



Chapter 2 - Employment Equity

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2.1 SOURCES OF INFORMATION

2.1.1 Legislation

[Public Service Employment Act](#): Section 5.1, Subsections 13(2) and 35(2)(d).
[Employment Equity Act](#) and the [Employment Equity Regulations](#)
[Public Service Employment Regulations](#), 2000: Sections 1 ("disadvantaged groups", "employment equity program", "writing and written"), 4, subsection 5(2)(d), sections 36 and 37.

2.1.2 Other References

[Staffing Manual, Chapter 5, Priorities](#)
[Staffing Manual, Chapter 4, Area of Selection](#)
[Employment Equity Policy](#)
[Employment Equity Positive Measures Program](#)
[Employment Systems Review: A Guide for the Federal Public Service](#)
[Policies and Publications on Employment Equity](#)

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2.2 POLICY STATEMENT

Employment equity is an integrated and fundamental component of good human resources management. Employment practices must be barrier free and provide the Public Service with a competent, non-partisan workforce that is representative of the Canadian public that it serves.

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2.3 VALUES-BASED APPROACH

Canadians expect that their needs, concerns and interests are reflected in the services, programs and policies provided by the Government. Achieving Canadians' expectations requires a public service workforce that is competent, non-partisan and representative of the population it serves. Indeed, Canadians are better served when public servants reflect a rich diversity of backgrounds, ideas and views. A diverse labour force enhances creativity and innovation, a broader range of skills, better decisions based on varying perspectives, improved service to diverse clients and the ability to recruit the best talent from the entire labour pool.

The *Canadian Human Rights Act*, the *Employment Equity Act* and the *Public Service Employment Act* are explicit recognition of the government's commitment to the value of representativeness and to institute positive measures to address under-representation of the [designated groups](#) and to remove systemic barriers in the employment systems which prevent the achievement of a representative workforce.

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2.4 MERIT AND REPRESENTATIVENESS

The merit principle is the basis for building and sustaining a representative workforce. Merit reflects three values found in legislation - non-partisanship, competence and representativeness. In a merit-based Public Service, people are selected on the basis of their competence through processes that are fair, equitable and transparent. Where there is under-representation of certain groups in society, positive efforts are made to hire competent individuals from these groups to ensure the Public Service becomes representative.

Within the context of the positive measures and programs put in place, individuals are selected on the basis of their skills and abilities or competence. In this way the expectations of Canadians for a competent, non-partisan and representative workforce are met.

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2.5 PROGRAMS AND SERVICES

There are a number of positive tools, programs and services available to assist departments in achieving and sustaining a representative workforce.

2.5.1 Departmental Employment Equity Programs

Employment equity programs can be established to assist departments in the recruitment, retention, internal selection and development of persons belonging to designated groups - Aboriginal people, persons who are members of a visible minority, persons with disabilities and women. Under subsection [5.1\(3\)](#) of the PSEA, the Commission may, at its discretion, act on any request submitted by a Deputy Head, to implement an employment equity program ([Organizations with EE Programs](#))

Departmental employment equity programs can be used to help meet employment equity objectives where there is under-representation. They can be structured in a variety of ways to best meet the needs and goals of the organization which may include authority for:

- internal staffing processes and/or external recruitment
- term and/or indeterminate appointments for one or more of the designated groups
- developmental programs and may include acting appointments
- appointments either with or without competition or a combination of both

All EE programs are:

- excluded from the application of the provisions of the PSEA dealing with [prohibited grounds of discrimination](#), [area of selection](#) and [right of appeal](#).
- excluded from the [priority provisions](#) unless the person entitled to priority consideration is a member of the employment equity group(s) targeted by the employment equity program. Priority clearance is therefore required for appointments, other than acting appointments, in the context of EE programs.

Only individuals who have self-identified when entered into the priority administration system will be referred for EE program appointments.

- subject to the application of either relative or individual merit (i.e. PSEA [10\(1\) or 10\(2\)](#)), (other than acting appointments). Depending on the employment equity program, one type of merit may be more appropriate than the other and this will be determined based on the program objective and scope.
- excluded from the application of merit and of right to appeal for the duration of acting appointments. This enables departments to use acting appointments for developmental purposes as a component of an employment equity program, i.e. for employees to acquire or enhance skills, knowledge, abilities and other qualifications.

Commission approval of an [Employment Equity Program](#):

The Commission considers the following information when reviewing a program for approval:

- when a departmental workforce analysis is conducted and the results indicate that designated groups in occupational groups are under-represented;
- when an employment system review is conducted and the results indicate that a department has unsuccessfully addressed barriers and therefore has not obtained representation goals, despite enhanced recruitment efforts; and
- when a department assures the PSC that the employment equity program will be used in the context of good human resources management practices.

To assist departments in submitting a request for a departmental employment equity program, a [template](#) is available.

2.5.2 PSC Employment Equity Program

A. For Ad Hoc Appointments

While the Commission believes that it is important to take a planned approach to meeting employment equity objectives, it also recognizes that establishing a formal program for appointments is not always feasible, e.g. for small departments or in situations where a small number of appointments is all that is needed.

Departments that do not have their own employment equity programs may request referrals of designated group members from the PSC. In these cases, the PSC will provide departments with referrals that are limited to candidates from one or more of the designated employment equity groups.

Referrals may be for specified period (term) or indeterminate appointments. Departments have authority to make appointments resulting from these referrals under existing delegation arrangements.

Where term employees are hired as a result of referrals from the PSC Employment Equity program for Ad Hoc Appointments, it is possible to change their employment status from term to indeterminate at a later date. These subsequent appointments will not require the assessment of other candidates or the posting of notice of right to appeal, but the person must be qualified and the appointment must not result in a promotion. Departments also have delegation to make these appointments.

B. Employment Equity Program For Executives

The Employment Equity (EE) Program for Executives provides support to departments in their efforts to increase designated group representation by facilitating the appointment of members of a visible minority group, Aboriginal peoples, and persons with disabilities to EX 1 to EX 3 positions in all departments with a signed [Staffing Delegation and Accountability Agreement](#). It is intended to supplement other initiatives being undertaken by departments. This program does not apply to Health Canada and National Defence because

both have pre-existing Employment Equity Programs which cover these three designated groups.

The features of the program are:

- PSC Executive Resourcing Consultants, on behalf of departments, may target selection processes to a particular designated group;
- indeterminate and term appointments may be made from open, closed or without competition selection processes; and,
- appointments may be made using individual or relative merit.

Departments requesting use of the program will be required to provide a brief rationale signed by the Deputy Minister which should include, as a minimum:

- demographic information which clearly demonstrates that the department's representation of executives from the particular designated being targeted is below the labour market availability rate; and,
- a description of how the position(s) being filled fits into the department's overall plan to achieve a more representative workforce.

2.5.3 Employment Equity and Area of Selection

The area of selection for competitions can be used as an effective tool to increase the representation of designated group members in the candidate pool. Under subsection [13\(2\) of the PSEA](#), departments can expand an area of selection so that it will include only members of one or more designated group from the broader area. For example, in an open competition the area of selection could be -Persons residing or employed in Edmonton, Calgary, Regina, Saskatoon, Winnipeg and women and aboriginals residing or working across Canada. [Chapter 4, Area of Selection](#), provides additional information concerning this provision.

2.5.4 Other Employment Equity Initiatives

Employment Equity initiatives are required to help redress the imbalances in the work force and to overcome specific employment impediments. The specific measures described below are important tools for employment equity programs and they may be helpful to departments that are trying to implement their employment equity plans and achieve their employment goals.

A. [Employment Equity Positive Measures Program \(EEPMP\)](#)

The [EEPMP](#) (PSC site) was established by the Treasury Board in October 1998 as a temporary program to help build employment equity capacity in the Public Service. Its goals were to assist in integrating employment equity practices in the workplace by providing information, tools and skill development for achieving a representative workforce.

The EEPMP ended March 31, 2002. For ongoing use, [best practices, tools and lessons learned](#) have been documented with a view to sharing knowledge.

B. Career and Development Programs

Certain development programs in the Public Service incorporate an employment equity program. These include the Accelerated Executive Development Program (AEXDP), the Career Assignment Program (CAP), the Interchange Canada Program and the Management Trainee Program (MTP).

[AEXDP](#)

The objectives of the AEXDP are to identify a representative group of executives at the EX-1 to EX-3 level who demonstrate the potential to become Assistant Deputy Minister, and to accelerate their development and career advancement.

[Career Assignment Program \(CAP\)](#)

A federal Public Service initiative that seeks to identify a representative group of individuals who have demonstrated executive potential, and accelerate their development and advancement.

[Interchange Canada](#)

Interchange Canada promotes linkages between the federal government and organizations in the private sector or in other levels of government, both within Canada and internationally. These linkages are created through the arrangement of executives to take on temporary assignments in different sectors.

[Management Trainee Program \(MTP\)](#)

The objective of the Management Trainee Program (MTP) is to recruit and develop highly qualified individuals for key positions of responsibility in the federal Public Service of Canada. It offers talented graduates and employees with high potential, the opportunity to lead a representative and diverse Public Service into the future.

C. Federal Public Service Job Accommodation Network

The [Federal Public Service Job Accommodation Network](#) is a single-window approach for both managers and employees with disabilities, aimed at facilitating greater access to advice, policy interpretation and services. The network is designed with a view to facilitate faster assessments and effective accommodation through a network of service providers and to actively monitor referrals.

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2.6 EMPLOYMENT SYSTEMS REVIEW

An Employment Systems Review (ESR) is a comprehensive examination of an organization's policies and practices to identify and permit removal of systemic and attitudinal barriers to employment opportunities for persons in the designated groups.

[Employment Systems Review: A Guide for the Federal Public Service](#) - This Guide is a reference document intended to assist departments and agencies of the federal Public Service when conducting an ESR. The Guide contains general information, guidelines and suggestions on how to proceed, what to consider and what to focus on when reviewing employment policies and practices.

A Guide entitled "[Data Elements of an Employment Systems Review](#)" is also available. This guide is intended to help departments and agencies of the federal Public Service use and interpret quantitative data elements relevant to an ESR.

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