



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 generates 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.