



# Canadian Human Rights Commission

## Performance Report

For the period ending  
March 31, 2002

Canada

## The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament.

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of funds.

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## Foreword

In the spring of 2000, the President of the Treasury Board tabled in Parliament the document “Results for Canadians: A Management Framework for the Government of Canada”. This document sets a clear agenda for improving and modernising management practices in federal departments and agencies.

Four key management commitments form the basis for this vision of how the Government will deliver their services and benefits to Canadians in the new millennium. In this vision, departments and agencies recognise that they exist to serve Canadians and that a “citizen focus” shapes all activities, programs and services. This vision commits the Government of Canada to manage its business by the highest public service values. Responsible spending means spending wisely on the things that matter to Canadians. And finally, this vision sets a clear focus on results – the impact and effects of programs.

Departmental performance reports play a key role in the cycle of planning, monitoring, evaluating, and reporting of results through ministers to Parliament and citizens. Departments and agencies are encouraged to prepare their reports following certain principles. Based on these principles, an effective report provides a coherent and balanced picture of performance that is brief and to the point. It focuses on outcomes - benefits to Canadians and Canadian society - and describes the contribution the organisation has made toward those outcomes. It sets the department’s performance in context and discusses risks and challenges faced by the organisation in delivering its commitments. The report also associates performance with earlier commitments as well as achievements realised in partnership with other governmental and non-governmental organisations. Supporting the need for responsible spending, it links resources to results. Finally, the report is credible because it substantiates the performance information with appropriate methodologies and relevant data.

In performance reports, departments and agencies strive to respond to the ongoing and evolving information needs of parliamentarians and Canadians. The input of parliamentarians and other readers can do much to improve these reports over time. The reader is encouraged to assess the performance of the organisation according to the principles outlined above, and provide comments to the department or agency that will help it in the next cycle of planning and reporting.

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This report is accessible electronically from the Treasury Board of Canada Secretariat Internet site:  
<http://www.tbs-sct.gc.ca/rma/dpr/dpre.asp>

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CANADIAN HUMAN RIGHTS COMMISSION  
COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

# **Canadian Human Rights Commission**

## **Performance Report**

**For the period ending  
March 31, 2002**

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The Honourable Martin Cauchon, P.C., M.P.  
Minister of Justice and Attorney General of Canada



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## **Section 1: The Chief Commissioner's Message**

Having joined the Canadian Human Rights Commission in early August 2002, I have the pleasure of presenting this Performance Report on behalf of my predecessor, since it covers the period April 1, 2001 to March 31, 2002.

I look forward to the many challenges that lie ahead and to reporting to Parliament on the progress made and the results achieved in meeting those challenges. I also look forward to working with the Commissioners and staff of the Commission and with the many stakeholders who take an interest in human rights in Canada and in the application of the *Canadian Human Rights Act* and the *Employment Equity Act*.

During the period covered by this report the Commission was composed of Madame Michelle Falardeau-Ramsay, Chief Commissioner, and Commissioners Anne Adams, Yude Henteleff, Robinson Koilpillai, Mary Mac Lennan and Kelly Russ.

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Mary M. Gusella  
Chief Commissioner





## Section 2: Executive Summary and Context

### 2.1 Executive Summary

The Commission was established almost 25 years ago to support 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 offence for which a pardon has been granted.

Over the past 12 months, the Commission has made progress in reducing discriminatory barriers to employment and access to services in the federal public service, Crown corporations, and federally regulated businesses. The Commission has also promoted knowledge of human rights across Canada in fulfilment of its mandate.

In the course of the year, the Commission successfully argued the first case before the Tribunal to consider the dissemination of hate messages on the Internet. The Tribunal, in a landmark decision, found that the *Canadian Human Rights Act* applies to communications over the Internet.

Under the *Employment Equity Act*, the Commission also works to end under-representation of women, Aboriginal peoples, members of visible minorities and persons with disabilities in the federal public service and in the workforce of federally regulated private sector employers covered by the Act. The Commission initiated 55 new audits during 2001–2002, bringing the total to 235 compliance audits which covered over 85% of the federal workforce. By March 31, 2002, 78 employers had been found in compliance. Most of these employers achieved compliance without enforcement action by the Commission. Based on extensive consultation with employers, advocacy groups, and unions as well as the results of an independent evaluation of the Commission's Employment Equity Audit program, the Commission submitted a detailed report containing 20 recommendations to the Parliamentary committee reviewing the *Employment Equity Act*.

The Commission continuously looks for ways to serve Canadians more effectively. In the fiscal year 2001–2002 the Commission completed work on 1,575 complaints. Of these, 43% were reviewed by the Commissioners. More than 240 or 15% of complaints were settled at mediation or conciliation stages of the complaints process. In addition, the Commission implemented a number of measures to streamline and improve the complaints

process. This has included the creation of a specialized intake unit, the introduction of pre-investigation mediation, more frequent Commission meetings, and efforts to improve procedures and work tools. The Commission also took measures to address its backlog of complaints and to redesign its automated Complaint Management System (CMS). The Commission is currently reviewing its service standards to ensure continued improvement in the services it provides to Canadians.

In June 2000, the Canadian Human Rights Act Review Panel submitted a report to the Minister of Justice which contained a number of recommendations related to the complaints process. Although the government has not yet responded to the report, the Commission has started to rethink its approach to complaints, and will present proposals to the Minister of Justice in the upcoming fiscal year.

## **2.2 Context**

The Commission serves a very different population today than when it was established in 1978. Canadians are not only ethnically and religiously more diverse, we are older. The aging of the population raises questions about employment opportunities, mandatory retirement, and access to services. While medical developments have increased the length and quality of life for many and especially those with disabilities, other developments, such as new reproductive technologies and genetic testing, raise complex human rights issues.

Human rights commissions in Canada are changing the way they address issues of discrimination. Individual complaints are still an important part of their work and they constantly strive to improve their service in this area. They also work to prevent discrimination by developing codes of practices, regulations and policies. At the same time, commissions are adopting new approaches, such as public inquiries, to address broad systemic issues. In all areas of government, new technologies, such as the Internet, have made communication easier while at the same time increasing the pressure to consult interested parties when developing policies. Commissions are challenged to find economical ways to consult their stakeholders, many of whom are poor and do not have access to the Internet.

One of this Commission's challenges is to identify concerns about proposed changes to legislation, policies or procedures. We must not simply look for obvious human rights violations, such as exclusion of persons over a certain age from a program, but rather conduct human rights impact analyses to identify effects which are not obvious at first glance. For example, apparently neutral changes to screening practices by Canada Customs may have a disproportionate effect on members of visible minorities.

Increasingly Canadians are looking at their rights at home and the promotion of human rights abroad. The Canadian government is pressing emerging democracies throughout the world to protect the human rights of their citizens. To do so, these countries need to create a national human rights institution. In light of our experience and knowledge, the Commission is frequently asked by the Department of Foreign Affairs and International Trade or the Canadian International Development Agency to provide assistance to these countries.



## Section 3: Performance Accomplishments

### 3.1 Complaints

#### 3.1.1 BACKGROUND

The *Canadian Human Rights Act* prohibits discrimination in employment and the provision of services in the federal sector on eleven grounds: race, colour, national or ethnic origin, religion, age, sex, sexual orientation, marital status, family status, disability, and conviction for which a pardon has been granted. This also includes complaints of wage discrimination on the ground of sex, as pay equity is a fundamental human right and is covered by the *Act*. People who believe they have been discriminated against can file a complaint with the Commission.

The Commission is required by the *Act* to deal with every complaint it receives. Each signed complaint is placed before the Commissioners for a decision, some more than once. 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, refer it to conciliation or send it to the Tribunal. The Commission and the Tribunal are independent bodies established by the *Act* with different roles to play in the treatment of complaints.

The Commission's functions under the *Act* are multi-faceted and, from its inception, it has attempted to fulfil its statutory duties with limited resources.

In June 2000, the Canadian Human Rights Act Review Panel submitted a report to the Minister of Justice that included a number of recommendations for the complaint process. Although the government response to the report has not yet been released, the Commission has started to rethink its approach to complaints, and will present proposals to the Minister of Justice in the upcoming year.

The Commission has recommended changes to the complaints-based system for pay equity. In February 2001, the Commission submitted a special report to Parliament, *Pay Equity—A Time for Action*. In June 2001, the government appointed a Pay Equity Task Force to review the pay equity provisions of the *Act* (section 11 and related guidelines). The Commission has been following closely the progress of the task force and staff have met

with them to present and discuss the Commission's employment equity audit and pay equity complaints processes. The report of the task force is expected in Spring 2003.

### **3.1.2 OUTCOMES ACHIEVED**

The Commission's objective is to provide recourse to individual victims of discrimination and bring about changes to policies and practices which may have a discriminatory impact on groups of people. Our commitment is to deal with complaints in a manner that is transparent, timely and fair.

#### **3.1.2.1 Dealing with Complaints of Discrimination**

In the fiscal year 2001–2002, the Commission received 1,343<sup>1</sup> potential complaints of discrimination and completed work on 1,575. Since its inception, the Commission has received more complaints than it was equipped to process, with the result that a backlog developed. At the end of March 2002 there was a backlog of approximately 800 active cases within the Complaints process.

**Inquiries and Intake Services** Each year, the Commission responds to over 40,000 inquiries received from the public by mail, telephone or personal visit to headquarters in Ottawa or one of the six regional offices in Halifax, Montreal, Toronto, Winnipeg, Edmonton, Vancouver. An increasing number of Canadians are contacting the Commission by e-mail. Some seek information only. Many inquiries concern issues that are beyond the Commission's jurisdiction; in these cases, staff suggest other agencies that might help.

Inquiries which appear to fall within the Commission's jurisdiction are referred to the Intake Unit. An intake officer gathers additional information and determines whether the allegations constitute a *prima facie* complaint of discrimination under the *Act*. Of the 1,343 potential complaints referred to the Intake Unit in 2001–2002, 54 % were closed after preliminary analysis before a complaint form was signed. The other 46% resulted in signed complaints. A small number of these were closed by the Commission through the exercise of its discretion under section 41(1) of the *Act*. The remaining cases were referred to mediation or investigation.

**Mediation Services** Pre-investigation mediation provides an opportunity to resolve complaints early in the process. Commission mediators ensure that settlements address not

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<sup>1</sup> This figure includes the lead case in a group of 998 complaints filed in relation to the Atlantic Groundfish Strategy. This government program was established to provide alternatives to work in the Newfoundland fisheries. The complaints allege age discrimination in relation to the program's eligibility requirements for early retirement.

only the parties' personal objectives, but also any policy or procedural changes necessary to address the broader public interest.

The Commission has sufficient resources to deal with about 550 case referrals to mediation each year. Of these, mediators are expected to carry out 320 mediations and to settle approximately 200 cases each year.

In 2001–2002, mediation was offered to the parties in 485 cases and accepted in about half of those cases. Of 235 mediations completed last year, 156 or 66% resulted in a settlement. The shortfall was caused by delays in staffing the vacant two mediators positions in the unit.

**Investigation Services** Complaints that are not settled in mediation are referred to investigation. An investigator gathers evidence related to the complaint and prepares a report analysing the evidence and recommending a decision to the Commissioners. The Commission has enough investigators to complete approximately 400 cases per year. In 2001–2002 the Commission exceeded this target, completing investigations in 577 complaints. This is due mainly to the use of permanent and contracting resources, and the re-allocation of resources within the Commission.

**Conciliation Services** Every investigation report is placed before the Commissioners for a decision. If the Commissioners decide that the evidence gathered supports the allegations in the complaint, they may refer the parties to conciliation, giving them another opportunity to resolve the matter without going before the Tribunal. The parties can agree to remedies such as an apology, training, lost wages, expenses, and financial compensation for pain and suffering. If a discriminatory policy is implicated, the remedy might include changes to the policy or new procedures. Conciliators ensure that any settlement addresses the public interest.

The Commission has resources to deal with 150 complaints in conciliation, and conciliators are expected to settle half of these. During 2001–2002, conciliation staff exceeded their target, completing 171 conciliations, of which half settled. Of the 86 complaints that did not settle, 55 were referred to the Canadian Human Rights Tribunal and 31 were dismissed.

**Complaint Outcomes** In fiscal year 2001–2002, the Commission completed work on 1,575 complaints. These included complaints that were discontinued before a complaint form was signed, as well as signed complaints that required a decision by the Commissioners. The outcomes of the Commission's work on complaints is shown in Table 1.



**Table 1 Complaint Outcomes in 2001–2002**

<b>Number</b>	<b>%</b>	<b>Outcome</b>
45	3	cases were not dealt with by the Commission (pursuant to section 41) because they were filed more than one year after the alleged act of discrimination, or because the complainant was asked to pursue another redress mechanism first.
251	16	cases were settled during mediation, investigation or conciliation
80	5	cases were referred to the Canadian Human Rights Tribunal for a hearing
295	19	cases were dismissed because evidence was lacking, the matters were outside the Commission's jurisdiction, or the complainants withdrew or abandoned their complaints.
<b>Subtotal 671</b>	<b>43</b>	<b>Final decisions by the Members of the Commission</b>
904	57	cases were discontinued by the complainant before a complaint was signed. These files were administratively closed without a decision by Members of the Commission.
<b>Total 1575</b>	<b>100</b>	<b>Complaint files completed in 2001–2002</b>

### 3.1.2.2 Dealing with Pay Equity Complaints

Pay equity relates to the principle of equal pay for work of equal value. Though relatively few in number, pay equity cases can affect many employees and involve potential retroactive pay and wage adjustments totalling millions of dollars. Investigations are complex, requiring extensive analysis and discussion with employees, the bargaining agents that represent them, and the employers. Moreover, once investigated, these complaints are frequently the subject of prolonged litigation.

**Intake Services** An intake is the initial phase in the complaint process where a situation has been identified that may warrant a formal complaint. Approximately one third of pay equity intakes become formal complaints. Since 1999–2000 the number of intakes alleging wage discrimination between employees performing predominantly male and female work has tripled. During fiscal year 2001–2002, the Commission received 34 pay equity intakes.

**Pay Equity Investigation Services** The Commission continued its investigation of complaints against a number of federally-regulated employers, including telecommunications companies, federal government employers not covered by the 1999

pay equity settlement between the Public Service Alliance of Canada and the Treasury Board of Canada, and some smaller private sector employers. At the end of the fiscal year, the Commission had 37 open pay equity complaints.

At the end of March 2002 the Commission was awaiting a decision by the Federal Court in *Canadian Union of Public Employees (Airline Division) v. Canadian International Airlines Ltd.* on the interpretation of the definition of establishment before proceeding with 23 individual complaints currently in abeyance. The Commission had also postponed the investigation of a 1984 complaint filed by PSAC against Treasury Board alleging discrimination on the ground of sex in the job evaluation system used by Treasury Board to evaluate work in the female-predominant Clerical & Regulatory occupational category relative to the male-predominant Programme Administration category. At the end of the 2001–2002 fiscal year, the Commission was still anticipating that Treasury Board would implement its Universal Classification Standard (UCS), which was meant to address the 1984 complaint. As a result of Treasury Board's recent decision with respect to UCS, the Commission will review its approach to the investigation of the 1984 complaint.

### **3.1.2.3 Litigation**

The Legal Services Branch provides legal advice to the office of the Chief Commissioner, Commission members and the Secretary General, and to all branches of the Commission.

Legal Services Branch represents the Commission in cases referred to the Canadian Human Rights Tribunal. The average number of hearing days for discrimination cases remains relatively stable at ten. Pay equity cases typically consume hundreds of hearing days.

During fiscal year 2001–2002, the Commission continued to litigate three major pay equity complaints (*Communication, Energy and Paperworkers' Union and Groupe Femmes d'Action v. Bell Canada*, *PSAC v. Government of the Northwest Territories*, and *PSAC v. Canada Post Corporation*), each more than ten years old. A November 2000 decision by the Federal Court in the Bell Canada case found that the Canadian Human Rights Tribunal is not fully independent of the Commission. This decision, which led to a temporary suspension of many tribunal hearings, was subsequently reversed by the Federal Court of Appeal and hearings have resumed. However, in late 2001 the Supreme Court of Canada granted Bell Canada leave to appeal the Federal Court of Appeal decision. This case is extremely important to the Commission as it calls into question its ability to issue guidelines setting out the extent and the manner in which provisions of the *Act* apply in a class of cases. The Commission has issued pay equity guidelines interpreting section 11 of the *Act*, which have been important for determining the nature and extent of any wage gaps.

The Commission had some notable successes before the Canadian Human Rights Tribunal and the courts in fiscal year 2001–2002. The Commission's *Legal Report*, available on our website at [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca) gives information on all the cases and their impact on Canadians. Only a few are highlighted here.

In a landmark decision, the Canadian Human Rights Tribunal held in *Citron v. Zundel* that a website controlled by Mr. Zundel constituted the transmission of hate messages within the meaning of section 13 of the *Canadian Human Rights Act*. The Tribunal hearing lasted more than four years and included 55 hearing days, five intervenors and several judicial reviews by the Federal Court. This was the first time that a Canadian Human Rights Tribunal interpreted section 13 as applicable to the Internet. The section has since been amended to state expressly that communications via the Internet which expose individuals to hatred or contempt are covered by the *Act*.

In *Vaid v. House of Commons*, the Federal Court Trial Division held that parliamentary privilege does not oust the application of the *Canadian Human Rights Act* to employees of the House of Commons. This decision has been appealed to the Federal Court of Appeal.

In *Irvine v. Canadian Armed Forces*, the Canadian Human Rights Tribunal held that the *Meiorin* decision applies to actions that predate that decision. The *Meiorin* case, decided by the Supreme Court of Canada in September 1999, changed the approach to defences in complaints of discrimination and established a new test to determine whether a *bona fide* occupational requirement exists. In *Irvine*, the Tribunal also held that the Canadian Armed Forces must accommodate individuals including in its application of the principle of universality of service.

In *Kavanagh v. Attorney General of Canada*, the Tribunal found that the policy of Correctional Services Canada (CSC) to prohibit access to sex reassignment surgery for incarcerated individuals is discriminatory and without *bona fide* justification. The Tribunal did find, however, that CSC had established a *bona fide* justification for placing pre-operative transsexuals in an institution corresponding to their biological rather than their target sex. CSC successfully argued that it would be an undue hardship to house pre-operative male to female transsexuals in women's prisons.

After a long judicial history, the 1992 complaint, *Chopra v. National Health and Welfare*, was decided by the Tribunal in favour of Dr. Chopra. The issue of the appropriate remedy remains outstanding. If the parties are unable to come to an agreement, they will have to return to the Tribunal for further adjudication.

In the *Pieters* case, a settlement agreement was reached between the complainant and the respondent, Canada Customs and Revenue Agency (CCRA) which impacts on the treatment of visible minorities at Canadian ports of entry. Mr. Pieters alleged that CCRA discriminated against him when he was returning by train from a trip to New York City.

Passengers on the train including Mr. Pieters were orally examined by Customs officers at Fort Erie, Ontario. Mr. Pieters alleged that unlike Caucasian passengers, he was asked questions about his citizenship status and his purchases and that his bags were searched. He alleged that when he objected to this behaviour believing it to be discriminatory, a Customs officer made a slur to him that he perceived to be racist.

Through the years, the Commission has received a number of complaints by visible minorities alleging that they have been unfairly singled out for secondary searches at Canadian ports of entry. However, such allegations are very difficult to confirm in light of the fact that the CCRA has not collected information with respect to the race, colour, national or ethnic origin of individuals subject to such searches. In settling the Pieters case, CCRA has agreed, among other things, to work with the Commission to develop and implement a special pilot project which will generate statistical information (race, colour, national/ethnic origin, and gender) on individuals entering the country who are referred to secondary examination, analyse the data and make appropriate recommendations.

The Commission is proud of the fact that of the eighty (80) complaints referred to the Canadian Human Rights Tribunal in fiscal year 2001-2002, fifty (50) or 62% were settled prior to Tribunal inquiry. In all cases, the Commission ensures that the settlements are made in the public interest.

#### **3.1.2.4 Citizen-centred Service Delivery**

The Commission continues to find ways to improve its complaints process and work tools in order to provide better service to Canadians.

#### **Service Standards**

In April 2001, the Commission introduced service standards, to apply to new complaints, covering every stage of the complaints process. It was originally intended to review the standards after they had been in place for a full year. However, at the end of May 2001 when the results of the Commission's workplace assessment were published it was found that employees had raised a number of concerns about the standards. As a result, a review was undertaken immediately to determine whether the standards were reasonable, given the Commission's current caseload and resources. It is clear that improved service delivery cannot be sustained without a significant reduction of the Commission's complaint backlog.

#### **Eliminating the Backlog**

The Commission has been accumulating a backlog of discrimination complaints since its inception in 1978. This backlog is the result of insufficient resources to deal with complaints as they are received and the increased time required to deal with the

increasingly complex complaints being filed with the Commission. Although in recent years the Commission has managed to reduce the size of its caseload through a series of innovations and initiatives, nevertheless the number of active cases remains high and exceeds staff capacity to keep up. At the end of March 2002, the Commission had a backlog of about 800 active cases. In April 2002 Treasury Board approved additional funding to help the Commission clear the backlog over the next four years.

### **Automated Complaint Management System**

The Commission's automated Complaint Management System (CMS), developed in 1995 and the main work tool of complaints officers, is now outdated and unreliable. The Commission received special funding from Treasury Board in April 2002 to redesign CMS and replace the current static system with a work-flow system that will automate key tasks, collect sound complete data, and pave the way for Government On-line. The new system will help officers manage files efficiently, and facilitate the production of management reports.

### **3.1.3 RESOURCES**

The Commission allocated a total of 95 full-time equivalents (FTEs) and \$10,843,400 to handling complaints.

## 3.2 Employment Equity

### 3.2.1 BACKGROUND

The 1995 *Employment Equity Act*, which came into force on October 24, 1996, established statutory requirements for federally-regulated employers. The objective of the *Act* is to ensure that members of the four designated groups — women, Aboriginal peoples, persons with disabilities, and visible minorities — are represented in each employer's workforce according to their availability in the Canadian labour market. Employers must take steps to ensure employment decisions are based only on valid qualifications. Employers are required to survey their employees, undertake a workforce analysis to determine if gaps in representation exist, and, where under-representation is found, complete an analysis of those employment systems which may contain barriers for the designated groups. Based on this assessment, an employer must develop a plan to remove barriers, implement positive measures to correct the effects of past exclusion, and establish both hiring and representation goals.

The *Act* mandates the Commission to monitor compliance through audits and take necessary action to ensure employers correct any areas of non-compliance.

The Commission conducts audits for the compliance with 12 statutory requirements using 46 assessment factors. Where areas of non-compliance are found, signed undertakings are negotiated and the implementation of these undertakings is assessed through a follow-up audit. While negotiation and persuasion are the preferred approaches mandated by the *Act*, failure to implement undertakings may result in the Commission issuing a formal direction of work to be done. Continued failure to complete required work may result in a referral to a Tribunal to confirm a direction. An employer may also seek a Tribunal review of a direction.

As of March 31, 2002, the *Act* applied to 477 organizations employing 826,000 workers: 397 federally regulated private sector organizations and Crown corporations with 100 or more employees (this includes banking, communications, transportation, and other industries such as uranium mining, grain companies, and federal museums.); the 65 federal public service departments and agencies for which Treasury Board is the employer; and 15 public-sector separate employers with 100 or more employees (this includes agencies such as Parks Canada, the National Film Board, National Research Council, and the Canada Customs and Revenue Agency).

Four significant contextual developments affect or will affect the Commission's implementation of its enforcement mandate. First, the government issued the required Order-in-Council permitting the Commission to conduct audits of the Royal Canadian Mounted Police (RCMP), Canadian Forces and Canadian Security Intelligence Service

(CSIS). Audits of these large and important organizations, which represent over 125,000 employees, are not likely to begin until 2003-2004.

Second, a legislative review by a Parliamentary Committee of the *Employment Equity Act*, required every five years, began in November 2001 and a report was released in June 2002. The Commission submitted a detailed report and recommendations to the committee based on broad consultations with stakeholders. The Commission will respond as needed to the Committee's report.

Third, new census data on designated group labour market availability will be released early in 2003. As it is expected to reveal some significant changes in previous availability estimates, the Commission will be required to notify employers of the need to adjust workforce analyses, even where an audit has already found compliance with this statutory requirement.

Fourth, the Commission contracted with Consulting and Audit Canada to undertake an evaluation study of its Employment Equity Audit Program. The results of the evaluation will be delivered to the Commission by September 2002. The Commission will develop an action plan to address the recommendations presented in the evaluation report and the findings of the Parliamentary Committee.

The risks to Canadian society and the economy of not achieving equitable representation based on barrier free employment systems are several. Primary social objectives on equity, articulated in the *Charter of Rights and Freedoms*, the *Canadian Human Rights Act* and government pronouncements, will not be achieved until equity is reached in the labour market. Continued discrimination distorts the labour market, under-utilizes available skills and competencies, and increases the costs of social programming, all of which undermines Canada's competitive advantage in the global economy. Many major business leaders, such as those in the banking sector, share this view.

### **3.2.2 OUTCOMES ACHIEVED**

#### **3.2.2.1 Employment Equity Reports**

For fiscal year 2001–2002, the Commission planned to:

- review the annual Employment Equity Report of employers that have been found in compliance, within three months of receipt to ensure that reasonable progress on closing the gaps is being achieved.
- contact employers demonstrating a lack of reasonable progress within six months of the completion of the initial assessment of their Employment Equity Report for a review of the situation and an assessment as to whether or not the compliance audit should be re-opened.

## **Performance Assessment**

The low level of compliance at the time of most initial audits and the time it has taken employers to reach full compliance delayed the implementation of the monitoring phase. While it is possible to establish that there remain significant areas of under- representation within the federal workforce, specific areas of under-representation are determined only when an employer has compared its levels of representation with appropriate labour market availability standards. To properly measure the program's impact, one must compare, over time, the success of employers in compliance with the *Act* in making reasonable progress in closing gaps in representation.

By the end of March 2002, there were only 78 employers in compliance. This group of employers will enable the Commission to conduct an initial assessment only when employer's reports for 2001 are received in Fall 2002. This assessment will cover the calendar year 2001 for the private sector and the fiscal year 2001–2002 for the public sector. In anticipation of this requirement the Commission has put in place a monitoring program capable of undertaking the necessary analysis.

### **3.2.2.2 Initial and Follow-up Auditing of Employers**

The Commission's planned results measure relates to the employers who will have employment systems in place to allow them to become more representative and to achieve higher representation of the four designated groups. This is best indicated by the number of employers audited and found in compliance with all the requirements of the *Employment Equity Act*.

For fiscal year 2001–2002, the Commission planned to:

- initiate in the order of 80 new audits, bringing total completed audits to approximately 265 employers. From previous experience, it was anticipated that approximately 110 would be in compliance and the assessment of reasonable progress would be underway on these employers.
- initiate follow-up audits by the stipulated deadline date for those employers required to sign undertakings following initial cycle.
- complete 80% of audits initiated in a given year within the compliance audit standard of 9–11 months for an initial audit and 7–12 months for a follow-up audit. Auditors will complete ten full audit equivalents per year and supervisors will complete four.



During the fiscal year 2001–2002, 55 new audits were initiated bringing the total to 235. Of those, 78 were found in compliance (an additional 20 audits were cancelled at various stages prior to a compliance report because of a substantial change in the status of the employer, i.e. it ceased to exist, fell below 100 employees, or merged with another employer).

When audits began in October 1997, the Commission's goal was to undertake audits of all employers, 412 at that time, within a first audit cycle of five years. In terms of the performance measure outlined above, it was expected that most employers would be in or near compliance at an initial audit, that is they would have in place or almost in place, employment systems and action plans that would result in reasonable progress in closing any gaps.

The limited number of employers in or near compliance at the end of an initial audit, the extra work required when extensions are given, as well as the time required to issue a direction and verify subsequent compliance have severely taxed the Commission's resources. The increase in the number of employers in or near compliance with only a few statutory requirements at the time of an initial audit continues to be marginal. Other than some major employers, many employers continue to wait for the Commission to commence an audit before responding substantively to the *Act's* requirements.

The total number of audits the Commission has initiated, including initial, follow-up and post-Direction audits, has reached almost 400, a number consistent with the total originally projected. Had more employers been at or near compliance at the time of an initial audit, the Commission's original objective of initiating an audit with all employers under the Act would have been met by the end of five years of auditing.

As reported last year, a strategy of targeting larger employers during years two to four of the audit program has resulted in approximately 85% of the federal labour force under the *Act* being under audit (99.1% of public sector departments and agencies, 94.7% of separate agencies, and 80.9% of private sector employers). This includes the new private sector employers identified last year by Human Resources Development Canada who will be eligible for audits only starting this year.

In last year's performance report, the Commission projected that 110 employers would reach compliance by March 31, 2002, i.e. have barrier free employment systems and action plans capable of achieving reasonable progress. In fact, only 78 employers were in compliance by that date. In part, the shortfall is accounted for by nine employers which received a Commission Direction after a follow-up audit and three that were referred to a Tribunal following a post-direction audit. By the end of fiscal year 2002–2003, it is projected that 120 employers will be in compliance.

### **3.2.2.3 Initiation of Follow-up Audits**

During fiscal year 2001–2002 all follow-up audits began on schedule.

### **3.2.2.4 Compliance Audit Standards**

Based on the evaluation study of the Employment Equity Audit Program conducted by Consulting and Audit Canada, for the period October 1997 to November 2001, 44% of first phase audits met the standard with the average audit lasting 13 months; 40% of follow-up audits met an 11-month (rather than 12-month) standard for a follow-up audit with the average lasting 14 months. While the lack of initial compliance with many of the legislative standards contributed to delays with initial audits, most of the delays with follow-up audits resulted from a requirement to accord most employers an additional three-month extension during the follow-up audit in order to complete work required for compliance. It should also be noted that the Commission was concentrating on the larger employers in all sectors.

Based on a total of 390 closed audits (initial, follow-up, audit following direction, and cancelled weighted by 50%) and 41.8 total auditor equivalents over the last four years, each auditor has completed 7.2 audits per year. This does not include, however, work done on audits in fiscal year 2001–2002 which are not yet closed. The shortfall is due to a combination of several factors. As outlined earlier, the Commission focussed its audits on large employers, including all government departments with over 100 employees. These audits are complex and require more time and resources. In addition, rates of compliance have been low, and the majority of employers require extensions. It is expected that the situation will resolve itself once the more complex audits have been closed.

**Table 2 - Status of Employment Equity Audits at March 31, 2002**

<b>INITIAL AUDITS</b>	<b>Private Sector</b>	<b>Public Sector</b>	<b>Separate Agencies</b>	<b>TOTAL</b>
<b>Initial Audits begun</b>	<b>178</b>	<b>48</b>	<b>9</b>	<b>235</b>
<b>Cancelled (no report)</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>10</b>
<b>Reports Issued</b>	<b>148</b>	<b>44</b>	<b>3</b>	<b>195</b>
<b>In compliance</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>8</b>
<b>Follow-ups required</b>	<b>145</b>	<b>39</b>	<b>3</b>	<b>187</b>
<b>FOLLOW-UP AUDITS</b>				
<b>Follow-ups Initiated</b>	<b>95</b>	<b>28</b>	<b>2</b>	<b>125</b>
<b>Cancelled (no report)</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>10</b>
<b>In compliance</b>	<b>49</b>	<b>12</b>	<b>2</b>	<b>63</b>
<b>Directions Issued</b>	<b>18</b>	<b>4</b>	<b>0</b>	<b>22</b>
<b>In compliance following a Direction</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>7</b>
<b>Tribunals</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>7</b>
<b>TOTAL IN COMPLIANCE</b>	<b>58</b>	<b>18</b>	<b>2</b>	<b>78</b>

**Initial audits** Since the first audits were launched in October 1997, the Commission has begun 235 initial audits and issued 195 reports. Only eight resulted in a finding of compliance while 187 have signed undertakings designed to bring them into compliance within a specified time period, never more than one year. Ten audits were cancelled without a report because of a change in status of the employer, i.e. ceased to exist because of closing or merger, or fell below 100 employees.

**Follow-up audits** As of March 31, 2002, 125 follow-up audits have been initiated, 63 had been completed with a finding of compliance by March 31, 2002. Most of these employers, however, required extensions of up to three months to complete the work, a finding that was also reported in the last report. Ten follow-up audits were cancelled without a report because of a change in status of the employer.

**Post-direction audits** If employers fail to implement their undertakings and the remaining work cannot be completed with a short extension, the Commission may issue a formal Direction of work to be completed by a specified date. By the end of the performance period under review, 20 such directions had been issued (two directions were issued for other reasons). As of March 31, 2002, seven post-Direction audits had resulted in a finding of compliance and four had resulted in the Commission referring to the Tribunal (in four cases, employers had sought a Tribunal review of a Direction. One withdrew but was subsequently sent to Tribunal by the Commission ). No hearings by these Tribunals have yet been held.

**Cancelled-Weighted by 50%** Audits underway which were subsequently cancelled were counted as a half audit completed. This is based on the conclusion that at the time of cancellation some of these audits were at different stages of completion and 50% was considered a reasonable average.

### **3.2.2.5 Education and Cooperation Programs**

For fiscal year 2001–2002, the Commission undertook to ensure:

- employers understand the *Employment Equity Act*, their responsibilities, and the role and responsibilities of the Commission. It will develop and distribute clear resource material and audit guides and provide a minimum of 40 presentations and workshops annually to employers and employment equity public and private consultants.
- a consultation strategy involving employers, unions, and advocacy groups on the impact of the *Employment Equity Act* and the Commission’s enforcement program, is developed and implemented. The results of the consultation will inform the legislative review required five years after the *Employment Equity Act* came into effect.

During fiscal year 2001–2002, the Commission exceeded its target by delivering over 45 presentations, training sessions and workshops, primarily to employers and employees actively involved in employers’ employment equity initiatives. Based on a survey of employers conducted as part of the evaluation study of the employment equity audit program, 38% of surveyed employers had attended a Commission employment equity workshop or presentation session and 89% found these to be somewhat or very useful. The evaluation also found that 96% had consulted the Commission’s *Framework for Compliance Audits under the EE Act* and 87% the *Guide to Employment Systems Review* with 99% and 97%, respectively finding these to be somewhat or very useful. Overall, employers reported that the Commission's information sources were the most useful.

In October 2001, the Commission issued *A Place For All: A Guide To Creating An Inclusive Workplace*, a comprehensive guide for the provision of accommodation and the development of a generic accommodation policy. By March 31, 2002, an arrangement with Human Resources Development Canada (HRDC) had been completed to place the key Chapter 8 of the Commission's employment equity *Compliance Manual* on HRDC's website in order to provide easier access to employers. There is also a link to this information on the Commission's website. This arrangement provides tangible evidence of the strong partnership which exists between HRDC and the Commission in the delivery of the employment equity mandate.

### **3.2.2.6 Legislative Review**

In the Fall of 2001, the Commission completed a discussion paper on recommendations which the Commission was considering making to the Legislative Committee reviewing the *Act*. During January and February 2002, we held extensive consultations with employer groups, labour organizations, and advocacy groups and non-governmental organisations (NGO) representing or providing employment services for the four designated groups. This discussion paper was also placed on the Commission's website with an invitation to provide comments.

Based on the results of this consultation process, the Commission had completed by March 31, 2002 its report, *Legislative Review of the Employment Equity Act: Report and Recommendations to the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities*. This document contained 20 recommendations approved by the Commission. In addition, prior to March 31, 2002, Commission representatives appeared twice before the Legislative Committee to brief members on the Commission's compliance process.

### **3.2.3 RESOURCES**

The Commission allocated a total of 34 full-time equivalents (FTEs) and \$2,542,700 to *Employment Equity Act* enforcement.

## **3.3 Human Rights Promotion**

### **3.3.1 BACKGROUND**

The Commission has a legislated mandate to develop and conduct research and promote public understanding of human rights principles and the role of the Commission. The Commission also provides advice on human rights policies, procedures and practices to federal government departments and agencies, and civil society. By helping to change public attitudes towards human rights, the Commission contributes to a reduction in discriminatory practices in the workplace and in the provision of services to Canadians.

The Commission also supports international efforts to promote and protect human rights by providing assistance and advice to other national human rights institutions abroad, and supporting the development of an international network of national institutions. Further, it monitors international human rights developments with a view to ensuring Canada respects its international human rights obligations.

At its Fall 2001 strategic planning session the Commission identified disability and race as top priorities for fiscal year 2002–2003. A promotion plan was developed seeking to provide a framework for the Commission’s promotion and communications activities.

Human rights promotion is undertaken in headquarters and the regions with very limited resources. The successes are largely the result of the staff commitment and partnerships rather than appropriately funded programs and systems.

### **3.3.2 OUTCOMES ACHIEVED**

The Commission maintains contact with the media and seeks other opportunities to reach Canadians on human rights issues. However, outcome measurement of promotion and education activities (e.g. surveys and focus groups) are often difficult and costly particularly given the relatively low reference levels. The Commission continues to follow its Strategic Communications Plan, focussing its promotional efforts on three core activities: delivering the human rights message to targeted audiences, participating in outreach activities, and developing and disseminating information including training sessions for federally regulated employers and service providers.

The Commission also actively promotes human rights-related policy work both within and outside Canada. It prepares publications, submissions, and consultation documents; advises committees and working groups; and provides research and policy advice to foreign and domestic organisations.

### 3.3.2.1 The Strategic Communications Plan

#### **Delivering the Human Rights Message**

In fiscal year 2001–2002, the Chief Commissioner and Commission senior managers met with federal elected officials and senior business and government officials to discuss human rights issues. One of the most significant issues in the last year from the Commission's perspective was the passage of the *Anti-terrorism Act*. The Chief Commissioner expressed her concerns before the House of Commons Standing Committee on Justice and also wrote to the Minister of Justice and issued a public statement.

In the Fall of 2001, the Chief Commissioner appeared before the Senate to speak about the Commission's role and mandate. In November the Chief Commissioner appeared before the Senate Committee on Human Rights to suggest ways the Government might implement its international human rights obligations within Canada.

#### **Outreach Opportunities**

To increase awareness of human rights, the Commission participated in and co-sponsored a number of human rights events across Canada. It conducted over 100 sessions and workshops across the country in collaboration with employers, unions, the Public Service Commission, training centres, and schools to inform employers, employees and students of human rights issues and the need for an inclusive and representative workforce. For example, in British Columbia, Commission staff participated in a joint committee with the BC Human Rights Commission and Ministry of Education to award grants to schools throughout the province to undertake local human rights projects. In Alberta, the Commission and the John Humphrey Centre for Peace and Human Rights organized recreational activities throughout the summer in which close to 1,000 young people gained an increased understanding of human rights and conflict resolution.

The Commission also participated in events marking special human rights issues and features such as: National Access Awareness Week (May); National Aboriginal Day (June); International Day of the World's Indigenous Peoples (August); International Day for Eradication of Poverty (October); National Day of Remembrance / Violence against Women, International Day for Disabled Persons, and the International Human Rights Day (December); International Women's Week and Elimination of Racial Discrimination (March).

#### **Development and Dissemination of Information**

**Employers** The Commission issued two new publications designed to help federally-regulated employers and service providers understand and fulfil their responsibilities

under human rights legislation. *A Place for All: A Guide to Creating an Inclusive Workplace*, mentioned earlier, offers a model policy and procedures for workplace accommodation. *The Anti-discrimination Casebook*, conceived as a contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, describes the types of complaints, recourse, and remedies available to deal with discrimination on the grounds of race, colour, and national or ethnic origin. It will help employers and service providers recognize and address discriminatory behaviour.

**Media** The Commission's activities were reported in the media, particularly with respect to decisions relating to its human rights complaints. It issued 32 news releases in the reporting period, most of them highlighting decisions by the Tribunals and Courts. The Commission also commented on Government policy, most notably the federal government's decisions to broaden the hate propaganda law and to introduce anti-terrorism legislation.

### **Government of Canada On-line**

The Commission is committed to providing comprehensive and integrated on-line services to Canadians who wish access to information and services at their convenience regardless of where they live or work. In fiscal year 2001–2002, the Commission began to investigate the requirements for improved and universal on-line service delivery of core programs and their associated costs. Progress is contingent upon being given additional resources for this Government initiative. In the meantime, the Commission continues to develop its website as a tool for promoting human rights values to Canadians.

### **Developing Partnerships**

The Commission actively seeks and develops partnerships with various groups and organizations to provide advice on human rights issues and to address issues of mutual concern. Following are examples of activities of the Commission in fiscal year 2001-2002.

The Commission continued to work with the association of provincial and territorial human rights commissions to strengthen respect throughout Canada for human rights through the Canadian Association of Statutory Human Rights Agencies (CASHRA). The Commission worked with CASHRA to compare policy developments and increase the effectiveness of human rights institutions in dealing with common concerns such as racism and economic, social and cultural rights. The Commission is actively involved with CASHRA'S Public Education Partners (PEP). Over the past year, PEP has developed an inventory of all public education and awareness programs in federal, provincial and territorial human rights commissions. The inventory will be used to identify gaps in public education tools in the area of human rights, and potential areas in which human rights commissions may pool their resources.



The Commission worked in partnership with representatives from the Canadian Transportation Agency (CTA) to address issues of mutual concern and to coordinate areas of overlapping jurisdiction such as the investigation of complaints regarding barriers to the mobility of travellers with disabilities. As a member of CTA's Accessibility Advisory Committee, the Commission participated in the Agency's ongoing development of regulations, codes of practices and industry guidelines on accessible national transportation systems. The Commission was a member of the Transport Minister's Advisory Committee which provided advice to the Minister on issues of concern to travellers with disabilities, as well as giving input into codes of practice and regulations.

Employees of the Canadian Human Rights Commission sat on various committees and working groups set up under the Federal Disability Agenda, including the Assistant Deputy Ministers' Steering Committee and Interdepartmental Working Group on Accountability's Sub-committee on Access and the Inclusion Lens Working Group. These groups oversaw the creation of the First Federal Report on Disability, to enhance employability of people with disabilities and remove barriers to participation. By order of the Tribunal in the case of *Nancy Green v. Public Service Commission, Treasury Board Secretariat and Human Resources Development*, the Canadian Human Rights Commission has been working with these organizations through an interdepartmental working group to create an education and training program for all public servants concerning accommodation of persons with learning disabilities.

The Commission is a member of the federal Interdepartmental Committee (IDC) on Public Education, which promotes the benefits of diversity throughout the country and ensures consistency in messaging across government departments. The Commission has been working with the IDC in the development of criteria for funding public education and awareness projects in support of social cohesion, respect and diversity.

The Commission also participated in the Partnership for International Cooperation under the leadership of Canadian Centre for Management Development (CCMD) to enhance the coordination and cooperation among international programs of other government departments. Partnerships were also developed with civil society including consultations on issues involving federally sentenced women, drug testing, accommodation and disability.

### **3.3.2.2 Policy Initiatives**

The Commission published the *Anti-Discrimination Casebook* to provide examples of what employers should do to fulfil their responsibilities under the Canadian Human Rights Act. The Commission also launched *A Guide to Accommodation in the Workplace* and delivered a number of training sessions on the Guide to help employers create their own workplace accommodation policies and procedures. The first phase of the Commission's

public consultations on the aboriginal preference policy was completed as were the consultations on the drug and alcohol testing policy. Both policies will be released in fiscal year 2002–2003.

The Commission began working on a study to examine systemic human rights issues facing federally-sentenced women prisoners, consulting over sixty representatives from government, non-governmental and inmate organisations. Work will continue throughout fiscal year 2002–2003.

The Commission continued to prepare for Government action on the report of the Canadian Human Rights Act Review Panel released in June 2000. Internal research reports were completed on the merits of the Review Panel proposals, including the use of public inquiries, internal human rights responsibility systems and comparative analysis of the procedures in place in other human rights commissions.

In order to ensure rapid response to questions arising from formal complaints and the human rights issues raised by proposed government legislation, procedures and policies, the Commission prepared a demographic study of emerging human rights trends in Canada and an environmental scan of key human rights issues. One response to an emerging issue was the submission made by the Commission to the Parliamentary Committee studying Bill C-36, the Anti-Terrorism Bill, in which the Commission emphasized the importance of not compromising human rights in the interest of dealing with the threat of terrorism.

### **Supporting and Strengthening National Human Rights Institutions Abroad (International Program)**

The Commission's central goal in its international activities is to establish links of mutual support among national human rights institutions. It works at the international level through the United Nations, the Network of National Human Rights Institutions of the Americas and the Francophonie and at the bilateral level through assistance to other commissions. Usually these initiatives are undertaken at the request of and with funding provided by the Department of Foreign Affairs and International Trade or the Canadian International Development Agency.

In fiscal year 2001–2002, the Commission continued to play a leading role within the International Coordinating Committee (ICC) of National Human Rights Institutions, as well as within the ICC Accreditation Sub-Committee to ensure that national human rights institutions conform to accepted international standards of independence and impartiality. The Commission, as the regional representative to the Sub-Committee, successfully presented the candidature of national human rights institutions of Ecuador, Guatemala, and Venezuela who have now become members of the ICC. The Commission participated in

the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in South Africa in the Fall of 2001 and chaired the negotiation of the Statement of National Human Rights Institutions.

The first General Assembly of the Network of National Human Rights Institutions of the Americas was held in March 2002 followed by a conference on the work of National Institutions of the hemisphere in protecting the rights of indigenous peoples. The Canadian Human Rights Commission was elected Chair of the first General Assembly and will work closely with the National Human Rights Commission of Mexico and other members to further the work of the Network.

The Commission used the establishment of the Network of National Human Rights Institutions of the Americas to enhance bilateral cooperation with the human rights institutions of Mexico, Bolivia, Peru and will consolidate the Network so as to exchange information, assist with staff training, undertake joint projects, hold regional meetings and seminars and share best practices with human rights institutions of the hemisphere.

Since August 1996, the Commission has been working with the Indonesian National Human Rights Commission to improve the capacity of the Indonesian Commission to carry out research, investigation, and protection of human rights and to promote human rights and awareness. In fiscal year 2001–2002, the project included development and delivery of a human rights education plan and public campaign and a visit by senior officer of the Commission to Indonesia to help develop management capacity.

The Commission renewed its bilateral project with the Indian National Human Rights Commission (INHRC) including visits to India by Commission officers in the Fall 2001 and implementation of the first phase of the project focussing on the rights of persons with disabilities. The Commission also initiated a technical cooperation project with the Nepalese National Human Rights Commission (NNHRC), including an inception mission and design of a project focussing on complaint and monitoring processes to be implemented starting in 2002–2003.

The Commission hosted internships and received a large number of visiting delegations from Russia, Nigeria, Tunisia, Uganda, Portugal, Rwanda, Bulgaria, Israel, Czech Republic, Japan, Ethiopia, Indonesia, China, the European Commission, Madagascar and others.

### **3.3.3 RESOURCES**

The Commission allocated 27 full-time equivalents (FTEs) and \$3,319,200 to human rights promotion.

## **3.4 Corporate Services**

### **3.4.1 BACKGROUND**

Corporate Services includes services in the areas of human resources, finance, strategic and operational planning, audit and evaluation, assets management, information technology, and information management, including the Commission's specialized library. The objective is to nurture the vision for the Commission's statutory mandate and facilitate the realization of that vision by providing the advice, tools, and processes necessary.

### **3.4.2 OUTCOMES ACHIEVED**

In fiscal year 2001–2002 the Canadian Human Rights Commission contributed to meeting commitments outlined in the Treasury Board document *Results for Canadians: A Management Framework for the Government of Canada*.

#### **3.4.2.1 Corporate Services**

##### **New Funding**

A business case submitted to the Treasury Board Secretariat resulted in additional special purpose funding in the order of \$11.8 M over 4 years. These funds will be applied to development of an enhanced case management and employment equity audit tracking systems; reduction of the complaints caseload; and expansion of the Commission's legal capacity to handle the cases being referred to the Canadian Human Rights Tribunal.

##### **Modern Comptrollership**

**Financial Information Strategy (FIS)** The Commission has fully implemented its FIS, developed related financial policies and procedures, and provided appropriate training to staff. Numerous reports are produced annually to satisfy expanded FIS reporting requirements. In addition, the Commission participates in a cluster group of eight small agencies which pools resources and shares decision making with respect to future system enhancements.

**Enhanced Planning and Reporting** In fiscal year 2001–2002 the Commission strengthened its strategic and operational planning and reporting process as a cornerstone of strengthened accountability. The process includes the identification of policy priorities and the alignment of operational plans and budgets to best address those.

**Internal Audit and Evaluation** The Commission continued to implement its Audit and Evaluation Plan. The Commission completed an evaluation of the employment equity audit program. The methodology included a first-ever survey of employers, interviews with various stakeholders and a review of the documentation. The Commission used the results of the evaluation in preparation of its submission to the House of Commons Standing Committee on Human Resources Development and Status of Persons With Disabilities, which conducted a legislative review of the *Employment Equity Act*.

### **Security Enhancements**

As a result of the September 11, 2001 tragedy, the Commission undertook some early investments in security enhancements and completed a comprehensive threat and risk assessment of headquarters and regional offices. Recommendations will be implemented this year. Training was provided in emergency procedures, mail handling, and dealing with potential violence in the workplace.

#### **3.4.2.2 Human Resources**

##### **Work Place Assessment**

In response to a workplace assessment which was completed and shared with all staff at the beginning of the reporting period, an action plan was developed and agreed to jointly by executive and staff representatives. By March 31, 2002, all elements in the action plan have been addressed or were in the process of being addressed. A Workplace Advisory Council provides a forum for ongoing dialogue and action on workplace issues.

As a result of concerns raised in the workplace assessment, the Commission temporarily reallocated resources internally to strengthen and develop work tools for enhanced human resources management including staffing, classification, training and employee feedback. In order to promote and support effective working relationships between supervisors and employees, and to enhance career and professional advancement program, a new performance appraisal system was launched last Fall. In addition, in order to provide direction to staff and ensure that fair, transparent and consistent practices are implemented, the Commission developed several policies and procedures in the following areas: Employment Equity, Performance Appraisal, Acting Pay/Appointment, Overtime and Lieu Time, and Vacation Leave Carry Over and Payout.

The response to the workplace assessment, and increased investment in human resources management, are starting to show results. Over the reporting period, nearly all executive and supervisory positions were staffed on a permanent rather than acting basis, position vacancies decreased by 30%, and classification adjustments were made as a result of a

number of classification reviews. The annual turnover rate has declined from 63% (between 1999-01-01 to 2001-03-31) to 36% (between 2001-04-04 to 2002-03-31), and will be monitored closely to stem its climb in future.

A new Human Resource Information System (HRIS) maintains and reports on all facets of human resources (classification, official languages, employment equity, leave, training, security and conflict of interest). Enhancements in the reporting period include employee access to leave balances via the intranet, and quarterly reports to managers to assist leave administration.

The Commission will continue to participate and promote all government wide initiatives such as the Public Service Survey results, Classification Reform, and Human Resources Modernization Reform.

### **Becoming A Learning Organization**

The Commission is committed to fostering a learning culture that integrates the expertise of its employees. In fiscal year 2001–2002, the Commission delivered to its staff a comprehensive training program to support the delivery of all service lines. This will help the Commission to improve the services provided to Canadians.

### **3.4.3 RESOURCES**

The Commission allocated 41 full-time equivalents (FTEs) and \$4,355,500 to corporate services.



## Annex I: Financial Information

**Table 1 - Summary of Voted Appropriations**

Financial Requirements by Authority (\$ thousands)		2001-2002		
		Planned Spending	Total Authorities	Actual
<b>Canadian Human Rights Commission</b>				
10	Program expenditures	15,245.0	19,449.2	<b>18,757.3</b>
(S)	Contribution to employee benefit plan	2,208.0	2,301.0	<b>2,301.0</b>
(S)	Spending of proceeds from the disposal of surplus Crown Assets	-	2.5	<b>2.5</b>
<b>Total for the Commission</b>		<b>17,453.0</b>	<b>21,752.7</b>	<b>21,060.8</b>

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities.

**Explanation of the 2001-2002 Total Authorities:** The 2001-2002 total authorities represent an increase of \$4,299,700 or 25% over the 2001-2002 planned spending of \$17,453,000. This difference represents mainly the funding received through Supplementary Estimates for the following:

- to fund ongoing participation in hearings by the Canadian Human Rights Tribunal;
- to present evidence and legal arguments in three pay equity complaints against Canada Post, Bell Canada and the Government of the Northwest Territories (GNWT) before the Human Rights Tribunal; and
- to fund collective bargaining agreements and executive salary increase.

**Explanation of the 2001-2002 Actual:** The 2001-2002 Actual represents 97% of the total authorities. The difference of \$691,900 between the actual and total authorities represents primarily the postponement of hearings at the Human Rights Tribunal of two pay equity complaints (Bell Canada and GNWT).



## Table 2 - Comparison of Total Planned Spending to Actual Spending

### Commission's Planned versus Actual Spending (\$ thousands)

Canadian Human Rights Commission	2001-2002		
	Planned Spending	Total Authorities	Actual
Full-Time Equivalents -FTEs	223	216	197
Operating	17,453.0	21,752.7	21,060.8
Capital	-	-	-
Grants & Contributions	-	-	-
<b>Total Gross Expenditures</b>	<b>17,453.0</b>	<b>21,752.7</b>	<b>21,060.8</b>
Less: Respendable Revenues	-	-	-
<b>Total Net Expenditures</b>	<b>17,453.0</b>	<b>21,752.7</b>	<b>21,060.8</b>
<b>Other Revenues and Expenditures</b>			
Non-Respendable Revenues	-	-	-
Cost of Services Provided by Other Departments (Note 1)	2,360.3	2,482.2	2,482.2
<b>Net Cost of the Program</b>	<b>19,813.3</b>	<b>24,234.9</b>	<b>23,543.0</b>

Planned spending is based on the Main Estimates (allocated at the beginning of the year).

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities.

Note 1

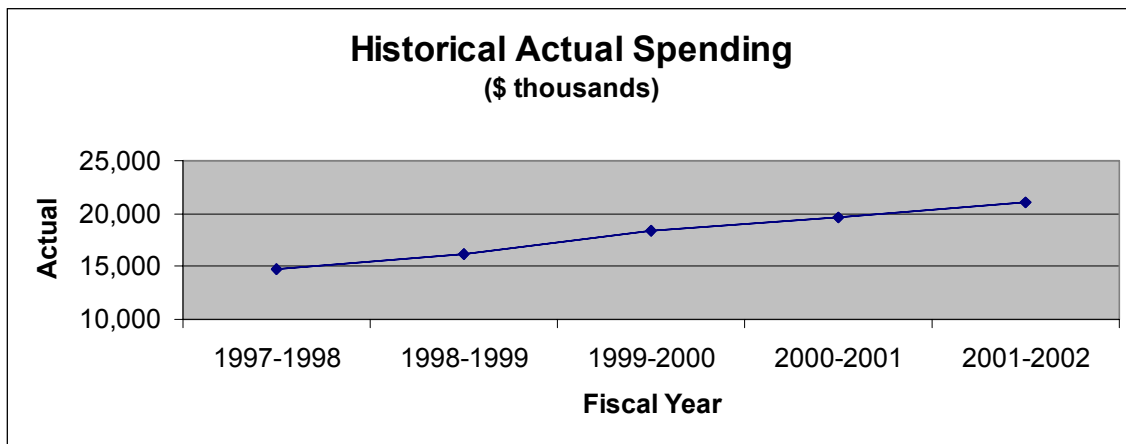
Cost of Services provided by Other Departments is for Accommodation, Worker's Compensation and the Employee Insurance Plans.

**Table 3 - Historical Comparison of Total Planned Spending to Actual Spending**

**Historical Comparison of Commission's Planned versus Actual Spending (\$ thousands)**

Business Line	Actual 1999-2000	Actual 2000-2001	2001-2002		
			Planned Spending	Total Authorities	
Canadian Human Rights Commission	18,436.5	19,607.0	17,453.0	21,752.7	21,060.8
<b>Total</b>	<b>18,436.5</b>	<b>19,607.0</b>	<b>17,453.0</b>	<b>21,752.7</b>	<b>21,060.8</b>

Total Authorities are comprised of Main Estimates plus Supplementary Estimates plus other authorities.



The 2001-2002 actual represent an increase of \$6.3 million or 42% over the 1997-1998 actual of \$14.8 million. This increase was mainly for additional funding received for the following:

- to continue to meet responsibilities under the *Canadian Human Rights Act* and the *Employment Equity Act*;
- to present evidence and legal arguments in three pay equity complaints against Canada Post, Bell Canada and the Government of the Northwest Territories (GNWT) before the Human Rights Tribunal; and
- to fund collective bargaining agreements and executive salary increase.