier for many women, indicating a need for family-oriented policies in the workplace, to ensure women's skills are fully utilized.
- Parents face considerable difficulty in finding adequate and affordable child-care services.
- Women also continue to make up a large majority of sole-support parents in Canada, and thus wage inequities affect not only women but their children, as well.

c) Part-time Work

- Statistics Canada reported that in 1994, 26 percent of all women with jobs worked part-time compared to 9 percent of employed men. Over 34 percent of all female part-time workers indicated that they wanted full-time employment, but could find only part-time work.

d) Working at Home

- Working at home is often a positive choice for women who have small children, but this is not always the case. Although the main reason for working at home relates to personal choice, it is a requirement of the job for 44 percent of home-based workers.

Of those who do all their paid work at home, 77 percent are women.

e) Poverty

- Most families depend on two incomes. Statistics Canada studies report that in 1992, both spouses were employed in 61 percent of all husband-wife families. The relative importance of wives' earnings to total family income is reflected in the percentage of families whose income would fall below the Low Income Cut-offs were it not for the contribution of wives' earnings. It is estimated that the percentage of families with low incomes would quadruple (4 percent to 16 percent) if wives' earnings were deducted from the income of these families.
- Because women's retirement income or pensions are generally based on wages, wage inequities have a subsequent impact on the poverty of older women.

Women working in the workforce covered by the Employment Equity Act

Although women working under the *Employment Equity Act* have made some progress, change is still needed. Women's representation in the workforce under the *Employment Equity Act* increased from 40.94 percent in 1987 to 44.46 percent in 1995.

Women working full-time in 1995 earned 75.5 percent of what men earned, compared to 70.7 percent in 1987.

Women's share of the total number of all hirings was 39.4 percent in 1995.

Women are still highly concentrated in clerical occupations. For example, in 1995, 63.4 percent of women worked in clerical occupations. They represented 13.8 percent of upper-level managers.

Women represented in 1995, 41 percent of all employees terminated in the workforce covered by the Employment Equity Act

Aboriginal Peoples

The 1991 census reveals many factors about the status of Aboriginal peoples in the labour force. Results for the 1996 census will be available in 1998. The 1991 census shows that for:

Representation:

- 64.3 percent of all Aboriginal peoples of working age were in the labour force compared to 67.9 percent of all working age Canadians. Aboriginal peoples represent 3.8 percent of the Canadian population and 3.0 percent of the Canadian labour force. In the Northwest Territories, they account for over 60 percent of the population while in both Manitoba and Saskatchewan, the Aboriginal population consists of about 10 percent.

Aboriginal peoples represented three percent of the Canadian labour force in 1991.

Unemployment:

- Unemployment levels well above the national average are experienced by Aboriginal peoples on reserve, off reserve, in urban centres, rural communities and remote areas.
- The unemployment rate of Aboriginal peoples was 19.4 percent compared to the Canadian average of 10.2 percent.

Wage Gap:

- The average salary of Aboriginal peoples working full-time was \$28,755 compared to \$33,714 which was the average salary of all Canadians working full-time.

Aboriginal peoples working full-time earned 85 percent of the average salary of all Canadians working full-time in 1991.

Labour force issues facing Aboriginal peoples

Aboriginal peoples face major employment barriers including low educational achievement, lack of training and job experience, as well as language and cultural barriers. Other factors regarding their

participation in the Canadian labour force are:

a) Occupational Concentration

- In 1991, at the occupational level, 18.5 percent of Aboriginal peoples were in the “other manual workers” group compared to 13.6 percent of the total population.

Less than seven per cent of Aboriginal peoples were found in 1991 in the “upper-level managers” and “middle and other managers” groups, compared to 10 per cent of the general population.

b) Lack of Full-time Jobs

- The *Report of the Royal Commission on Aboriginal Peoples* reported that although Aboriginal peoples are well represented in employment involving up to 26 weeks of work in a year, only one fifth of Aboriginal adults had a full-time, full-year job in 1990, compared to well over one third of all Canadians. The shortage of full-time, full-year jobs applies to all Aboriginal groups, but is most acute for First Nations peoples living on reserve. The Royal Commission reported that the percentage of Aboriginal peoples with incomes less than \$10,000 was 47.2 percent in 1990 compared to 27.7 percent for all Canadians. These figures exclude persons reporting no income.

c) Poverty

- The Royal Commission stated that the difference in income of Aboriginal Canadians compared to all Canadians can be attributed to three factors: Aboriginal peoples participate in the labour force at a lower rate, they experience higher unemployment and those who were employed earn less than employed Canadians.

- The Royal Commission stated that “As a group Aboriginal people do not participate fully in the Canadian economy. They produce less and earn less than an equivalent number of other Canadians More than 150,000 Aboriginal adults do not know the satisfaction of earning an adequate income and being economically independent. As a result, the wealth they could potentially produce is not being realized We estimate that the cost of foregone production was \$5.8 billion in 1996. Half the cost of foregone production is shifted to governments and thus borne by all Canadians.”

d) A Growing Population

- The Department of Indian Affairs and Northern Development predicts that the number of Aboriginal peoples will grow by 50 percent in the 25-year period from 1991 to 2016.
- Aboriginal leaders in all parts of the country are seeking fairness for their people and opportunities for them to become economically self-reliant. Employers can play a major role in making this happen.

Aboriginal peoples in the workforce covered by the Employment Equity Act

Representation of Aboriginal peoples in the workforce under the *Employment Equity Act* has risen from .66 percent in 1987 to 1.17 percent in 1995, compared to their 3.0 percent representation in the Canadian labour force as a whole.

The salary gap between Aboriginal peoples and all people working under the *Act* increased since the first reporting year in 1987. In 1995, Aboriginal men working full-time earned, on average, 85.7 percent of the average salary of all men under the workforce covered by the *Act*.

Aboriginal women working full-time earned in 1995 an average 88.1 percent of the average salary of all women working in the workforce covered by the Act.

Aboriginal peoples' share of all hirings in 1995 was 1.82 percent and their rate of termination was 1.54 percent.

Over the reporting period since the *Act* was implemented, Aboriginal peoples have remained concentrated in clerical work, semi-skilled and other manual work.

Persons With Disabilities

The 1991 census reveals many factors about the status of persons with disabilities in the labour force. Results from the 1996 census will be available in 1998. The 1991 census shows that for:

Representation:

- 60 percent of all persons with disabilities of working age were in the Canadian labour force compared to 67.9 percent of all working age Canadians. Persons with disabilities represent 7 percent of the Canadian population and 6.5 percent of the Canadian labour force.

Unemployment:

- The unemployment rate for persons with disabilities was 18.5 percent compared to 10.2 percent for the entire Canadian labour force.

The unemployment rate in 1991 for persons with disabilities was almost double that in the entire Canadian labour force.

Wage Gap:

- The average salary of persons with disabilities working full-time was \$29,185 compared to \$33,714 which was the average salary of all Canadians working full-time.

Labour force issues facing persons with disabilities

Over the last two decades, there has been increasing public pressure to address issues associated with persons with disabilities. Persons with disabilities face a wide range of problems regarding their involvement in the labour market:

- social perceptions about persons with disabilities and their limitations;
- unnecessary physical requirements and failure to make accommodations in the workplace to compensate for disability;
- limited training, education and aspirations, because many persons with disabilities are discouraged from developing their abilities and from seeking full participation in the labour force; and
- actual limitations in performing certain kinds of work as a result of specific disabilities.

Other factors regarding their participation in the labour force are:

a) Occupational Concentration

- In 1991, approximately 28 percent of persons with disabilities were employed in the “semi-skilled manual worker” and “other manual worker” groups in the Canadian labour force, compared to 22 percent of the general population in those occupations.

b) Need for Full-time Jobs

- In 1991, approximately half of unemployed persons aged 15-64 with disabilities wanted full-time jobs only, as stated in Gail Fawcett’s book *Living with Disability in Canada*

c) Poverty

- Statistics Canada data indicate that in 1991, 21.9 percent of adults with disabilities were living in poverty compared to 12.6 percent of those who were not disabled. Employed persons with disabilities had a poverty rate of 13.4 percent compared to 8.2 percent of those without disabilities.

Persons with disabilities aged 15 and over are much more likely to be poor than those without disabilities.

d) Accommodation

- Technology is providing an increasing number of specific aids for persons with disabilities. In addition, technological change is altering job requirements in many occupations thereby creating opportunities for persons with disabilities. Often, job accommodation is not expensive and can reduce workers' compensation and other insurance costs.

e) Educational Levels and Participation in the Labour Force

- Statistics Canada data indicate that although the level of education rose significantly for persons with disabilities between 1986 and 1991, a persistent gap remained between the participation rate of persons with disabilities and without disabilities, even for those who had the same levels of education. The labour force participation gap was narrowest for those with university education where persons with disabilities participated at about 80 percent of the rate of persons without disabilities.

f) A Growing Population

- Statistics Canada projections indicate that the number of people with work disabilities is growing at a faster rate than that of the population without disabilities. Between 1986 and 1991, the labour force participation rate of persons with disabilities increased by 8 percent compared to only 3 percent for persons without disabilities.

Persons with disabilities in the workforce covered by the Employment Equity Act

Persons with disabilities represented 2.73 per cent of the workforce under the *Act* in 1995 compared to 1.59 percent in 1987.

The representation of persons with disabilities in the Canadian labour force was 6.5 percent in 1991.

Persons with disabilities share of all hirings was 1.27 percent and their rate of termination was 2.52 percent in 1995. Since the inception of the 1986 *Act*, very little hiring of persons with disabilities has occurred. The overall increase in their representation is due mainly to increased self-identification.

In 1995, men with disabilities working full-time earned on average \$48,470, about the same salary of all men in the workforce (\$48,975). Women in this group earned on average 95.6 percent of what all women earned in the workforce under the *Act* in 1995 for full-time work.

Persons with disabilities tend to be highly concentrated in clerical occupations and middle management.

Members of Visible Minority Groups

The 1991 census reveals many factors about the status of members of visible minorities in the labour force. Results from the 1996 census will be available in 1998. The 1991 census shows that for:

Representation:

- 70.5 percent of members of visible minorities of working age were in the labour force compared to 67.9 percent of all working-age Canadians. Members of visible minorities represent 9.4 percent of the Canadian population and 9.1 percent of the Canadian labour force.

Unemployment:

- The unemployment rate for members of visible minorities was 13.1 percent compared to 10.2 percent for the entire Canadian labour force.

Salary Gap:

- The average salary of visible minorities working full-time was \$30,129 compared to \$33,714, which was the average salary of all Canadians working full-time.

Labour force issues facing members of visible minorities

Historically, visible minorities have played an important part in the development and growth of the Canadian economy. At the beginning of the century, special immigration laws were developed to allow visible minorities to immigrate to Canada so they could help develop the country. Over the years, visible minorities have experienced difficulties and problems in transition into employment.

This transition process is affected by a number of factors, including underemployment, prejudices, systemic and racial discrimination, language barriers, speaking with a foreign accent, lack of acceptance of educational qualifications that have been achieved outside of Canada, lack of Canadian work experience, culture shock and unfulfilled high expectations.

Other factors regarding their participation in the labour force include:

a) Occupational Concentration

- Data from the 1991 census indicate that 22 percent of male visible minorities with a university degree were employed in clerical, sales and service occupations compared to 11 percent of non-visible minority males with a university degree employed in those same three occupations. Furthermore, those employed in these occupations earned less than their non-visible minority male counterparts.

b) Underemployment

- Canadian visible minorities tend to be better educated than Canadians in the general population. Twenty-one percent of visible minorities have at least a university certificate or degree compared to 13.4 percent of the total population.
- In 1991, 22 percent of non-visible minority males with a university degree were employed in “upper-level management” and “middle and other management” occupations. Twelve percent of visible minority males with a university degree were employed in these same occupations.

The unemployment rate of visible minorities university graduates was twice that of non-visible minority graduates in 1991.

c) A Growing Population

- The visible minority population of Canada is increasing significantly. The 1991 census reported that about 28 percent of Canada's population reported British origins, compared with 34 percent in 1986; 23 percent reported French only origins versus 24 percent in 1986.
- Statistics Canada's study *Canada's Changing Immigrant Population* indicates that the demographics of the immigrant population is changing. Members of visible minorities constitute a large proportion of immigrants. The majority of immigrants were born in Europe, however, this proportion declined from 62 percent in the 1986 census to 54 percent in the 1991 census.

Members of visible minorities in the workforce covered by the Employment Equity Act

The representation of members of visible minorities in the workforce under the *Act* increased from 5 percent in 1987 to 8.8 percent in 1995, compared with their 9.1 percent representation in the overall Canadian labour force. However, the representation of visible minorities is much higher in major cities such as Vancouver and Toronto.

Over the years, members of visible minorities have enjoyed a high proportion of hirings each year, relative to all employees in the workforce. In 1995, visible minorities' share of hirings was 11.6 percent and their rate of termination was 8.81 percent.

Visible minority men working full-time earned on average 95.1 percent of what all men in the workforce under the *Act* earned in 1995, while visible minority women working full-time earned 96.6 percent of what all women in the workforce earned under the *Act*. Women in both categories earn less than men.

Educational Level And Unemployment For All Designated Groups

	Total	Males	Females	Aboriginal Peoples	Visible Minorities	Persons with Disabilities
Total-all levels	10.2 %	10.1%	10.2%	19.4%	13.1%	18.5%
Less than Gr. 9	15.8%	15.5%	16.3%	30.2%	19.6%	23.5%
Gr. 9-13	11.6%	11.8%	11.3%	21.1%	14.7%	20.2%
Some post-sec. ed.	9.7%	9.6%	9.8%	17.3%	12.9%	16.8%
University certificate or degree	5.7%	5.0%	6.5%	7.3%	9.6%	10.9%

Source: The 1991 Census of Canada and the 1991 Health and Activity Limitation Survey, unpublished data