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# **Review of the *Employment Equity Act***

## **Government of Canada Response**

*To the 9<sup>th</sup> Report of the Standing Committee on Human Resources  
Development and the Status of Persons with Disabilities:*

*Promoting Equality in the Federal Jurisdiction:  
Review of the Employment Equity Act*

November 2002

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Minister of Labour



Ministre du Travail

Ottawa, Canada K1A 0J2

Mrs. Judi Longfield  
Chair, Standing Committee on Human Resources Development  
and the Status of Persons with Disabilities  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Colleague:

Pursuant to Standing Order 109 of the House of Commons, I am pleased to respond on behalf of the Government of Canada to the recommendations of the Ninth Report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities, "*Promoting Equality in the Federal Jurisdiction: Review of the Employment Equity Act*", tabled in the House of Commons on June 14, 2002.

In reading the report, it is clear to me that the breadth of your examination was extensive, and that you listened carefully to the views of all groups. Your recommendations encourage us to work earnestly towards helping employers eliminate barriers to the employment of persons with disabilities, Aboriginal peoples, women and visible minorities.

The Government of Canada reaffirms its commitment to employment equity.

Enclosed is the Government of Canada's response to the recommendations contained in the Ninth Report of your Committee. I would like to extend my appreciation to the Committee for its vigilance and contribution to the ongoing administration of Canada's Employment Equity programs.

Yours Sincerely,

Claudette Bradshaw

**Canada**

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# Government of Canada Response

*To the 9<sup>th</sup> Report of the Standing Committee on Human Resources  
Development and the Status of Persons with Disabilities:*

*Promoting Equality in the Federal Jurisdiction:  
Review of the Employment Equity Act*

## 1. Introduction

The Government of Canada extends its appreciation to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities for its Ninth Report.<sup>1</sup> The Report presents a comprehensive reflection of the contribution of almost 100 witnesses, including representatives of employers, labour, designated group organizations and individuals. It supports continuing the *Employment Equity Act*, and suggests strengthening the effectiveness of its administration.

While acknowledging that employment equity has progressed over the last fifteen years, the Government shares the Committee's view that there is a need for continuing improvement. Greater access to employment must be realized for the designated groups, particularly for persons with disabilities and Aboriginal peoples in the private sector, and visible minorities in the federal Public Service.

The Government remains committed to improving the *Employment Equity Act* and its administration to help achieve employment equity in Canadian workplaces.

## 2. A Commitment to Equity and Inclusion

Continuous efforts to build an inclusive society are a hallmark of the Government of Canada policy.

These efforts and commitments are reflected in the 2002 Speech from the Throne, *The Canada We Want* as well as in discussion papers released in February 2002, as part of Canada's Innovation Strategy. All express the Government of Canada's belief that Canada's strength as a nation, in large part, lies in its diversity, and with the skills of its population.

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<sup>1</sup> Copy of the Report is available at <http://www.parl.gc.ca> and from Public Works and Government Services Canada – Publishing, Ottawa, Canada K1A 0S9.

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The *Employment Equity Act* is a legislated and practical expression of those commitments. The Government of Canada will continue to advance the inclusion of members of the designated groups, by recognition of their skills, providing support and guidance to employers, and encouraging the removal of barriers to employment.

### **3. Fairness and Social Justice for All Canadians**

Employment equity is an important element in building a solid foundation for fairness and social justice for all Canadians.

The *Employment Equity Act* is testimony to Canada's commitment to inclusion, fairness and social justice. The current Act seeks to ensure that Canadians are provided with fair employment and promotion opportunities with the employers it covers. Notwithstanding the strong legal foundation deriving from the Act, the Government recognizes that it must continue working towards fairness and social justice for members of the designated groups.

### **4. Progress of Designated Groups since 1986**

In 1984, the Royal Commission on Equality in Employment reported that visible minorities, women, Aboriginal peoples and persons with disabilities faced barriers to working, due to factors unrelated to merit. They were disproportionately excluded from the workplace because of their group membership. Most of the barriers they faced were systemic in nature: a framework was required to identify and deal with these barriers and allow individuals to compete fairly for jobs and promotions. This would allow them to contribute evenly to the success of their employers and the economic and social well being of all Canadians.

In response the Government of Canada enacted the *Employment Equity Act* in 1986.

As the Committee reported, the Act has worked. Employers, initially reluctant to engage in the process, told the Committee reviewing the Act in 2002 that they support employment equity principles and objectives.

Members of the four designated groups have made important gains. However, while visible minorities and women have made gains in the private sector, persons with disabilities and Aboriginal peoples have lagged behind. In the federal Public Service, visible minorities continue to be under-represented.

### **5. Promoting Employment Equity**

Misperceptions about employment equity continue to challenge its positive contributions.

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Employment equity is not about quotas, nor reverse discrimination. It is not about hiring unqualified individuals, nor lowering job standards. Employment equity is a pro-active and measurable approach for employers to identify and eliminate discrimination and correct conditions of disadvantage in employment, experienced by members of the designated groups.

To address misinformation, a concerted effort of sustained public education, involving employers, unions, designated group organizations and government is required.

## **6. A Positive Impact on the Country's Economy**

Since 1986, Canada has moved towards globalization and a knowledge-based economy. As a result, the characteristics of the country's labour market have changed.

As noted in the 2002 Speech from the Throne, we now have a generation of Canadians who are global, at ease with change and diversity, optimistic and eager to create, innovate and excel. The Government believes that policies to promote an inclusive workplace including employment equity, can be important tools to help Canada become a world leader in innovation and learning, a magnet for talent and investment.

In this new global economy, equality in employment is more important than ever. Accommodating the needs of employees enhances the participation and productivity of all workers. In the labour intensive service industries, for example, many employers have indicated that a diverse workforce makes them more competitive, and removing barriers contributes to productivity. The framework provided by employment equity allows for a rationalization of employment practices, contributing to more effective human resources management.

Employers who want to implement the employment equity process still need coherent support and guidance from government to do so effectively.

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## Response to Recommendations

The Standing Committee made twenty-nine recommendations in its June 2002 report, *Promoting Equality in the Federal Jurisdiction: Review of the Employment Equity Act*. These recommendations spoke to several themes: Promoting Success, Accountability, Knowledge-Based Program Development and Partnerships.

The following sections group the recommendations that express similar concerns.

### Promoting Success

*This section addresses Recommendations 1, 2, 3 and 26 (Please refer to Appendix A)*

The Committee recommended that the Minister of Labour enhance support and guidance for all employers. These recommendations call on the Minister to take concrete and direct action in support of employers in pursuit of employment equity.

The Committee noted that the *Employment Equity Act* has contributed to significant workplace improvements. It also concluded that gains often resulted from direct support to employers, in their implementation of the employment equity process.

The Public Service of Canada has succeeded in increasing the representation of all designated group members, eliminating gaps for women, persons with disabilities and Aboriginal peoples. However, more could be done in specific occupational categories and overall for visible minorities.

In the private sector, employers have similarly succeeded in increasing the representation of designated group members. Significant gaps remain, however, primarily for Aboriginal peoples and persons with disabilities.

#### *Persons with disabilities and Aboriginal peoples*

Data compiled for the current review of the Act clearly show that persons with disabilities and Aboriginal peoples in the private sector have not progressed in step with women and visible minorities. More needs to be done to attract, hire and retain them into permanent positions reflecting their skills and abilities.

The Government will examine ways to develop workplace strategies for persons with disabilities and Aboriginal peoples to make this a reality. In the 2002 Speech from the Throne the Government signalled its intention to work with the provinces to fast-track a comprehensive agreement to remove barriers to participation in work and learning for persons with disabilities. It will also tailor its training programs to help Aboriginal peoples participate in economic opportunities.

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### *Employment Equity Positive Measures Program and the Enabling Resource Centre*

The Government invested some \$32.5 million between 1994 and 1998 for the Special Measures Incentives Program (SMIP), and up to \$10 million annually from 1998 to 2002 for the Employment Equity Positive Measures Program (EEPMP) in the Public Service of Canada.<sup>2</sup>

In addition, the Government allocated up to \$10 million per year to help federal government departments and agencies implement the *Embracing Change* Action Plan, which the Government endorsed in June 2000 with funding for a three-year period.

Such programs were established as temporary, transitional support interventions, as a result of the increased delegation of human resource functions to departments and agencies.

The Government, through the Treasury Board Secretariat, will monitor departmental delivery of service previously provided by the Employment Equity Positive Measures Program and the Enabling Resource Centre, to determine what action, if any, is required.

### *Employment Equity Research, Promotion, Education and Support*

The Government of Canada recognizes that public education is required to promote employment equity. Without understanding the merits and the process of employment equity, support for it from Canadians will be difficult to garner. Accordingly, the Minister of Labour has been mandated by the Act to engage in public education campaigns to foster employment equity. These contribute to an acceptance of the principles of employment equity by employers, labour organizations, designated group organizations, and the general public.

Employers told the committee that they want to implement employment equity but they need help to do so. Representatives from labour and designated group organizations have volunteered to contribute to public education in partnership with employers. The Government will examine ways to provide effective support to increase the success and the positive impact of these efforts.

In particular, the Government, through the Minister of Labour, will engage partners in seeking to develop a better employment equity research, promotion, education and technical support strategy to enhance the effectiveness of employment equity initiatives overall.

### *The Source of Technical Support*

The Treasury Board Secretariat provides support to federal departments in their implementation of employment equity.

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<sup>2</sup> The Enabling Resource Centre was funded under the EEPMP

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To date the Labour Program of HRDC has been the sole government source of guidance and technical support for private sector employers. To this end, the Labour Program has developed material, resources and tools enabling employers to comply with the Act.

With the support of the Treasury Board Secretariat, the Labour Program provides guidance and support to Separate Employers covered under the Act.

The Labour Program has cooperated with the Treasury Board Secretariat, the Public Service Commission and other employers, in developing workshops and tools and in seeking consistency in the provision of technical guidance and support across the private sector and within the public sector. In addition, the Program has worked with the Canadian Human Rights Commission to develop tools to guide employers, including a set of 11 guidelines to cover all statutory obligations.

The Labour Program will continue to provide guidance and technical support for employers. It will continue to strengthen the relationships it has developed with its partners in ensuring that consistent information is available to employers covered under the Act. This will involve working even more closely with the TBS, PSC and CHRC towards this end.

#### *Resources for the Labour Program of HRDC*

The Committee suggested that increased designated group representation and increased awareness of employment equity issues are among the many accomplishments that have been assisted by the *Employment Equity Act*.

The Committee also recommended that implementation of better workplace promotion and education strategies, research activities and the enhanced provision of support to employers are key for the progress of designated groups.

The Government of Canada and the Department of Human Resources Development will consider the recommendation, within the context of their overall priorities, their efforts to promote inclusion, and their overall fiscal situation.

## **Accountability**

*This section addresses Recommendations 6, 7, 9, 10, 22, 24 and 27 (Please refer to Appendix A)*

These recommendations deal with the need for greater accountability for the consistent implementation of employment equity, and adherence to clearly defined criteria for the definition of statutory requirements.

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Witnesses told the Committee that consistent interpretation of legislative requirements, and accountability for results contributed to the efficient and effective application of the Act. Employers, the agencies that audits them and the agencies that provide support and guidance must be coherent in their actions. Accordingly, the Government of Canada provides leadership in the development and promotion of standards and accountability measures, to enhance the effectiveness of the Act.

#### *A Regulatory Framework for CSIS, the RCMP and Canadian Forces*

Regulations to guide the application of the Act to the Canadian Security Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP) and the Canadian Forces (CF) have been pre-published in the *Canada Gazette*. They are expected to be in force in the near future.

#### *Coverage of the House of Commons, Senate and Library of Parliament*

The Committee Report recognizes the need for Parliament (House of Commons and Senate) to maintain privilege from application or litigation, or prosecution by any of the creations of Parliament. Accordingly, Parliament will not be defined as an employer under the Act.

The Government of Canada stands ready to provide material, tools and guidance to Parliament to assist it in the development and implementation of employment equity.

#### *Restructuring the Federal Contractors Program*

Most employers who implement employment equity under the Federal Contractors Program find that it contributes to the effective operation of their business and increases the representation of members of the designated groups.<sup>3</sup> Like other classes of employers, they want to implement employment equity but they need help to do it effectively.

The Government of Canada will examine the Federal Contractors Program with a view to increasing its effectiveness.

#### *Annual Reports to Allow Comparisons between Sectors*

Annual reports are an important instrument to promote accountability for employment equity activities. They promote accountability by, among other means, allowing for public scrutiny of the progress of designated group members in the workplace. It has been suggested that ideally, comparisons among all employers should be readily available, so that good practices can be shared.

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<sup>3</sup> Final report for the Evaluation of the Federal Contractors Program, April 2002, Evaluation and Data Development, HRDC

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Currently, the Minister of Labour tables a consolidated report and analysis on the private sector while the President of the Treasury Board tables a separate report for the Public Service.

As the Cabinet Minister responsible for the management of the federal Public Service, the President of the Treasury Board is ultimately accountable to Parliament for the implementation of employment equity within the federal Public Service. Accordingly, the Treasury Board President will continue to report directly to Parliament on the status of employment equity in the federal Public Service.

The Government of Canada will examine ways to improve the comparability of reports and improve the reporting process.

#### *Reporting on the Same Occupational Basis*

Private sector employers use Statistics Canada's 522 National Occupational Classifications (NOCs), summarized in the 14 Employment Equity Occupational Groups (EEOGs) to report annually on their workforce representation to the Minister of Labour. The federal Public Service reports are derived from Statistics Canada's 522 NOCs. These are aggregated into 72 occupational groups and 6 occupational categories. This creates some difficulty for those wishing to make detailed comparisons between the private sector and the federal Public Service.

The Government of Canada will examine ways to enhance the comparability of the detailed information.

#### *Labour Force Availability Benchmarks*

Currently, in accordance with the *Public Service Employment Act*, Canadian citizens are given preference for employment in the federal Public Service. Private sector employers and most Separate Employers do not exercise such preference on the basis of citizenship, which may make the labour force availability benchmarks for them different from those of the federal Public Service.

With respect to the application of these benchmarks, the Government notes the flexibility accorded under the *Employment Equity Act* to enable alignment with employment realities. Within this context, the Government also notes that the Supreme Court of Canada in the case of *Lavoie, Bailey and To Thanh Hien versus the Attorney General of Canada*<sup>4</sup> upheld the constitutionality of the preference given to Canadian citizens in hiring for positions in the Public Service of Canada.

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<sup>4</sup> Lavoie v. Canada: 2002 S.C.C 23

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### *Penalties for False Reporting*

Section 18 of the Act outlines reporting requirements, identifying three activities:

- the submission of an annual report on time;
- the submission of complete information; and,
- the submission of accurate information.

Section 35 of the Act indicates that an employer failing to comply with section 18 commits a violation of the Act. Section 36 of the Act authorizes the Minister of Labour to impose monetary penalties for violations of section 18.

Currently, section 35 applies only to the 435 private sector employers covered by the Act, and not to the 950 Federal Contractors nor to the federal Public Service. The provision of education, effective support and the possible application of a monetary penalty for reporting infractions have resulted in most employers in the private sector readily complying with their reporting obligations. The Treasury Board Secretariat administers the collection of information from individual departments and produces a consolidated report for the federal Public Service. This approach has worked well within the timeframe and content requirements specified in the Act.

On the basis of the preceding, the Government of Canada finds that the current mechanism for enforcing reporting requirements is adequate.

### *The Federal Contractors Program: Equivalent Obligations*

The Minister of Labour is mandated under section 42 of the Act to ensure that employers covered by the Federal Contractors Program comply with standards equivalent to those extended over other types of employers covered by the Act.

In addition to auditing Federal Contractors' employment equity activities, HRDC's Labour Program provides support and guidance to federal contractors, along with other employers. Recent evaluations have suggested improvements could be brought to the Federal Contractors Program. Some of these have been addressed: more Workplace Equity Officers were hired to boost support and audit capability, and operational policy manuals are under revision. The Government of Canada will examine ways to continue to improve upon the effectiveness of the Federal Contractors Program.

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## Knowledge-Based Program Development

*This section addresses Recommendations 8, 11, 12, 13, 14, 15, 16, 17, 18, 20 and 21 (Please refer to Appendix A)*

These recommendations suggest that the implementation of the Act has been impaired by a lack of consensus on fundamental issues. The Committee found that employers, government agencies, and designated group organizations may disagree over what should constitute compliance. The Committee suggested that more research into these issues would clarify compliance standards and enable employers to implement employment equity more effectively, and efficiently.

The Committee recognized that clear policy direction is required in order to effectively lead the employment equity process. In order to provide clear policy direction, however, some issues require further study and research.

### *Lowering the Thresholds to Cover More Employers*

Including federally regulated employers with fewer than 100 employees, federal contractors with contracts worth less than \$200,000 and recipients of federal grants and contributions as raised by the Committee, might not significantly increase the number of employees covered, while considerably raising the administrative burden of providing support and ensuring compliance to a significantly higher number of employers.

### *Review Reporting Requirements*

While some employers feel that too much time is spent completing an annual report rather than implementing programs, the data collected allow a more focused, more effective employment systems review. The data also allow analysis of the progress designated group members are or are not making, what corrective measures should be implemented and what goals should be established.

However, the process of collecting data, reporting on them and analyzing them should be effective and efficient. The Government of Canada will review the current reporting requirements.

### *“Special Measures”*

“Special Measures” are how employers address barriers to the equal participation of members of the designated groups, to increase the representation of those that are under-represented. The term remains unclear to many.

If designated group members are to progress as employers experience success in implementing employment equity then clarity must be brought to the concepts used.

The Government of Canada will seek to clarify what constitutes “Special Measures”.

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### *Accommodation Short of Undue Hardship*

The term “reasonable accommodation” has been identified as unclear by employers, employee representatives, and designated group members.

Similar confusion led to the amendment of the *Canadian Human Rights Act*, wherein “duty to accommodate to the point of undue hardship” was integrated. Recent jurisprudence, notably *Meiorin*<sup>5</sup> and *Grismer*<sup>6</sup> confirm the duty to accommodate to the point of undue hardship. Current material provided to employers by the Labour Program refers to the latter concept.

The Government of Canada will examine how to best support employers implementing this approach.

### *Document Employment Systems Reviews*

Documenting their employment systems reviews helps employers ensure progress in employment equity. Clear standards to help employers conduct the review must be provided. The Government of Canada will continue to develop material to guide and support employers in their conduct of employment systems reviews.

### *Clarify Hiring and Promotion Goals*

Hiring and promotion goals serve to motivate managers, and provide means to gauge progress towards fair representation of designated group members. They should be reasonably attainable.

When employers succeed in identifying and dealing with barriers to equal opportunity, and special measures take effect, members of the designated groups will be hired and promoted at rates equal to or greater than their availability.<sup>7</sup>

The Committee has recommended an examination of amendments to the provisions of the Act dealing with goal setting. The Government of Canada is mindful of the impact of setting goals beyond labour market availability, since this may reinforce the occasional public perception of employment equity as a “quota” system. Nonetheless, as preparations are put in place for deriving new labour market availability indicators from information in the 2001 Census and Participation and Activity Limitation Survey (PALS), the Government of Canada will continue to assess this and associated recommendations dealing with labour market availability.

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<sup>5</sup> *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union*, [1999] 3 S.C.R. 3

<sup>6</sup> *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, [1999] 3 S.C.R. 868

<sup>7</sup> While it may seem paradoxical for segments of the population to be hired at rates above their measured labour market availability, special measures and positive policies and practices to address historical imbalances and systemic barriers can result in labour market availability adjustments accounting for previously unemployed, or under-employed qualified members of the designated groups.

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### *Employers' Consultation and Collaboration with Unions*

The Act includes a requirement for employers to consult with employee representatives, including bargaining agents.<sup>8</sup>

In the federal Public Service, the employer and bargaining agents established a Joint Employment Equity Committee to facilitate consultation and collaboration on employment equity matters.

The Government of Canada will explore various measures to clarify the consultation and collaboration process for all types of employers.

### *Definition of Persons with Disabilities*

The definition of persons with disabilities was a subject of discussion throughout the review process. The Interdepartmental Coordinating Committee on Employment Equity Data, which meets quarterly to discuss data related issues, will examine this definition.

### *Membership in More than One Designated Group*

While the Committee heard evidence that people who belong to more than one designated group face proportionately more discrimination, quantitative data are currently insufficient to clearly indicate in which combinations the disadvantages are greatest. If it were possible to identify the areas of greatest need, then measures could be fine-tuned to address those areas specifically.

Consequently, the Interdepartmental Coordinating Committee on Employment Equity Data will examine how the data could be aggregated from current statistics, to meet the needs identified in the report.

### *Measures of Success in Employment Equity*

Progress in employment equity is measured using quantitative data on the representation of designated group members in employers' workforces. Employers believe that the results of some of the measures they put in place are not recognized, as they are not easily quantifiable.

In order to better reflect the results of measures put in place to achieve employment equity, the Government of Canada will study ways to identify measures that generally provide the most benefit for cost so that employers can pursue practices that contribute most to overcoming employment-related barriers.

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<sup>8</sup> Section 15 of the *Employment Equity Act*

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### *Alternative Data Sources to Measure Success*

The Interdepartmental Coordinating Committee on Employment Equity Data has already placed questions on several Statistics Canada surveys. It will continue to examine ways to develop alternative data sources and societal indicators of employment equity progress, and consider conducting research on the disadvantage compounded by membership in more than one designated group and their respective sub groups.

### *Persons with Disabilities Data*

The 1991 Health and Activity Limitations Survey is the most current source of labour force availability data for persons with disabilities, while more recent data is available for the three other designated groups through the 1996 Census of Canada. The data for persons with disabilities do not provide opportunity for analysis to the same level as the data from the Census of Canada.

A new Participation and Activity Limitation Survey, in conjunction with the 2001 Census of Canada, will address in part the shortcomings of the availability data for persons with disabilities.

## **Partnerships**

*This section addresses Recommendations 4, 5, 23, 25, 28 and 29 (Please refer to Appendix A)*

The Committee recognized the consensus of most intervenors in advancing the idea that employment equity represents fundamental and wide-spread values commensurate with inclusion, fairness and equity. Finding that this consensus is most effective at advancing these values when it is synchronous, the Committee recommended that efforts be coordinated, and experiences shared.

The Government of Canada, while accepting primary responsibility for the attainment of program objectives, recognizes that employment equity will not be achieved without the important contribution and active participation of its equity partners.

Labour Market Development Agreements: The Government of Canada and its partners in the Forum of Federal/Provincial/Territorial Ministers responsible for Social Services are currently discussing a labour market integration strategy for persons with disabilities, in the context of new arrangements for Employability Assistance for People with Disabilities (EAPD). The current agreement expires in March 2003.

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Knowledge Matters – Skills and Learning for Canadians provided an invitation from the Government of Canada to provincial and territorial governments, key stakeholders and all interested Canadians to participate in a national dialogue on what Canada needs to do to respond to the challenges of the knowledge-based economy. These discussions have provided an opportunity to explore ways in which current arrangements may be adapted to enhance human resource development among members of the designated groups.

Labour Force Development Strategy: With respect to the labour force development strategy for persons with disabilities, the Government of Canada in the 2002 Speech from the Throne *The Canada We Want*, undertook to work with the provinces to fast track a comprehensive agreement to remove barriers to participation in work and learning.

Reporting on Designated Group Expenditures: HRDC's Departmental Performance Report (DPR) currently provides details on transfer payments on program expenditures over \$5 million. These include information on the following programs aimed specifically at designated employment equity groups:

- Opportunities Fund for Persons with Disabilities
- Aboriginal Human Resources Development Strategy
- Employability Assistance for People with Disabilities (EAPD)

Also, through the annual tabling in Parliament of its *Employment Insurance Monitoring and Assessment Report*, HRDC provides information on the participation of designated group members in employment programs and services. For other programs that are not specifically created for designated groups, such as the Homelessness and Youth programs, identifying the proportion of clients served that are members of the employment equity groups is not always feasible since these requirements were not part of the original purpose and design of the programs.

Welcoming and Integrating Immigrants: The Government of Canada is proud of its record in welcoming immigrants, and integrating them into Canadian society and our workforce. It recognizes that this integration is not without difficulties and requires support.

Language skills and community support are essential for rapid and effective integration of immigrants into the labour market.

In support of the Government of Canada's Innovation Strategy, Citizenship and Immigration Canada, along with its partners Human Resources Development Canada and Industry Canada are preparing a number of measures to improve the integration of immigrants into the Canadian workforce.

The Government conducts an annual review of its budget for all settlement and resettlement programs, including the Language Instruction for Newcomers to Canada Program and the Immigrant Settlement and Adaptation Program, to ensure funds are allocated as appropriate.

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### *Recognition of Foreign Credentials*

The Government is committed to making progress on this issue. The 2002 Speech from the Throne highlighted the commitment to working with partners towards breaking down the barriers to the recognition of foreign credentials and to fast-tracking skilled workers entering Canada to find appropriate employment.

All applications for permanent residence contain a statement regarding the requirement for accreditation or certification from a licensing body for some professions and trades. The Government is working to provide better information on the labour market, including foreign credentials' recognition, on its web site and in immigrant application kits. Citizenship and Immigration Canada is advising potential immigrants that it is their responsibility to obtain as much information on the labour market as possible, including foreign credential recognition, prior to immigrating and is directing them to appropriate information sources.

### *Canadian Human Rights Commission Resources*

The Committee report noted that the Canadian Human Rights Commission is taking longer than expected to fully complete an audit cycle of all employers covered by the Act, and that this delay may be attributable to a lack of resources. As a matter of course, the Government of Canada is continually reviewing the resources of particular programs in light of overall priorities and fiscal resources.

### *Examine the Release of Summaries of Compliance Reports*

Section 34 of the Act protects employers from disclosure of the information provided in the course of an audit, to promote cooperation with the Canadian Human Rights Commission.

The Government of Canada believes that public disclosure and promotion of information on the employment equity activities and achievements of employers can serve to advance public awareness of employment equity and promote the progress of designated groups.

However, respecting employers' concerns about disclosure of privileged information can help to promote compliance and cooperation. The government will continue to examine ways of striking the right balance between public disclosure and the concerns of employers.

### *Treasury Board Accountable for the Public Service*

The Treasury Board, as employer of the federal Public Service, is accountable for meeting its obligations under the *Employment Equity Act*. Accordingly, the Treasury Board Secretariat has a leading role in ensuring that programs and services provided to the Public Service are well-administered, focused on citizens' needs, and produce concrete and measurable results.

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The Treasury Board Secretariat has retained employment equity functions which are better administered from the centre, such as the maintenance of a central employment equity data bank and providing tools and guidelines, and has delegated to departments those functions, such as the development of employment equity plans, which are part of the departments' authority to manage their human resources. Although departments must be accountable for the activities for which they have taken responsibility, measures are still necessary to ensure appropriate policies and programs are in place.

The Public Service Commission, responsible for staffing the Federal Public Service, is accountable for employment equity in the staffing processes.

*HRDC's Labour Program Assume Primary Responsibility for Employment Equity*

Lack of consistency in the determination of employer compliance assessment criteria and the provision of guidance material across government programs responsible for employment equity, has led to some confusion and reduced efficiency in the development and implementation of employment equity in the public and private sectors.

HRDC's Labour Program and the Canadian Human Rights Commission have established a joint committee to ensure common criteria for compliance assessment, and to collaborate on the development of the material and tools required to comply with legislated requirements.

The Labour Program will provide material, tools and guidance to all employers who request them, including the Parliament of Canada, the Treasury Board, the Public Service Commission, Separate Employers, and employers in the private sector including the Federal Contractors' Program. The Labour Program will work in collaboration with its partners, including the TBS and PSC, to develop tools that are adaptable to the wide variety of organizations and circumstances covered by the legislation.

As employer of the federal Public Service, the Treasury Board works collaboratively with the Public Service Commission and departments and agencies towards the attainment of employment equity in the Public Service. In addition, as the principal recruiter for the Public Service, the Public Service Commission will continue to integrate employment equity practices in the appointment of persons to and within the federal Public Service.

The Treasury Board Secretariat and Public Service Commission, while remaining responsible for the implementation of employment equity in the federal Public Service, will have opportunity to use the services provided by the Minister of Labour.

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## Conclusion

The Government of Canada remains committed to employment equity, and the legislated mechanism that promotes it. The 9<sup>th</sup> Report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities confirms that the *Employment Equity Act* is required; that the process it prescribes works; that the organizations charged with its mandate are proficient; and, that it enjoys popular support in the communities it reaches.

The Report relays the Committee's concern with the uneven progress of members of designated groups, notably for persons with disabilities and Aboriginal peoples in the private sector. The Government of Canada will continue to provide support to employers in their pursuit of employment equity.

There is also concern with gaps in representation for visible minorities in the federal Public Service. The Government of Canada will continue to work to address these concerns in its pursuit of employment equity.

The Report calls for enhancements to the effective administration of the Act, and for increased support and guidance for the partnerships that must exist if designated group members are to make progress. The Government of Canada will continue to work to address these recommendations and foster a more inclusive federal workplace.

To do so, the Government needs the cooperation of employers, unions, community-based organizations and employees, to join with Government to identify and address barriers to the equal participation of all members of our workforce. The Government of Canada is ready to work with its employment equity partners to ensure that this cooperation is effective and efficient.