



CANADIAN HUMAN RIGHTS COMMISSION

2003–2004 Estimates

A Report on Plans and Priorities

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Table of Contents

Section 1	Message1
	1.1 The Chief Commissioner’s Message1
	1.2 Management Representation Statement4
Section 2	Raison d’être5
Section 3	Planning Overview (Strategic Plan)6
Section 4	Plans and Priorities by Strategic Outcome8
	4.1 Complaints8
	4.2 Employment Equity17
	4.3 Human Rights Promotion21
	4.4 Corporate Services28
Section 5	Organization35
	5.1 Service Lines and Strategic Outcomes35
	5.2 Accountability.....36
	5.3 Commission Planned Spending.....38
Section 6	Annex39
	6.1 Net Cost of Program for 2003–200439



Message

1.1 The Chief Commissioner's Message

It is my privilege to have been appointed as Chief Commissioner to the Canadian Human Rights Commission in August of 2002. I am committed to ensuring that the Commission's legislative mandate to protect and promote human rights and equality is achieved as effectively and efficiently as possible. In this respect, it is incumbent on the Commission to speak directly to the observations and concerns expressed by Parliament.

I have noted very carefully a number of recent reports addressing the operations and future possibilities of the Commission, starting with the Auditor General's report of September 1998, then the fall 2002 report of the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities, and most recently the January 2003 report of the House of Commons Public Accounts Committee. I note as well the recommendations of the 2000 La Forest Report *Promoting Equality: A New Vision* which studied the operation of the Commission. Finally, many of the Commission's stakeholders have provided and continue to provide valuable insights into the Commission's challenges of both the past and present and its opportunities for the future.

The inescapable conclusion from these sources of observation and comment is that there are questions related to public expectations as to operational effectiveness and efficiency in certain aspects of the Commission's work. The conduct of employment equity audits, for example, has been commended, but the process for handling human rights complaints requires immediate attention. A key question is the extent to which change is possible within the Commission's current legislative context. I offer a number of observations.

The human rights management continuum goes beyond the Commission, in effect touching upon every employer and service provider within federal jurisdiction—as they become more complex, so does the Commission's work. The complaints side of our mandate involves the Canadian Human Rights Tribunal, a separate body from the Commission, and the whole federal court system. Any change in one involves, by definition, implications on the others.



On the face of it, the option of starting over from square one might appear inviting, but there are real issues: the transition costs alone would be high; it could take years if substantive legislative change is required; and there is a possibility of only shifting rather than solving problems. From the point of view of achieving clear results for Canadians, my view is that we should first consider opportunities for more immediate reform.

With committed leadership, innovative new management systems, and perhaps targeted regulatory and legislative interventions, I believe that the Commission is capable of adapting to new circumstances and opportunities and of addressing past criticisms. Patience is needed on the part of all stakeholders to allow this process to unfold in a sensitive but business-like way that is respectful of employees and stakeholders. Human rights are a fundamental part of Canadian law and culture, and changes to its administration must be thoughtfully and carefully planned and implemented.

Nonetheless, the Commission's complaints business model needs an overhaul. In this respect I am guided by the following principles:

- The Commission must be focussed on complaints management and resolution as its core business, with the other legislated activities stemming from this function.
- Objectivity, due process and systems flexibility in approach should guide the resolution of complaints.
- Alternative dispute resolution techniques need to be the basis of most complaint resolution activities since they are proven effective and efficient approaches that speak to human rights and human needs.
- Clarity of business objectives, performance standards and results will help ensure that the Commission delivers on its mandate.

- A modern work environment that is based on sound principles of management/employee dialogue and mutual respect, appropriate involvement of stakeholders and proximity to clients is fundamental to corporate success.

I am committed first and foremost to the development of a new complaints resolution model that honours the above principles, and to early reform and early results for Canadians in all aspects of our work.

Mary M. Gusella
Chief Commissioner



1.2 Management Representation Statement

I submit, for tabling in Parliament, the 2003–2004 Report on Plans and Priorities (RPP) for the Canadian Human Rights Commission.

This document has been prepared based on the reporting principles and disclosure requirements contained in the *Guide to the preparation of the 2003–2004 Report on Plans and Priorities*.

- It accurately portrays the organisation’s plans and priorities.
- The planned spending information in this document is consistent with the directions provided in the Minister of Finance’s Budget and by TBS.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

The reporting structure on which this document is based has been approved by Treasury Board Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Robert Ward, Acting Secretary General
February, 2003



Raison d'être

Our mission is:

- to protect and advance human rights by providing a forceful, independent and credible voice for promoting equality in Canada.
- to discourage discrimination and disadvantage and ensure compliance with the *Canadian Human Rights Act* and the *Employment Equity Act*.
- to share our experience and cooperate with human rights institutions in Canada and in other countries.

These mission statements are under review in order to best reflect the Commission's dual legislative mandate.

Section 2 of the *Canadian Human Rights Act (CHRA)* states that:

"the purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offense for which a pardon has been granted."

Section 2 of the *Employment Equity Act (EEA)* states that:

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

Planning Overview (Strategic Plan)

Since the creation of the Commission, discrimination in Canada has become more complex and more subtle. Human rights law and practice have evolved to recognize that inequality is caused not only by prejudice and bigotry, but by ordinary policies and activities that exclude individuals and groups. This changing human rights landscape has raised new challenges for the Commission. To deliver better human rights results for Canadians, the Commission needs to adapt, to develop new tools and new ways of doing business.

In light of observations made by the Auditor General in 1998 and subsequently by the La Forest Report *Promoting Equality: A New Vision*, the Public Accounts Committee, and the Parliamentary committee reviewing employment equity, the Commission began, during fiscal year 2002–2003, an in-depth examination of the way it delivers its mandate to Canadians. As a result, in 2003–2004 the Commission will be introducing significant changes in a number of areas to more effectively and efficiently implement its mandate under both the *Canadian Human Rights Act* and the *Employment Equity Act*.

One of the primary improvements to service delivery will be an enhanced alternate dispute resolution program. At its core, discrimination can only be corrected by changing attitudes. Alternate dispute resolution is, in many cases, better suited to changing peoples' viewpoints than adversarial approaches. It is also entirely consistent with the original remedial purpose and approach of the *Canadian Human Rights Act*. The Commission is therefore establishing a new Alternate Dispute Resolution Services Branch (ADRS) to better serve complainants and respondents in resolving disputes.

In its human rights work, the Commission has a mandate to protect and promote the public interest. During the next year, the Commission will be reviewing the ways in which the public interest is understood, analysed and implemented in the Commission's promotion work and throughout the complaint process.

A related challenge is to ensure an appropriate balance among the tools at the Commission's disposal. Over the years, due largely to resource constraints and judicial decisions, the complaint management process

has become more adversarial and litigious and moved away from its administrative, remedial roots. A system focussed primarily on individual complaints processing makes it difficult to give attention to the most serious and often systemic problems of inequality. As the Commission reviewed its processes, it identified a need to better address those systemic and pressing issues which will have the greatest human rights impact. During 2003–2004, the Commission will therefore be building its capacity to undertake policy inquiries, special reports and other means of addressing systemic or pressing human rights issues.

Serving the public interest also requires solid public administration consistent with modern management practices. In 2003–2004, the Commission will begin implementation of the government-wide Modern Comptrollership initiative. In addition, it will continue its efforts to develop and pilot results-based performance measures to ensure that it fully meets public standards of responsible spending and is able to assess the results of its work from the perspective of Canadians. The Commission also plans to establish and implement a comprehensive human resources framework, which will be integrated into the Commission's structures for accountability and strategic and business planning.

It is generally accepted that any organization today must understand both the domestic and international reach of its operations. The Commission has always worked cooperatively with other federal partners to play a unique role in providing technical assistance to countries seeking to build or strengthen their human rights institutions. Indeed, sharing Canadian expertise with international partners is a government-wide priority. The Commission's current modest funding allocation for international activities sunsets in March 2004 and the Commission will be assessing the nature and scope of its bilateral and multilateral involvement for the future.

The scope of change is widespread and the process is one of continuous improvement. The participation and commitment of staff and external stakeholders will enrich the process and inform the future agenda of the Commission.

Plans and Priorities by Strategic Outcome

The Canadian Human Rights Commission has the following service lines: Complaints, Employment Equity, Human Rights Promotion and Corporate Services. Each service line corresponds to one of the Commission's four strategic outcomes.

4.1 Complaints

STRATEGIC OUTCOME: Management and Resolution of Human Rights Complaints

The Commission provides recourse to those in Canada who believe that their rights, as set out in the *Canadian Human Rights Act*, have been violated. The Act applies to federal departments and agencies and federally regulated employers and service providers.

The *Canadian Human Rights Act* empowers the Commission to investigate complaints of discrimination in employment and in the provision of goods and services customarily available to the general public, based on the eleven grounds enumerated in the Act. The Commission also has the authority to investigate complaints of wage inequities on the ground of sex.

The Legal Services Branch provides advisory and advocacy services to the Commission. It provides advice as requested to the Chief Commissioner, the Commissioners, and to each of the branches of the Commission. It also represents the Commission in cases before the Canadian Human Rights Tribunal, the Federal Court and the Supreme Court of Canada. It is important to note that the Commission's role before these judiciary bodies is as a defender of the public interest, not as a defender of either of the two parties—complainant and respondent—in the case.

PLANS AND PRIORITIES

Strategic Outcome	Priorities
Management and Resolution of Human Rights Complaints	<p>Operations Sector</p> <p>Deal with an annual caseload of approximately 600 signed complaints (exceptionally, it reached 800 in 2002).</p> <p>Eliminate the backlog at each phase of the complaint process.</p> <p>Reform the complaint process.</p>
	<p>Legal Services Branch</p> <p>Provide legal support to the Chief Commissioner, the Commissioners and the Commission's senior management team with respect to the complaint process, employment equity audit process, policy and promotion initiatives, and administrative matters.</p> <p>Provide legal support to change initiatives which are aimed at streamlining processes and activities across the Commission.</p> <p>Continue liaison with legal services of provincial and territorial human rights commissions.</p> <p>Facilitate the adoption of an "On-line Court Filing System" which will assist the Commission in filing court documents electronically.</p>

Operations Sector

The Commission is required, by the Act, to deal with every complaint it receives. Each signed complaint is eventually placed before the Commissioners for a decision. The Commissioners may exercise discretion under section 41 of the Act to determine whether or not certain complaints should be dealt with, based upon factors such as the availability of another redress procedure, jurisdiction and timeliness. They decide whether to approve a settlement reached by the parties in mediation or conciliation or to authorize the withdrawal of a complaint. Following an investigation, they consider the facts of the case revealed by the investigator's report and submissions by the parties and decide whether to dismiss the complaint or refer it to conciliation or a Tribunal. After an unsuccessful conciliation, the Commissioners decide anew whether to dismiss or refer the complaint to a Tribunal.

In 2001, through a detailed review of its 24 years of operation, the Commission determined that it had been accumulating a backlog of complaints since its inception. The backlog is the number of open cases in excess of the number that would normally be open if the Commission were completing as many cases as it was taking in each year. Although the Commission has reduced this backlog at various points in its history, it has never had the capacity to deal with all of the complaints filed in a given year. For example, in 2002, the Commission received 800 signed complaints, 200 more than it is resourced to handle under its traditional business model.

In 2002, a review of the Commission's service and operational standards concluded that, under current procedures, it takes up to two years to investigate a complaint. The review confirmed that the approach by which it had been processing complaints did not lend itself to setting reasonable service standards. The length of the complaint process and the fact that the backlog was endemic led to the conclusion that major reform to the business model was needed. The comprehensive reform of the complaint process began in the fall of 2002.

Priority:

Deal with an annual caseload of approximately 600 signed complaints (exceptionally, it reached 800 in 2002)

Plan:

A complaint moves through the following stages: inquiry, intake, investigation and litigation. Alternative Dispute Resolution is now being offered at various stages of the process.

Inquiry: An inquiry is any initial contact with the Commission by a person, group, or organization seeking information or wishing to bring a situation or concern to the Commission's attention. The Commission will respond to about 50,000 inquiries per year and determine whether the matter falls within the Commission's jurisdiction or requires a referral to another source. In order to better serve the public, the Commission plans to modernize its telephone service within the reporting period.

Intake: Complaints must be dealt with expeditiously as a matter of good service to the public and to meet the requirements of natural justice. While the Commission expects to complete work on approximately 1,500 complaint files annually, approximately 600 (800 in 2002) result in signed complaints that will enter the Commission's resolution process. Cases are discontinued for a number of reasons: the complainant chooses not to take the matter further; the matter falls outside the Commission's jurisdiction; and a referral to other redress mechanisms under section 41(1) of the *Canadian Human Rights Act* is appropriate. Signed complaints will be dealt with through mediation and investigation and will be presented to the Commissioners for decision.

Alternate Dispute Resolution (ADR): While ADR is available to the parties at all stages of the complaint process, in practice, most dispute resolution takes place at two critical points: *prior to investigation*, immediately after a complaint has been filed; or *after investigation* when, based on an investigator's findings, the Commissioners decide that a complaint has merit and warrants further inquiry by the Tribunal. Mediation is offered to the parties as soon as a complaint has been filed. This process is voluntary, confidential and without prejudice. The objective is to help the parties identify their interests in the matter, and arrive at a resolution which is mutually acceptable.

After investigation, the Commissioners can either appoint a conciliator prior to deciding whether to refer the matter to Tribunal, or they can request the appointment of a Tribunal and offer ADR to the parties prior to the commencement of the Tribunal hearings. In the past, the Commission tended to use the former approach, but in an effort to streamline the complaint process, it increasingly favours the latter. Both approaches differ from pre-investigation mediation in that the Commissioners have reviewed the complaint and the facts of the matter, as identified by the investigator, are now on the table.

As part of its redesign of the complaint process, the Commission plans to make even greater use of ADR and to actively promote it as an alternative to investigation and litigation. A new ADR Services Branch was created on February 1, 2003, with the mandate to strengthen the service and deal with a larger number of cases. The branch will be separate and independent of the other aspects of the complaint process (intake, investigation, and litigation).

In 2002, 250 complaints were mediated prior to investigation, and 159 were dealt with by conciliators after investigation. Of the mediated cases, 160 were settled, for a settlement rate of 64%. Of the cases in conciliation, 80 were settled, for a settlement rate of 50%.

Investigation: If a complaint cannot be resolved in mediation, the Commission appoints an investigator. The Commission investigates complaints of discrimination in employment and in the provision of goods and services customarily available to the general public, based on the eleven grounds enumerated in the Act. It also investigates complaints of wage inequities between men and women in areas under federal jurisdiction. The investigation of complaints and subsequent decisions on select cases by the Tribunal and the courts result in case law and precedents guiding the protection of human rights in Canada. Historically, the Commission investigates approximately 400 complaints of discrimination per year, not including pay equity complaints.

Pay equity complaints are fewer yet require more complex and lengthy investigation, often involving external expertise and resources, and a great deal of analysis and discussion with employees, bargaining agents and

employers. Because of their complexity and the financial implications for employers, such complaints are difficult to resolve and often require prolonged investigation and subsequent hearings at the Tribunal or in the courts. Over the past several years, allegations of systemic wage discrimination represented about 1% to 2% of all inquiries received by the Commission. In 2002–2003, by refocussing its work on pay equity investigations, the Commission reduced its caseload of pay equity complaints by close to 70%. In 2003–2004, the plan is to continue work on the existing caseload of approximately 56 cases (covering approximately 70,000 employees), in addition to dealing with all new complaints that will be filed with the Commission.

Priority:

Eliminate the backlog at each phase of the complaint process.

Plan:

The backlog is a serious service issue facing the Commission at the present time. The Commission identified that its complaints caseload in each of the complaint phases (intake, mediation, investigation, conciliation) was higher than could be dealt with given resources presently available.

The Treasury Board approved additional temporary resources of \$570,000 per year for four years starting in 2002–2003 to eliminate part of the Commission's backlog. In 2002–2003, the Commission's objective was to use these resources to complete investigations in 155 cases. The Commission's performance was better than expected in that 200 investigations are expected to be completed by March 31, 2003. This number is over and above the 400 investigations completed with the Commission's regular ongoing resources.

In 2003–2004, as part of the new business model, resources will be allocated largely to the front end of the complaint process, particularly at intake and mediation, to resolve complaints earlier in the process (before reaching the more resource-intensive investigation stage) in addition to partial allocation to expedite some investigations. In subsequent years (2004–2005 and 2005–2006) the Commission will determine its resource allocation strategy based on the results of the work completed in 2003–2004 and in light of the major reform brought to the process.



Priority:

Reform the complaint process.

Plan:

In 2003–2004, the Commission’s objective is to have in place a complaint process which would:

- be significantly more efficient and effective;
- be conducive to tailoring resource allocation to best suit public interest requirements; and
- lend itself to setting reasonable service standards and performance measures.

Since its creation, the Commission’s model of complaints handling emphasized investigation over dispute resolution. In 2002–2003, the Commission decided that a less adversarial and re-defined public interest-focussed process would better serve Canadians. The main features of the Commission’s process for reform are:

Alternate Dispute Resolution: The increased use of ADR is the cornerstone of the Commission’s plan for reforming the complaint process. The Commission’s objective is to increase its complaint settlement rate by setting in place, in 2003–2004, an improved ADR process as an alternative to investigation and litigation. ADR will be made available to the parties at any point during the life of a complaint.

Public Interest: The Commission’s role in ensuring the public interest is represented in human rights complaints underpins the reform of the complaint process. The Commission will strengthen its triage of cases so that resources will be allocated appropriately.

Management Practices: The reform of the complaint process entails measures for better management practices at the Commission. The development of service standards and performance measures will help employees to manage files in an efficient and timely manner. Heightened accountability and team work are at the heart of the renewal of the Commission’s management

practices. In addition, the Commission received \$1.4 million to redesign its electronic application for case management over a period of two years.

Legal Services Branch

Priority:

Provide legal support to the Chief Commissioner, the Commissioners and the Commission's senior management team with respect to the complaint process, employment equity audit process, policy and promotion initiatives, and administrative matters.

Plans:

- Respond to requests for legal advice from the Chief Commissioner, the Commissioners and senior management of the Commission.
- Provide early legal input into the complaint process, employment equity audit process and policy development initiatives.
- Ensure effective case management through the use of case tracking systems.
- Increase the use of mediation and settlement discussions to resolve complaints.
- Provide appropriate levels of representation of the public interest before the Tribunal and the courts.

Priority:

Provide legal support to change initiatives which are aimed at streamlining processes and activities across the Commission.

Plans:

- Conduct research on the best practices of similar statutory agencies.
- Continue to provide legal advice and support to the Commission's senior management team with respect to the proposed initiatives (i.e., reforming the complaint process).



- Identify requirements for legislative amendments or development of regulations and actively participate in their development.
- Participate in consultations with Commission legal stakeholders to ensure support for the Commission's proposed initiatives.

Priority:

Continue liaison with legal services of provincial and territorial human rights commissions.

Plans:

- Identify key trends in human rights across Canada.
- Continue to facilitate dialogue amongst legal services from Canadian human rights commissions through semi-annual conferences and ad hoc conference calls.

Priority:

Facilitate the adoption of an "On-line Court Filing System" which will assist the Commission in filing court documents electronically.

Plans:

- Provide Commission input to the E-Filing Project Advisory Committee (EPAC).
- Monitor the development of the "On-line Court Filing System" and develop plans to integrate the system into the Commission's work once it has been fully implemented.

CHALLENGES AND RISKS

The Commission's main challenge is two-fold: to cope with an excessive volume of cases while modernizing its complaint process. Under its old business model the Commission had sufficient resources to manage an annual caseload of 600 signed complaints. In 2002 the Commission received 800 signed complaints.

It is anticipated that the Commission's core business of case management will consume all of the Legal Services Branch's current resources during the reporting period. Based on a recent activity based budgeting exercise,

current resource levels are below current volume of demand for legal work. The branch is resourced to handle 50-60 cases going to Tribunal under the current process whereas the current caseload is 80-100 cases. Given these resource pressures, success in addressing caseload will be dependent upon generating cost savings from the development of a new model of the Commission's role at the Human Rights Tribunal, as well as significant procedural and management efficiencies.

RESOURCES

The Commission allocates a total of 106 FTEs and \$12,505,000 to the management and resolution of human rights complaints.

MONITORING

There are monitoring measures in place to ensure incoming complaints are dealt with in a timely manner, that reports to the Commission are of good quality, and that the requirements of natural justice are met in the way complaints are served on respondents and reports are disclosed to the parties. The measures include caseload management by supervisory staff, the provision of advice to staff by supervisors and legal advisors, and the review of all reports before they are presented to the members of the Commission.

4.2 Employment Equity

STRATEGIC OUTCOME: Greater Equality in the Workplace for the Four Designated Groups under the Employment Equity Act

The Commission carries out audits of federally regulated private-sector employers with more than 100 employees, Crown corporations, federal government departments and separate agencies to assess their compliance with the *Employment Equity Act* and to ensure cases of non-compliance are corrected. The requirements of the *Employment Equity Act* are designed to ensure that employers take the necessary steps to identify, correct or eliminate the effects of employment discrimination, intentional or otherwise, on the four designated groups: women, Aboriginal peoples, persons with disabilities and members of visible minorities. Once employers are in



compliance, defined initially as having a plan in place to achieve full representation, the Commission monitors their progress and takes action, including conducting new audits, if reasonable progress toward removing under-representation is not achieved.

It was expected that by 2003–2004, the Commission would have largely completed the initial audits and would direct its attention toward monitoring employers’ reasonable progress toward full representation, taking action where necessary. Most employers, however, required two, and in some cases three, audits prior to being found in compliance. Consequently, the Commission focussed on the larger employers with the result that about 85% of employees are now covered. Approximately half of employers still remain to be audited.

In the period preceding the planning period, the Commission undertook an evaluation of its employment equity audit program, including an employer survey, and participated in a Parliamentary review of its employment equity operations. It also undertook stakeholder consultations to prepare for the Parliamentary hearings.

PLANS AND PRIORITIES

Strategic Outcome	Priorities
<p>Greater equality in the workplace for the four designated groups under the <i>Employment Equity Act</i></p>	<p>Ensure that those employers who have not yet been audited have completed the work required by the <i>Employment Equity Act</i> and are in full compliance.</p> <p>Ensure that employers who have been found in compliance by virtue of having an employment equity plan make reasonable progress toward closing gaps in representation.</p> <p>Assist employers in understanding the <i>Employment Equity Act</i>, their responsibilities, and the standards for compliance.</p>

Priority:

Ensure that those employers who have not yet been audited have completed the work required by the *Employment Equity Act* and are in full compliance.

Plans:

- The Commission plans to initiate 52 new audits with employers who have not yet been audited in each of the next three years. While the Commission expected to be in a position to initiate audits with all employers covered by the *Employment Equity Act* by March 31, 2003, it had no experiential basis to foresee that so few employers would be even near compliance at the time of an initial audit, and that 20% would require enforcement action before compliance was reached. Accordingly, the Commission gave priority to larger employers and 268 mainly smaller employers remain to be audited.
- Complete over the next year (with a compliance report or a signed interim report with undertakings) the 48 initial audits that will be underway at the start of 2003–2004. These audits will be conducted using the standard compliance audit approach.
- Complete two existing pilot projects over the next year (with letters/reports of compliance): 1) one covering the 15 audits of public sector agencies with fewer than 100 employees; and 2) the other covering 15 of the 25 pilot audits of small private sector employers with 100–299 employees. The work will be done using the streamlined compliance audit approach developed for these projects.
- Complete the preparations needed to enable the Commission to commence audits of the Canadian Forces, RCMP, and CSIS in early 2004–2005.
- Initiate follow-up audits in 2003–2004 and subsequent years by stipulated deadline dates with those employers who were required to sign undertakings following initial audits.
- Complete (with a Compliance Report or a recommendation to the Commission for enforcement action) the 17 follow-up audits that were underway as of March 31, 2003.



Priority:

Ensure that employers who have been found in compliance by virtue of having an employment equity plan make reasonable progress toward closing gaps in representation.

Plans:

- Complete on an annual basis an assessment of those employers who have been in compliance for at least one year. An initial assessment in the previous fiscal year indicates that only 20% of goals are being met. Subsequently, there will be a high monitoring and response workload.
- Contact on an annual basis by letter those employers whose first year reports suggest a lack of reasonable progress.
- Assess on an annual basis the requirement for an *Employment Equity Implementation Audit* for those employers whose second or third year reports suggest a lack of reasonable progress and initiate action. Based on the initial assessment outlined above, the first implementation audits are planned to commence in 2003–2004.

Priority:

Assist employers in understanding the *Employment Equity Act*, their responsibilities and the standards for compliance.

Plans:

- Improve employers' ability to respond to the requirements of the *Employment Equity Act* and to reach compliance through the provision of training, workshops, and work tools. The Commission will establish Memoranda of Understanding with Human Resources Development Canada/Labour Branch and the Treasury Board Secretariat to develop and implement strategies to achieve this objective.

CHALLENGES AND RISKS

In late 2003, the results of the 2001 census on the availability rates of designated groups in the Canadian labour market will be available and it is expected that many of these will rise significantly. As reported last year,

it will be necessary for the Commission to implement a strategy in 2004–2005 to ensure employers already in compliance make appropriate adjustments to update their assessment of gaps in representation.

The most significant challenge facing the Commission is the lack of resources to complete the statutory work requirements within a reasonable time frame. The Commission will have to cut back significantly on the number of initial audits if it does not receive confirmation of its existing resources as part of the five-year mandate renewal process and additional resources to undertake new requirements such as implementation audits to track reasonable progress.

RESOURCES

The Commission allocates a total of 22 FTEs and \$ 2,376,000 to the employment equity strategic outcome.

MONITORING

Performance assessment is undertaken on a regular basis. The Commission's Audit Review Committee conducts regular assessments of the auditors' work to ensure consistency of approaches. It also holds a monthly meeting with all employment equity staff to review progress and discuss audit issues. In addition the Commission uses its computerized Employment Equity Audit Tracking System (EEATS) to track audit progress and standards on an ongoing basis.

4.3 Human Rights Promotion

STRATEGIC OUTCOME: Increased Understanding and Acceptance of Human Rights and Employment Equity Principles and Reduced Discriminatory Practices in the Workplace

The Human Rights Promotion Branch of the Commission is responsible for developing and conducting information programs to foster public understanding of the *Canadian Human Rights Act* and the *Employment Equity Act* and of the role and activities of the Commission. It must foster public recognition of and support for the human rights and employment equity principles that underpin the Acts.



The *Canadian Human Rights Act* requires the Commission, inter alia, to “undertake or sponsor research programs” relating to its duties and functions, “carry out studies on human rights” and use any means consistent with its duties under the Act to discourage behaviour prohibited by the Act. To fulfill this mandate, the Policy and International Program Branch undertakes research and develops policies in order to guide the Commission’s work and inform the public, government, employers and service providers about human rights concepts so as to improve their human rights practices.

The Commission will continue to increase the understanding of human rights and employment equity principles and practices among Canadians, federal departments, federally regulated employers and service providers in order to reduce discriminatory practices in the workplace and facilitate access to appropriate recourse.

PLANS AND PRIORITIES

Strategic Outcome	Priorities
<p>Increased understanding and acceptance of human rights and employment equity principles and reduced discriminatory practices in the workplace</p>	<p><i>Human Rights Promotion Branch</i></p> <p>Support the implementation of the Commission’s transformation process, including through enhancements to its Web site, in order to improve the quality of its services.</p> <p>Inform Canadians about the Commission’s programs and services and employers about the integration of human rights and employment equity principles into their workplaces by increasing its Web presence.</p>

Strategic Outcome	Priorities
	<p data-bbox="821 401 1373 432"><i>Policy and International Program Branch</i></p> <p data-bbox="821 468 1409 667">Research and develop human rights Policy Statements, policy positions and other policy documents to support the Commission's work and inform stakeholders about human rights concepts.</p> <p data-bbox="821 703 1421 779">Provide human rights policy advice in support of the case management system.</p> <p data-bbox="821 814 1421 1014">Ensure a citizen focus in the Commission's human rights policy work through expanded partnerships with other government departments, the private sector and voluntary organizations.</p> <p data-bbox="821 1050 1390 1125">Support National Human Rights Institutions abroad.</p>

Human Rights Promotion Branch

Priority:

Support the implementation of the Commission's transformation process, including through enhancements to its Web site, in order to improve the quality of its services.

Plans:

- Implement a strategic communications plan to provide a framework for all promotional and educational activities of the Commission by March 31, 2004. This plan will include a review of the Commission's Web site and strategies for increasing its use.
- Consult with stakeholders in collaboration with the Policy and International Program Branch to assist in the transformation process that is underway at the Commission. The Commission will



provide information to staff and external stakeholder groups on the new approaches that will be used and the priorities that will be set. The Commission will also play a role in educating human resource professionals who deal with the Commission on a regular basis, in order to ensure that the new processes are well understood and followed.

Priority:

Inform Canadians about the Commission's programs and services and employers about the integration of human rights and employment equity principles into their workplaces by increasing its Web presence.

Plans:

- Continue to provide information to Canadians about the Commission's programs, services and jurisdiction, including through its Web site.
- Focus the Commission's efforts on activities that will be directed to educating employers whose workforces fall under the *Canadian Human Rights Act* or the *Employment Equity Act*. Through meetings, workshops, seminars and publications, the Commission will provide information to private- and public-sector employers within federal jurisdiction about how to integrate human rights and employment equity principles into their workplace and service policies.

The focus on educating employers reflects the growing importance the Commission ascribes to the role of employers in creating environments for employees and clients that respect human rights.

- Undertake measures to improve the Commission's services to the public by: upgrading its Web site; updating publications and materials in light of new processes; developing internal service standards; and training public information officers to ensure that client responses are timely and up to date with the changes that are occurring.
- Respond actively to requests for information from the media.

Policy and International Program Branch

Priority:

Research and develop human rights Policy Statements, policy positions and other policy documents to support the Commission's work and inform stakeholders about human rights concepts.

Plans:

- Continue the Commission's work on Policy Statements on the implementation of the *Canadian Human Rights Act* to guide Commission decision making by: finalizing consultations with First Nations organizations and releasing the revised policy on Aboriginal employment preferences; and reviewing the Commission policy position on disability and the duty to accommodate. The branch will also continue to provide advice and deliver training to Commission staff and external stakeholders on Policy Statements currently in place, such as the Policy on Drug and Alcohol Testing.
- Undertake policy inquiries to address systemic human rights issues. During 2003–2004, the Commission will finalize and release a policy study on the situation of federally sentenced women prisoners and will continue policy studies on other systemic human rights issues.
- Monitor emerging human rights issues and study new legislation and government policies to ensure consistency with human rights standards, and prepare Parliamentary submissions as appropriate.
- Undertake ongoing environmental scans so as to allow the Commission to adjust its policy priorities and to react in a timely fashion to human rights developments.
- Continue to develop and integrate human rights policy priorities into Commission-wide strategic and business planning processes.

Priority:

Provide human rights policy advice in support of the case management system.



Plans:

- Ensure rapid response capability on questions arising from individual cases through the provision of policy analysis and research findings to the Chief Commissioner and other branches of the Commission. In follow-up to Tribunal orders and negotiated settlements, provide policy advice to respondents to ensure their human rights policies are consistent with the *Canadian Human Rights Act*.
- Research and develop possible refinements to the case management system aimed at improving efficiency and effectiveness and ensuring the Commission has adequate tools and procedures in place to appropriately address cases which will have the greatest human rights impact.

Priority:

Ensure a citizen focus in the Commission's human rights policy work through expanded partnerships with other government departments, the private sector and voluntary organizations.

Plans:

- Develop and disseminate, in collaboration with the Human Rights Promotion Branch, publications, speeches and training manuals on human rights, such as the guide to accommodation in the workplace, Commission model policies and Commission Policy Statements.
- Provide advice and input to federal government departments and other federally regulated employers and service providers to help them develop and improve their human rights policies and practices. This includes participation in the Canadian Standards Association committee responsible for establishing Canadian standards for barrier-free design and regular contact and collaboration with related complaints organizations such as the Canadian Transportation Agency.
- Develop and implement a stakeholder strategy that will ensure an ongoing dialogue between the Commission and its stakeholders (i.e., federal government departments and agencies, private sector

and non-governmental organizations). Important elements of this dialogue will be to brief stakeholders on the Commission's change process, encourage the use of Alternate Dispute Resolution (ADR) to resolve complaints and obtain feedback on the Commission's processes.

- Enhance outreach to relevant stakeholders, including civil society and the federally regulated public and private sectors on the Commission's change agenda. In 2003–2004, the branch will examine the enhanced outreach to Aboriginal communities that would be required with the legislated extension of Commission jurisdiction to First Nations communities currently under consideration by Parliament.

Priority:

Support National Human Rights Institutions Abroad.

Plans:

- Implement and continuously improve the International Program Strategy and expand partnerships with key federal government departments to ensure coherent policy and programming and adequate external financing for the international program.
- On the multilateral front, continue to play an appropriate role in the International Coordinating Committee of National Institutions and participate in the United Nations Commission on Human Rights. During 2003–2004, the Commission will take a lead role in consolidating the Network of National Human Rights Institutions of the Americas, established in 2002. On the bilateral front, the Commission will continue to support human rights commissions in Indonesia, India and elsewhere with funding from the Canadian International Development Agency.

CHALLENGES AND RISKS

In planning its human rights promotion activities, the Commission must make choices in order to maximize the impact of the resources at its disposal. As a result, it will be necessary to set priorities for the promotion work that can be carried out and focus the Commission's efforts on



initiatives and client groups that it believes will bring about the most effective change for Canadians.

During 2003–2004, as the Commission introduces changes to make the complaint process more efficient, more effective and better able to address systemic human rights issues, there will be increased workload demands on the Policy and International Program Branch. The branch will explore alternate sources of funding as well as partnerships with other departments, agencies or organizations.

RESOURCES

The Commission allocates a total of 41 FTEs and \$3,879,000 to this strategic outcome.

MONITORING

The Commission will formally assess how it can best support the needs of employers in terms of human rights education. It will also develop a questionnaire to evaluate presentations made by its employees. The Web site will be used for education purposes and comments from users will provide the Commission with information on the site's usefulness to clients.

4.4 Corporate Services

STRATEGIC OUTCOME: Management of the Commission's Resources

Corporate Services Branch provides strategic and business planning, audit and evaluation, financial, administrative, security, information technology, and information management (records and library) services to help managers fulfil the Commission's mandate and meet their responsibilities.

Human Resources Branch provides a range of human resources services, helps reduce barriers to equality in the Commission, and is responsible for developing and implementing long-range plans for recruitment, retention and development of staff that help the Commission respond to significant human resources issues and challenges.

PLANS AND PRIORITIES

Strategic Outcome	Priorities
<p>Management of the Commission's resources.</p>	<p>Corporate Services Branch</p> <p>Support the implementation of Modern Comptrollership across the Commission.</p> <p>Over the next two years, develop, test and implement a results-based performance measurement strategy.</p> <p>Strengthen the Internal Audit, Evaluation and Risk Management functions to support strategic audits, evaluations and decision making.</p> <p>Support the delivery of the Commission's programs by providing managers with services in the areas of strategic and business planning, finance, administration, security, information technology, and information management (records and library).</p> <p>Implement the Information Technology Innovation Project.</p>
	<p>Human Resources Branch</p> <p>Provide advice on human resources management strategies to the senior management of the Commission in support of the achievement of the Commission's strategic and operational goals.</p> <p>Establish and implement a comprehensive Human Resources Framework and ensure its integration into the Commission's planning and accountability structure.</p>



Corporate Services Branch

Priority:

Support the implementation of Modern Comptrollership across the Commission.

Plans:

Establish a Project Office to:

- Develop and deliver Modern Comptrollership awareness sessions and training to senior and middle managers.
- Prepare for and co-ordinate the assessment of the current state of Modern Comptrollership in the Commission.
- Develop a Modern Comptrollership Action Plan that is aimed at improving management practices, resource management, and decision making.
- Monitor the action plan to ensure timely implementation and prepare status reports and recommendations for the Executive Committee, including corrective action where appropriate.

Priority:

Over the next two years, develop, test and implement results-based performance measurement strategy.

Plans:

- Develop results-based management frameworks for the Commission's two core programs: the Complaints Management Program and the Employment Equity Audit Program.
- Integrate data collection for results-based program performance indicators into the development of the Commission's new electronic work-flow applications which are targeted for completion by March 31, 2004.
- Develop internal service standards for Corporate Services.

Priority:

Strengthen the Internal Audit, Evaluation and Risk Management functions to support strategic audits, evaluations and decision making.

Plans:

- Update on an annual basis for senior management approval the Internal Audit, Evaluation and Risk Management Plan so that it continues to address the Commission's priorities and the requirements of the Government.
- Ensure that action plans that address the audit and evaluation findings are developed and approved by the Internal Audit and Evaluation Committee.
- Provide professional advice to managers on internal controls, evaluation and risk-related matters.
- Develop the Commission's Risk Management Policy and Framework by March 2004, and provide awareness sessions and training aimed at promoting risk management within the Commission.

Priority:

Support the delivery of the Commission's programs by providing managers with services in the areas of strategic and business planning, finance, administration, information technology, and information management (records and library).

Plans:

- Develop an Integrated Management Framework with clearly defined linkages between the strategic vision, business planning, results reporting/performance assessment in support of continuous improvement.
- Provide advice and training to Commission personnel for the effective management of the Commission's financial, human and materiel resources, including: modernizing the Commission's financial signing delegations; and developing a new internal contracts policy, procedures, and governance structure to clarify the roles, responsibilities and accountabilities of all stakeholders involved in contracting.



- Implement the action plan resulting from a Threat and Risk Assessment (TRA) undertaken of the Commission's physical facilities across the country, and update the TRA for the Commission's electronic infrastructure to ensure adequate across-the-board security.
- Provide managers with reliable and up-to-date information technology tools by researching and analysing the latest information and implementing the Commission's inventory/infrastructure replacement program.
- Ensure effective information management and library services to Commission personnel including advice on the appropriate handling of electronic files.

Priority:

Implement the Information Technology Innovation Project.

Plans:

- The Commission is modernizing its Complaints Management System (CMS) and Employment Equity Audit Tracking System (EEATS). The goal of the Information Technology Innovation (ITI) Project is to implement a workflow, user-friendly and accessible information system that will improve productivity, efficiency and quality of service. The project will also provide improved monitoring and reporting, and lay the ground work for future Government On-Line components.
- The Commission will undergo a thorough needs assessment which will form the cornerstone of the request for proposal for the new system. The Commission expects to have the new system implemented by March 2004.

Human Resources Branch

Priority:

Provide advice on human resources management strategies to senior management of the Commission to support the achievement of the Commission's strategic and operational goals.

Plans:

- Promote the human resources modernization initiatives and communicate them widely within the Commission.
- Continue to develop and implement effective human resources internal policies and procedures (accommodation, harrasment, occupational health and safety, Employee Assistance Program, classification and staffing, compensation and staff relations) and promote them through workshops and/or dissemination of information.
- Support the implementation of the change initiatives with short-term resourcing strategies that will respond to the significant challenges of retaining talented employees and developing staff.
- Ensure appropriate follow-up with respect to the results of the Public Service-Wide Employee Survey.
- Promote a strong internal consultation process to ensure employee input on all matters that affect them.

Priority:

Establish and implement a comprehensive human resources framework and ensure its integration into the Commission's planning and accountability structure.

Plans:

- Develop a three-year framework integrating the Human Resources, Employment Equity and Career Development plans.
- Continue to improve the Human Resources Information System (HRIS) to ensure that it produces timely and accurate information for decision making.
- Develop tools to assist employees in charting their career paths.
- Undertake research to identify, promote and implement human resources best practices across the Commission.



CHALLENGES AND RISKS

As part of a small agency, this service line's challenges include: intense competition for skilled and specialized personnel; ability to honour concurrent operational and external reporting demands with limited resources in each of the specialized service areas; and development of affordable work tools and training to operate efficiently and be innovative.

RESOURCES

The Commission allocates a total of 39 FTEs and \$3,826,000 to the corporate management of its resources.

MONITORING

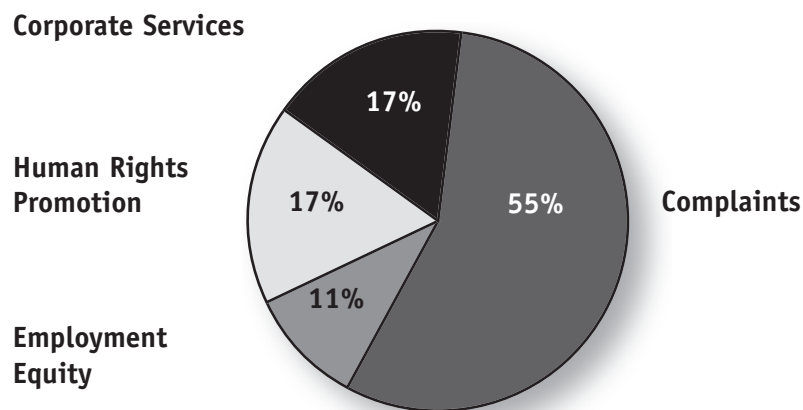
Internal service standards and reports have been developed for contracting, information technology and financial services functions to ensure that appropriate actions are taken on a timely basis. In addition, a monitoring system will be developed through the business planning process to identify planned versus actual variances and ensure that managers take appropriate corrective action.

Organization

5.1 Service Lines and Strategic Outcomes

		Service Lines and Strategic Outcomes				Total
		Complaints	Employment Equity	Human Rights Promotion	Corporate Services	
		Management and resolution of human rights complaints	Greater equality in the workplace for the designated groups under the <i>Employment Equity Act</i>	Increased understanding and acceptance of human rights principles and reduced discriminatory practices	Management of the Commission's resources	
2003-2004	\$000	12,505	2,376	3,879	3,826	22,586
	FTE	106	22	41	39	208

Resources (\$) by Service Lines

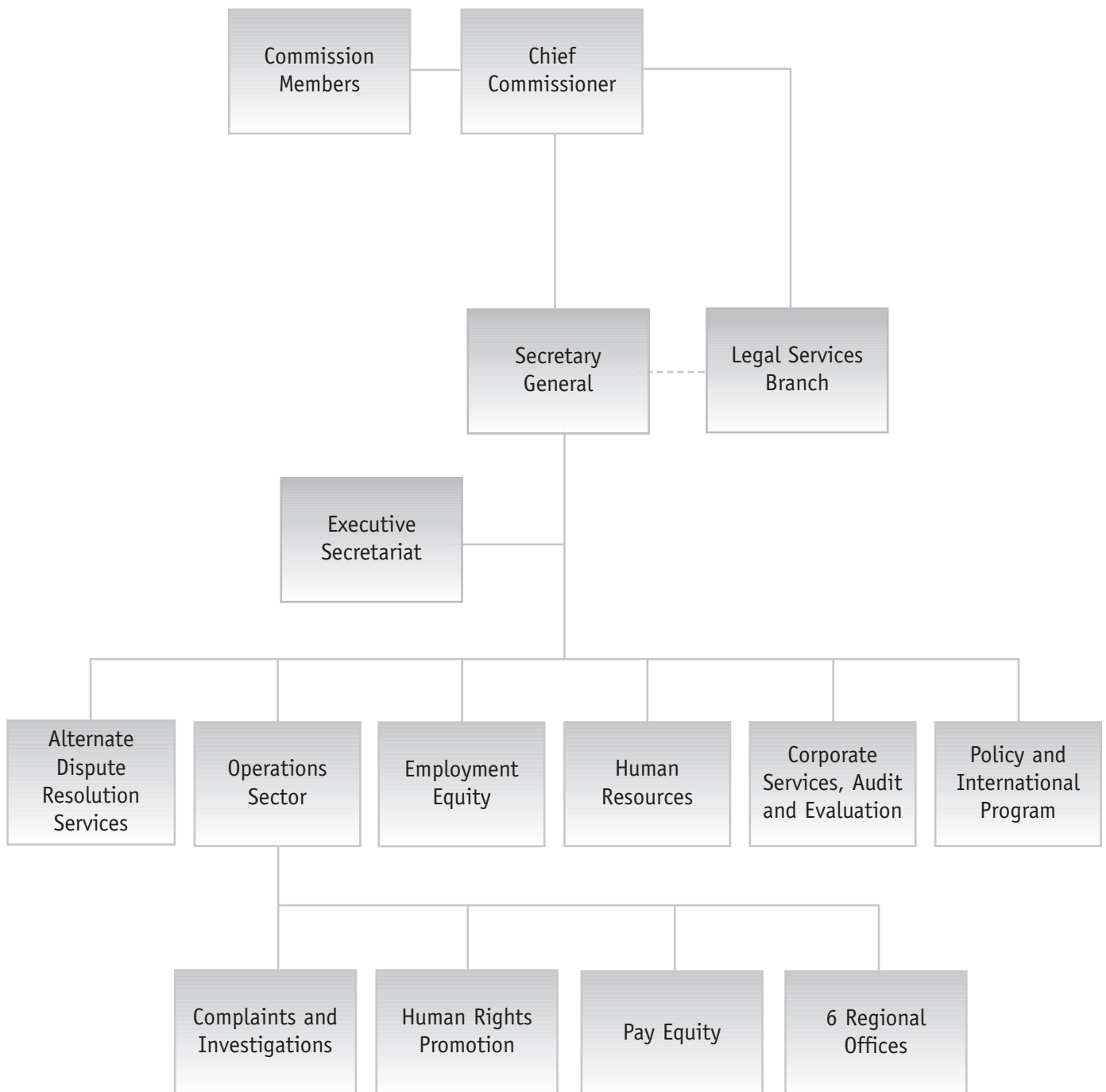


5.2 **Accountability**

The Chief Commissioner is responsible for the operations of the Canadian Human Rights Commission, supported by the Secretary General of the Commission (\$22,586,000; 208 FTEs).

The Commission is made up of a Chief Commissioner and up to six part-time members. The Chief Commissioner is appointed for a term of up to seven years, and the other Commissioners for terms of up to three years.

Canadian Human Rights Commission



5.3 Commission Planned Spending

(thousands of dollars)	Forecast Spending 2002–2003 *	Planned Spending 2003–2004	Planned Spending 2004–2005	Planned Spending 2005–2006
Budgetary Main Estimates (gross)	17,894.0	22,586.0	19,862.0	19,862.0
Non-Budgetary Main Estimates (gross)	-	-	-	-
Less: Respendable revenue	-	-	-	-
Total Main Estimates	17,894.0	22,586.0	19,862.0	19,862.0
Adjustments **	6,042.6	-	-	-
Net Planned Spending	23,936.6	22,586.0	19,862.0	19,862.0
Less: Non-respendable revenue				
Plus: Cost of services received without charges	2,445.0	2,639.1	2,601.2	2,627.6
Net cost of Program	26,381.6	25,225.1	22,463.2	22,489.6
Full Time Equivalents	213	208	194	194

* Reflects the best forecast of total net planned spending to the end of the fiscal year.

** Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget initiatives, Supplementary Estimates, etc.

The decrease of approximately \$1,350,600 between the 2002–2003 and the 2003–2004 planned spending is attributable mainly to:

- Temporary funding approved until 2002–2003 for the Employment Equity Program; and
- Decreased funding for the Commission's participation in the hearings of three pay equity complaints before the Canadian Human Rights Tribunal. One of the cases was settled in 2002.

Also, the Commission will soon be requesting additional funds to continue the Employment Equity Program in fiscal year 2003–2004 and beyond.

The decrease of approximately \$2,724,000 between the 2003–2004 and the 2004–2005 planned spending is mainly attributable to:

- Temporary funding approved until 2003–2004 for the Commission's participation in the hearings of two pay equity complaints; and
- Temporary funding received for the development of an electronic infrastructure which comes to term in 2003–2004.

If the remaining pay equity cases are not settled by the end of 2003–2004, the Commission will be requesting additional funding to continue its participation in the hearings before the Tribunal.

Annex

6.1 Net Cost of Program for 2003–2004

(thousands of dollars)	Total
Net Planned Spending	22,586.0
<i>Plus: Services received without charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	1,737.1
Contributions covering employer's share of employees' insurance premiums and expenditures paid by TBS	896.0
Workers' compensation coverage provided by Human Resources Development Canada	6.0
	2,639.1
2003–2004 Net cost of Program	25,225.1

