



Chapter Five: Employment Equity

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Introduction

The PSC encourages managers and their human resources advisors to use Chapter 5 as a basis to discuss how they can better incorporate representativeness into merit-based staffing. This chapter aims to give managers a comprehensive overview of the policies and tools at their disposal to help achieve the goal of a truly diverse federal workforce. However, there are no perfect solutions to redressing historical imbalances in the representation of certain groups. Only by our individual and collective efforts can we ensure that the federal Public Service becomes a more representative employer.

The Business Case for Employment Equity

1. The Public Service of Canada exists to provide high quality services, programs and policies to all Canadians.
 2. Canadians expect their needs, concerns and interests to be reflected in these services, programs and policies.
 3. To do so in an increasingly diverse society, the Public Service needs to better reflect the rich diversity of Canada.
 4. Representativeness is therefore an integral part of merit and competency in today's Public Service - as are education, experience and linguistic capacity.
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Predominant values and management principles in action:

Competence, non-partisanship and representativeness. Other values and principles apply to differing degrees.

Your goal is to ensure that the people you choose are qualified for the work; your staffing process is free of political or bureaucratic patronage and that your resulting work force is representative of the labour market.

Principal Goals of Employment Equity

Employment equity has three principal goals:

- to facilitate the recruitment of members of the four designated groups and foster the establishment of a work force of qualified employees reflecting the diversity of Canadian society;
- to ensure equal access to job opportunities by identifying and removing employment barriers and established behavioural patterns and by correcting the conditions that have adversely affected the equitable participation and distribution of persons from the designated groups in the public service; and
- to implement special measures to correct employment disadvantages for these designated groups.

The Four Designated Groups

Employment equity targets four designated groups:

- [women](#);
- [Aboriginal people](#);
- [members of visible minority groups](#);
- [persons with disabilities](#).

See the [Glossary](#) for definitions.

Your Responsibilities as a Manager

Your responsibilities for employment equity include:

- ensuring effective overall performance and continuous progress of the employment equity goals within your operations;
- achieving, fostering and maintaining a representative workforce;
- showing leadership in employment equity and demonstrating commitment to it by ensuring that discrimination and stereotyping are not tolerated; and
- informing and educating employees in your organization about employment equity and diversity.

For more information on employment equity roles and responsibilities, visit these Web sites:

["Shared Responsibilities for Implementing the New Employment Equity Legislation"](#)

["Overview of the *Employment Equity Act* \(1996\) from a Public Service Perspective"](#)

["Employment Equity Act and Regulations"](#)

[Policy on Duty to Accommodate Persons with Disabilities in the Federal Public Service](#)

[Guideline for Assessing Persons with Disabilities.](#)

Overcoming Barriers in Your Organization

No one should face employment barriers simply by virtue of being a woman, a [person with a disability](#), an [Aboriginal person](#) or a [member of a visible minority group](#). Departments have the legal obligation to look for and eliminate barriers in their selection processes. Barriers present themselves in a variety of forms and situations; some are experienced by all the designated groups and others are group-specific. Please contact your HRA within your own department for further information or clarification regarding issues and barriers for designated group members.

Your departmental employment equity coordinator or human resources advisor should have a profile of your departmental representation and your departmental employment equity objectives, as well as a plan on how representation shortfalls will be addressed.

Did you know?

By expanding the geographic area of selection beyond a metropolitan area, you will avoid excluding Aboriginal peoples living in First Nation communities just outside the metropolitan area.

By learning more about persons with disabilities and workplace accommodations, you will ensure that you do not make false assumptions about what a candidate can or cannot do.

By fully considering credentials obtained outside Canada, you ensure that you include excellent candidates who may have training equivalent to that of their Canadian counterparts. For assistance in verifying credentials, contact the [Canadian Information Centre for International Credentials](#).

If designated group members receive their fair share of acting appointments and developmental opportunities, their opportunity for advancement will be increased. Consider the fairness of each appointment process.

Staffing and Recruitment Programs and Tools

Departmental human resources advisors and recruitment consultants from the Public Service Commission (PSC) can help you determine which strategy is best suited to meet your recruitment requirements and expectations.

PSC corporate development programs are continuously re-examined to determine how the PSC can increase the pool of designated group members in developmental programs, and to

assess the possibility of expanding or introducing new programs.

Did you know?

Deputy Heads may ask the PSC to implement an Employment Equity Program in their department when under-representation is significant in one or more designated groups, in one or more occupational groups and/or in one or more locations. This type of program can be tailored to departmental needs and used either for external recruitment or internal staffing or both. Your human resources advisor can provide additional information to help you determine if a tailored Employment Equity Program would help you achieve your goals. Should an EE program be needed, your PSC departmental consultant can provide you with a template and is available to help you through the approval process.

When departments do not have or do not need their own Employment Equity Program because the number of appointments anticipated to be made would be very limited, you may request exclusive EE referrals under the PSC's Employment Equity Program to make a limited number of employment equity appointments when recruiting from outside the Public Service. Using this program, you may advertise a job opportunity to one or more designated groups only and you will only need to review applications from the designated group(s) advertised. For further information on the PSC's Employment Equity program, consult your human resources advisor or visit the Employment Equity and Diversity [Framework and Programs](#) page.

You may expand the minimum geographic area of selection in external and internal selection processes to include one or more employment equity groups from a larger area of selection.

You may use the Federal Student Work Experience Program (FSWEP) to increase hiring of designated group members by requesting the PSC to restrict the search to one or more of the designated groups. Students participating in FSWEP or an approved Co-op Program may be "bridged" into Public Service employment. For further information on [bridging](#), refer to chapter 3 option 11 of this handbook or consult your human resources advisor.

The Post Secondary recruitment campaign attracts on average 30-35% of its applicants from members of visible minority groups.

Tips

- Take advantage of specific [recruitment programs](#), such as the Post-Secondary Recruitment Program, the Management Trainee Program, the Federal Student Work Experience Program and the Co-op Program to hire members of designated groups.
- Review the requirements you post for a job to ensure that you are asking for bona fide education, knowledge and experience needed for the job.
- Choose selection board members who are sensitive to diversity and the assessment of members of designated groups. This helps to create a level playing field for all candidates and increases the chances of everyone doing better in the selection process.

Duty to Accommodate

The phrase "duty to accommodate" refers to your obligation to take appropriate steps to eliminate discrimination against candidates in the selection process and after an individual is

appointed. A rule, practice or some other barrier may inadvertently discriminate against individuals, for example, because of their disability, family status or religion. Appropriate steps would remove such barriers if to do so does not cause "undue hardship" such as compromising safety or health, or creating undue financial cost.

You need to ensure that you give equal and fair access to all candidates. That means you must give each candidate the opportunity to effectively represent him/herself in the selection process. To be fair to the broad spectrum of candidates who apply, does not necessarily mean treating all candidates in exactly the same manner. For example, a candidate with a visual impairment may need to receive their information in a larger print format. You need to be careful not to create barriers inadvertently in attempting to provide equal access.

In the recruitment process, there are some questions that you should ask when staffing a position, to ensure equal access to the opportunity and respect for the merit principle. Chapter 1 describes the relationship between employment equity and merit.

- When determining the area of selection (e.g., geographic location, internal or external to government, internal or external to your department), have you a sufficient number of designated group members from which to draw? Your human resources advisor will be able to find out how you can best define your area of selection to ensure good coverage of and increase the number of designated group members applying.
- Is the required level of education appropriate for the position being staffed? For instance, you should refrain from raising the level of education required merely to limit the number of candidates. This could have the undesirable effect of reducing the pool of designated group members.
- Can the experience requirements be broadened to attract a greater number of candidates from among the designated groups? For example, instead of asking for specific financial experience in the federal Public Service, consider asking for financial experience in a large corporation or public institution, which may allow a greater number of designated group members to be considered.
- Have you considered available options and flexibility in terms of language requirements and access to language training for designated group members?
- Have you considered alternatives to what are normally thought of as *bona fide* requirements so that potential candidates from the designated groups are not eliminated? For example, when a position is described as requiring a driver's licence, can a person fulfil the job functions by using public transportation?
- Does the make-up of your organization reflect the Canadian population and labour market availability? You may wish to consult with your departmental employment equity coordinator or human resources advisor to determine how representative your work force is, whether there is a departmental employment equity plan, and what flexibility or tools exist to increase representation of employment equity groups.

During the selection process, you will want to consider the following questions:

- Did you inform all candidates of their rights and give them an opportunity to request accommodation if needed to better present themselves? For more information on accommodating persons with disabilities, consult the new joint Treasury Board/PSC [Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service](#).
- Do any of the candidates require any accommodation? If yes, check with your human

resources advisor to determine how to modify the assessment instrument or the administration process. For example, you may need to provide a written test in an alternative format, such as large print, or provide an interpreter for a person with a hearing limitation. For more information, consult the "[Guidelines for Assessing Persons with Disabilities](#)."

- Do any of the candidates have credentials from outside of Canada? If yes, you may wish to contact your human resources advisor to determine their equivalency to Canadian standards. Alternatively, the [Canadian Information Centre for International Credentials](#) will advise you of institutions that provide this service.
- Have you considered some real ways to assess personal suitability instead of relying solely on subjective judgements. Options include asking specific behaviour-based questions, doing structured reference checks and using simulation tests [assessment tools](#). For further information on these tools, consult your human resources advisor or the [Personnel Psychology Centre](#) website.

For more information on selection and assessment, contact your human resources advisor.

Did you know?

Employment Equity Program appointments only require that you consider persons with priority entitlement (Chapter 6 discusses Priority Administration) who are members of a target designated group for the program. For example, if your competition is restricted to members of visible minority groups then only priority persons who are qualified and members of visible minority groups will be referred.

More help, support and guidance regarding accommodation for persons with disabilities is provided at the following Web sites:

- The federal Public Service's Joint T.B./PSC [Policy on the Duty to Accommodate Employees with Disabilities in the Federal Public Service](#).
- The easy access to advice, policy interpretation and other services for both managers and employees with disabilities formally provided by the Federal Public Service Job Accommodation Network continues to be offered by the [TBS Employment Equity Division](#).

| Predominant values and management principles in action: |
|----------------------------------------------------------------------------------------------------------------------------------------------|
| Fairness, transparency and competency. Other values and principles apply to differing degrees. |
| Keep in mind when staffing positions that though we value what we all share, we must also value the ways in which we contribute differently. |

Employment Equity Positive Measures Program and Embracing Change Fund

The Employment Equity Positive Measures Program (EEPMP) was established by the Treasury Board from October 1998 to March 31, 2002 as a temporary program to help build employment equity capacity in the federal government. Its goals were to assist in integrating employment equity practices in the workplace by providing information, tools and skill

development for achieving a representative Public Service.

[Best practices and lessons learned](#) have been documented with a view to sharing knowledge.

The Embracing Change Support Fund set up between Fall 2000 and March 2003, was designed to help departments and agencies intervene and kick-start initiatives and projects directly related to the implementation of the Embracing Change Action Plan. The fund may also help departments and agencies fulfil their legislative obligations under the *Employment Equity Act* to improve the representation of persons in visible minority groups.

Best Employment Equity Practices

Many departments have implemented effective and varied initiatives to move employment equity goals forward. You can visit a collection of [best practices in employment equity](#).

Statistics

The reality in the federal Public Service is that qualified individuals from designated groups have traditionally been hired, employed and promoted at rates well below their availability in the external and internal labour markets, and the external labour market for designated group members is increasing.

Consider these statistics of a changing Canadian society:

- As of 1996, immigration had outpaced the natural birth rate in Canada and accounted for 53 percent of overall population growth. Compare this with 1951, when the birth rate accounted for 92 percent of Canada's population growth.
- It is estimated that by 2010, more than half of the population of major urban centres will be first-generation immigrants. Of that population, most will be members of visible minority groups.
- The Aboriginal labour force is young and is growing at twice the Canadian rate and is most present in Western Canada.
- As the Canadian population ages, the number of Canadians with disabilities increases. Yet whether they be older or younger, persons with disabilities today possess the skills and competencies we need in the Public Service.

Did you know?

Your nearest PSC District Offices has access to a database of 2300 EE organizations to which it can send job opportunities.

Several PSC offices maintain EE applicant inventories and/or inventories with EE applicants. To ascertain which applicant inventories exist in your area, visit the [PSC website](#).

The latest annual report on employment equity in the federal Public Service may be found at the Treasury Board Web site at:

http://www.tbs-sct.gc.ca/ee/ar-ra/ar-ra_e.asp

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