



# **Employment Equity in the Federal Public Service – Not There Yet**

Preliminary Findings  
of the Standing Senate Committee on Human Rights

The Honourable A. Raynell Andreychuk, *Chair*  
The Honourable Sharon Carstairs, P.C., *Deputy Chair*

February 2007

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# THE SENATE

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## MEMBERSHIP

The Honourable A. Raynell Andreychuk, Chair

The Honourable Sharon Carstairs, P.C., Deputy Chair

And

The Honourable Senators:

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In addition, the Honourable Senators George Baker, P.C., Maria Chaput, Rose-Marie Losier-Cool, Donald H. Oliver, Landon Pearson and Lucie Pépin were members of the Committee at various times during this study or participated in its work.

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Vanessa Moss-Norbury  
*Clerk of the Committee*



## ORDER OF REFERENCE

Extract from the *Journals of the Senate*, Thursday, April 27, 2006:

The question was then put on the motion, as amended, of the Honourable Senator Andreychuk, seconded by the Honourable Senator Keon:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

That the papers and evidence received and taken on the subject during the thirty-eighth Parliament be referred to the Committee; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than March 31, 2007.

The motion as amended was adopted.

Paul C. Bélisle

*Clerk of the Senate*

Extract from the *Journals of the Senate*, Wednesday, November 3, 2004:

The Honourable Senator Andreychuk moved, seconded by the Honourable Senator Comeau:

That the Standing Senate Committee on Human Rights be authorized to invite from time to time the President of the Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met; and

That the Committee continues to monitor developments on the subject and submit a final report to the Senate no later than December 23, 2005.

After debate,  
The question being put on the motion, it was adopted.

Extract from the *Journals of the Senate*, Wednesday, February 23, 2005:

...that the date of presenting its final report be extended from December 23, 2005 to March 31, 2006 and that the Committee retain until April 30, 2006 all powers necessary to publicize its findings.

The question being put on the motion, it was adopted.

Paul Bélisle

*Clerk of the Senate*



## TABLE OF CONTENT

MEMBERSHIP .....	i
ORDER OF REFERENCE .....	iii
FOREWORD .....	1
Chapter 1 – Introduction.....	3
Chapter 2 – Employment Equity in the Canadian Federal Public Service .....	7
A. The Framework.....	7
B. The Embracing Change Initiative.....	10
C. Employment Equity in the Federal Public Service Today .....	11
D. Initiatives and Achievements to Date .....	15
1) <i>Visible Minorities</i> .....	15
2) <i>Executive Level</i> .....	19
Chapter 3 – Observations and Recommendations.....	21
A. Employment Equity – Not Yet a Reality in the Federal Public Service.....	21
B. Are We on the Right Track? .....	23
C. Getting there Faster – The Committee’s Recommendations .....	26
1) <i>Promotion of Stronger Leadership</i> .....	28
2) <i>Transformation of Corporate Culture</i> .....	29
3) <i>Enhancing Recruitment of Designated Groups at the Executive Level</i> .....	30
4) <i>Removing Systemic Barriers in Terms of Hiring and Staffing</i> .....	30
Chapter 4 – Conclusion .....	33
APPENDIX A: WITNESSES .....	35



## **FOREWORD**

Since November 2004, the members of the Standing Senate Committee on Human Rights have been examining issues of alleged discrimination in the hiring and promotion practices of the federal public service and studying the extent to which targets to achieve employment equity for minority groups are being met.

I have had the honour of being the Chair of the Committee since the beginning of this study and I am pleased to offer the Committee's preliminary findings on this matter.

Although women, Aboriginal peoples and persons with disabilities are now better represented than their workforce availability, visible minorities remain underrepresented. In addition, all of these designated groups are not well represented in executive level or across all occupational groups. The Committee acknowledges that some initiatives are going in the right direction, but they are not doing it effectively enough or fast enough. The Committee calls for strengthened leadership, the development of concrete measures for the implementation of the Public Services' action plan on employment equity and the removal of systemic barriers within the staffing process. It is only changes to organizational culture backed by strong management that will allow for significant progress.

I would like to thank every Senator who worked with the Committee on this study, in particular the Members of the Steering Committee, Senator Carstairs and Senator Munson. I'd also like to thank the Committee's Library of Parliament Analyst, Laura Barnett, the Committee Clerks, Vanessa Moss-Norbury and Josée Thérien as well as the support staff for their efforts.

The Honourable Raynell Andreychuk  
Chair



## **Chapter 1 – Introduction**

On November 3, 2004, the Standing Senate Committee on Human Rights (“the Committee”) was authorized by the Senate to examine cases of alleged discrimination in the hiring and promotion practices of the federal public service and to study the extent to which targets to achieve employment equity for minority groups are being met. In keeping with this mandate, the Committee invited witnesses from time to time to monitor developments on the subject. On April 27, 2006, the Committee’s mandate was renewed.

Employment equity in the hiring practices of the federal public service is an issue of pressing and serious concern. The federal public service is the largest employer in the country, and as such, aspires to be representative of the country it serves as well as a model for businesses in other sectors. But more than that, ensuring representation in the federal public service is a crucial step towards strengthening public institutions and improving the quality of the public service as a whole.

Over the past number of years, the federal government has undertaken a number of legislative and policy initiatives aimed at recognizing and improving upon the situation of certain underrepresented groups in the federal public service. The original *Employment Equity Act*<sup>1</sup> came into force in 1986, drawing attention to the situation of women, Aboriginal peoples, persons with disabilities, and visible minorities. This Act was revised in 1995 but maintained a similar focus on those groups.<sup>2</sup> The Embracing Change initiative was implemented in June 2000 in recognition of the fact that the government had not reached the employment equity objectives and goals required by the Act. This initiative involved the implementation of strategies to increase representation of visible minorities in the federal public service.

Twenty years have passed since implementation of the original *Employment Equity Act*, and six years since the Embracing Change initiative. A number of organizations within the federal public service are monitoring progress in this area through audits and annual reports to Parliament. In addition, in June 2002, the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities issued a report entitled *Promoting Equality in the Federal*

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<sup>1</sup> R.S.C. 1985, c. 23 (2<sup>nd</sup> Supp.).

<sup>2</sup> *Employment Equity Act*, S.C. 1995, c. 44.

*Public Service: Review of the Employment Equity Act.* While that report did not call for significant change, it did suggest a number of technical adjustments to the implementation of the *Employment Equity Act*, as well as recommending particular focus on the situation of persons with disabilities and Aboriginal peoples. In June 2004, Consulting and Audit Canada released a preliminary evaluation of the Embracing Change initiative,<sup>3</sup> concluding that although notable progress had been made, the benchmarks established under the initiative had not been reached. A number of recommendations were made, and will be explored more fully in Chapter 3 of this report.

In the wake of those reports, and in light of particular concerns expressed about the situation of visible minorities in the federal public service, this Committee undertook to investigate the extent to which the federal public service has managed to overcome impediments in hiring for women, Aboriginal peoples, persons with disabilities, and visible minorities; to determine what the consequences of this new employment equity framework have been; and to examine whether approaching the issue of employment equity through benchmarks for hiring visible minorities is an effective means of dealing with the problem.

To that end, beginning in November 2004, the Committee held a series of meetings with officials mandated to monitor and implement the federal public service's responsibilities with respect to employment equity. The Committee heard from a variety of government officials, including the former Clerk of the Privy Council, Alex Himelfarb; the former President of the Treasury Board, the Honourable Reg Alcock; members of the Public Service Human Resources Management Agency; and the President of the Public Service Commission of Canada, Maria Barrados.

Our study is not yet over. A new government is in place, and the Committee is looking forward to engaging with it in a dialogue about the findings of this study. With that goal in mind, the Committee felt it important to release a preliminary indication of our findings that might serve to highlight the shortfalls that are evident in the government's progress towards full employment equity, and encourage it to do more, to push harder, and to open more doors, as well as to clearly identify chains of accountability. The Committee is committed to ensuring that Canada lives up to its

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<sup>3</sup> The Embracing Change initiative will be explained more fully in Chapter 2, Part B.

international human rights obligations, and that Canadians are adequately served by the human rights protection framework so valued in this country. Employment equity is an issue of immediate concern – if we cannot create a representative public service, how can we hope to create a nation-wide environment that is supportive of diversity and open to difference? Canada needs a strong federal public service that is reflective of the diversity of Canada and Canadians.





## **Chapter 2 – Employment Equity in the Canadian Federal Public Service**

### **A. The Framework**

The legal and policy framework surrounding employment equity in the federal public service has a variety of elements. One of the most fundamental is the *Employment Equity Act*, which came into force in October 1996. It created a new legislative regime for employment equity in the federal public service and the federally regulated private sector. Identifying women, Aboriginal peoples, persons with disabilities, and members of visible minorities as categories of Canadians who had not yet been effectively integrated into the federal public service in terms of numbers, the Act labelled these “designated groups” whose status was to be monitored and assisted through application of the legislation.<sup>4</sup>

The Act calls for the implementation of “positive measures” – policies and practices that go beyond removing barriers to actively promote a more representative public service, as well as facilitating efforts to close the representation gaps for designated groups compared to their representation in the Canadian workforce more broadly. Under the Act, employers are required to analyse their workforces; review employment systems, policies and practices to identify and eliminate barriers; undertake policies and programs to correct under-representation; provide reasonable accommodation; strive to reach set qualitative and numerical goals and activities within set timetables; and inform employees of the purpose of employment equity, key measures for implementing it, and the progress achieved.<sup>5</sup>

Since 2004, the Public Service Human Resources Management Agency (PSHRMAC) has been responsible for ensuring implementation of the *Employment Equity Act* as it relates to the public service.<sup>6</sup> As such, PSHRMAC is responsible for the role of employers with respect to employment equity, and for developing the human resources planning and accountability frameworks necessary to achieve the Act’s goals.

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<sup>4</sup> Maria Barrados, President of the Public Service Commission of Canada, testimony before the Committee 29 November 2004; Reg Alcock, President of the Treasury Board, testimony before the Committee, 7 December 2004; Treasury Board of Canada, “Overview of the *Employment Equity Act* (1996) from a Public Service Perspective” available at: [http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/tb\\_852/over-PR\\_e.asp?printable=True](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_852/over-PR_e.asp?printable=True).

<sup>5</sup> *Ibid.*

<sup>6</sup> PSHRMAC took over this role from the Treasury Board after a restructuring process announced in December 2003.

PSHRMAC supports departments in terms of training, monitors and assesses departmental performance, and plays a coordination role with respect to the Embracing Change initiative. PSHRMAC is also responsible for tabling an annual report in Parliament on employment equity in the federal public service.<sup>7</sup>

Another element in the employment equity regime, the Public Service Commission of Canada (the PSC) is an independent agency with 16 district and regional offices across Canada. The PSC has primary responsibility for administering the *Public Service Employment Act*<sup>8</sup> and is accordingly responsible for hiring in the federal public service. Under the *Employment Equity Act*, the PSC is charged with identifying and removing barriers in its systems, policies, and practices in recruitment and staffing, within its role and mandate as defined by the *Public Service Employment Act*. To this end, the PSC approves employment equity staffing programs to give departments and agencies the means to achieve their employment equity targets, and develops and administers initiatives to change corporate culture and help departments and managers achieve the Embracing Change benchmarks. Like PSHRMAC, the PSC must table an annual report in Parliament detailing implementation of employment equity in the federal public service. Ultimately, the PSC is responsible for safeguarding the integrity of the staffing system in the federal public service.<sup>9</sup> As stated by Linda Gobeil, Senior Vice-President, Policy Branch, of the PSC in her testimony before the Committee, “The role of the Commission is to ensure that the right policies are in place and that departments adhere to them. We have an oversight role and if we find there are issues to be dealt with, we go back to the departments and try to correct matters with them.”<sup>10</sup>

Under the new *Public Service Employment Act* (a major component of the *Public Service Modernization Act*<sup>11</sup> passed by Parliament in 2005) which came into force in December 2005, the PSC now delegates almost all staffing authorities to deputy heads of

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<sup>7</sup> Testimony of Reg Alcock; Public Service Human Resources Management Agency of Canada, “Preliminary Evaluation of the Embracing Change Initiative” June 2004, available at: [http://www.hrma-agrh.gc.ca/ec-fpac/Evaluation2004/ec-fpac-evaluation-5-PR\\_e.asp?printable=True](http://www.hrma-agrh.gc.ca/ec-fpac/Evaluation2004/ec-fpac-evaluation-5-PR_e.asp?printable=True).

<sup>8</sup> S.C. 2003, c. 22, ss. 12, 13.

<sup>9</sup> Testimony of Maria Barrados, 29 November 2004; Linda Gobeil, Senior Vice-President, Policy Branch, Public Service Commission of Canada, testimony before the Committee, 12 June 2006; Preliminary Evaluation of the Embracing Change Initiative.

<sup>10</sup> Testimony of Linda Gobeil, 12 June 2006.

<sup>11</sup> S.C. 2003, c. 22.

departments and agencies. A wide-ranging legislative reform of human resources management in the federal public service, the new *Public Service Employment Act* was an attempt to streamline staffing, provide for more flexibility, strengthen accountability and provide clearer roles for managers, foster more constructive labour-management relations, and change the way that the federal public service approaches corporate learning and development. Importantly, the new Act provides deputy heads with new means of meeting the employment equity targets, such as the ability to expand the area of selection for members of designated groups or restrict it to only these groups. The Act also provides for a new definition of merit, allowing employment equity to be a fundamental aspect of merit criteria.<sup>12</sup>

Finally, one other organization that plays a significant role in monitoring employment equity in the federal public service is the Canadian Human Rights Commission. The Commission receives complaints under the *Canadian Human Rights Act*,<sup>13</sup> and conducts departmental audits to monitor compliance with the *Employment Equity Act*. If the Commission finds non-compliance, an officer will negotiate a written undertaking from the employer to take specific remedial measures. If the employer fails to provide this undertaking, the Commission then has the power to issue a direction to an employer to take specified action. The Employment Equity Review Tribunal may then issue a ruling if the employer fails to act or disagrees with the direction. While such a ruling is final, except for judicial review, no ruling can be made that would cause undue hardship to the employer, require the employer to hire or promote unqualified persons, require that person be hired in a manner inconsistent with merit under the *Public Service Employment Act*, require the employer to create a new position, impose a quota on the employer, or fail to take into account specific factors set out in law for establishing numerical goals.<sup>14</sup>

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<sup>12</sup> Maria Barrados, testimony before the Committee, 21 November 2005; Treasury Board of Canada, "President of the Treasury Board of Canada Very Satisfied with Passage of the Public Service Modernization Act" 4 November 2003, available at: [http://www.tbs-sct.gc.ca/media/nr-cp/2003/1104\\_e.asp](http://www.tbs-sct.gc.ca/media/nr-cp/2003/1104_e.asp); Public Service Commission of Canada of Canada, "Annual Report 2005-2006", pg. 95, available at: [http://www.psc-cfp.gc.ca/centres/annual-annuel/2006/pdf/annrep06\\_e.pdf](http://www.psc-cfp.gc.ca/centres/annual-annuel/2006/pdf/annrep06_e.pdf).

<sup>13</sup> R.S.C. 1985, c. H-6.

<sup>14</sup> Testimony of Reg Alcock; Overview of the *Employment Equity Act*.

## B. The Embracing Change Initiative

In 2000, the Embracing Change initiative reassembled various organizations and laws within the framework of a new action plan to promote employment equity in the federal public service. This process began when a Task Force on the Participation of Visible Minorities in the Federal Public Service reported that the government had not reached the employment equity objectives and goals legislated by the *Employment Equity Act*. The Task Force noted a persistent and widening gap between employment equity in the public and private sectors and recommended an Action Plan to work towards a more representative public service. The government adopted this Action Plan in June 2000.<sup>15</sup>

The Embracing Change initiative is essentially a plan to address the under-representation of visible minorities in the federal public service. The government set a one in five benchmark for the hiring of visible minorities by 2003, and set a one in five benchmark by 2005 for executive hiring. The plan also dealt with issues such as promotion and the career development of visible minorities, as well as measures for developing a more inclusive and supportive culture in the federal workplace. The Embracing Change initiative received \$7.2 million in funding over three years to achieve these goals. Since that funding ended, the Employment Equity Fund has helped departments meet their employment equity obligations.<sup>16</sup>

As part of this initiative, the External Advisory Group on Embracing Change provides independent external advice to PSHRMAC, the PSC, the Privy Council Office, and all deputy heads with respect to how to address instances of systemic and overt racism, strategies to foster a representative workplace, the effectiveness of such strategies, and implementation and direction of the Embracing Change initiative.<sup>17</sup>

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<sup>15</sup> Task Force on the Participation of Visible Minorities in the Federal Public Service, “Embracing Change in the Federal Public Service” March 2000, available at: [http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/TB\\_852/dwnld/ecfps\\_e.pdf](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_852/dwnld/ecfps_e.pdf).

<sup>16</sup> Testimony of Maria Barrados, 29 November; Preliminary Evaluation of the Embracing Change Initiative; Public Service Human Resources Management Agency of Canada, “Employment Equity in the Federal Public Service 2004-2005: Annual Report to Parliament” available at: [http://www.hrma-agrh.gc.ca/reports-rapports/dwnld/ee-05\\_e.pdf](http://www.hrma-agrh.gc.ca/reports-rapports/dwnld/ee-05_e.pdf).

<sup>17</sup> Testimony of Reg Alcock; Alex Himelfarb, Clerk of the Privy Council, testimony before the Committee, 9 May 2005; Public Service Human Resources and Management Agency of Canada, “External Advisory Group on Embracing Change Action Plan” available at: [http://www.hrma-agrh.gc.ca/ee/committees-comites/eag-gce\\_e.asp](http://www.hrma-agrh.gc.ca/ee/committees-comites/eag-gce_e.asp); PSHRMAC Annual Report 2004-2005.

The Embracing Change initiative was hearkened as a potential for real change in the representativeness of the federal public service. As noted by Alex Himelfarb, former Clerk of the Privy Council, when he appeared before the Committee on May 9, 2005, “The Embracing Change initiative in particular represented, at the very minimum, a turning of the corner, a shift in awareness, the beginning of a longer-term cultural change...”<sup>18</sup>

### **C. Employment Equity in the Federal Public Service Today**

The effectiveness of that hoped-for shift is at the heart of this Committee’s ongoing study. The Committee has found that while there has been some real improvement, not all the statistics are positive. In particular, Consulting and Audit Canada’s June 2004 evaluation of the Embracing Change initiative concluded that:

There has been notable progress towards the achievement of the Benchmarks... resulting in slow but steady increase each year in representation of [visible minorities] in the [federal public service]... Despite these efforts, the Benchmarks have not been achieved. The 1-in-5 external recruitment Benchmark was to have been reached by 2003, but external recruitment remains at half that level, with Year 3 showing little progress over the previous year. The three EX and EX feeder group Benchmarks, to be achieved by 2005, remain a distant goal, as progress has been limited or variable, which calls into doubt the ability to achieve these Benchmarks within the prescribed time period unless dramatic ongoing improvement is made.<sup>19</sup>

Certainly, the broad statistics show that while women, Aboriginal peoples, and persons with disabilities appear to now be equitably represented in the federal public service, under-representation continues to be a serious issue for visible minorities. As of March 2005, representation of women in the federal public service was 1.3 percentage points higher than their workforce availability (53.5% of the federal public service, compared to 52.2% workforce availability), persons with disabilities were at +2.2% (5.8% of the federal public service, compared to 3.6% workforce availability), and

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<sup>18</sup> Testimony of Alex Himelfarb.

<sup>19</sup> Preliminary Evaluation of the Embracing Change Initiative.

Aboriginal peoples were at +1.7% of their workforce availability (4.2% of the federal public service, compared to 2.5% of their workforce availability).<sup>20</sup>

Yet, on June 12, 2006, Linda Gobeil told the Committee that representation of visible minorities in the federal public service was 2.3 percentage points lower than their workforce availability (8.1% of the federal public service, compared to 10.4% of their workforce availability).<sup>21</sup> As well, from 2000 to 2005, while applications for employment averaged over 25% from visible minorities, this group received only 10% of appointments. Strikingly, this phenomenon, called “drop off”, was specific only to visible minorities groups.<sup>22</sup> As noted by in PSHRMAC’s 2004-2005 Annual Report, “after an initial surge, the rate of visible minority intake into the public service has levelled off to one in ten of all new hires, that is, half of the one in five envisaged under the Action Plan.”<sup>23</sup>

**These numbers made it clear to the Committee that visible minorities remain the one group not equitably represented on a broad scale within the federal public service. The government’s initiatives targeted specifically to achieving the goal of recruiting one in five from members of visible minority groups have not reached their benchmarks, and the federal public service continues to trail behind the private sector in terms of visible minority representation.**<sup>24</sup>

Yet the problems do not stop there. The Committee’s concerns about employment equity became more pronounced when it took a more detailed look at representation of the *Employment Equity Act*’s designated groups within the federal public service. The PSC’s 2005-2006 Annual Report notes that in the 2005-2006 fiscal year there was a slight decline in the percentage of appointments for all four designated groups compared to the previous four years. For example, the rate of recruitment of persons with disabilities, which had been 3.2%, fell to 2.6%. This rate is significantly

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<sup>20</sup> PSC Annual Report 2005-2006, p. 96.

<sup>21</sup> Testimony of Linda Gobeil, 12 June 2006.

<sup>22</sup> Testimony of Maria Barrados 21 November 2005; testimony of Linda Gobeil, 12 June 2006.

<sup>23</sup> PSHRMAC Annual Report 2004-2005, pg. 7.

<sup>24</sup> In terms of private sector organizations covered by the *Employment Equity Act*, the 2005 Annual Report of the Canadian Human Rights Commission (available at [http://www.chrc-ccdp.ca/pdf/AR\\_2005\\_RA\\_en.pdf](http://www.chrc-ccdp.ca/pdf/AR_2005_RA_en.pdf)) states that in 2004 13.3% of visible minorities work in the private sector (pg. 27) versus 8.1% in the federal public sector in 2005. It is important to note that the Committee was not provided with comprehensive data with respect to the performance of the private sector. We are accordingly unable to precisely judge the gap between the private sector and the federal public service.

below the 5.8% representation of persons with disabilities in the federal public service, suggesting that the increase in representation is due primarily to factors such as increased self-identification, rather than actual increased appointments of persons with disabilities.<sup>25</sup>

With respect to representation of Aboriginal peoples, the Committee's concerns go to concentration of employment. The Department of Indian and Northern Affairs has a departmental policy objective of reaching a minimum of 50% Aboriginal employment in all occupational groups and levels because of the Ministry's mandate and clientele, and has instituted special initiatives to attract Aboriginal candidates.<sup>26</sup> Yet, the Committee is wary of this 50% policy. Attracting Aboriginal employees to all levels of the Department of Indian and Northern Affairs is a laudable objective and does increase representation of Aboriginal peoples in the broader federal public service statistics. But looking beyond statistics, the Committee is worried that such policies may simply create an unnatural concentration of Aboriginal employees in one niche, rather than promoting access to the rest of the federal public service. This concern holds true for other departments with similar types of programs and clientele that have 50% targets for recruitment of Aboriginal peoples.

Certainly, no department is above reproach. In a fall 2006 performance report released by PSHRMAC,<sup>27</sup> only five government departments received an "acceptable" employment equity rating,<sup>28</sup> while all others were described as having "opportunity for improvement, and four were seen as "requiring attention."<sup>29</sup>

Another concern that the Committee heard raised in particular is that although representation may be becoming more equitable on a broad scale within the federal public service, the growth that has occurred has primarily been at the lower levels. There

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<sup>25</sup> PSC Annual Report 2005-2006, p. 97-98.

<sup>26</sup> Testimony of Paula Green, Director General, Equity and Diversity, Public Service Commission of Canada, testimony before the Committee, 12 June 2006. According to Ms. Green's testimony, the percentage of Aboriginal peoples in the Department of Indian and Northern Affairs stood at approximately 30% in June 2006.

<sup>27</sup> As cited in Simon Doyle, "Five Departments get 'Acceptable' Rating on Employment Equity" *Hill Times*, 22 January 2007.

<sup>28</sup> These were the PSC, the Canadian International Development Agency, the Correctional Service of Canada, Health Canada, and Canadian Heritage.

<sup>29</sup> These were Fisheries and Oceans Canada, the Canada School of the Public Service, Indian and Northern Affairs, and the Courts Administration Service.

is still a significant lack of representation of all designated groups at the executive level. PSHRMAC's 2004-2005 Annual Report noted that only 5.1% of executives within the federal public service were visible minorities, 5.5% were persons with disabilities, and 3% were Aboriginal peoples.<sup>30</sup> As of March 2006, women held only 38.7% of executive positions.<sup>31</sup>

As stated by Maria Barrados, President of the PSC, "We know that there are not enough visible minorities in [the executive] group. We know that we are not hiring enough and we know that we do not have enough special programs to increase the numbers. I am not satisfied. It is not good enough. We must do better."<sup>32</sup> Alex Himelfarb noted that:

One of the measures of success against which I personally could be held at least partially accountable, and where you would probably give me a less than stellar grade, is the composition of the deputy community itself. This is an area where I will anticipate criticism and, if you were not intending it, I would encourage it. We have made significant progress on gender... However, we have made very modest – in fact, embarrassingly modest – progress on visible minorities in the deputy's community – zero on Aboriginal and zero on people with disabilities, or virtually that.

This is an area where I can say that failure filters through. It matters.<sup>33</sup>

The Committee noted similar concerns with respect to the presence of all of the designated groups in certain occupational categories. In 2004-2005, the proportion of women in the Scientific and Professional category was 42%, while persons with disabilities, Aboriginal peoples, and visible minorities were best represented in the Administration and Foreign Service category – 35.8%, 43.4%, and 41.7% of the designated group respectively.<sup>34</sup> Linda Gobeil stated that "The fact remains that women are not represented as they should be in certain occupational groups. For example, the number of women in the sciences and trades is much lower than what we would expect to see."<sup>35</sup>

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<sup>30</sup> PSHRMAC Annual Report 2004-2005, pg. 24.

<sup>31</sup> Letter from Maria Barrados to the Committee, 9 August 2006.

<sup>32</sup> Testimony of Maria Barrados, 29 November 2004.

<sup>33</sup> Testimony of Alex Himelfarb.

<sup>34</sup> PSHRMAC Annual Report 2004-2005, pgs. 13-21.

<sup>35</sup> Testimony of Linda Gobeil, 21 November 2005.



The Committee remains concerned that clearly, broad representation of visible minorities at the general level in the federal public service is not the only employment equity issue that remains to be resolved.

#### **D. Initiatives and Achievements to Date**

A number of projects have been put into place within the federal public service to rectify these employment equity issues as part of obligations under the *Employment Equity Act* and the Embracing Change initiative, particularly with respect to representation of visible minorities and at the executive level.

##### *1) Visible Minorities*

The Committee was told about a number of initiatives that have been undertaken across the federal public service to enhance representation of visible minorities. It is important to note that these initiatives are targeted towards all visible minorities, and not only new immigrants, who only comprise one particular subset of this larger target group. In terms of training, PSHRMAC has devised various training programs, best practices, and tool kits to assist departments. Diversity training is provided to new employees, resourcing consultants, and managers; and language training is provided to all new employees who need it. In collaboration with the Canada School of Public Service, PSHRMAC has also expanded a management preparedness course targeted specifically towards designated groups operating just below the executive level.<sup>36</sup>

The PSC has also recently expanded the geographic selection for recruitment. On October 6, 2005, Maria Barrados announced that a national area of selection will be used in recruitment for all officer-level positions in the National Capital Region that are open to the general public. This change took effect in April 2006, and now allows Canadians across Canada to apply for a greater number of jobs in the Ottawa area. By April 2007, the intention is to expand this policy to all officer positions across the country. By

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<sup>36</sup> Testimony of Paula Green; Gerry Boulet, Director General, Executive Resourcing, Public Service Commission of Canada, testimony before the Committee, 21 November 2005; testimony of Reg Alcock; Dan Coffin, Director General, Resourcing Services, Public Service Commission of Canada, testimony before the Committee, 12 June 20-06; PSHRMAC Annual Report 2004-2005.

December 2007, all jobs in the federal public service should be open to a national area of selection.<sup>37</sup>

**This change was undertaken partly in response to concern that restricting the area of selection to the National Capital Region had an effect on employment equity goals.** As noted by the Honourable Reg Alcock, former President of the Treasury Board, when he appeared before the Committee on December 7, 2004, “Forty per cent of public servant positions are in Ottawa [this number stood at 42% as reported in PSHRMAC’s 2004-2005 Annual Report] and there is not a large visible minority population here. There are large numbers of visible minorities in Toronto, Vancouver and Montreal. The private sector is drawing from a larger pool.”<sup>38</sup> Maria Barrados also commented on this problem, noting that by restricting the area of selection “you very much limit the pool to the type of people you have in that area.”<sup>39</sup>

Various monitoring bodies within the federal public service have also begun factoring employment equity objectives into their deputy head performance assessments. Reg Alcock told the Committee that an assessment of the situation and progress achieved in terms of employment equity made up part of annual discussions between the President of the Treasury Board and deputy ministers – “They are held to account.”<sup>40</sup> Over the past few years, the Clerk of the Privy Council has also been conducting performance assessments and challenging deputy ministers to improve their practices and processes with respect to diversity and visible minority representation, making sure that the issue is built into their accountability. As stated by Alex Himelfarb:

When it is a core priority, the deputies are assessed against progress in this objective, and it is built into our performance management. You can make the case that it has not been terribly rigorous up to now and that our data has been inadequate for making a very rigorous assessment. Quite frankly, this has been one of quite a number of objectives against which deputies are measured... One of the areas is to ensure that the deputy's community is committed, providing leadership in this area and is held accountable for it.<sup>41</sup>

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<sup>37</sup> Testimony of Maria Barrados, 21 November 2005.

<sup>38</sup> Testimony of Reg Alcock.

<sup>39</sup> Testimony of Maria Barrados, 21 November 2005.

<sup>40</sup> Testimony of Reg Alcock.

<sup>41</sup> Testimony of Alex Himelfarb.

In this same vein, in 2005, PSHRMAC developed a “People Component” to its Management Accountability Framework that set out indicators against which organizational performance – including representation of visible minorities – is assessed.<sup>42</sup>

In terms of funding, in 2004, Reg Alcock told the Committee that PSHRMAC had disbursed \$30 million in program funds over the past 10 years to support activities such as recruitment initiatives, as well as projects within individuals departments. At that time approximately \$15 million remained to be disbursed. Embracing Change funds have also been used to support recruitment and retraining initiatives by regional union representatives, members of the National Council of Visible Minorities, and middle managers in the public service. These funds have enabled regional offices to encourage applications from, and referrals of, designated groups, to develop and maintain partially assessed pools of candidates, and to provide support to organizations that promote the advancement of visible minorities in the public service.<sup>43</sup>

The Committee also notes that significant effort has been made with respect to outreach and raising awareness of employment equity issues. The PSC has made an effort to meet with community leaders of various ethnic groups to provide them with information about how to apply for government jobs, and explanations of the application process have also been posted on the PSC website.<sup>44</sup> Employment equity monitoring bodies within the federal public service have also partnered with the National Council of Visible Minorities to ensure that the National Council plays a lead role in sensitizing the public service with respect to systemic and overt forms of racism. The National Council has collaborated with PSHRMAC in engaging visible minorities to discuss strategy for a racism-free workplace, and has provided feedback on policies with respect to implementation of the new *Public Service Modernization Act*, future directions for the Embracing Change initiative, and language training and career development issues for visible minorities.<sup>45</sup>

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<sup>42</sup> PSHRMAC Annual Report 2004-2005, p. 8.

<sup>43</sup> Testimony of Maria Barrados, 29 November 2004; testimony of Reg Alcock.

<sup>44</sup> Testimony of Paula Green.

<sup>45</sup> Testimony of Alex Himelfarb; PSHRMAC Annual Report 2004-2005, pg. 5.

Other initiatives include government support of a major research program conducted by the Conference Board of Canada to identify the specific constraints and experiences of visible minorities, as well as best practices in the public and private sectors used to address or overcome these barriers. Outcomes of this research program included a leader summit of senior executives from the private sector aimed at improving participation of visible minorities, and an employer's guide to successful practices used to "bring out the best" in visible minority employees.<sup>46</sup> In March 2005, PSHRMAC sponsored an employment equity conference that drew more than 350 employees from all levels, regions, and many departments to examine how changes to the *Public Service Employment Act* have provided the federal public service with new opportunities to improve representation of designated groups, and to share the experiences of organizations in the private sector.<sup>47</sup> In March 2006, the PSC also sponsored a conference and distributed a guide to integrating employment equity considerations throughout the employment process.<sup>48</sup>

In 2006 there was a change in government, and the new Minister of Labour began to implement a Racism-Free Workplace Strategy<sup>49</sup> to educate Canadians about employment equity and its social and economic benefits. Minister Blackburn has indicated that this new initiative includes the use of nine racism officers – six of whom will be stationed in Vancouver, Calgary, Winnipeg, Toronto, Montreal and Halifax; and three of whom will work in Ottawa to coordinate research and information. These officers' mandate will be to promote workplace integration of racial minorities; to build a network between community resources and employers; and to provide tools and assistance to employers working towards equitable representation in their workforce. The program has a budget of \$13 million over five years, and the services will be available to employers across Canada – not just federally regulated employers.<sup>50</sup>

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<sup>46</sup> Testimony of Reg Alcock.

<sup>47</sup> PSHRMAC Annual Report 2004-2005, pg. 4.

<sup>48</sup> PSC Annual Report 2005-2006, p. 97.

<sup>49</sup> Information about this strategy is available at:

[http://www.hrsdc.gc.ca/asp/gateway.asp?hr=en/lp/lo/lswc/we/special\\_projects/RacismFreeInitiative/InitiativeHome.shtml&hs=](http://www.hrsdc.gc.ca/asp/gateway.asp?hr=en/lp/lo/lswc/we/special_projects/RacismFreeInitiative/InitiativeHome.shtml&hs=)

<sup>50</sup> Uyen Vu, "Feds Hiring Racism Officers" Canadian HR Reporter, 25 September 2006; testimony of Minister Jean-Pierre Blackburn before the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities, 19 October 2006.

## *2) Executive Level*

The Committee also heard about initiatives being undertaken to improve representation of visible minorities at the executive level. The number of visible minorities and Aboriginal peoples in the executive category has doubled since 2000, while the number of women has doubled since the mid 1990's.<sup>51</sup>

In undertaking an evaluation of employment equity at the executive across the federal public service, the PSC recently asked 18 departments and agencies which did not appear to have made sufficient efforts to reach the benchmarks set for visible minorities to submit an executive staffing plan for the 2004-2005 fiscal year, as well as the portion of their employment equity plan dealing with the executive representation gaps for each designated group, and the commitments they had made to eliminate the gaps. Of the 18 departments, only 11 submitted plans; and of a total of 254 appointments made, only six were of visible minorities. As a result, the deputy heads of eight organizations were advised that their executive staffing requests would be challenged. Ten of these departments are now collaborating with the PSC on a generic executive level selection process targeted at members of visible minorities. As a result of this process, more than 650 applications were initially sent out to departments, which screened that number down to 200. Interviews began in September 2005, and a pre-qualified pool of 41 visible minorities at EX-01 level was finally made available in February 2006. Just over a quarter of these candidates are qualified in both official languages, and just under a quarter were recruited from outside the federal public service. As of late 2006, 18 appointments had been made.<sup>52</sup>

The Committee notes that impressive results have emerged in a number of programs targeted at those aspiring to the executive level, where participation actually exceeds the one in five benchmark. As of 2005, the Career Assignment Program had more than 30% visible minority participation, with nearly 10% participation among Aboriginal peoples in late 2004; the Management Trainee Program, Accelerated Economist Training Program, and the Accelerated Executive Development Program had

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<sup>51</sup> Testimony of Reg Alcock; PSHRMAC Annual Report 2004-2005, pg. 21.

<sup>52</sup> Testimony of Maria Barrados, 21 November 2005; testimony of Linda Gobeil, 12 June 2006; PSC Annual Report 2005-2006, pg. 99.

more than 20% visible minority recruits.<sup>53</sup> The Recruitment of Policy Leaders Program has also introduced a diverse group of recruits to the federal public service – 12% visible minorities, 5% persons with disabilities, and 2.3% Aboriginal peoples.<sup>54</sup>

Finally, Maria Barrados told the Committee that **the PSC has been working on a consultation document examining the issue of foreign credentials and the standard expected of executive level recruits – specifically, looking at a requirement for some post secondary education, matched by a foreign equivalence standard.**<sup>55</sup> The issue of foreign credentials is one of particular concern to the immigrant community, as well as workforces across Canada.

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<sup>53</sup> Testimony of Reg Alcock; testimony of Alex Himelfarb; PSHRMAC Annual Report 2004-2005, pg. 10.

<sup>54</sup> PSC Annual Report 2005-2006, pg. 105.

<sup>55</sup> Testimony of Maria Barrados, 21 November 2005.

## **Chapter 3 – Observations and Recommendations**

### **A. Employment Equity – Not Yet a Reality in the Federal Public Service**

A decade ago, the *Employment Equity Act* singled out four designated groups that needed particular attention in order to achieve equitable representation of the Canadian population in the federal public service. In 2000, the Embracing Change initiative noted that these objectives were not being met – particularly with respect to visible minorities – and proposed one in five benchmarks to spur the public service into action.

The Committee has found that today, not only have these benchmarks not been met, but representation of visible minorities in the federal public service remains below workforce availability, and substantive representation of the other groups has not yet been fully achieved.

Given the relative success of the private sector in this regard,<sup>56</sup> it is clear that, somewhere in the federal public service, there is a sticking point. Witnesses presented no evidence that these designated groups are being discriminated against in any intentional manner. Rather, the problem appears to lie below the surface. Witnesses commented that hidden barriers exist within the system, preventing the designated groups from achieving equitable representation.

The Committee has found that a myriad of factors contribute to these barriers, the most obvious of which is history, and the traditional composition of the federal public service. As stated by Maria Barrados when she appeared before the Committee, “What I worry about, of course, is that people hire people like themselves.”<sup>57</sup> The Committee is concerned that in a system historically run predominantly by white males, change is clearly not happening quickly enough.

Compared to the private sector, a significant part of this problem derives from the sheer size of the federal public service, accompanied by the widespread institutionalization of certain organizational cultures and systems within an entrenched bureaucracy. It is this reality that employment equity initiatives are up against.

Within this framework, at a very practical level, the Committee has heard that **one significant stumbling block is the fact that recruitment into the public service is**

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<sup>56</sup> See footnote 24.

<sup>57</sup> Testimony of Maria Barrados, 21 November 2005.

**rarely into permanent positions. Employers tend to fill positions through part time or short term recruitment which does not go through the same rigorous staffing process – including consideration of employment equity objectives – as for indeterminate positions.** Maria Barrados noted that:

There is a tendency in the public service to use the casual and part-time route to staff people permanently. However, if you go casual, there are not nearly the requirements that there are for staffing positions because they fall outside our normal processes. When part-time hiring is considered, you are not doing the same kind of search, you are not looking for the breadth and range of people. You start right there by putting at risk your issues of representation. That is part of this story...

We have been reluctant to put too many requirements on that process because the idea behind having that instrument available is for people to have their short-term needs met so that they can get things moving.<sup>58</sup>

Earlier in this study, Maria Barrados commented that “This practice is easier, but the consequences of it are negative.”<sup>59</sup>

Added to this is the widespread practice of hiring term employees. Greg Gauld, Vice-President, Merit Policy & Accountability, at the PSC emphasized that:

... managers often find it easier to hire a term employee locally and then make that person permanent. The result is that managers look for permanent employees from the local pool. In Ottawa, where there may be fewer visible minorities, people from the region are the ones who become permanent employees.

A great deal of external recruitment is done in this way.<sup>60</sup>

The PSC’s 2004-2005 Annual Report noted that **approximately 65% of those hired permanently in the federal public service that year were hired from a pool of temporary workers.**<sup>61</sup>

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<sup>58</sup> *Ibid.*

<sup>59</sup> Testimony of Maria Barrados, 29 November 2004. A 2006 report released by the PSC (*Time to Staff in the Federal Public Service: Some Contributing Factors*) noted that the mean elapsed for a competitive process for a permanent position is 22.8 weeks – almost half a year. This length is a key factor in the prevalence of short term hires.

<sup>60</sup> Greg Gauld, Vice-President, Merit Policy & Accountability, Public Service Commission of Canada, testimony before the Committee, 29 November 2004.

<sup>61</sup> Public Service Commission of Canada of Canada, “Annual Report 2004-2005”, available at: [http://www.psc-cfp.gc.ca/centres/annual-annuel/2005/index\\_e.htm](http://www.psc-cfp.gc.ca/centres/annual-annuel/2005/index_e.htm).



Witnesses noted that part of this problem stems from the fact that the federal public service rarely recruits deputy ministers from outside. As stated by Alex Himelfarb, “the tradition has been to fill from the feeder pools at the ADM level and the senior ADM level, and that has meant the pools are disproportionately white male.”<sup>62</sup>

Another part of the problem appears to be misunderstandings about what is required by employees in the federal public service. Witnesses commented that some applicants do not realize that preference is given to Canadian citizens, while others are unaware of other technical requirements for particular jobs. Maria Barrados also highlighted this issue:

Some applicants do not understand what is required in applying for a job. The process is actually fairly technical. There is a list of things you look for. You expect answers under each item in that list. If an applicant does not answer properly, he or she will be screened out.<sup>63</sup>

The Committee notes that the government is clearly aware of the fact that the federal public service is unrepresentative. Governments have been tackling this issue for years and are slowly making progress. But the Committee is concerned that despite this progress, the federal public service continues to lag seriously behind. This inability to achieve equitable representation has been noted at the highest levels. Alex Himelfarb noted that through the Embracing Change initiative “it is safe to say that we have been moving in the right direction, at a pace that is considerably slower than the pace we have to achieve... The direction is good; it is just unbelievably and painfully slow.”<sup>64</sup>

## **B. Are We on the Right Track?**

The Committee has serious concerns about the inequalities so clearly evident in Canada’s federal public service. How can we purport to support strong public institutions and project a welcoming culture that respects the diversity inherent in Canadians when such inequalities persist in the federal public service? The Committee’s conclusion is that the government is not moving quickly enough and that the situation must be rectified.

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<sup>62</sup> Testimony of Alex Himelfarb.

<sup>63</sup> Testimony of Maria Barrados, 29 November 2005.

<sup>64</sup> Testimony of Alex Himelfarb.

Is the federal public service on the right track towards achieving employment equity? Quite possibly. The Committee notes that numerous initiatives have meant steady progress in the representation of all designated groups. But barriers hidden within the system are making progress too slow.

Those charged with monitoring the problem recognize this lag and are pushing hard for change. Despite frustration with the current situation, many witnesses expressed optimism for the future under the new legislation. Linda Gobeil commented that:

We are optimistic... that things will continue to progress...

We know what we have to do and departments know what they have to do. We have to seize opportunities that arise. We are getting into a new area. We have new legislation that grants much more flexibility to departments... They know what is available, and they know what they are missing by not resorting to visible minority groups.

We must ensure that the tools are in place and that we continue to work with departments to ensure everything is in place for them.

If we see that some departments have some issues, we are there to help by creating programs for them. The ball is in their court to use the tools and make it happen.

The challenge for us is to ensure that the understanding is there and to use all the elements we now have, especially taking advantage of the new regime we have under the new legislation.<sup>65</sup>

Alex Himelfarb commented that:

We have been passive. The reason I believe so deeply in the changes we are making in the staffing regime is that they allow us to be more active... Something that we have never been able to do in the past is to have headhunters target particular groups that are underrepresented. We will be able to do that in the future in a way that we have never been able to do in the past by removing some of those rigidities. We cannot just wait for visible minorities to apply to us, because they do not.<sup>66</sup>

Finally, Maria Barrados noted that:

The authority to make appointments rests with the Public Service Commission. We can impose conditions on that authority and we can

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<sup>65</sup> Testimony of Linda Gobeil, 12 June 2006.

<sup>66</sup> Testimony of Alex Himelfarb.

remove those authorities. We can also order specific corrective actions. We have a significant amount of power.

The best way to go, though, is to use the softer route and to increase the pressure. We do not start using those heavier powers until we have really given it an effort. What we've seen is a good response on the part of departments to participate in this process that we are running, where we are actually trying to fill some of the executive positions with visible minorities. Our view is that, if you get enough numbers, the problems will take care of themselves. If you have a representative public service, you would not have to be so preoccupied.<sup>67</sup>

However, the Committee is concerned with whether new legislation is enough. Six years later, the Embracing Change initiative has not proved sufficiently effective. Although it may still be too early to judge whether these new ways of approaching employment equity are having a significant impact.

It is clear to the Committee that **the solution to the employment equity problem does not lie in more legislative change. The legislation and policies in place are supportive of promoting equitable representation. The Committee sees the problem as stemming from effective implementation of those laws and fostering true commitment to the issue, as well as a culture of respect – pushing supportive attitudes beyond that which currently exists at the Treasury Board Secretariat and Public Service Commission, and even beyond the managerial level, to filter throughout the bureaucracy to every level of the federal public service.** The Committee notes that the problems that exist are inherent in the system and are slowly being identified and eliminated. But a number of serious issues do persist, and this must be recognized. We are on the right track, but employment equity is not yet a reality in the federal public service.

One of the primary problems noted by the Committee, and repeatedly emphasized by Alex Himelfarb, is that before significant change can be made, a critical mass of individuals from the designated groups must already be in place, particularly at the executive level. True environmental and attitudinal change can only take place when that occurs. Alex Himelfarb told the Committee that:

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<sup>67</sup> Testimony of Maria Barrados, 21 November 2005.

When there is a critical mass of senior people at the table, these various communities believe there is a place for them. Until we have achieved real, visible progress, it is hard to convince people that this is the place for them...

I believe many of these issues go away when there is a critical mass of target groups at the senior tables because it starts to take care of itself. We have to get to that tipping point, fast.<sup>68</sup>

### **C. Getting there Faster – The Committee’s Recommendations**

The Committee’s goal is to monitor progress made and to suggest means for getting there faster. These suggestions can only echo the comments made and frustration expressed by witnesses before the Committee, as well as the numerous attempts to gauge the ability of the various employment equity initiatives to achieve their aims.

The June 2004 preliminary evaluation of the Embracing Change Initiative conducted by Consulting and Audit Canada concluded that:

When we examine the goals of *Embracing Change*, the actual results achieved to date, and bring to mind the changing face of Canada on the street, it is clear that this initiative remains as relevant and needed as it was in 2000. However, reaching the vision of *Embracing Change* will take much longer than the Action Plan’s five-year outlook, as it calls for a substantial shift in corporate culture with a full integration of diversity into departments’ business practices.<sup>69</sup>

PSHRMAC’s 2004-2005 Annual Report stated that:

To keep pace with the changing demographics of the Canadian workforce, it will be necessary to intensify and re-energize measures to make the public service more representative of the diversity in the Canadian population it serves. The results need to be better – much better.<sup>70</sup>

The Committee also notes that in an interview with the *Ottawa Citizen* on January 2007, Maria Barrados stated that the one in five employment equity targets for visible minorities may be too high. She has launched a study into the hiring process, stating that “[t]hose benchmarks were set in a very different environment and we have a much higher

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<sup>68</sup> Testimony of Alex Himelfarb.

<sup>69</sup> Preliminary Evaluation of the Embracing Change initiative.

<sup>70</sup> PSHRMAC Annual Report 2004-2005, pg. 7.

turnover now, and with that higher turnover, what kind of target should we be setting?... I am not sure 20% is the right number.”<sup>71</sup>

Maria Barrados did not express this doubt in the appropriateness of the targets during her two appearances before our Committee, and we are consequently eager to continue our dialogue with her in order to gain a further understanding of this shift and of the study that the PSC has launched into hiring policies for visible minorities.

In the absence of any compelling explanation for why such goals may be unattainable, our Committee remains persuaded that the policies currently in place are a help, rather than a hindrance. However, we must make sure that they are the most effective available. The policies in place must not only help to encourage members of designated groups to apply, they must encourage such individuals to stay once they arrive. Most of all, they should focus attention on those in charge of hiring across the federal public service.

Working in terms of benchmarks and numbers is not enough. Beyond putting more minorities into jobs, this Committee would like to focus on the need to foster a broader understanding of equity and a culture of respect – creating a better society for Canada as a whole. Equal opportunity and employment equity policies must take as their basis that designated groups have to be effectively integrated into the federal public service in order for those policies to work. They will only work when seeing visible minorities throughout the public service, and finding women equitably represented even at the senior levels, becomes commonplace.

One question that this Committee has continually been confronted with is whether the employment equity methodologies being used are still relevant. Those methodologies were conceptualized long ago, and the questions asked must be: are the problems they are treating still the same? And can we be sure that the solutions they propose will prove effective? Some witnesses commented that the federal public service may need to start being more creative. As noted by Paula Green, Director General, Equity and Diversity, at the PSC:

My feeling is that we really have to think outside the box. The *Employment Equity Act* will be up for parliamentary review to look at how

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<sup>71</sup> Kathryn May, “PS to Probe Why Minorities Don’t Get Jobs” *The Ottawa Citizen*, 17 January 2007, p. A1.

it has operated, what has and has not worked, and there has been progress since 1997 when the public service was included under the legislation.

Insofar as the public service is concerned, with the changes brought about by the *Public Service Employment Act*, we really must look at more innovative means of hiring managers to embrace the concept of diversity. There has been a lot of work done in that regard. What we see as diversity is not just employment equity. It is really looking into the future for Canada and appreciating the different backgrounds of Canadians from across the country, who they are and how they bring their talents to the public service, and how we build on to that the policies and services that will serve Canadians, not just now but into the future.<sup>72</sup>

This Committee's recommendations for change reflect many of the goals expressed by Consulting and Audit Canada in their June 2004 evaluation of the Embracing Change initiative. It is time to get serious about employment equity.

#### *1) Promotion of Stronger Leadership*

The Committee notes that what is needed is strong leadership within the federal public service. Despite the past twenty years of experience dealing with employment equity issues, commitment to employment equity goals have still not been fully embraced and knowledge of the problem remains sketchy. Employment equity is not yet part of the leadership culture. Further efforts must be made to increase the knowledge of executives and strengthen implementation capacity at senior levels. Leaders must also voice clear statements of commitment for employment equity. But beyond this, management accountability must be strengthened through more effective performance assessments. Not only must explicit mention of employment equity goals be included in performance assessment agreements, but deputy head pay must also be put at risk.

In this vein, some suggestion has been made of tying deputy head bonuses to employment equity performance assessments.<sup>73</sup> This idea was picked up by the former Clerk of the Privy Council, who is responsible for such assessments. Alex Himelfarb stated that tying bonuses to meeting employment equity goals "will have a bigger impact than institutional change, as sad as that comment may seem on what motivates human

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<sup>72</sup> Testimony of Paula Green.

<sup>73</sup> PSHRMAC Annual Report 2004-2005; Preliminary Evaluation of the Embracing Change Initiative.

behaviour.”<sup>74</sup> Reg Alcock commented that “You raise the question of whether [tying bonuses to progress on diversity] could be part of the criteria upon which those bonuses are assessed. The answer is, ‘Yes, absolutely.’”<sup>75</sup> The President of the PSC also noted that she “would assume that [the Clerk of the Privy Council] would make it a priority to assess them with performance pay in mind...”<sup>76</sup>

**Recommendation 1 – The Committee recommends that as a next step towards strengthening leadership and enhancing management and executive accountability, the bonuses of deputy ministers be tied to performance assessments in terms of progress on diversity and employment equity goals.**

## *2) Transformation of Corporate Culture*

What has become clear to the Committee throughout this study is that the corporate culture must change before the numbers can. This is already happening, but progress should be facilitated. Promotion of the right corporate culture and active leadership are two of the most important methods of combating inequality in the workplace and enabling organizations to retain minority employees by making them feel more comfortable in their working environment.

Doing this means confronting discriminatory attitudes, finding ways to address emotional or psychological resistance to employment equity, creating opportunities for employees to experience different cultures and to appreciate diversity, and inviting organizations such as the National Council of Visible Minorities into the public service to identify ways to support the government’s efforts. Focus must be put on fostering a supportive workplace that is understanding of differences. Employment equity must become an integral part of the way that the federal public service operates.<sup>77</sup> As stated by Alex Himelfarb:

You cannot attract people if they think they are coming to a culture that will not be accommodating of them. We need to demonstrate that this is a place where women, Aboriginal people, people with disabilities and visible minorities who are at the bottom will feel like they will be

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<sup>74</sup> Testimony of Alex Himelfarb.

<sup>75</sup> Testimony of Reg Alcock.

<sup>76</sup> Testimony of Maria Barrados 29 November 2004.

<sup>77</sup> PSHRMAC Annual Report 2004-2005; Preliminary Evaluation of the Embracing Change Initiative.

accommodated... Part of it was that we did not send out the message that we were accommodating these groups, so they often wondered whether they should bother to apply, and we have had to send that message out again, strongly.<sup>78</sup>

**As part of the larger initiatives towards strengthening leadership and embracing employment equity initiatives at the highest level, the federal public service needs to implement a concrete plan of action aimed at ensuring effective corporate cultural change. This means confronting discriminatory attitudes and finding ways to address emotional or psychological resistance to employment equity. Focus must be put on fostering a supportive workplace that is understanding of differences.**

*3) Enhancing Recruitment of Designated Groups at the Executive Level*

The Committee notes that while representation is improving for all designated groups on a general level, inequalities persist for all groups at the executive level. The necessary next step towards ensuring employment equity across the board within the public service entails more sophisticated and effective strategies that now need to come into play in order to ensure equal access to executive level positions, and even to specific occupational categories. The numbers are improving, but not fast enough. Attention in this respect must not simply focus on visible minorities, but on all designated groups.

**Recommendation 2 – The Committee recommends that the federal public service develop concrete means to implement its plan of action in order to ensure equal access to executive level positions and all occupational categories for each of the designated groups.**

*4) Removing Systemic Barriers in Terms of Hiring and Staffing*

Finally, the Committee has found that systemic barriers exist, built into hiring and staffing processes. These must be identified and eliminated. Doing this may include outreach efforts to help external candidates understand the federal public service hiring process, and tackling the underlying causes of drop-off rates. Ultimately, the Committee has heard that the federal public service must be active in getting its messages out to

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<sup>78</sup> Testimony of Alex Himelfarb.



communities, rather than waiting for immigrant communities to apply. The federal public service needs to learn how to reach out differently to communicate with different populations across Canada.<sup>79</sup> This is already happening, but needs to be enhanced. As stated by Maria Barrados when she appeared before the Committee, “We have succeeded in increasing the number of applicants, so we have a disproportionate rate of applications from visible minorities. Unfortunately, we are not getting them into the jobs. We have done well in terms of getting the interest and the applications. We just do not see that reflected in the number of hires.”<sup>80</sup>

The Committee notes that the federal public service must also ensure support for official language training in immigrant communities. PSHRMAC is already working to determine whether official language policies and practices do represent a barrier to the career advancement of visible minorities. As of 2004, the findings did not support the perception that there are systemic barriers with regards to language training, although they did “show that there are a number of personal and cultural characteristics and attributes that may make it difficult for a person to learn English or French.”<sup>81</sup> However, the Committee must comment that learning a second language once within the federal public service may not be the root of the problem. At least once employed, public service provided language training is available. The deeper issue is that new immigrants have to either have French or English just to get in the front door. The Committee feels that the federal public service needs to support language training before immigrants get to the application stage.<sup>82</sup>

Finally, problems noted by the Committee in Chapter 2 in terms of the tendency to hire individuals on temporary contracts which then lead to permanent appointments also need to be dealt with. Temporary contracts are subject to a less rigorous staffing process that does not necessarily include an examination of employment equity objectives.<sup>83</sup> Instead, the Committee has concluded that departments and agencies must focus their efforts on hiring external candidates from across Canada into permanent

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<sup>79</sup> Preliminary Evaluation of the Embracing Change Initiative.

<sup>80</sup> Testimony of Maria Barrados, 29 November 2004.

<sup>81</sup> Public Service Human Resources Management Agency of Canada, “Employment Equity in the Federal Public Service 2003-2004: Annual Report to Parliament”, pg. 49, available at: [http://www.hrma-agrh.gc.ca/reports-rapports/dwnld/EE03-04\\_e.pdf](http://www.hrma-agrh.gc.ca/reports-rapports/dwnld/EE03-04_e.pdf).

<sup>82</sup> Testimony of Linda Gobeil, 12 June 2006.

<sup>83</sup> Testimony of Greg Gauld; PSHRMAC Annual Report 2004-2005.

positions through a variety of means, such as the Post-Secondary Recruitment Program. The PSC's 2004-2005 Annual Report stated that the Post-Secondary Recruitment Program can be used to complement efforts to recruit members of the employment equity designated groups. As of March 2005, the Program's general inventory comprised a sizeable population of university graduates who had self-identified as members of one or more employment equity designated groups. However, Gred Gauld commented when he appeared before us that "This program is not used very much by the departments. Often departments prefer to hire employees temporarily, and later make them permanent."<sup>84</sup> When the former President of the Treasury Board appeared before the Committee, he commented that "On recruitment, I would say we do very poorly. We were on the campuses and encouraged a number of bright young Canadians to apply for federal jobs. Approximately 22,000 students wrote exams, and we hired less than 500. That is shocking. There are systemic reasons for why that is, but it is not acceptable."<sup>85</sup>

**Recommendation 3 – The Committee recommends that the federal public service adopt a specific policy to ensure the effective removal of the systemic barriers that exist within hiring and staffing processes. This plan should include:**

- **A communication strategy geared towards reaching out to different populations across Canada;**
- **Enhanced strategies to acquire and maintain external candidates, including enhanced outreach efforts to help such candidates understand the federal public service hiring process, research and analysis into the underlying causes of drop off rates, and increased emphasis on recruitment programs such as the Post-Secondary Recruitment Program;**
- **Support for official language training, particularly within immigrant communities;**
- **Minimizing the use of temporary contracts.**

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<sup>84</sup> Testimony of Greg Gauld.

<sup>85</sup> Testimony of Reg Alcock.

## **Chapter 4 – Conclusion**

The Committee’s study is not yet complete, but its initial investigation has concluded that employment equity in the federal public service remains a serious issue that cannot be presumed to get better with time. The problem is one that needs to be consciously worked at within departments and through outreach to members of designated groups. Touching at the core of the problem, the former Clerk of the Privy Council noted that:

we are a closed shop, and that has hurt the public service. We need to open it up and seem more permeable. We need to care more about bringing the outside in. We have to communicate to young people some of the excitement of being public servants, whether they be women, visible minorities or Aboriginal. This is the best gig in town and we have to get out and tell people about it. We have to be more open and then they will be more likely to believe it.<sup>86</sup>

Reg Alcock commented that “As the largest employer in the country, the public service must demonstrate leadership to other jurisdictions and in the private sector.”<sup>87</sup>

One of the Committee’s concerns is that lack of employment equity in the federal public service represents just one more barrier for minorities in Canada and a serious obstacle to minority involvement in government decision making and to ensuring that minority voices are heard in government. The Committee’s preoccupation with discrimination and employment equity stems not only from our recognition of Canada’s legal obligations in terms of international human rights and the *Charter of Rights and Freedoms*,<sup>88</sup> but also from the Committee’s broad objectives of protecting and promoting justice and fairness within the federal government.

The federal public service must work to build a culture of respect and diversity before real employment equity goals can be achieved. This is not a story about getting more minority faces at the table, it is about creating a better society and a better face for Canada. The laudable goal of the original Task Force on the Participation of Visible Minorities in the Federal Public Service was to “transform the Public Service into an

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<sup>86</sup> Testimony of Alex Himelfarb.

<sup>87</sup> Testimony of Reg Alcock.

<sup>88</sup> *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11.

institution that reflects Canada's citizens and attracts them into its service to play a part in shaping the Canada of tomorrow."<sup>89</sup>

This is an issue that the Committee will continue to monitor in dialogue with the new government. The Committee is looking forward to discussing this new government's plans with respect to existing and new employment equity initiatives, while also expanding the scope of this study to include issues that may go beyond the traditional designated groups outlined in the *Employment Equity Act* to focus on broader systemic problems facing immigrants and other vulnerable groups attempting to enter the federal public service. What is clear is that results-based action is needed – concrete change cannot occur without real consequences linked to the success of employment equity strategies in the federal public service.

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<sup>89</sup> Task Force on the Participation of Visible Minorities in the Federal Public Service.

## **APPENDIX A: WITNESSES**

### ***Public Service Commission:***

Maria Barrados, President;

Greg Gauld, Vice-President, Merit Policy and Accountability;

Paula Green, Director General, Equity and Diversity.

*November 29, 2004*

### ***Treasury Board:***

The Honourable Reg Alcock, P.C. M.P., President.

### ***Public Service Human Resources Management Agency:***

Glen Bailey, Vice-President, Human Resources Planning and  
Accountability;

Wally Boxhill, Director, Employment Equity;

Diana Monnet, Vice-President, Official Languages.

*December 7, 2004*

### ***Privy Council:***

Alex Himelfarb, Clerk of the Privy Council and Secretary to the Cabinet;

Wayne McCutcheon, Deputy Secretary to the Cabinet, Senior Personnel  
and Special Projects Secretariat.

*May 9, 2005*

***Public Service Commission:***

Maria Barrados, President;

Linda Gobeil, Senior Vice-President, Policy Branch;

Gerry Boulet, Director General, Executive Resourcing.

*November 21, 2005*

***Public Service Commission:***

Linda Gobeil, Senior Vice-President, Policy Branch;

Paula Green, Director General, Equity and Diversity;

Dan Coffin, Director General, Resourcing Services.

*June 12, 2006*