



CANADIAN HUMAN RIGHTS COMMISSION

Annual Report

2002

Canada

# National Office

## Canadian Human Rights Commission

344 Slater Street, 8<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 1E1  
Telephone: (613) 995-1151  
Toll Free: 1-888-214-1090  
TTY: 1-888-643-3304  
Fax: (613) 996-9661  
Electronic mail: [info.com@chrc-ccdp.ca](mailto:info.com@chrc-ccdp.ca)  
Web site: [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)

# Regional Offices

## Atlantic

504 - 5475 Spring Garden Road  
Halifax, Nova Scotia  
B3J 3T2  
Telephone: (902) 426-8380  
Toll Free: 1-800-999-6899  
TTY: 1-888-643-3304  
Fax: (902) 426-2685

## Quebec

470 - 1253 McGill College Avenue  
Montréal, Quebec  
H3B 2Y5  
Telephone: (514) 283-5218  
Toll Free: 1-800-999-6899  
TTY: 1-888-643-3304  
Fax: (514) 283-5084

## Ontario

South Tower  
1002 - 175 Bloor Street East  
Toronto, Ontario  
M4W 3R8  
Telephone: (416) 973-5527  
Toll Free: 1-800-999-6899  
TTY: 1-888-643-3304  
Fax: (416) 973-6184

## Prairies and Nunavut

(Manitoba, Saskatchewan, Northwestern  
Ontario and Nunavut)  
750 - 175 Hargrave Street  
Winnipeg, Manitoba  
R3C 3R8  
Telephone: (204) 983-2189  
Toll Free: 1-800-999-6899  
TTY: 1-888-643-3304  
Fax: (204) 983-6132

## Alberta and Northwest Territories

308 - 10010 106 Street  
Edmonton, Alberta  
T5J 3L8  
Telephone: (780) 495-4040  
Toll Free: 1-800-999-6899  
TTY: 1-888-643-3304  
Fax: (780) 495-4044

## British Columbia and Yukon

420 - 757 West Hastings Street  
Vancouver, British Columbia  
V6C 1A1  
Telephone: (604) 666-2251  
Toll Free: 1-800-999-6899  
TTY: 1-888-643-3304  
Fax: (604) 666-2386



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- The Commission's annual report to Parliament of its employment equity activities, required under the *Employment Equity Act*, is provided in the Employment Equity section of this report. The Commission is also publishing, in April 2003, a more detailed report entitled *2002 Employment Equity: A Year-End Review*. This report, which will be available on the Commission's Web site, describes the audit process and the progress made by employers in complying with the Act.
- Copies of both reports can also be ordered by e-mail at [publications@chrc-ccdp.ca](mailto:publications@chrc-ccdp.ca).

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CANADIAN  
HUMAN RIGHTS  
COMMISSION

COMMISSION  
CANADIENNE DES  
DROITS DE LA PERSONNE

*Chief Commissioner*

*Présidente*

March 2003

The Honourable Daniel Hays  
Speaker of the Senate  
The Senate  
Ottawa, Ontario  
K1A 0A4

Dear Mr. Speaker:

Pursuant to section 61 of the *Canadian Human Rights Act* and Section 32 of the *Employment Equity Act*, I have the honour to transmit the *2002 Annual Report* of the Canadian Human Rights Commission to you for tabling in the Senate.

Yours sincerely,

Mary Gusella





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HUMAN RIGHTS  
COMMISSION

COMMISSION  
CANADIENNE DES  
DROITS DE LA PERSONNE

*Chief Commissioner*    *Présidente*

March 2003

The Honourable Peter Milliken, M.P.  
Speaker of the House of Commons  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Speaker:

Pursuant to section 61 of the *Canadian Human Rights Act* and Section 32 of the *Employment Equity Act*, I have the honour to transmit the *2002 Annual Report* of the Canadian Human Rights Commission to you for tabling in the House of Commons.

Yours sincerely,

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## Highlights

The year 2002 will be remembered as a pivotal one for the Canadian Human Rights Commission.

**Several key issues were the focus of its work over the reporting period:**

- Disability-related complaints rose by 85 % and made up a high percentage of the complaints received by the Commission.
- In 2002, the Commission issued 729 final decisions, 57 more than the previous year.
- In 2002, the *Employment Equity Act* was reviewed by the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities and found to be working well and still needed. At the same time, an independent assessment of the Commission's role of verifying compliance with the Act found that it is generally effective in fulfilling its mandate.
- The Commission has noted that although most employers only comply with the Act when they are audited, most do so voluntarily, without the need for enforcement measures.
- Bill C-7—the *First Nations Governance Act*—was tabled in 2002 and included an important proposal to amend the *Canadian Human Rights Act* to repeal section 67 exempting all actions carried out under the *Indian Act* from scrutiny by the Commission.
- The Commission released a report on the human rights situation of the Innu of Labrador as well as a revised policy on drug and alcohol testing reflecting developments in the courts.

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This Annual Report also reflects a period of transition and self-examination that led the Commission to embark on a process of change in the second half of 2002. The goal of these changes is to bring the Commission closer again to the remedial and preventive approaches to human rights that Parliament originally envisaged when it adopted the *Canadian Human Rights Act* almost 25 years ago.

**The change process centers on three areas:**

- Expanding the use of alternative dispute resolution (ADR). In 2002, parties agreed to mediation in 42% of the cases and 64% of them reached a settlement. In order to increase its use of ADR, the Commission set up a new, separate ADR Services Branch in early 2003.
- Address the current caseload and put in place a new business model to ensure the effective and efficient processing of complaints in the future.
- Building the Commission's capacity to use policy inquiries, special reports and other tools outside the complaint system as a way of better addressing systemic and pressing issues.

A desire to advance the public interest is at the heart of both the Commission's ongoing work and its current efforts to improve the way it operates. The Commission is adapting to new circumstances and opportunities through a thoughtful and comprehensive process of change.





## New Directions

The Canadian Human Rights Commission has a legislative mandate to protect and promote human rights and equality and an obligation to ensure that this mandate is met as effectively and efficiently as possible.

A series of reports has addressed the operations and future directions of the Commission, starting with the Auditor General's report of September 1998, followed by the 2000 report of the Canadian Human Rights Act Review Panel, *Promoting Equality: A New Vision*; the fall 2002 report of the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities; the 2002 report of the Senate Standing Committee on Human Rights; and the January 2003 report of the House of Commons Public Accounts Committee. Many of the Commission's stakeholders have provided and continue to provide valuable insights into the Commission's past and present challenges and its opportunities for the future.

The inescapable conclusion from these observations, comments and trends 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.

Canada has changed a great deal in 25 years, and the human rights challenges facing the Canadian public and the Commission today have changed from the ones envisaged by the drafters of the *Canadian Human Rights Act* in 1977. Demographic data show an aging, more diverse population with escalating disability issues. In addition, discrimination is generally more subtle and more complex today than it was 25 years ago. Human rights law and practice have come to recognize that inequality results not only from prejudice and deliberate discrimination, but also from seemingly even-handed policies and activities that exclude individuals and groups.

When it was adopted, the Act was intended both to deter offenders and to encourage compliance. The Commission was mandated to hear individual complaints, as well as to conduct research, foster greater understanding of discrimination and educate the public about equality. But resource constraints—particularly with the rising number of complaints received by the Commission—and judicial decisions have had the effect of pushing the Commission toward a more adversarial process, forcing it to focus increasingly on investigation and litigation to address human rights disputes.



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To help realign this imbalance and increase the focus on remedial and preventive measures, the Commission will need new tools, new approaches and new ways of doing business. The Commission needs to have at its disposal a full range of education, prevention, compliance and enforcement tools that complement one another and work interdependently to promote respect for the *Canadian Human Rights Act*.

In 2002, the Commission undertook a review of its business model and has begun to introduce significant changes. The Commission's agenda for change is centred on three basic principles:

- Alternative dispute resolution, in many cases, provides a non-adversarial forum that looks at needs, interests and solutions and can promote healing.
- The complaints handling process must be made more efficient, timely and effective.
- The Commission must develop tools to identify and focus on those human rights issues that raise systemic or serious human rights issues and that have the greatest human rights impact.


## **Alternative Dispute Resolution**

The first step is an increased emphasis on alternative dispute resolution, a direction which is being used to great effect by other administrative bodies in Canada.

Alternative dispute resolution has enormous potential to resolve many complaints of discrimination. In the few cases where alternative dispute resolution is not appropriate—either because of the type of discrimination, the existence of a serious imbalance of power between the parties or the need for legislative change to remedy the human rights violation—the Commission can still apply its traditional process. But in many cases, alternative dispute resolution offers a non-adversarial opportunity to reframe the discussion from one about right and wrong to one about needs, interests and solutions. Alternative dispute resolution also tends to foster understanding and to promote healing, both of obvious value in situations where the parties expect their relationship to continue. Finally, alternative dispute resolution is relatively quick compared with investigation and litigation. This expedites remedies and reduces the likelihood that a protracted complaint process will poison the workplace.

In 2002, the Commission laid the groundwork for a new Alternative Dispute Resolution (ADR) Services Branch in 2003. The new ADR Services will build on





the Commission's work over the past three years on an alternative dispute resolution pilot project. In 2002, of all cases in which parties agreed to mediation, 160 were resolved. This is a success rate of 64%. These examples illustrate the range of issues and remedies that alternative dispute resolution can address. The new ADR Services will make alternative dispute resolution available at every stage of the complaint process, enhance the effectiveness of the ADR program and work with complainants and respondents to encourage greater participation in alternative dispute resolution.

## **Reform of the Case Management System**

The Commission's main challenge with respect to case management is twofold: it must address its current caseload and put in place a new business model to ensure the effective and efficient processing of complaints in the future.

In 2002, the Commission received 800 signed complaints, which exceeded expectations by more than 200. Over its nearly 25 years of operation, the Commission has continuously accumulated a caseload; by the end of 2002, it stood at 1,378. To enable the Commission to clear its caseload, Treasury Board allocated additional resources for four years beginning April 1, 2002.

Additional resources are helping to address the caseload, but money alone is not the answer. The complaint process must also be reformed. In 2003, the Commission, by improving its case management system, will focus on eliminating the backlog and implementing measures to prevent the recurrence of a new one. This will be achieved by accelerating the overall process through such changes as multi-disciplinary teams, greater up-front assessment of individual complaints and a stricter approach to some of its own procedures regarding timeliness of complaints and submissions.

## **Serving the Public Interest**

The Commission's agenda for change also includes measures that will enable it to better address systemic human rights issues, inform employees, employers, service providers and the public, and prevent discrimination. Although there is a public interest in the resolution of every individual complaint of discrimination, it is clear that some cases raise broader human rights issues than others. Resolving these cases can result in changes to policies, programs, laws and corporate cultures—changes that can influence an entire workplace, or an entire sector of society. Advancing the public interest means being able to identify those cases and issues that are likely to have the greatest human rights impact. The Commission is doing these things to enhance its capacity to focus on systemic and serious human rights issues.

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First, within the complaint system, the foundation was laid in 2002 to allow the Commission to devote more energy to cases dealing with human rights issues with potentially major repercussions. The Commission is developing new approaches that will enable it to assess and prioritize cases, based on their complexity, substance and potential impact. This past year, a number of high-impact cases were resolved. In two cases involving a deaf complainant, settlements resulted in an undertaking on the part of the Canadian Broadcasting Corporation to ensure full captioning of all broadcasts and a provision that the text messaging facilities at airports would be more accessible for deaf passengers. In another case, the Canada Customs and Revenue Agency agreed to study the extent to which racial profiling may be occurring at the border and to implement training and educational measures to guard against it. These cases demonstrate how the resolution of individual complaints can address systemic problems and rectify human rights violations affecting many people.

Second, the Commission is expanding the use of tools outside the current complaint system, such as public reports and policy inquiries, to respond to systemic human rights issues and complaints, identify their root causes and make recommendations for change. For example, in 2002, the Commission released a report on the human rights situation of the Innu of Labrador and a revised policy on drug and alcohol testing in the workplace. It also consulted with First Nations communities across the country on a policy on Aboriginal employment preferences and with female inmates and non-governmental organizations on the systemic human rights issues facing federally sentenced women, in preparation for the release of a Special Report on this issue in 2003.

Third, the Commission is moving to ensure that its role when it is before the Canadian Human Rights Tribunal is clearly identified and understood as being in the public interest, as defined in the Act. This will mean that over time the Commission will be putting forward the nature and scope of public interest at Tribunal in different ways from the current practice.

Another tool is the Employment Equity Program. It illustrates how a remedial, preventive approach can foster compliance with human rights standards. Under the Employment Equity Compliance Program, the Commission continued to make steady progress in auditing employers subject to the *Employment Equity Act* for their representation of designated groups—women, Aboriginal peoples, persons with disabilities and visible minorities—in the workplace. By the end of 2002, the Commission had conducted audits affecting 75.4% of employees covered by the Act. Of the 253 employers under audit, the Commission found 105 in compliance with the Act, which means that they have put in place the measures required by the Act to make some progress in reaching a fair representation of the four designated groups



in their workforce. About 80% of employers comply with the Act voluntarily, without the Commission having to resort to enforcement measures.

The promotion and education functions of the Commission are an integral part of its mandate and, in light of the limited resources it is able to devote to these activities, the Commission will be examining a number of options. It already plans to increase its Web presence as an efficient and effective way to inform Canadians about the Commission's services and about human rights and employment equity principles. As a next step, it will be important to look at refocussing the role of the Regional Offices so that they can better support the Commission's core operations.

The Commission believes that this mix of approaches holds the key to advancing human rights in Canada. During 2003, the Commission plans to further refine its business model and sharpen its focus on human rights issues with the greatest public interest and impact.

With committed leadership, innovative new management systems, and perhaps targeted regulatory and legislative interventions, we 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 human rights administration must be thoughtfully and carefully planned and implemented.



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# Management of the Commission

## Modern Management

The Commission has begun strengthening all aspects of its management framework—planning, delivery, evaluation and reporting—to improve delivery of its core programs and functions. Modern management practices require the adoption of results-based thinking at all levels of the organization, not just in the management cadre. The management agenda is proceeding in tandem with significant reforms on the program side.

To succeed with its change initiative, the Commission requires a highly skilled, committed and stable workforce. Staff turnover is a partial indicator in this regard. The Commission is pleased to report that the staff turnover dropped to 10% in 2002 from a high of 33% in 2001. Attention to staff recruitment and retention remains intense throughout the management cadre. There has been participation at all levels to improve working conditions, and human resources initiatives and activities are still being launched throughout the organization to encourage ownership and *esprit de corps*. The Commission had a full representation of designated groups, and drafted and reviewed several new policies that seek to maintain employment equity, fairness and transparency in the workplace.

The planning process of the Commission identifies multi-year strategic priorities for the Commission as a whole. These are made operational at the branch level through business plans. Executive performance agreements will be refined in 2003 to ensure that they reflect commitments made in the business plans in the best way possible.

Following the establishment of an internal audit and evaluation function, the Commission developed a Three-Year Audit and Evaluation Plan, which is revised annually. In accordance with the plan, the Commission completed an Evaluation Study of the Employment Equity Compliance Program as part of a statutory five-year review of the program. Work in the next reporting period will include the development of internal audit and evaluation policies, and a risk management framework.

The renewal of the mandate of the Employment Equity Compliance Program created an ideal opportunity to develop performance indicators for this program. A results chain model was developed which summarizes the program's activities, outputs, outcomes and possible performance indicators at each stage. These performance indicators will be refined and piloted in the next reporting period. A similar





evaluation model will also be developed for the human rights complaint process, once the process has been redesigned.

The Commission has begun modernizing its electronic infrastructure in key areas. New complaint case management and employment equity audit tracking systems are under development, and implementation will begin in the next reporting period. The documentation for Commission meetings was converted from paper to electronic format, and the format was standardized and streamlined to facilitate decision making. The Commission is also carefully monitoring E-filing initiatives and will be assessing potential phase-in to facilitate participation of legal counsel in cases before the Canadian Human Rights Tribunal and other judicial bodies.

Management priorities for 2003 will entail: implementing the government's Modern Comptrollership Initiative; supporting the government-wide initiative for human resources modernization, especially the objective of retaining a diverse and representative workforce; strengthening information and case management across the Commission; and enhancing performance measurement and reporting.

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## Human Rights Challenges

Three major human rights issues dominated the work of the Commission in 2002:

- the removal of barriers for persons with disabilities;
- racism, including the challenges of the new security environment; and
- the human rights of Aboriginal peoples.

These issues derived either from individual complaints received by the Commission or from the matters in which Parliament, the media and the courts took an interest.

### Removing Barriers for Persons with Disabilities


Discriminating against persons on the basis of disability, including perceived disability, has been prohibited by law in Canada for more than 25 years. In 2002, the federal government released a report citing the many federal programs designed to improve the circumstances of persons with disabilities, including tax measures, disability supports, and programs for employment, learning and health. But this enabling infrastructure belies the human rights situation of persons with disabilities, which saw little progress in 2002.

Disability-related complaints rose by 85% while the total number of complaints rose by 39% in 2002. The government decided not to renew funding for the Enabling Resource Centre for persons with disabilities in the federal public service. According to the Public Service-wide Employee Survey released in the fall of 2002, nearly 36% of federal employees with disabilities have been harassed in the past two years, while 37% have been subject to discrimination at least once. The Commission's Employment Equity audits found persons with disabilities severely under-represented in the federally regulated private sector.

### Drug and Alcohol Testing

The *Canadian Human Rights Act* prohibits discrimination on the basis of real or perceived disability, including drug or alcohol dependency. Recent cases in the Supreme Court of Canada and the Ontario Court of Appeal have called into question whether drug testing, such as random or pre-employment testing, can ever be justified, given its potential for unfairly discriminating against employees on the basis of disability. In June, after consulting employers, unions and other interested





organizations, the Commission issued a new policy on drug and alcohol testing that reflects these developments in the courts.

## Race

In its presentation to Parliament on the new security legislation, the Commission urged the government to exercise caution in its pursuit of legitimate security concerns, so that civil and political rights are not infringed. The Commission warned against the danger that some Canadians might be singled out for scrutiny because of their national or ethnic origin, religion or skin colour. This past year, the Commission addressed the issue of race and racial profiling in several outreach activities, including a panel on risk and human rights chaired by the Chief Commissioner, which examined the issue of racial profiling in the new security environment post-September 11, 2001, and Commission presentations to several conferences on terrorism and human rights.

The Commission also took steps to understand how it could better address the issue of racism in general. In April of 2002, in a follow-up to the World Conference against Racism, the Commission participated in the Sixth International Conference for National Human Rights Institutions, which focussed on developing best practices around the globe to counter racism. The Commission, as conference rapporteur, reported on the best practices of national human rights commissions in such areas as remedies, monitoring and advocacy. Through its interdisciplinary case work, the Commission also looked at better ways of addressing complaints of race discrimination, particularly instances of covert racism.

## Human Rights of Aboriginal Peoples

In 2002, the Government of Canada introduced the *First Nations Governance Act*, Bill C-7. That bill included the proposal to amend the *Canadian Human Rights Act* in one important respect. Since the enactment of the Commission's enabling legislation in 1977, First Nations people living on reserves have not had full access to the Commission's complaint process. This is because section 67 exempted from Commission scrutiny all actions carried out under the *Indian Act*. In 1977, the section 67 exemption was introduced as a temporary measure, to have effect only until changes were made to the provisions of the *Indian Act* that denied status to Aboriginal women who married non-Aboriginal men. Although the *Indian Act* was changed in 1985 with Bill C-31, section 67 remained unamended.

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The exemption has created a difficult situation: First Nations people were the only people in Canada without full access to a human rights complaint system to resolve complaints of discrimination. That is why the Commission was pleased when Bill C-7 included the repeal of section 67.

In January 2003, the Commission appeared before the Standing Committee on Aboriginal Affairs, which is reviewing the legislation, to present the Commission's views on the repeal of section 67. The Commission reiterated its support for the repeal and welcomed the addition in the legislation of an interpretative clause. The interpretative clause provides that, in assessing a complaint against a First Nations government, the Commission must take into consideration the "needs and aspirations" of the Aboriginal community. It is the Commission's view that when it, or the Canadian Human Rights Tribunal, considers a complaint of discrimination against a First Nation, the needs of the community must be balanced with those of the individual. If there is a conflict, an individual claim does not necessarily take precedence over a collective one, or vice versa. The objective is to find a middle path that serves both interests. The Commission urged the Committee to define this interpretive clause more precisely, in consultation with First Nations and other stakeholders, to avoid uncertainty or lengthy litigation.

Under Bill C-7, the Commission would, for the first time, be able to deal with all issues relating to the treatment of Aboriginal women and children who regained or were given status under Bill C-31. Since 1985, there have been numerous allegations from these women that they continue to suffer discrimination because of provisions in the current *Indian Act*. Section 67 of the *Canadian Human Rights Act* has barred the Commission from dealing with most of these allegations. Although the impending repeal of section 67 will allow the Commission to accept individual complaints of discrimination from Aboriginal women, the Commission urged Parliament to implement a legislative approach to resolve this legislative issue.

The repeal of section 67 will be an important step forward for human rights in Canada. But it will also create new challenges, both because the Commission will receive more complaints from First Nations people and because these complaints will require new approaches to ensure complaints are addressed with cultural sensitivity and an understanding of the complexities of First Nations communities.

The Commission welcomes these challenges and is studying how best to perform its new mandate, which is likely to take effect in 2005. Processes will be developed in close consultation with First Nations and organizations representing the interests of First Nations people.





As previously mentioned, the Commission released its report on the human rights situation of the Innu of Davis Inlet, Labrador, in 2002. An earlier report of the Commission, in 1993, concluded that the federal government had fallen short in its constitutional responsibilities to the Innu. The 1993 report recommended various corrective measures, including the relocation of the community of Davis Inlet to a location more suitable for their cultural, economic and social survival.

The 2002 report evaluated how the government had fared in meeting its human rights responsibilities to the Innu. The two legal experts engaged to carry out the study, Professors Donald McRae and Constance Backhouse, both of the University of Ottawa, found that while some progress had been made, some issues still needed to be addressed. They concluded that although the government had addressed the 1993 recommendations, progress had been slow. Self-government and land claims negotiations had either been suspended or delayed. Professors McRae and Backhouse recommended that the government set tight time frames to resolve these remaining issues. After many problems and delays, relocation of part of the community began at the end of 2002.

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# Case Work

## Complaints

In 2001, the Commission conducted a review of its 23 years of operation. An analysis of historical data showed that the Commission had been accumulating a growing caseload since its inception. Although efforts to address its caseload had been successful at various times in the Commission's history, the number of cases coming in still exceeded the number of cases the Commission could conclude in any given year. In 2002, the Commission received a total of 1,653 potential complaints<sup>1</sup>, of which 800 were formally signed and referred to mediation or investigation. These 800 signed complaints represented an increase of 226, or 39%, over 2001. This number exceeded by about 200 the number of complaints per year that the traditional Commission case management business model was designed to address.

Tables 1, 2 and 3 show the number of potential complaints received by the Commission, as well as the number of signed complaints<sup>2</sup> over the last two years by province or territory, ground of discrimination and type of allegation. Table 2 shows a notable increase in the number of complaints based on the grounds of disability and age since 2001. The Commission received 201 more signed complaints citing disability in 2002 than it had in 2001, an increase of 85%. The number of signed complaints citing age also increased by 27, or 71%, from 2001 to 2002, while the total number of signed complaints received rose by 39%. These numbers are significant and may demonstrate that more people are becoming aware of and seeking to exercise their right to accommodation under the Act.

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<sup>1</sup> Potential complaints are contacts that fall within the mandate of the Commission and may lead to a signed complaint after analysis and review.

<sup>2</sup> Signed complaints trigger the Commission's case management process.



**Table 1 Complaints Received by Province or Territory**

	2001				2002			
	Received No.	%	Signed No.	%	Received No.	%	Signed No.	%
Ontario	633	43	264	46	655	40	329	41
Quebec	283	19	126	22	315	19	140	18
British Columbia and Yukon	164	11	57	10	184	11	99	12
Alberta, Northwest Territories and Nunavut	118	8	52	9	190	11	91	11
Nova Scotia	85	6	23	4	75	5	51	6
Manitoba	97	7	23	4	88	5	32	4
Saskatchewan	41	3	11	2	60	4	22	3
New Brunswick	42	3	11	2	63	4	21	3
Newfoundland and Labrador	2	—	3	—	10	—	8	—
Outside of Canada	9	—	3	—	10	—	4	—
Prince Edward Island	11	—	1	—	3	—	3	—
<b>Total</b>	<b>1,485</b>	<b>100</b>	<b>574</b>	<b>100</b>	<b>1,653</b>	<b>100</b>	<b>800</b>	<b>100</b>



**Table 2 Grounds of Discrimination Cited in Complaints\***

	2001				2002			
	Received		Signed		Received		Signed	
	No.	%	No.	%	No.	%	No.	%
Disability	673	37	237	36	888	43	438	44
Sex	410	22	169	26	379	18	188	19
National or ethnic origin	218	12	80	12	214	10	94	9
Race	156	9	57	9	144	7	71	7
Age	101	6	38	6	171	8	65	7
Sexual orientation	38	2	7	1	49	2	31	3
Family status	96	5	22	3	84	4	30	3
Religion	50	3	20	3	46	2	30	3
Colour	47	3	19	3	56	3	30	3
Marital status	36	2	7	1	27	1	14	1
Pardon	4	—	4	—	8	—	3	—
<b>Total</b>	<b>1,829</b>	<b>100</b>	<b>660</b>	<b>100</b>	<b>2,066</b>	<b>100</b>	<b>988</b>	<b>100</b>

\* **Note:** The total number of grounds cited exceeds the number of complaints received because some complaints dealt with more than one ground of discrimination.



**Table 3 Type of Allegations Cited in Signed Complaints\***

	2001				2002			
	Received		Signed		Received		Signed	
	No.	%	No.	%	No.	%	No.	%
Employment-related (sections 7, 8, 10)	1,003	58	390	59	1,212	64	666	65
Harassment — employment (section 14)	355	20	176	26	311	16	164	16
Service-related (sections 5, 6)	309	18	69	11	290	15	128	13
Pay equity (section 11)	30	2	11	2	15	1	7	—
Harassment — services (section 14)	24	1	5	—	51	3	26	3
Retaliation (section 14.1)	10	1	11	2	17	1	15	2
Hate messages (section 13)	6	—	—	—	11	—	4	—
Union membership (section 9)	2	—	—	—	7	—	7	—
Notices, signs, symbols (section 12)	1	—	4	—	0	—	2	—
<b>Total</b>	<b>1,740</b>	<b>100</b>	<b>666</b>	<b>100</b>	<b>1,912</b>	<b>100</b>	<b>1,021</b>	<b>100</b>

\* **Note:** The total number of allegations cited exceeds the total number of complaints received because some complaints dealt with more than one allegation.

In 2002, the Commission reviewed its service standards guiding how long each step in the process should take, and concluded that with the current caseload, level of resources and process requirements, our service standards would not be acceptable to the Canadian public. The Commission has therefore commenced a major review of the manner in which we deal with all complaints at every stage.

In 2002, the Commission made 942 decisions on cases, which resulted in the completion of 729 cases, an increase of 7.5% over 2001. Some of this increase was attributable to the Commission's efforts to reduce its case backlog using dedicated resources allocated by the Treasury Board. The impact of this effort was felt late in the year as investigations started being completed and it is expected that the impact will be greater in 2003. As shown in Table 4, the total number of Commission decisions includes interim and final decisions, since complaints may require more

than one Commission decision as they go through the process. For example, some cases require a preliminary Commission decision as to whether the Commission should deal with a complaint if, for instance, another grievance procedure is available. Table 5 gives a breakdown of results of final decisions rendered by the Commission in 2001 and 2002.

**Table 4 Total Number of Commission Decisions**

Type of decision	2001	2002
Interim <sup>1</sup>	232	213
Final	672	729
<b>Total</b>	<b>904</b>	<b>942</b>

**Table 5 Final Commission Decisions**

Results of decisions	2001	2002
Not to deal with <sup>2</sup>	48	46
To dismiss <sup>3</sup>	266	396
To refer to Tribunal	85	70
To approve settlement <sup>4</sup>	273	217
<b>Total</b>	<b>672</b>	<b>729</b>

<sup>1</sup> Cases that the Commission decided to defer, deal with, refer to conciliation, stand down, return to officer or reconsider.

<sup>2</sup> Cases that the Commission decided not to pursue because they were filed more than one year after the alleged act of discrimination, or because the complainants were asked to first pursue other redress mechanisms.

<sup>3</sup> Including cases in which the Commission took no further proceedings because the complainants withdrew or abandoned their complaints.

<sup>4</sup> Settled in mediation, in the course of investigation, or through conciliation.





## Case Management Highlights

A complaint moves through several stages, from inquiry and intake to mediation, investigation, conciliation and referral to the Canadian Human Rights Tribunal, depending on the case. At each stage the complaint needs to be processed fairly and expeditiously.

### Inquiries

The Commission responded to about 50,000 inquiries received by mail, telephone or personal visit in 2002.

### Intake

The Commission received 1,653 potential complaints in 2002. In 2003, the Commission will take a critical look at the intake function to examine ways of streamlining its processes for receiving complaints.

### Alternative Dispute Resolution (Mediation and conciliation)

In 2002, mediation was offered in 594 cases. Parties to a complaint participated in mediation in 250 or 42% of cases. Of these, 160, or 64% of the mediated cases, were settled. The Commission will continue to build on this successful approach and in 2003 will attempt to increase the use of alternative dispute resolution to settle more cases quickly. One of the steps it will take will be to offer mediation services at any time during the complaint process.

The Commission's role is to protect the public interest; its mediators, therefore, ensure that settlements address not only the personal objectives of the parties, but also any related issues of systemic discrimination. This means that settlements may also include policy or procedural changes, or wage adjustments that address the larger public interest.

In 2002, the Commission referred 159 cases to conciliation. Of these, 80 were settled. Enhancements to the Commission's ADR program will bring about further changes to the conciliation service while ensuring that opportunities for alternative dispute resolution are offered at any time during the complaint process.

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## Investigation

In 2002, excluding pay equity cases, the Commission completed 532 investigations of complaints compared to 480 in 2001, an increase of 11%. This increase is attributable to the Commission's special efforts to reduce its overall caseload.

Pay equity complaints require complex and lengthy investigations, often involving external expertise and resources, and much analysis and discussion with employees, bargaining agents and employers. In the past several years, allegations of systemic wage discrimination have accounted for 1 or 2% of all inquiries received by the Commission. In 2002, the Commission rendered decisions in 65 pay equity cases, 62 of which were related to the settlement of a pay equity complaint against Bell Canada. This is a significant increase over 2001, when the Commission rendered only three pay equity decisions.

## Referrals to the Tribunal and Litigation

In 2002, the Commission referred 70 cases to the Canadian Human Rights Tribunal and received 13 final Tribunal decisions (of which the complaints were substantiated in 9 cases, or 69%); 19 interim rulings; 21 judicial review decisions; and four Federal Court of Appeal decisions. During the same period, 46 cases were settled after they had been referred to Tribunal.

At the end of 2002, the ongoing litigation of the Commission consisted of 61 active cases at Tribunal, 53 judicial review applications, three appeals and one active case at the Supreme Court of Canada.

## Other Matters of Interest

Prior to the revision of the *Employment Equity Act* in 1995, the Assembly of Manitoba Chiefs filed 52 complaints regarding employment of Aboriginal peoples in federal departments and agencies and in private sector organizations and Crown corporations. After investigation, 17 of the Assembly's complaints required no further proceedings and, over time, the remaining complaints were settled, either by settlement agreements or memoranda of understanding. The settlement agreements identified recruitment or hiring goals and specific initiatives to improve the representation and retention of Aboriginal peoples. The monitoring period of federal departments expired on March 31, 2001. Therefore, following submissions of final progress reports from departments, the Commission closed its file on this matter in 2002. It should be noted that the revised *Employment Equity Act* now applies to the departments and agencies named in the Assembly's 52 complaints.





# Promotion

## Human Rights Promotion

The Commission is responsible for developing and conducting information programs to foster public understanding of the *Canadian Human Rights Act*, the *Employment Equity Act* and the role and activities of the Commission. The premise behind this work is that greater knowledge and acceptance of human rights and employment equity principles and practices will help to prevent discriminatory acts and policies.

Limited resources are available for the Commission's promotion work, so activities consist primarily of disseminating public information, including publications, conducting training sessions for federally regulated public- and private-sector employers and service providers, and strengthening existing human rights networks and partnerships.

Publicizing key settlements and precedent-setting Canadian Human Rights Tribunal and court decisions is an important tool for promoting human rights. Of particular note in 2002 was a settlement on closed captioning of live-breaking news, promos and commercials produced by the CBC and broadcast on both CBC English television and CBC Newsworld. The Commission also publicized throughout the year two major decisions in the area of hate messages to ensure that Canadians were made aware that the Internet cannot be used to promote hate.

The Commission also hosted and participated in many outreach activities in 2002. One of the Commission's priorities was its public education work relating to discrimination on the ground of race. The Commission participated in several conferences on racism in the new security environment, including:

- a Commission-hosted panel discussion that focussed on racial profiling and the effect of the terrorist attacks of September 11, 2001, on human rights protection in Canada;
- conferences on terrorism and human rights;
- an Inter-Parliamentary Conference on hate crimes on the Internet; and
- non-governmental organization conferences on hate crimes and racism.

The Commission delivered numerous training and information sessions to federally regulated employers and service providers on the duty to accommodate, including information on the Commission's new policy on drug and alcohol testing in the

workplace. The Commission also participates in the Canadian Standards Association, which is responsible for establishing accessibility standards for persons with disabilities. In response to an initiative by the Mexican government to introduce a new international convention on the rights of persons with disabilities, the Commission hosted a roundtable on disability rights with representatives from Mexico. Finally, Commission staff participated in an international conference on the implementation of economic, social and cultural rights.

Late in the year, the Commission began consultations with federally regulated employers with a view to improving the seminars and workshops it conducts on the human rights complaint process and the duty to accommodate. During 2003 the Commission will make greater use of its Web site to enhance its dialogue with stakeholders. It will also concentrate on educating human resources professionals who deal with the Commission on a regular basis, to ensure that the Commission's new processes are well understood and followed.

<b>SERVING CANADIANS</b>	
Telephone inquiries	40,758
E-mail inquiries	4,841
Presentations, training sessions and workshops by regional staff	196
Regional participation in human rights events and meetings	185
Presentations and training sessions by headquarters staff, including hosting or participating in human rights events and meetings	134
Web site visitors	167,650





## Examples of Regional Activities and Partnerships

### Atlantic Regional Office

- Participation in a working group session on strategies for reducing racism and discrimination in communities at *Stop Racism: A Community Dialogue* presented by Partners against Racism.
- Partner in annual International Women's Day event for working and retired women of the federal public service and their unions.
- Member of Black History Month Association, a public-private initiative that makes February a celebration of the African-Canadian community in Nova Scotia.

### Quebec Regional Office

- Leadership role with many federal departments and agencies to make the public service more inclusive, particularly in relation to the *Embracing Change* initiative targeting visible minorities.
- Partnerships for activities during Black History Month, including the Rosa Parks Award which is given to a person from the community for the promotion or defence of human rights.
- Participation in the *HipHop 4Ever Festival* where young participants received prizes for anti-racism texts.

### Ontario Regional Office

- Close cooperation with the Interdepartmental Employment Equity and Diversity Committee in delivering workshops on the duty to accommodate to managers and human resources personnel of several federal government departments and agencies.
- In partnership with the RCMP, Canadian Race Relations Foundation and Centennial College, organization and delivery of a one-day conference on hate propaganda and hate crime on June 12, 2002.
- Ongoing lead role in organizing the *Human Rights Through Art Exhibition* in association with the City of Toronto, Law Society of Upper Canada and Bank of Montreal for celebrating Black History Month.



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## Prairies and Nunavut Regional Office

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- Member of the Advisory Committee responsible for the research, production and release of *The Rights Path* (Saskatchewan), a publication produced in partnership with the Saskatchewan Human Rights Commission, Aboriginal Friendship Centres of Saskatchewan and Saskatchewan Intergovernmental and Aboriginal Affairs.
- In recognition of March 21, the International Day for the Elimination of Racial Discrimination, partnership with the Manitoba Federal Council, the National Council of Visible Minorities, and the Embracing Change Secretariat and other federal departments, to plan and deliver a week of awareness and learning activities for the community at large and public service managers and employees.
- In collaboration with the Public Service Commission, federal departments and unions, planning and delivery of a series of seminars on the duty to accommodate to public service employees, managers and union representatives.

## Alberta and Northwest Territories Regional Office

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- Participation in a public forum on human rights in Yellowknife just prior to the signing of the Government of the Northwest Territories *Human Rights Act*.
- In partnership with the Institute for the Advancement of Aboriginal Women, launch of *The Rights Path – Alberta* (second edition) along with a small, pocket-sized booklet, *It takes Courage – Human Rights for Aboriginal Youth*. Funding for the publications provided by Canadian Heritage and the Alberta Human Rights and Citizenship Commission.
- Cooperation with the Public Service Commission *Embracing Change* initiative LEEDR (Leadership in Employment Equity, Diversity and Rejuvenation).
- Participation in two major international conferences held in Edmonton: *Canada: Global Model for a Multicultural State*, which was organized by the Canadian Multicultural Education Foundation, and *Human Rights as Global Security: Future Directions*, a symposium organized by the John Humphrey Centre for Peace and Human Rights, to celebrate the 20<sup>th</sup> anniversary of the *Canadian Charter of Rights and Freedoms*.





## British Columbia and Yukon Regional Office

- Collaboration with four First Nations to plan, organize and deliver in their communities workshops on human rights protection, harassment and accommodation.
- Collaboration with the Public Service Commission on a learning event in support of the Embracing Change Representativeness Initiative, which attracted “representativeness champions,” public service managers and Employment Equity Coordinators.
- Close cooperation with the Federal Council and PSC to organize special events to mark International Women’s Day, International Day for the Elimination of Racial Discrimination, National Aboriginal Day and International Human Rights Day.

## International Activities

Most of the Commission’s international activities in 2002 were linked to the year’s priorities—disability, racism and Aboriginal peoples. International work relating to racism concentrated on sharing best practices among national human rights institutions from around the globe. The National Institutions Declaration of the World Conference against Racism had committed human rights commissions around the world to sharing best practices on how to combat racism. At the Sixth International Conference for National Human Rights Institutions, the Commission, in its capacity as conference rapporteur, drafted the final report on best practices, which showcased the best anti-racism remedies, monitoring efforts and advocacy work of human rights commissions.

A highlight of the year was the first General Assembly of the Network of National Human Rights Institutions of the Americas, an initiative of the Summit of the Americas to strengthen cooperation among human rights institutions of the hemisphere. After the General Assembly, the network held a roundtable on the Rights of Indigenous Peoples, at which the Commission was represented by Commissioner Kelly Russ, a member of the Haida Nation. As part of the network strategy to encourage the establishment of new human rights institutions, Commissioner Anne Adams participated in a conference in Santiago, Chile. The Commission also participated in preparatory work that anticipated the creation of a similar network for La Francophonie. It continued its work on the International Coordinating Committee of National Human Rights Institutions and the United Nations Commission on Human Rights.

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On the bilateral front, the Commission continued to work with human rights commissions in India, Indonesia and Nepal, offering advice on human rights education, complaint processing and the rights of persons with disabilities. In an effort to share experiences and learn from national human rights institutions in other countries, the Commission hosted internships and received visiting delegations from approximately 15 countries.

The Commission also furnished data required for reporting on Canada's compliance with international human rights law, including international treaties on racism, equal remuneration and the human rights of women.

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 its resource requirements for the future.





# Employment Equity

## Introduction

A legislative review of the *Employment Equity Act* in 2002, together with an independent program evaluation and stakeholder consultations, revealed that the legislation has gained wide support among employers, unions and organizations representing designated groups. The legislative review also found that the Act is generally working well, and that the Commission's audit efforts are having a positive impact. In this annual report, the Commission would like to emphasize the following:

- First, it is clear that, were it not for the Commission's audit efforts, few employers would be in compliance with the Act.
- Second, preliminary results from employer monitoring indicate that members of designated employment equity groups are better represented in the workforces of audited employers than in the workforces of employers who have not yet been audited.
- Third, despite this positive finding, initial monitoring also shows that not all employers in compliance are achieving their goals. These employers were found in compliance because they had put in place mechanisms to increase the representation of designated groups, and had set goals to do so, but not all of them are reaching these goals. As provided in the Act, the Commission will continue to assess these results and will conduct further audits of organizations that fail to achieve their goals.
- Fourth, the rate of progress toward employment equity goals needs improvement in two specific areas: despite increasing representation of visible minorities in the public service, the ambitious goals of the government's *Embracing Change* initiative are not being met and will require further action to achieve (see "Progress of Designated Groups" below for more details). In the private sector, the situation for persons with disabilities remains bleak; stronger action is required by employers. The government is proposing a comprehensive employment strategy to allow this group to integrate the labour market, and the Commission believes that this strategy should be given priority.
- Finally, as the results from the 2001 Census become available, it is clear that the growing ranks of visible minorities and Aboriginal peoples in

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Canada's workforce will necessitate even more aggressive employment equity strategies on the part of employers in the future.

The following pages expand on these points. The Commission is also publishing, in April 2003, a more in-depth examination of employment equity issues in its report entitled *2002 Employment Equity: A Year-End Review*.

## **A Pivotal Year**

### Program evaluation and stakeholder consultations

In October 2001, the Commission engaged Consulting and Audit Canada to review its compliance program and to conduct a mail survey of 177 employers who had either been audited or were under audit. This was followed in January 2002 by a round of consultations with stakeholders, such as employers, organizations representing designated groups, and unions. The Commission took these steps to enable it to contribute effectively to the parliamentary review of the Act conducted in 2002.

This first independent assessment of the Commission's work pronounced the Commission effective in fulfilling its mandate. The majority of recommendations endorsed the Commission's current practices.

An overwhelming majority of employers said they believed that the representation of designated groups in their workforce would increase as a result of the audit, that barriers to their employment will be eliminated, and that the Commission is providing useful information to help employers comply with the Act. Employers also found that the Commission uses the appropriate balance between persuasion and enforcement, and that its annual report on employment equity is helpful to them.

The survey respondents also suggested improvements to the Commission's compliance program. Employers said they want more consistency in the information provided by the Commission, Human Resources Development Canada and Treasury Board Secretariat; a simpler and more flexible audit process; and more information about how to comply with the Act and support for doing so. As a result, the Commission is increasing cooperation with these two departments to ensure that employers receive the help they need, and is developing a streamlined process for small employers, who make up the bulk of unaudited organizations.





The following were among key conclusions:

- Most employers comply with the Act only when audited.
- Employers rely to a large extent on the Commission for information about audit requirements and find the Commission's audit reports useful as they work to become compliant with the Act.
- Employers should be provided with more education about how to comply with the Act, and the Commission's role in education and promotion should be clarified.
- Most employers consider the Commission's efforts to enforce the Act appropriate.

Consultations with stakeholders yielded similar results. Stakeholders agreed that the Act is necessary and that it is generally working well. Most also agreed that the audit requirements were reasonable, that the obligations of employers under the Act should be clarified, and that more needs to be done to correct the under-representation of persons with disabilities.

### Parliamentary Review

The Act undergoes a parliamentary review every five years. On December 3, 2001, the House of Commons designated the Standing Committee on Human Resources Development and the Status of Persons with Disabilities to conduct the latest review. The Commission submitted a report on the Act, based on the employer survey and stakeholder consultations, to the Committee in April 2002. The Committee tabled its report on the Act in June 2002.

The Committee's conclusions were very similar to those reached by the Commission: that there is widespread support for the Act and that it should be maintained. The Committee made 29 recommendations for fine-tuning the legislation and endorsed the majority of the recommendations made by the Commission. One recommendation the Committee did not endorse was the strengthening of enforcement measures. Pointing to the Act's emphasis on persuasion and negotiation, the Committee recommended instead that the Commission be given additional resources to accelerate the pace of audits and help employers fulfill their obligations.

### The Government's Response

On November 8, 2002, the Minister of Labour tabled the government's response to the report issued by the House of Commons Committee. Overall, the government made few concrete proposals, and committed to further study most of the recommendations

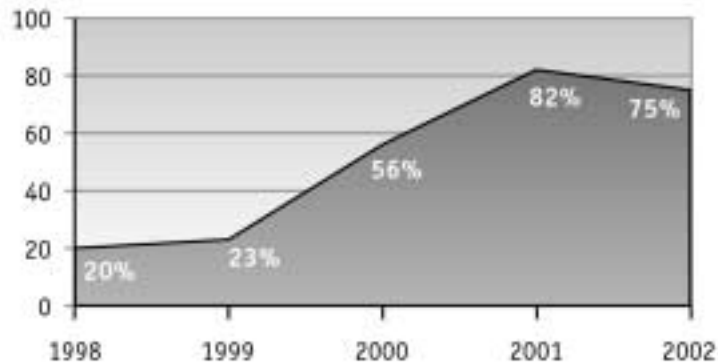
put forward by the Committee. The government also committed, among other things, to developing an employment strategy for persons with disabilities and Aboriginal peoples, to enhancing education and technical support for employers, and to breaking down barriers to the recognition of credentials obtained abroad. The Commission will work with the various federal departments involved to fulfill the government's commitments.

## Status of Audits

### Employers under audit

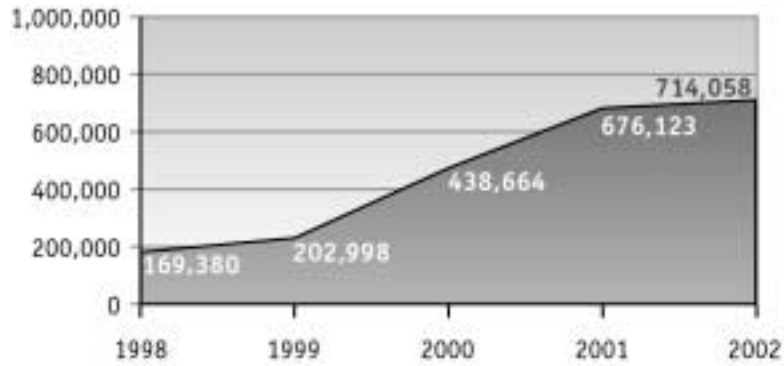
To have an impact on as many employees as possible, the Commission began in 2000 to focus its efforts on large employers (Figures 1 to 4). Although only 51.1% of employers (253) are under audit, their employees represent 75.4% of the workforce (714,058 employees) covered by the Act. A list of employers currently under audit can be found at the end of this report.

**Figure 1** Percentage of employees under the Act covered by the Commission's audits

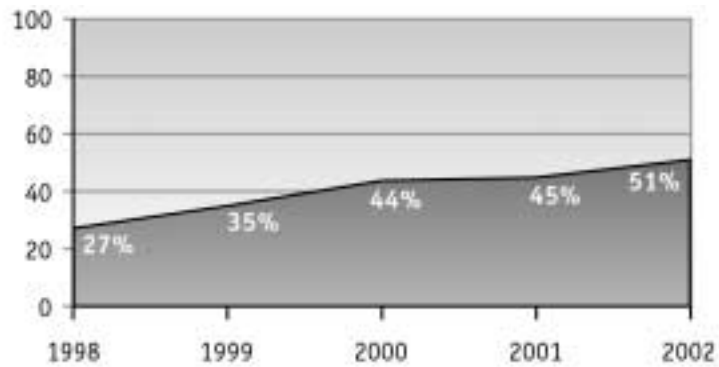




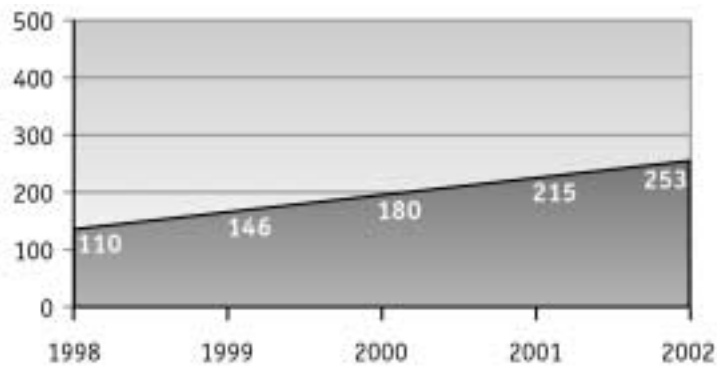
**Figure 2** Number of employees under the Act covered by the Commission's audits



**Figure 3** Percentage of employers under the Act covered by the Commission's audits



**Figure 4** Number of employers under the Act covered by the Commission's audits





The slight reduction in the percentage of the workforce under audit (down to 75% from 82% in 2001) is attributable to the extension of the Act this year, through Orders in Councils, to employees of the Canadian Forces, the RCMP and CSIS. When Parliament passed the new *Employment Equity Act* in 1995, it made provisions to have the Act apply to the Canadian Forces and the RCMP at a later date to be determined by regulations. It also required that special regulations be passed before CSIS could be audited. The Commission, which has in earlier reports pointed to the government's delay in passing these regulations, is pleased that the Act has been extended to these organizations. Additional private sector employers also became subject to the Act this year. In total, the number of employees covered by the Act increased from 824,130 to 947,079 and the number of employers subject to the Act rose from 476 to 495.

Since the start of its mandate in 1997, the Commission has initiated audits of 253 employers, or 51.1% of the current employer pool. Because most of these employers required at least one follow-up audit before they could be declared in compliance with the Act, the number of audits started by the Commission since 1997, at 416, is significantly higher than the number of employers audited (Table 1). This number is close to the number of audits that the Commission had estimated it would conduct in the first five years of its mandate.

**Table 1 Audits Started and Completed 1997-2002**

	2002		Cumulative 1997-2002	
	Started	Completed	Started	Completed
Initial audits	38	27	253	180
Follow-up to initial audits	17	29	144	121
Follow-up to directions	5	6	19	10
Cancelled	—	5	—	25
<b>Total audits</b>	<b>60</b>	<b>67</b>	<b>416</b>	<b>336</b>

In 2002, the Commission initiated 60 audits. These comprised 38 new audits, 17 follow-up audits and 5 third audits to determine whether employers had complied with directions.



Five audits were cancelled in 2002, for a total of 25 cancelled audits since 1997. Reasons for cancelling an audit include the closing of a business or its absorption into another company, or a drop in workforce to below 100 employees, the statutory cut-off for the private sector.

### Employers in compliance

Since 1997, the Commission has found 105 employers to be in compliance with the Act (Table 2). Of these, only one employer (Status of Women Canada) was found in compliance because its workforce was fully representative of all designated groups. Another 10 employers, or 9.5%, with under-representation in their workforce were found in compliance at the initial stage of an audit, without having to sign undertakings to implement the Act's requirements. The remaining 94 employers, or 89.5%, were required to sign undertakings and undergo a follow-up audit to verify that this work had been done. The 105 employers in compliance at the end of 2002 are listed at the end of this report.

**Table 2 Employers in Compliance**

Status	2002	Cumulative 1997–2002
Employers with full representation, in compliance at the initial audit	0	1
Employers with under-representation, in compliance at the initial audit (without having to sign undertakings)	3	10
Employers with under-representation, in compliance at the follow-up audit (after signing undertakings)	29	94
<b>Total employers in compliance</b>	<b>32</b>	<b>105</b>
Employers who were issued a direction by the Commission	3	23
Tribunals (requested by the Commission or by employers)	1	8

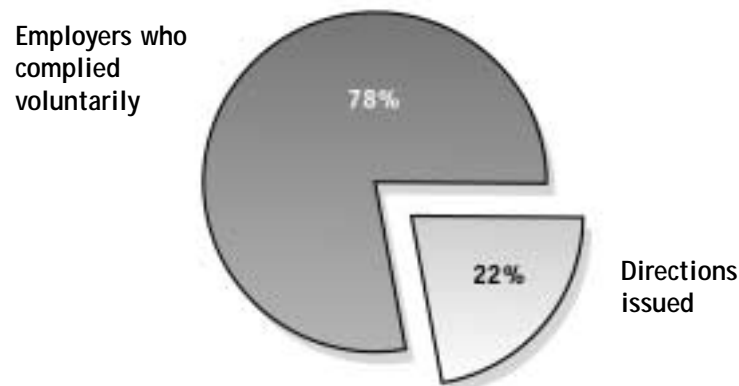
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## Employers in enforcement

Parliament provided that the *Employment Equity Act* was to be applied by the Commission in a spirit of persuasion and cooperation, and that enforcement measures would be taken as a last resort. The latest parliamentary review of the Act endorsed this approach.

The Commission finds that this approach has been effective in most cases. In five years of audits, the Commission has had to issue directions to only 23 employers; of these, 10 are now in compliance with the Act.

**Figure 5** Voluntary compliance vs. Directions (1997-2002)



In 2002, the Commission issued directions to three employers: Bradley Air Service (First Air), the Canadian Grain Commission and Allied Systems (Canada) Company. A list of all employers who have been issued directions is included at the end of this report.

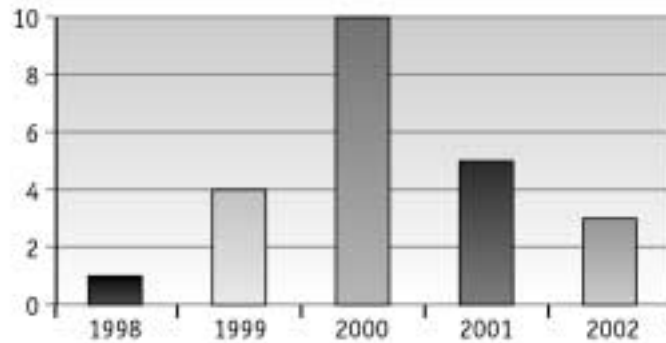
The Commission referred one employer to the Employment Equity Review Tribunal in 2002. N. M. Paterson & Sons (Grain) has failed to implement the undertakings it had signed in 1999 and to abide by the direction issued in 2000. No date has been set for this hearing. A list of all employers referred to the Tribunal can be found at the end of this report.

The number of directions issued by the Commission peaked at 10 in 2000, decreasing significantly to 3 in 2002 (Figure 6). Similarly, the number of cases referred to the Tribunal by the Commission or by employers reached its maximum at 4 in 2001, dropping to 1 in 2002. This pattern is the result of the launch of a large number of audits (110) in 1998, which led to directions and referrals to the Tribunal two to three years later.

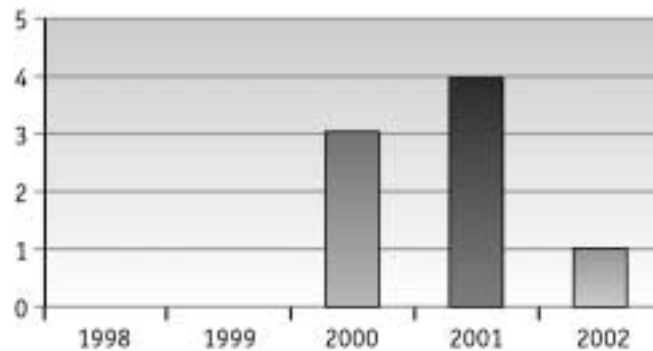




**Figure 6** Number of directions issued (1998-2002)



**Figure 7** Number of referrals to Tribunal (by the Commission or by employers) 1998-2002



### Education and promotion

In addition to its audit work, the Commission's Employment Equity Branch delivers training sessions, presentations and workshops that explain the Act, dispel myths and help employers better understand their obligations under the Act. They also give the Commission a better understanding of the concerns of employers, unions, stakeholders and designated group members. The Commission delivered 57 training sessions, presentations and workshops across the country in 2002.

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## Crossing a New Threshold

In addition to requiring that employers identify barriers and develop an employment equity plan to respond to under-representation, the Act also requires that employers make reasonable efforts to implement their plans and achieve progress toward eliminating gaps between representation and labour market availability. In 2002, the Commission began monitoring employers that had been found in compliance with the Act to ensure that they are acting on their plans and meeting their employment equity goals.

The Commission compares the results achieved by employers with the goals that they have set in their employment equity plans. If the goals are met, it can be assumed that employers have correctly identified barriers to the employment of designated groups, that the plan contained appropriate measures to remove those barriers and to improve representation, and that employers are making reasonable efforts to implement their plans.

If employers have failed to meet their goals, the Act allows the Commission to conduct a new audit to determine why. The Commission may then require new undertakings from the employer to correct any deficiencies. In 2002, initial results from the monitoring of a small sample of compliant employers became available.

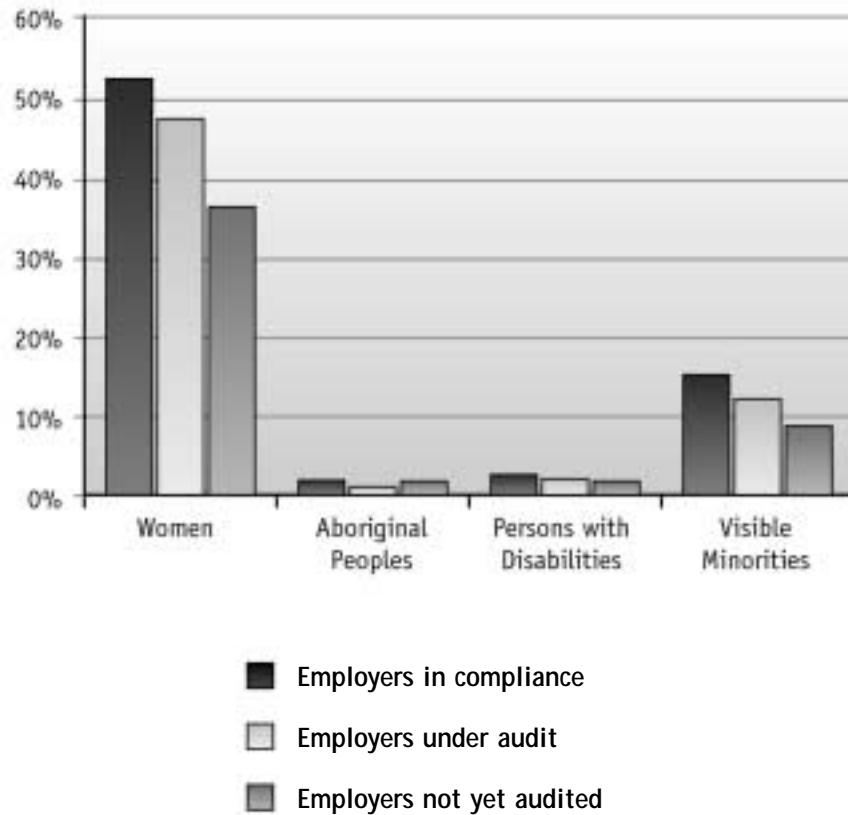
### Do employers in compliance achieve better representation?

There is mounting evidence that the audits are increasing the representation of the four designated groups in both the private and public sectors.

The combined workforce of private sector employers found in compliance with the Act is more representative than that of private sector employers who have not been audited or have not yet completed the audit process (Figure 8).



**Figure 8** Federally Regulated Private Sector Employers



In the public sector, the representation of all designated groups is higher in the workforce of departments in compliance as opposed to the workforce of departments that have not been audited or have not yet completed the audit process. The most striking example is the level of representation of persons with disabilities, which stands at 6.0% among public sector employers in compliance but at only 4.6% among public sector employers not yet in compliance. This difference, although attributable in part to a rise in the number of employees who identify themselves as persons with disabilities, demonstrates that it is possible to achieve a level of representation close to labour market availability (6.5%) for this designated group.

**Are employers in compliance meeting their goals?**

After they are found in compliance with the Act, employers set three-year goals for hiring and promoting members of designated groups, as part of their employment equity plan.

By the end of 2001, 25 private sector employers were two years into this three-year period and had met approximately 30% of their goals. The proportion of goals met

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varied by designated group: these employers met 50% of their goals for hiring women, 31% of these goals for visible minorities, 27% for Aboriginal peoples and only 16% for persons with disabilities. The Commission is completing its monitoring of the performance of these and other employers and will be initiating audits of those who have failed to make reasonable progress in achieving their three-year goals.

As pointed out earlier, these results are still preliminary, since they apply to a limited number of employers and cover only a two-year period. Over the next few years, it should be possible to spot significant trends that will show whether reasonable progress is being achieved. Although it is too early to draw definitive conclusions, these results could indicate that:

- Employers in compliance continue to show better results in terms of representation than employers who have not achieved compliance.
- It will be a challenge for many employers to fully meet their goals. This means that over the next few years, the Commission may have to re-audit a good number of employers. However, this may prove difficult without new resources, since the Commission still has to audit 242 employers whose initial compliance with the Act has yet to be verified.
- The audit process itself contributes to reaching the Act's ultimate purpose—breaking down barriers to employment and ensuring full representation of designated groups.

## Progress of Designated Groups

*Data in this section is drawn from annual employment equity reports filed by public and private sector employers. More detailed data, as well as important technical notes required to interpret this information, are provided in 2002 Employment Equity: A Year-End Review.*

### Women

***In the private sector.*** In 1987, women made up 40.1% of the private sector workforce. By 2001, their representation had increased to 44.9%, in line with their 46.4% availability. Women's share of hirings increased to 41.3% in 2001 from 38.7% the previous year.

Women's representation varied considerably from one industrial sector to another. It was highest in the banking sector (71.0%), where women hold most of the large

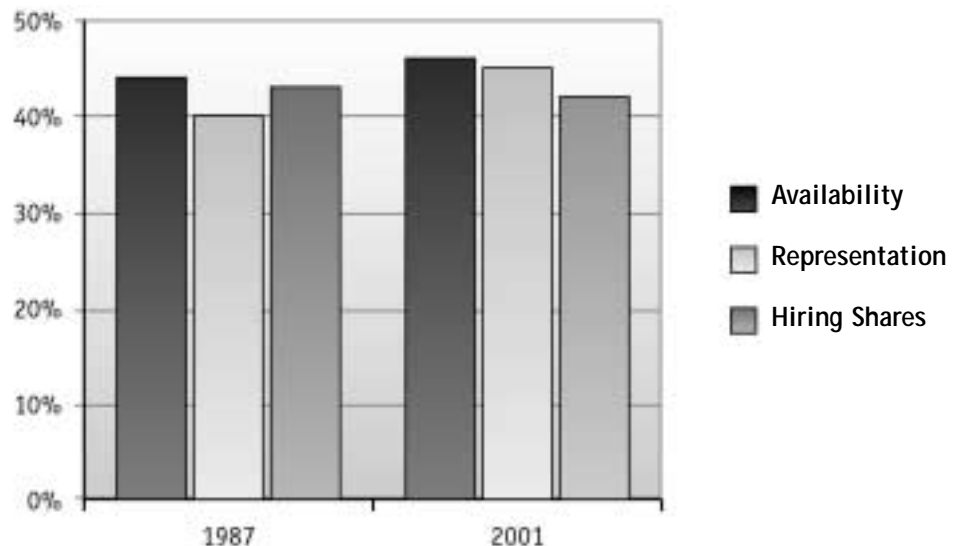


number of clerical jobs, though they are increasingly moving into professional and managerial positions. Women's representation was lowest in the transportation sector (24.6%), where a large proportion of jobs have not traditionally been held by women.

In 2001, women's share of senior management positions increased slightly from the previous year to 19.6%. The banking sector saw a particularly notable increase in women senior managers, from 23.7% in 2000 to 25.4%, which surpasses the 1996 Census benchmark of 20.8%.

Women are still concentrated in part-time and temporary employment and in lower paying clerical and sales and service positions. This helps explain why on average they receive only 81% of the salary received by men.

**Figure 9 Women  
Private Employers and Crown Corporations**



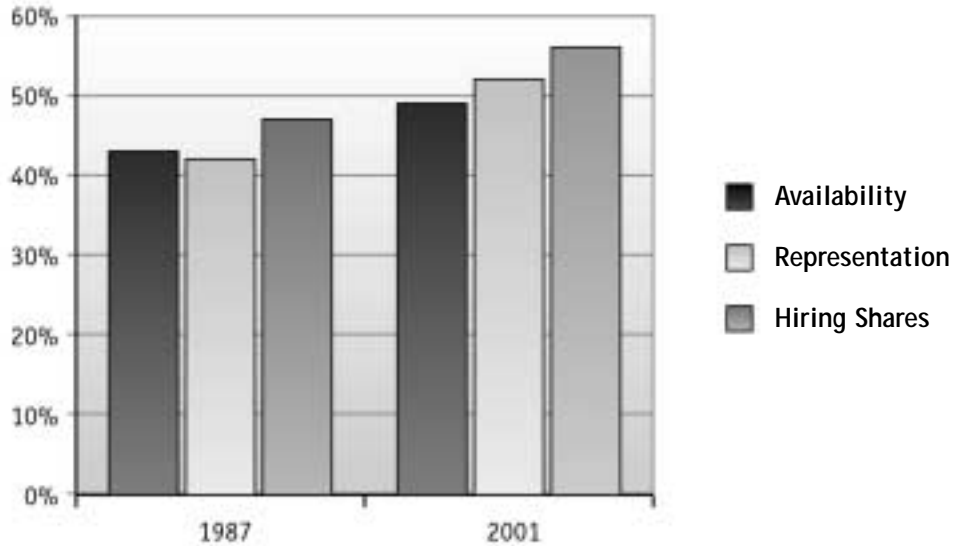
***In the public sector.*** Women's representation in the federal public sector was 52.5% as of March 31, 2002, slightly higher than the previous year and reflective of the Census benchmark of 46.4%. This is a substantial improvement over 1987, when 42% of federal public servants were women. Women received 56.8% of all hires, approximately the same as in the previous year.

The share of executive positions held by women has increased from 10.7% in 1987 to 32.0% as of March 31, 2002. Women received 42.5% of all hires in the executive category in 2001, a substantial increase from 34.1% the previous year. In the scientific and professional category, women received close to 50% of all hires, and now occupy 38.9% of all positions.



Although these are encouraging signs of progress, there remains room for improvement. Women continue to be hired more often into temporary positions. In 2001, 25% of women were hired into permanent positions compared to 32% of men. In addition, 43% of women were hired into administrative support positions, compared to 16% of men.

**Figure 10** Women  
Federal Public Service

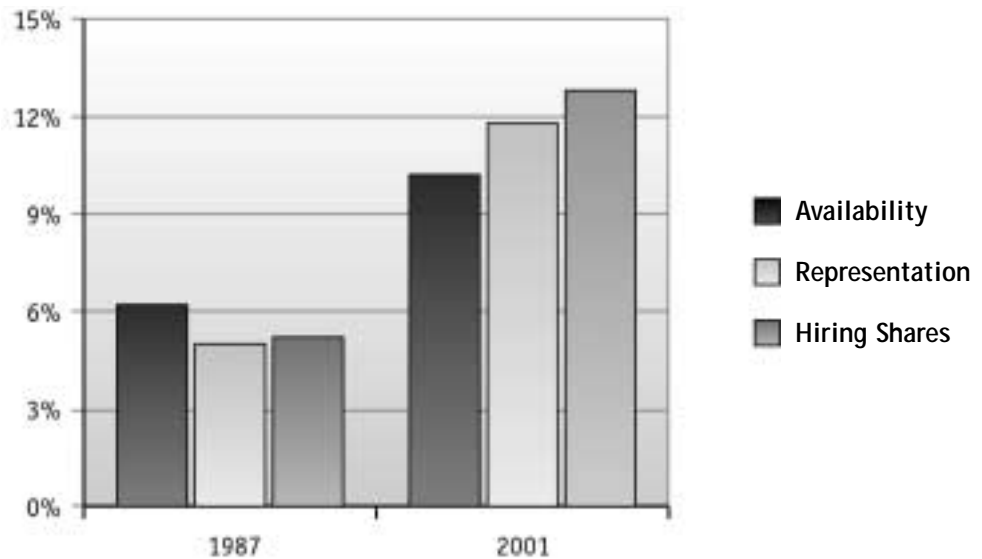


### Members of Visible Minority Groups

***In the private sector.*** The representation of visible minorities has increased steadily from 4.9% in 1987 to 11.7% as of December 31, 2001. Although this is in line with the 10.3% 1996 Census benchmark, the 2001 Census is expected to establish a higher estimate of labour market availability for this group. In 2001, visible minorities received 12.6% of all hires, up from 12.0% the previous year. This percentage has surpassed the 1996 Census benchmark for the past three years.



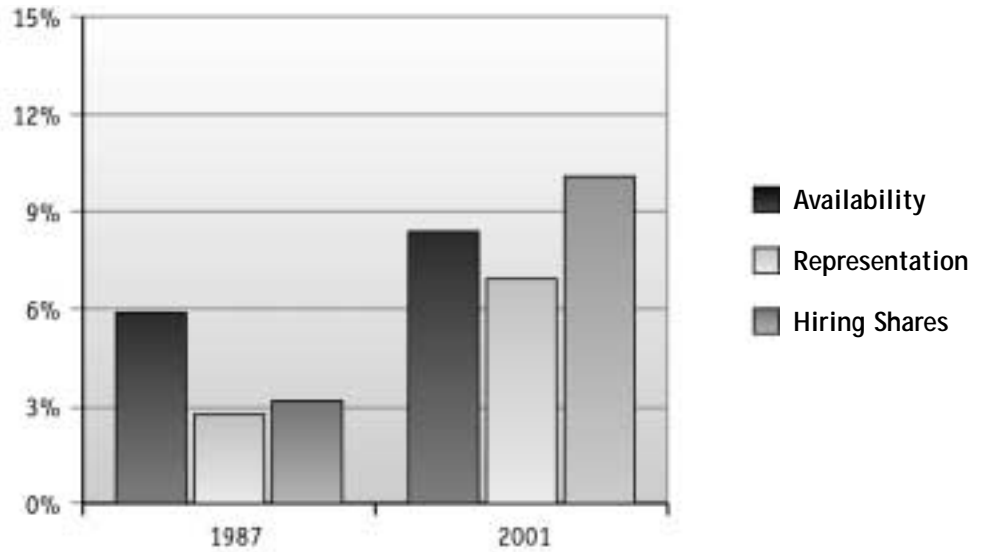
**Figure 11 Visible Minorities  
Private Employers and Crown Corporations**



***In the public sector.*** In 1987 visible minorities held 2.7% of all positions in the federal public service. By March 31, 2002, their representation had increased to 6.8%. Treasury Board data indicate that the share of hires received by visible minorities has increased substantially from 8.1% the previous year to 10.0% this year. More strikingly, their share of permanent hires rose from 11.5% in 2000 to 12.3% in 2001, and their share of hires into temporary jobs was 9.1%, a substantial increase from the year before when they received 7.3%.

Much of this progress can be attributed to the *Embracing Change* initiative. The targets set under this initiative are a good example of the kind of proactive goals needed to remedy the past exclusion of visible minorities from the public service. However, the Commission is concerned that at the current rate of progress, the government will fail to meet its target. Although the share of hiring for visible minorities has nearly doubled from 5.7% to 10.0%, this is significantly below the 20% hiring goal which the government wanted to meet by March 2003. The same 20% goal applies to the Executive Category where, as of March 2002, visible minorities held 3.8% of positions, and of the 73 hires into this category in 2001-2002, three (4.1%) went to visible minorities. In view of this shortfall and of the pending increase in availability which will result from the 2001 Census, the Commission recommends that the government maintain this initiative and strengthen its approach with additional measures and necessary funding.

**Figure 12 Visible Minorities  
Federal Public Service**



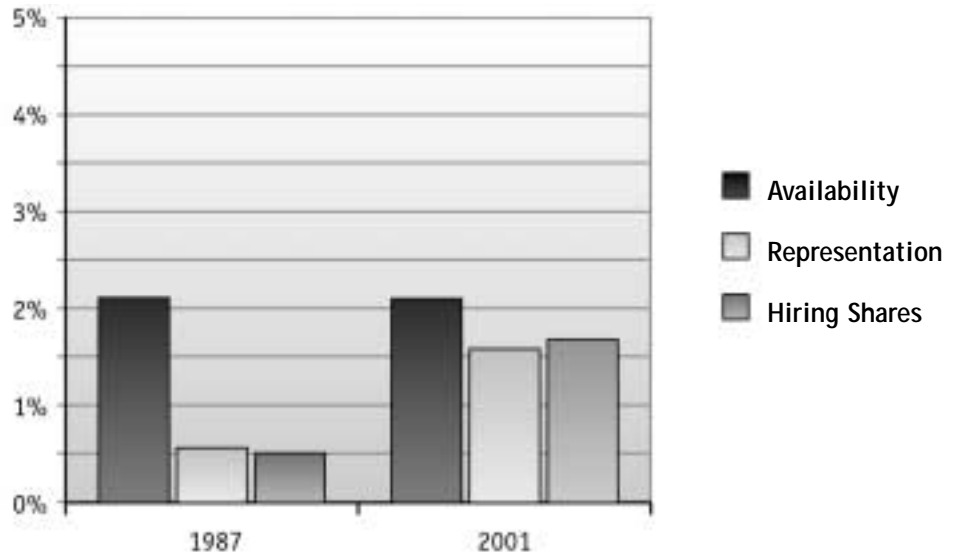
### Aboriginal Peoples

***In the private sector.*** In 1987, 0.6% of private sector employees were Aboriginal peoples. By 2001, this share had risen to 1.6%, slightly higher than the 1.5% achieved in 2000 but still lower than the 1996 Census benchmark of 2.1%. The share of hires received by Aboriginal peoples increased slightly from 1.6% in 2000 to 1.7% in 2001. Overall retention does not appear to be a major problem since Aboriginal peoples did not leave jobs in higher numbers than what would be expected. For the second year in a row, the number of hires received by Aboriginal peoples substantially exceeded the number of terminations.





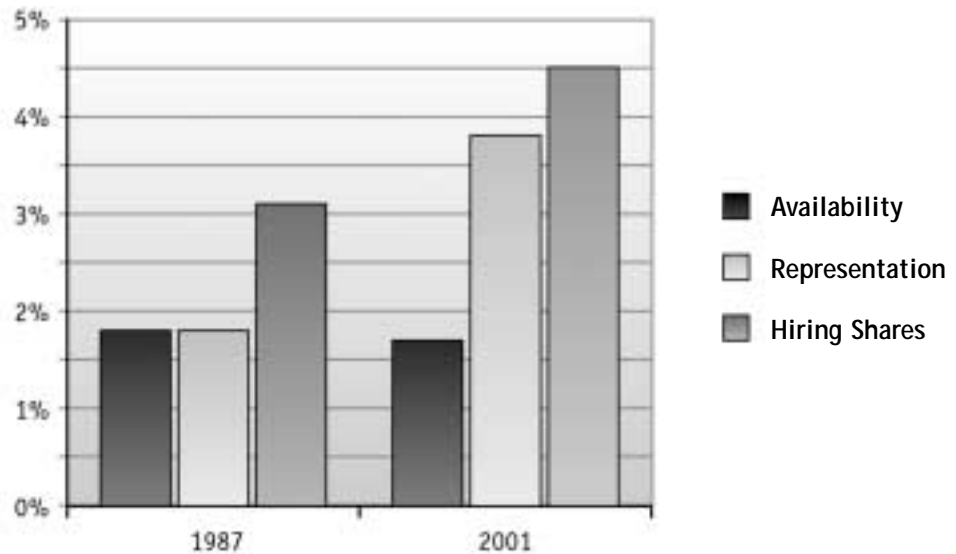
**Figure 13**      **Aboriginal Peoples**  
**Private Employers and Crown Corporations**



***In the public sector.*** In 1987, 1.8% of federal public servants were Aboriginal peoples. As of March 31, 2002, this share had risen to 3.8%, up from 3.6% the previous year. Aboriginal peoples received 4.5% of all hires in 2001, more than double the 1996 Census benchmark of 2.1%.

Among the 41 federal departments and agencies with 200 or more employees, the Department of Indian and Northern Affairs Canada (INAC), where Aboriginal peoples occupy 29.9% of all positions, employs close to one-fifth of all Aboriginal peoples in the federal public service. Even with INAC removed, the representation of Aboriginal peoples in the public service is 3.2%, substantially higher than the 2.1% Census benchmark. As of March 31, 2002, 34 or 83% of these 41 departments and agencies met the Census benchmark of 2.1%, an increase of eight over the previous year.

**Figure 14**     **Aboriginal Peoples**  
**Federal Public Service**



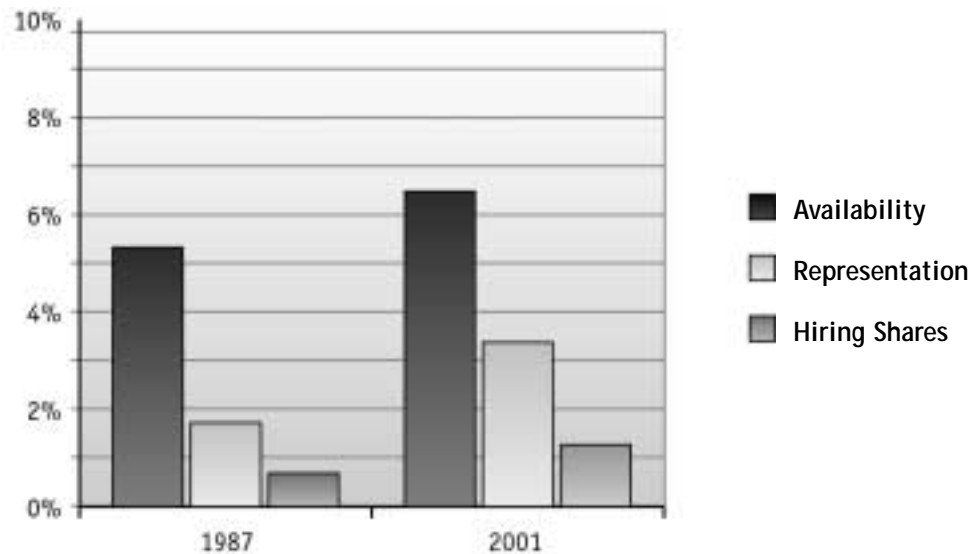
### People with Disabilities

*In the private sector.* Of all the designated groups, people with disabilities in the private sector have least benefited from the Act. People with disabilities make up only 2.3% of the private sector workforce, only a slight increase over the 1.6% share reported in 1987 and far below the 6.5% labour market availability for this group. In 2001, the share of hires received by persons with disabilities increased only slightly to 1.2% from 1.0% the previous year. In sharp contrast to the other three designated groups, the number of persons with disabilities hired was substantially lower than the number who left the workforce.

In its response to the 2002 report on the Act from the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities, the government committed to work with the provinces and territories on a strategy for increasing the number of persons with disabilities in the workforces of all employers covered by the Act. The Commission awaits with interest the outcome of the government's discussions and initiatives for this designated group, and will continue to call for more vigorous action until people with disabilities are no longer systematically excluded from their fair share of employment.



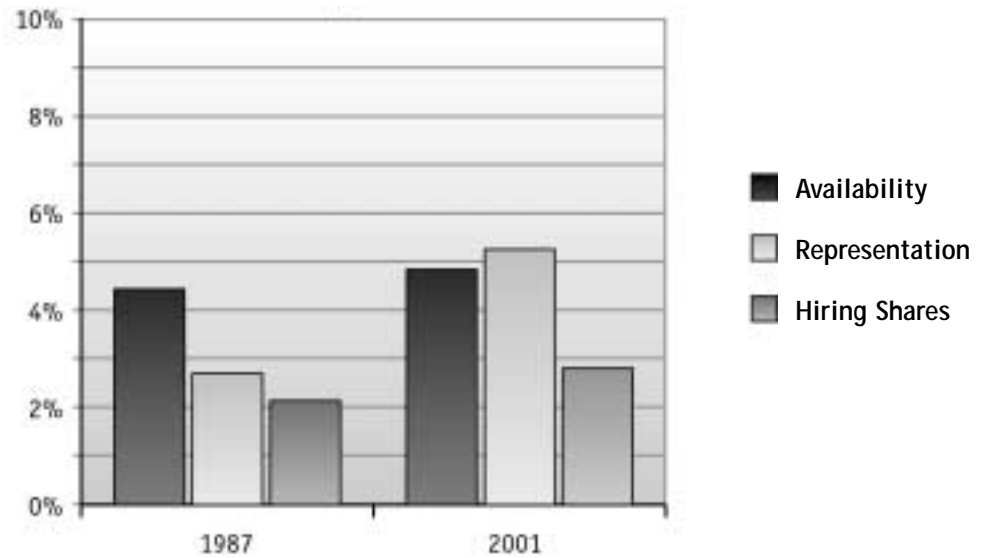
**Figure 15** People with Disabilities  
Private Employers and Crown Corporations



***In the public sector.*** The representation of persons with disabilities in the federal public sector increased to 5.3% as of March 31, 2002, up from 2.6% in 1987. Although higher than the 4.8% benchmark used by Treasury Board, this share still falls short of this group's 6.5% labour market availability (based on the 1991 Health and Activity Limitation Survey).

The increase in the number of persons with disabilities in the federal public service is mainly attributable to increased self-identification, not hires. In fact, in 2001-2002, more persons with disabilities left the public service than were hired. People with disabilities made up only 2.8% of hires during that year, down from 3.1% the previous year. In the same year, only one person with a disability was appointed to the Executive group and the share of hires received by people with disabilities in all other occupational categories was substantially lower than both the Treasury Board benchmark of 4.8% and a labour market availability of 6.5%. During the course of its audits, the Commission is carefully evaluating hiring goals for this designated group. As with other employment equity goals, the Commission will monitor the implementation of goals for hiring people with disabilities.

Figure 16 People with Disabilities  
Federal Public Service



## Our New Demographics

Results from the 2001 Census affirm Canada's growing diversity.

- Canadians who are members of visible minorities now constitute 13.4% of the country's population, up from 11.2% in 1996. With an increasingly urban population, the concentration of visible minority Canadians in some major cities is as high as 37%.
- Aboriginal persons now constitute 3.3% of the nation's population, up from 2.8% five years ago. Aboriginal children, who represent 5.6% of all Canadian children aged 14 and under, will have a significant impact on the Canadian labour market in the future.

These changes will likely be reflected in higher availability data for employers subject to the *Employment Equity Act*. As a result, employers will need to revise their workforce analyses and hiring goals to take these increases into account.

Economic globalization puts a premium on using all key resources in the most effective and efficient manner, and human resources is increasingly the most important of these resources. These demographic changes also point to employment equity as a critical element in supporting the Canadian environment as it adjusts to the new realities of a value based economy.





## Biographies of Commissioners

### Mary M. Gusella

Mary Gusella was appointed Chief Commissioner on August 7, 2002. A member of the Bar of Ontario, she obtained her LLB from the University of Ottawa. She also holds a certificate from the Canadian Securities Institute and has completed courses in negotiation and mediation in the Professional Instruction for Lawyers Program at Harvard Law School. In her three decades in the Public Service of Canada, Ms. Gusella served in many senior level positions including that of Deputy Minister of Multiculturalism and Citizenship, President of the Atlantic Canada Opportunities Agency and Chairman and President of Enterprise Cape Breton, Commissioner of the Public Service Commission, Head of The Leadership Network, and as the Canadian Chair of the International Joint Commission. Ms. Gusella's major areas of expertise and professional interest are organizational change, people management and innovation. She has served on the Board of Trustees of the National Film Board of Canada, on the Board of Directors of the Institute of Public Administration of Canada and as President of that institute in 1999–2000.

### Anne Adams

Anne Adams of Montreal joined the Commission in 1999. She holds a BA from the University of Montreal and a Masters in industrial relations from Queen's University. She is a bilingual and bicultural Canadian who, during her career in the public service of Canada, worked to advance the cause of women's rights and human rights at home and abroad. She developed the women's employment policy for Canada and managed the implementation of the *Employment Equity Act* and the Federal Contractors Program in the Quebec Region. As Executive Director of the Canadian Human Rights Foundation, she went on to develop a very successful international human rights training program. In 1992, Ms. Adams received the Commemorative Medal for the 125<sup>th</sup> Anniversary of Confederation in recognition of these efforts. She has served on a number of boards of trade and boards of directors of community organizations, including la Fédération des femmes du Québec. Since 1998, she has served as president of FRAPPE (Femmes regroupées pour l'accessibilité au pouvoir politique et économique). In 1996, she launched AEA Strategies and Development Inc., specializing in employment equity and international development.



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## Robinson Koilpillai

Robinson Koilpillai, C.M., has been a member of the Commission since 1995. An educator, school principal, and community volunteer, Mr. Koilpillai has served as Chairman of the Alberta Cultural Heritage Council, President of the Alberta Council for Global Cooperation, Executive Member of the Canadian Council for International Co-operation, and President of the Canadian Multicultural Education Foundation. In 1980, Mr. Koilpillai received the federal Minister of Multiculturalism's Man of the Year Award and, in 1988, the Canada Council's National Award for Outstanding Educator. In 1998, Mr. Koilpillai was inducted into Edmonton's Hall of Fame and won the Alberta Achievement Award and the Lewis Perinbam Award in International Development. A 1992 Governor General's Commemorative Medal winner, he joined the Order of Canada in 1996.

## Mary Mac Lennan

Mary Mac Lennan of Halifax became a member of the Commission in November 1995. She was called to the Bar of Nova Scotia in 1979 and pursued a career as a sole practitioner until 1990. From 1981 to 1982, Ms. Mac Lennan was the Provincial Coordinator for the Nova Scotia League for Equal Opportunities. She served as the Multicultural and Race Relations Coordinator for the City of Halifax from 1990 to 1992. A recipient of the Nova Scotia Human Rights Award in 1993, Ms. Mac Lennan was appointed Chair of the Nova Scotia Human Rights Commission in 1996, after serving two terms as a member. In 1999, Ms. Mac Lennan accepted the post of Equity Coordinator with St. Francis Xavier University, and is continuing her work on the human rights aspects of new reproductive and genetic technologies. She has also served on the editorial board of *Just Cause*, a law journal for people with disabilities and for legal professionals interested in disability rights issues.

## Kelly Russ

Kelly Harvey Russ, a member of the Haida First Nation, was appointed a Commissioner in April 1998. He received the degree of Bachelor of Arts in Political Science and History in 1990, and the degree of Bachelor of Laws in 1993, both from the University of Victoria, where he was also president of the Native Law Student Society. In 1994, he became a member of both the Law Society of British Columbia and the Canadian Bar Association. Now a sole practitioner, Mr. Russ's legal work centres on Aboriginal rights and issues arising from the *Indian Act*, and other federal, provincial, and territorial legislation affecting Aboriginal peoples. In addition, Mr. Russ represents Aboriginal people in the fields of child protection and family law.

## Appendix A — Tables on Employers and Employees Subject to the *Employment Equity Act* and Under Audit

**Table 3 Total Number of Employers and Employees by Sector Subject to the *Employment Equity Act* and Under Audit**

Sector	Sub Sector	Subject to the Act		Under Audit	
		Employers	Employees	Employers	Employees
Private Sector (as of December 31, 2001)	Banking	22	195,870	16	171,876
	Communications	88	215,330	47	176,128
	Transportation	246	178,121	90	104,726
	Other*	52	45,438	26	40,570
Federal Public Service (as of March 31, 2002)		68	157,511	65	156,070
Separate Federal Agencies (as of March 31, 2002)		19	154,809	9	64,688
<b>TOTAL</b>		<b>495</b>	<b>947, 079</b>	<b>253</b>	<b>714,058</b>

\* The "Other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.

**Table 4 Public Sector Organizations Subject to the *Employment Equity Act* and Under Audit by Employer Size**

Range	Public Service (as of March 2002)				Separate Agencies (as of March 2002)			
	Subject to the Act		Under Audit		Subject to the Act		Under Audit	
	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees
10,000 plus	4	67,889	4	67,889	3	126,285	1	47,083
2,000 - 9,999	14	72,759	14	72,759	6	24,350	4	15,924
1,000 - 1,999	5	6,807	3	4,076	1	1,148	0	0
500 - 999*	6	4,379	7	5,639	1	627	1	627
100 - 499	20	5,138	20	5,138	8	2,399	3	1,054
less than 100	19	539	17	569	0	0	0	0
<b>TOTAL</b>	<b>68</b>	<b>157,511</b>	<b>65</b>	<b>156,070</b>	<b>19</b>	<b>154,809</b>	<b>9</b>	<b>64,688</b>

\* The number of employers subject to the Act and under audit reflects changes in size of some public sector organizations since audits were begun.

**Table 5 Private Sector Organizations Subject to the *Employment Equity Act* and Under Audit by Employer Size**

Range	Subject to the Act (as of December 31, 2001)		Under Audit	
	Employers	Employees	Employers	Employees
10,000 plus*	14	366,110	14	323,041
2,000 - 9,999	32	116,431	27	91,549
1,000 - 1,999	37	51,472	28	39,748
500 - 999	54	38,488	25	18,096
100 - 499	262	61,565	83	20,768
less than 100	9	693	2	98
<b>TOTAL</b>	<b>408</b>	<b>634,759</b>	<b>179</b>	<b>493,300</b>

\* The number of employers subject to the Act includes all employers as of December 31, 2001.



**Table 6 Private Sector Organizations and Employees Subject to the *Employment Equity Act* by Province and Sector (as of December 31, 2001)**

Province/ Territory	INDUSTRIAL SECTOR									
	Banking		Communications		Transportation		Other		TOTAL	
	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees
Newfoundland	5	1,466	6	3,060	8	2,175	1	113	20	6,814
Prince Edward Island	3	311	2	501	2	322	0	0	7	1,134
Nova Scotia	6	4,913	6	5,199	13	3,997	2	254	27	14,363
New Brunswick	6	3,418	9	6,055	12	3,616	2	223	29	13,312
Quebec	11	31,064	40	47,695	61	29,907	12	4,011	124	112,677
Ontario	16	106,563	48	88,855	104	61,033	32	26,877	200	283,328
Manitoba	6	5,152	11	7,210	19	11,286	12	3,933	48	27,581
Saskatchewan	5	4,102	7	3,049	12	3,430	8	3,905	32	14,486
Alberta	8	15,507	27	21,684	55	24,042	10	1,687	100	62,920
British Columbia	9	21,200	25	27,208	47	26,968	7	1,177	88	76,553
Northwest Territories	2	71	1	351	0	0	0	0	3	422
Yukon	2	80	1	214	2	506	0	0	5	800
Residual**		2,023		4,249		10,839		3,258		20,369
Canada***	22	195,870	88	215,330	246	178,121	52	45,438	408	634,759

**Note:** The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.

\*\* Employees for whom no detailed reports were filed since employers only have to report in those regions where they have at least 100 employees.

\*\*\* The number of employers reported by province and territory includes regional offices, which are not included in the "Canada" line.

**Table 7 Private Sector Organizations and Employees Under Audit by Province and Sector (as of December 31, 2001)**

Province/ Territory	INDUSTRIAL SECTOR									
	Banking		Communications		Transportation		Other		TOTAL	
	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees	Employers	Employees
Newfoundland	5	1,433	3	1,332	4	1,274	0	0	12	4,039
Prince Edward Island	3	293	1	185	1	190	0	0	5	668
Nova Scotia	6	4,994	6	2,791	9	1,763	2	1,888	23	11,436
New Brunswick	6	2,798	8	6,528	9	2,964	0	0	23	12,290
Quebec	12	30,793	22	38,811	29	15,195	5	1,885	68	86,684
Ontario	12	87,691	29	75,873	42	31,494	12	23,303	95	218,361
Manitoba	6	5,059	8	6,446	11	7,765	7	4,138	32	23,408
Saskatchewan	5	4,003	3	2,441	7	2,846	4	4,307	19	13,597
Alberta	8	13,960	16	16,314	23	13,965	4	1,982	51	46,221
British Columbia	10	19,754	16	22,276	22	20,201	6	1,677	54	63,908
Northwest Territories	1	17	1	329	2	591	0	0	4	937
Yukon	1	6	1	195	0	0	0	0	2	201
Residual**		1,075		2,607		6,128		1,740		11,550
Canada***	16	171,876	47	176,128	90	104,726	26	40,570	179	493,300

**Note:** The "other" sub-sector includes such diverse industries as grain companies, uranium mines, nuclear power operations, credit corporations and museums.

\*\* Employees for whom no detailed reports were filed since employers only have to report in those regions where they have at least 100 employees.

\*\*\* The number of employers reported by province and territory includes regional offices, which are not included in the "Canada" line.



## Appendix B — Lists of Employers Audited Under the *Employment Equity Act*

### List of employers audited or being audited (253) — 1997–2002

\* Audits with an asterisk have been cancelled because the employer is no longer subject to the *Employment Equity Act*

#### Banking (16)

Bank of America Canada  
BMO Financial Group  
BNP Paribas  
Canadian Imperial Bank of Commerce  
Canadian Western Bank  
Citibank Canada Ltd.  
Citizen's Bank of Canada  
HSBC Bank Canada  
IntesaBci (previously Banca Commerciale Italiana of Canada)  
Laurentian Bank of Canada  
National Bank of Canada  
RBC Financial Group  
Scotiabank  
Société Générale (Canada)  
Symcor Services Inc.  
TD Bank Financial Group, The

#### Communications (47)

Amtelecom Group Inc.  
AT&T Canada Long Distance Services Company  
BC Tel.\*  
Bell Canada  
Bell Mobility Radio Inc.  
Bell Mobility Cellular Inc.  
Bell Mobility Paging  
Call-Net Enterprises (Sprint Canada)  
Canada Post Corporation  
Canadian Broadcasting Corporation  
Canadian Satellite Communications Inc.  
Canpar Transport Ltd.  
CHUM Ltd.  
Craig Broadcast Systems Inc.

DHL International Express Ltd.  
Expertech Network Installation Inc.  
Federal Express Canada Ltd.  
Fundy Cable Ltd.\*  
Global Communications Ltd.  
Manitoba Telecom Services Inc.  
Maritime Broadcasting Systems Ltd.  
Mayne Nickless Transport Inc.  
Monarch Broadcasting Ltd.\*  
New Brunswick Telephone Co. Ltd.\*  
Newcap Broadcasting  
Nortel Networks Ltd.  
Northern Telephone Ltd.  
Northwestel Inc.  
Pelmorex Inc./The Weather Network  
Pelmorex Radio Inc.\*  
Purolator Courier Ltd.  
Rogers Broadcasting Ltd.  
Rogers Cable TV Ltd.  
Rogers Communications Inc.  
Rogers Wireless Inc.  
Standard Radio/Broadcasting Inc.  
Swift Sure Courier Service Ltd.\*  
Teleglobe Canada Inc.  
Telus Communications (Edmonton) Inc.\*  
Telus Communication  
Telus Mobility Inc.\*  
Telus Quebec  
United Parcel Service Canada Ltd.  
Videon CableSystems Inc.  
Vidéotron Ltée  
WIC Radio Ltd.\*  
WIC Television Ltd.\*

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## Transportation (90)

A.J. Bus Lines Ltd.  
Adby Transport Ltd.  
Air BC Ltd.  
Air France  
Air Inuit (1985) Ltd.  
Air Transat AT Inc.  
Algoma Central Corporation  
Allied Systems (Canada) Company  
American Airlines Inc.  
Armour Transport Inc.  
Arnold Bros. Transport Ltd.  
Arrow Transportation Systems\*  
Atlantic Turbines International Inc.  
Bearskin Lake Air Service Ltd.  
Bison Transport Inc.  
Blanchard Transport Ltd.\*  
Bradley Air Services Ltd.(First Air)  
British Columbia Maritime Employers  
Association  
Byers Transport Ltd.  
Calgary Airport Authority, The  
Canada 3000 Airlines Ltd.\*  
Canada 3000 Airport Services Ltd.\*  
Canada Maritime Agencies Ltd.  
Canada Steamship Lines Inc.\*  
Canadian Airlines International Ltd.\*  
Canadian Freightways Eastern Ltd.  
Canadian Freightways Ltd.  
Canadian Helicopters Ltd.  
Canadian National Railway Company  
Canadian Pacific Railway Company  
Cascade Aerospace Inc. (previously part of  
Conair Aviation)  
Conair Aviation  
Day & Ross Inc.  
Delta Air Lines Inc.  
Duke Energy Inc. (previously Westcoast  
Energy Inc.)  
Edmonton Regional Airports Authority  
Emery Air Freights Corporation  
ERB Enterprises Inc.  
Execaire Inc.  
Fednav Ltd.  
Greyhound Canada Transportation Corp.  
Helijet Airways Inc.  
Household Movers & Shippers Ltd.\*  
Hudson General Aviation Services Inc.  
Imperial Oil Ltd.\*  
Innotech Aviation Ltd.  
Inter-Canadian (1991) Inc.\*  
KLM Royal Dutch Airlines\*  
Laidlaw Carriers Inc.  
Laidlaw Transit Ltd.\*  
Marine Atlantic Inc.  
Meyers Transport Ltd.  
Midland Transport Ltd.  
Municipal Tank Lines Ltd.  
N.M. Paterson & Sons Ltd. (Marine Division)  
N. Yanke Transfer Ltd.  
Nav Canada  
Nesel Fast Freight Inc.  
Northern Transportation Company Ltd.  
Ocean Services Ltd.  
Ottawa Carleton Regional Transit Commission  
Peace Bridge Brokerage Ltd.  
Pole Star Transport Inc.  
Provincial Airlines Ltd.  
Reimer Express Lines Ltd.  
Royal Aviation Inc.  
Saskatchewan Transportation Company  
Seaspan International Ltd.  
Sharp Bus Lines Ltd.\*  
SLH Transport Inc.  
Société d'électrolyse et de chimie Alcan Ltée  
Société de transport de l'Outaouais  
St. Lawrence Seaway Management  
Corporation, The  
Tippet-Richardson Ltd.  
TNT Canada Inc.  
Trans Canada Pipelines Ltd.  
Trans Mountain Pipe Line Company Ltd.  
Transport Cabano Kingsway Inc.  
Transport Robert (1973) Ltée  
Transport Thibodeau Inc.  
TransX Ltd.  
Trimac Transportation Management Ltd.  
TST Solutions Inc.  
Upper Lakes Group Inc.  
Van-Kam Freightways Ltd.





Vancouver International Airport Authority  
Via Rail Canada Inc.  
Westcan Bulk Transport Ltd.  
Williams Moving & Storage (BC) Ltd.  
Worldwide Flight Services Ltd.

### **Other (26)**

ADM Agri-Industries Ltd.  
Agpro Grain Ltd. Partnership\*  
Agricore United  
Atomic Energy of Canada Ltd.  
Brinks Canada Ltd.  
Business Development Bank of Canada  
Cameco Corporation  
Canada Council for the Arts, The  
Canada Science and Technology Museum Corp.  
Canadian Museum of Civilization  
Canadian Press, The  
Canadian Wheat Board  
Cape Breton Development Corporation\*  
Cargill Ltd.  
Export Development Corporation  
Farm Credit Corporation  
Hudson Bay Mining and Smelting Co. Ltd.  
N.M. Paterson & Sons Ltd. (Grain)  
Ontario Power Generation  
Pacific Elevators Ltd.  
Robin Hood Multifoods Inc.  
Saskatchewan Wheat Pool  
Securicor Cash Services Ltd.  
Telus Management Services Inc.  
United Grain Growers Ltd.\*  
Verreault Navigation Inc.

### **Federal Departments and Agencies (65)**

Agriculture and Agri-Food Canada  
Atlantic Canada Opportunities Agency  
Canada Economic Development for Quebec Regions  
Canada Industrial Relations Board  
Canadian Artists and Producers Professional Relations Tribunal  
Canadian Centre for Management Development

Canadian Dairy Commission  
Canadian Grain Commission  
Canadian Heritage  
Canadian Human Rights Commission  
Canadian Intergovernmental Conference Secretariat  
Canadian International Development Agency  
Canadian International Trade Tribunal  
Canadian Radio-Television and Telecommunications Commission  
Canadian Space Agency  
Canadian Transportation Agency  
Citizenship and Immigration Canada  
Civil Aviation Tribunal of Canada  
Communication Canada  
Correctional Service Canada  
Copyright Board of Canada  
Environment Canada  
Finance Canada  
Fisheries and Oceans  
Foreign Affairs and International Trade  
Hazardous Materials Information Review Commission  
Health Canada  
Human Resources Development Canada  
Immigration and Refugee Board  
Indian and Northern Affairs  
Industry Canada  
International Joint Commission  
Justice Canada  
Law Commission of Canada  
NAFTA - Secretariat, Canadian Section  
National Archives of Canada  
National Defence (Civilian Staff)  
National Farm Products Council  
National Library of Canada  
National Parole Board  
Natural Resources Canada  
Office of the Chief Electoral Officer  
Office of the Commissioner for Federal Judicial Affairs  
Office of the Commissioner of Official Languages  
Office of the Registrar of the Supreme Court of Canada



Office of the Secretary to the Governor  
General  
Office of the Information Commissioner of  
Canada  
Passport Office  
Patented Medicine Prices Review Board  
Privacy Commissioner of Canada  
Privy Council Office  
Public Service Commission of Canada  
Public Works and Government Services  
Canada  
Registry of Competition Tribunal  
Registry of the Federal Court of Canada  
Royal Canadian Mounted Police (Civilian  
Staff)  
Solicitor General Canada  
Statistics Canada  
Status of Women Canada  
Tax Court of Canada

Transport Canada  
Transportation Safety Board of Canada  
Treasury Board of Canada, Secretariat  
Veterans Affairs Canada  
Western Economic Diversification Canada

### **Separate Employers in the Public Sector (9)**

Canadian Customs and Revenue Agency  
Canadian Food Inspection Agency  
Canadian Forces Personnel Support Agency  
Canadian Nuclear Safety Commission  
National Film Board of Canada  
National Research Council Canada  
Natural Sciences and Engineering Research  
Council of Canada  
Office of the Auditor General of Canada  
Parks Canada Agency

Sector	Total
Banking	16
Communications	47
Transportation	90
Other	26
Federal Departments and Agencies	65
Separate Employers in the Public Sector	9
<b>Total Audits</b>	<b>253</b>



## List of employers in compliance (105) — 1997–2002

*Bold denotes employers in compliance at first phase of the audit*

### **Banking (6)**

#### **BMO Financial Group**

Citibank Canada Ltd.  
IntesaBci (Banca Commerciale Italiana of  
Canada)  
HSBC Bank Canada  
Scotiabank  
Société Générale (Canada)

### **Communications (16)**

Bell Mobilité Radio Inc.  
Bell Mobility Cellular Inc.  
Bell Mobility Paging  
Call Net Enterprises (Sprint Canada)  
Canadian Satellite Communications Inc.  
Craig Broadcasting Systems Inc.  
DHL International Express Ltd.  
Global Communications Ltd.  
Newcap Broadcasting  
**Nortel Networks Ltd.**  
Northern Telephone Ltd.  
Pelmorex Inc./The Weather Network  
Standard Radio/Broadcasting Inc.  
Telus Communication  
Telus Quebec  
Videon CableSystems Inc.

### **Transportation (43)**

#### **A.J. Bus Lines Ltd.**

Air France  
Air Inuit (1985) Ltd.  
Algoma Central Corporation  
American Airlines Inc.  
Arnold Bros. Transport Ltd.  
Bearskin Lake Air Service Ltd.  
Calgary Airport Authority  
Canada Maritime Agencies Ltd.  
Canadian Freightways Eastern Ltd.  
Canadian Freightways Ltd.  
Canadian Helicopters Ltd.  
Cascade Aerospace

Conair Aviation  
Day & Ross Inc.  
Edmonton Regional Airports Authority  
Emery Air Freight Corporation  
Exeaire Inc.  
Fednav Ltd.  
Helijet Airways Inc.  
Innotech Aviation Ltd.  
Meyers Transport Ltd.  
Midland Transport Ltd.  
N. M. Paterson and Sons Ltd. (Marine  
Division)  
N. Yanke Transfer Ltd.  
Nesel Fast Freight Inc.  
Northern Transportation Company Ltd.  
Ocean Services Ltd.  
Peace Bridge Brokerage Ltd.  
Provincial Airlines Ltd.  
Seaspan International Ltd.  
Société d'électrolyse et de chimie Alcan Ltée  
Tippet-Richardson Ltd.  
TNT Canada Inc.  
Trans Mountain Pipe Line Company Ltd.  
Transport Cabano Kingsway Inc.  
Transport Robert Ltd.  
Transport Thibodeau Inc.  
TransX Ltd.  
Trimac Transportation Management Ltd.  
Van-Kam Freightways Ltd.  
Vancouver International Airport Authority  
Williams Moving and Storage (BC) Ltd.

### **Other (10)**

#### **Atomic Energy of Canada Ltd.**

Cameco Corporation  
Canadian Press, The  
Canada Council for the Arts  
Export Development Corporation  
Hudson Bay Mining and Smelting Co. Ltd.  
Pacific Elevators Ltd.

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Saskatchewan Wheat Pool  
Securicor Cash Services Ltd.  
**Verreault Navigation Inc.**

**Federal Departments and Agencies (28)**

Atlantic Canada Opportunities Agency  
Canadian Human Rights Commission  
Canadian International Development Agency  
Canadian Radio-Television and  
Telecommunications Commission  
Canadian Space Agency  
**Canadian Transportation Agency**  
**Canadian Heritage**  
Correctional Services  
Finance Canada  
Foreign Affairs and International Trade  
Human Resources Development Canada  
Immigration and Refugee Board  
Indian and Northern Affairs  
Justice Canada  
National Archives of Canada  
**National Parole Board**

Natural Resources Canada  
Office of the Chief Electoral Officer  
Office of the Commissioner of Official  
Languages  
**Office of the Registrar of the Supreme  
Court of Canada**  
Office of the Secretary to the Governor  
General  
Privy Council Office of Canada  
**Public Works and Government Services  
Canada**  
Statistics Canada  
**Status of Women Canada**  
Transportation Safety Board of Canada  
Treasury Board of Canada, Secretariat  
Western Economic Diversification Canada

**Separate Employers in the  
Public Sector (2)**

National Film Board  
Natural Sciences & Engineering Research  
Council



**Directions (23)**

**Banking (2)**

IntesaBci (Banca Commerciale Italiana of Canada) (now in compliance)  
Laurentian Bank of Canada

**Communications (3)**

AT&T Canada  
DHL International Express Ltd. (now in compliance)  
Fundy Cable Ltd. (direction cancelled, since this employer is no longer subject to the Act)

**Transportation (13)**

Adby Transport Ltd.  
Air France (now in compliance)  
Allied Systems (Canada) Company  
American Airlines Inc. (now in compliance)  
Bradley Air. Serv. (First Air)  
Byers Transport Ltd. (audit held in abeyance)  
Conair Aviation (now in compliance)  
Greyhound Canada Transportation Corp.  
Municipal Tank Lines Ltd.  
Nesel Fast Freight Inc. (now in compliance)  
Trimac Transportation Management Ltd. (now in compliance)  
Van-Kam Freightways Ltd. (now in compliance)  
Westcan Bulk Transport Ltd.

**Other (1)**

N.M. Paterson & Sons Ltd. (Grain)

**Federal Departments and Agencies (4)**

Canadian Grain Commission  
Environment Canada  
National Archives of Canada (now in compliance)  
Natural Resources Canada (now in compliance)

**Employers who requested that the Tribunal review the direction issued to them by the Commission(4)**

**Banking (1)**

Laurentian Bank of Canada (the Commission withdrew the direction, and the Tribunal dismissed the employer's motion)

**Communications (1)**

DHL International Express (referral withdrawn by the employer, who is now in compliance)

**Federal Departments and Agencies (2)**

Environment Canada (referral withdrawn by the employer)  
Natural Resources Canada (referral withdrawn by the employer, who is now in compliance)

**Employers referred to Tribunal by the Commission for failure to comply with the direction issued (4)**

**Transportation (2)**

Conair Aviation (referral withdrawn since this employer is now in compliance)  
Nesel Fast Freight (referral withdrawn since this employer is now in compliance)

**Other (1)**

N. M. Paterson & Sons (Grain)

**Federal Departments and Agencies (1)**

Natural Resources Canada (referral withdrawn since this employer is now in compliance)