

Report of the Office of the Chief Human Resources  
Officer: What We Heard From Employee Networks  
on Task Force Recommendations and the  
Government's Initial Commitments to Modernize the  
*Employment Equity Act*

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## Acknowledgements

The Office of the Chief Human Resources Officer (OCHRO) would like to thank the thousands of public servants who participated in our consultation sessions in May and June 2024 under extremely short timelines. The approach to analysis of participants' comments and drafting of this report was designed to reflect what we heard from a broad range of perspectives during these sessions.

This report would not have been possible without the tireless dedication, leadership and teamwork demonstrated by our own employees at OCHRO, and the collaboration and support from Employment and Social Development Canada's Labour Program and the Public Service Commission of Canada. We are also grateful to our colleagues at the Treasury Board of Canada Secretariat (TBS) and the Public Service Commission of Canada for having collaborated with OCHRO as facilitators and chat monitors to support the consultation sessions.

A special thank you also goes to employee network representatives and deputy minister employment equity champions and their teams who provided advice during planning of the consultations, and to community representatives who were able to provide opening remarks for the engagement sessions.

## Introduction

The [Employment Equity Act Review Task Force](#) carried out the most extensive review of the *Employment Equity Act* since its introduction in 1986.

On December 11, 2023, the Minister of Labour and Seniors, the Honourable Seamus O'Regan, accompanied by the former Chair of the Task Force, announced the release of the Task Force's final report: [A Transformative Framework to Achieve and Sustain Employment Equity](#). Minister O'Regan also announced the government's initial commitments to modernize the Act. These commitments include:

- creating two new designated groups under the Act: Black people and 2SLGBTQI+ people
- replacing the term "Aboriginal peoples" with "Indigenous Peoples" and updating the definition to include First Nations, Métis and Inuit and to ensure it is consistent with the [United Nations Declaration on the Rights of Indigenous Peoples Act](#)
- replacing the term "members of visible minorities" with "racialized people" and updating the corresponding definition
- aligning the definition of "persons with disabilities" with the [Accessible Canada Act](#) to make it more inclusive

The Task Force's work was a first step to inform the modernization of the Act. This next phase of consultations sought input to understand how best to effectively implement possible changes to the Act. The themes were:

1. designated groups and collection of survey data
2. supporting employees and employers
3. strengthening accountability, compliance and enforcement
4. improving public reporting

OCHRO supports the Treasury Board in its role as the employer for the core public administration by driving excellence in people management and ensuring appropriate consistency across the public service. This report is submitted on behalf of OCHRO as the employer for the core public administration.

In late May 2024, OCHRO launched its consultation process with the core public administration on the modernization of the *Employment Equity Act*.<sup>1</sup> This report aims to summarize what we heard at the 23 consultation sessions that OCHRO conducted in May and June 2024 on the modernization of the *Employment Equity Act* with various interdepartmental networks of:

- employees from equity-seeking groups
- designated senior officials for employment equity, diversity and inclusion
- employment equity chairs and champions

The views presented in this report are those expressed by participants and do not necessarily reflect OCHRO's views.

OCHRO engaged separately with the National Joint Council's Joint Employment Equity Committee, which was invited to make a submission directly to the Labour Program. OCHRO also engaged with the Human Resources Council to support a separate submission on behalf of the employer's perspective to the Labour Program that reflects key feedback from organizations.

## Consultation approach and methodology

OCHRO recognizes the extremely short time frame available to the Labour Program to receive input on the Task Force's final report. As a result, in addition to the consultation sessions organized by OCHRO, departments, organizations, groups and individuals in the

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<sup>1</sup> Note that employee networks include members from separate agencies such as the Canada Revenue Agency. This report, however, is on behalf of employees in the core public administration.

core public administration were invited to make written submissions directly to the Labour Program by July 31, 2024.

The short timelines impacted OCHRO's approach to establishing the number and the format of the consultation sessions. OCHRO engaged with the networks as early as possible during the planning stage to:

- inform them of the upcoming consultations and anticipated dates
- ask for their support to promote the sessions to their membership

The consultation approach was planned with the objective of reaching the maximum number of impacted employees within a short window, allowing for time to prepare this report. When planning the consultation sessions, OCHRO did the following to prioritize accessibility:

- separate sessions were held in either French or English
- Communication Access Realtime Translation (CART) services were provided for each session
- American Sign Language (ASL) and Langue des signes québécoise (LSQ) services were available in sessions attended by persons with disabilities and could be requested by any participant at all sessions

OCHRO promoted the sessions via email to OCHRO's list of employee stakeholders working in equity, diversity and inclusion. Distribution included:

- Deputy Minister Employment Equity Champions and Chairs Committees and Circles
- Community of Practice of Designated Senior Officials on Employment Equity, Diversity, and Inclusion
- interdepartmental equity-seeking networks, including:
  - Black and racialized employee-led networks
  - the Public Service Pride Network
  - practitioners in anti-racism and employment equity, diversity and inclusion
  - Infinity, the network for neurodivergent public servants
  - religious minority networks
  - others

For a full list of stakeholders engaged in this process, see Appendix A. Heads of human resources units were made aware of the consultation sessions and were asked to promote the sessions within their organizations.

OCHRO used the materials and consultation questions that the Labour Program developed to support the broader consultation process across Canada. This material

included a discussion guide, presentation material and tailored questions. See Appendix B for this consultation material. Alignment of OCHRO's consultation sessions with the Labour Program's broader consultation process supported consistency and streamlining of input. OCHRO developed a [GCWiki page](#) (accessible only on the Government of Canada network) to support registration and access to meeting materials.

OCHRO conducted 23 consultation sessions in May and June 2024. The approach to consultations evolved throughout the consultations as OCHRO adjusted in response to feedback from employee networks and participants. For example:

- Shortly after launching communications on the consultations, departmental women's networks reached out to OCHRO requesting a dedicated session to seek the perspectives of women as a designated employment equity group. As there is no interdepartmental network for women, nor a deputy minister champion for women, OCHRO added a French and English session for women to the consultations.
- OCHRO rephrased the presentation material prepared by the Labour Program to place the focus of the sessions on the government's initial commitments to expand designated groups rather than ask whether there were concerns about adding new designated groups.
- OCHRO modified the structure of the sessions to start with a review of the consultation questions under the guidance of a facilitator, followed by the opportunity for participants to provide input. This adjustment allowed participants to gain a clear overview of the items under consideration before providing input, and it also allowed for a more efficient management of time during the sessions.

Given that the level of participation and attendance to the sessions far exceeded expectations, OCHRO adjusted the consultations approach through the following:

- Adding measures to enhance the psychological safety of participants by:
  - reinforcing the expectations for participation in the sessions and emphasizing the following at the beginning and throughout each session:
    - the imperative of communicating with respect
    - the importance of inclusion of diverse views and the confidentiality of information and participants' privacy
    - mindfulness of inclusive language
  - developing and sharing with participants clear rules of engagement geared to creating a safe space for meaningful, respectful and productive sessions,

outlining expectations for participants' behaviour in alignment with the *Values and Ethics Code of the Public Sector*

- Extending the duration of sessions that exceeded 150 registered participants by one hour to allow for more voices to be heard and adding sessions as required:
  - the women's session in English had the highest registration levels of the series (365 registered for the English session); to support the large participation rate, OCHRO divided the English session into two sessions to hear from as many participants as possible
  - OCHRO scheduled an additional session for racialized employees because:
    - the high attendance number (over 250 participants) at the first session did not allow all the consultation questions to be discussed
    - feedback from participants at the end of the first session indicated a desire for an additional session
  - the high attendance numbers (over 250 participants) at the first session did not allow all the consultation questions to be discussed, and in response to the feedback that participants provided at the end of the initial session
  - OCHRO enrolled the support of volunteers from TBS and the Public Service Commission of Canada to serve as co-facilitators and chat monitors
- Recognizing the sensitive nature of the content of the consultations, OCHRO enlisted trauma-informed mental health professionals to support the heavily attended consultation sessions. Dedicated mental health professionals were on standby during the sessions and were also available the following day. Participants were provided with information on how to contact these mental health supports as a complement to supports available through the Employee Assistance Program.
- Also recognizing the toll that the consultation sessions took on the team that was preparing and leading the sessions, OCHRO arranged for group decompression sessions led by a trauma-informed mental health professional. These sessions were available to facilitators, chat monitors and other staff involved in administering the consultations.

This report presents input provided by participants through verbal comments (captured in CART transcripts) as well as chat transcripts of each consultation session. To prepare this report, OCHRO identified common themes across all this input and selected specific quotes (presented anonymously in this report). Similar comments were grouped together and compiled by theme and question. Comments made by participants that were not

related to the *Employment Equity Act* review, while valuable and insightful, were considered out of scope and were not incorporated into this report.

## The consultation process by the numbers

**Table 1: sessions held separately in English and French**

Session	Date	Number of attendees in English session	Number of attendees in French session	Total number of attendees
<b>Anti-racism, employment equity, diversity and inclusion networks</b>	June 3, 2024	265	79	344
<b>Racialized employees</b>	June 4, 2024	260	60	320
<b>Racialized employees</b>	June 25, 2024	215	Not applicable	215
<b>Indigenous employees</b>	June 5, 2024	95	31	126
<b>2SLGBTQI+ employees</b>	June 11, 2024	241	45	286
<b>Muslim Federal Employees Network</b>	June 12, 2024	90	29	119
<b>Persons with disabilities networks</b>	June 13, 2024	181	59	240
<b>Black Executives Network</b>	June 18, 2024	240	80	320
<b>Jewish Public Servants' Network</b>	June 19, 2024	138	17	155
<b>Women's sessions</b>	June 20, 2024	247	59	306
<b>Sikh Public Service Professionals' Network</b>	June 27, 2024	62	0*	62
<b>Total number of participants</b>	Not applicable	2,034	459	2,493

\* Session cancelled given low registration rate

Note: Individuals were invited to participate in the sessions they wished to attend.



**Table 2: sessions held bilingually**

Session	Date	Total number of attendees
Designated Senior Officials and replacements	May 28, 2024	103
Indigenous Federal Employees Champions and Chairs Circle	June 6, 2024	50
Racialized Employees Champions and Chairs Committee	June 20, 2024	189
<b>Total number of participants</b>	Not applicable	342

Note: A total of 2,835 participants took part in the 23 consultation sessions.

## What we heard

### Theme 1: Designated groups and collection of survey data

#### Expanded designated groups and terminology

Considering the government’s initial commitments, the consultation questions on this theme focused on the following:

1. other groups that should be further studied and considered for inclusion as designated groups under the *Employment Equity Act*
2. whether definitions of designated groups should be kept in the Act or be moved to the Regulations

Note that some participants took the opportunity to share comments related to the Task Force’s recommendations on definitions and terminology. Also note that disaggregated and intersectional employment equity data, at the subgroup level, has been publicly available online on the [Diversity and inclusion statistics](#) website and in the [interactive data visualization tool](#) since 2020. Intersectional data has been included in TBS’s [Employment Equity Annual Reports](#) since 2016–17, and disaggregated data was first published in the 2018–19 report. Clients can also submit requests to OCHRO for disaggregated and intersectional data.

The following are **key highlights** of the input heard:

- There is wide support for adding two new designated groups (Black and 2SLGBTQI+ workers) and for keeping the category of women as an employment equity group.

- Participants had mixed opinions about replacing the term “visible minorities” with “racialized workers.” Some favoured the latter term, considering it more inclusive and effective in representing the power imbalance suggested by the term “racialized,” while others considered the term “visible minorities” as outdated. For others, the term “racialized” is triggering. The feedback is reflective of the recently released consultations completed by Statistics Canada on this terminology; see [Visible minority concept consultative engagement](#).
- There were questions about how the term “racialized” would be defined.
- There was broad acceptance of replacing “Aboriginal peoples” with “Indigenous workers” and of favouring a distinctions-based approach among First Nations, Inuit and Métis.
- There was broad consensus on aligning the definition of persons with disabilities included in the *Employment Equity Act* with the definition in the *Accessible Canada Act*.
- There was also broad acceptance of having multiple identify factors and a deeper exploration of differences in barriers and biases based on physical characteristics in addition to those based on socio-cultural characteristics associated with ethnicity, language and/or belief systems. As such, instead of having to choose from subgroups such as Black or white, individuals would be able to self-identify more authentically with a more nuanced set of identity factors (for example, Black – Caribbean and Irish heritage – Buddhist – multilingual – neurodivergent – cisgender male – bisexual), allowing the unique histories and contexts of diverse communities to be acknowledged and supported with focused initiatives.

Other comments and considerations shared by participants were as follows:

- Substantive equality, which anchors the *Employment Equity Act* framework, is the legal concept of achieving actual equality in results, focusing on providing equal access, opportunities and tailored services to address unique disadvantages. It’s a goal and process that recognizes and rectifies historical and systemic inequalities. This concept, although described in the Task Force report, was understood at varying levels among participants, resulting in an emphasis on the need to provide training to help raise awareness and support further equity, diversity and inclusion in the workplace.
- The reference to SOGIESC (sexual orientation, gender identity, (gender) expression, and sex characteristics) was highlighted as a consideration, with the observation that heterosexual and cisgender people have sexual orientations, gender identities

and gender expressions as others do. Consideration for “minority” sexual orientation or gender identity and expression should be made clear.

“I am very pleased that sexual orientation and gender identity and gender expression are likely going to receive some protections in the new amendments.”

- The importance of differentiating between racialized workers born in Canada and racialized workers who are immigrants was raised, acknowledging the unique employment challenges each group faces. It was also suggested that recent newcomers (those who have spent less than five years in Canada), Francophones and Arabs should also be considered as distinct designated groups.
- It was flagged that the current *Employment Equity Act* does not include a definition of women. Considerations were raised to include sex assigned at birth as well as gender identity and expression. Distinctions for additional employment barriers faced by racialized women and women who identify with a religious minority were also raised.

“[I]f we are looking for a[n] ... evidence-based, data-driven approach, being able to identify the different equity groups that I belong to that are discriminated upon in the workplace would be ideal.”

The Jewish Publish Servants’ Network, the Muslim Federal Employees Network, and the Sikh Public Service Professionals’ Network have all requested that religious minorities be included as designated groups under the *Employment Equity Act*. They indicated that the term “racialized employees” does not fully capture the unique circumstances faced by their communities and emphasized the need for better representation and self-identification options to address the specific barriers encountered by religious minorities in the workplace.

“The current period of increased religious discrimination within workplaces is a deeply, deeply unfortunate reality that simply reinforces the need to understand how minority religious affiliation serves as a clear and ever-present systemic barrier. Some networks have emerged (Muslim, Jewish and Sikh) to mobilize around this and other issues related to religious discrimination.”

- It was recommended to add the definition of “barrier” in the *Accessible Canada Act* to the *Employment Equity Act* so that there is alignment and further understanding faced by persons with disabilities.

- There was a request to consider aligning definitions of designated groups across different pieces of legislation (for example, the *Accessible Canada Act*, the *Employment Equity Act* and the *Public Service Employment Act*).

“We are confused ... about how the task force ... recommends that we embrace the definition of ‘disability’ in the *Accessible Canada Act* to replace ‘persons with disabilities,’ but then it also introduces a term that I have never heard in the context of Canadian disabilities or in the neurodivergent field....  
[N]eurodivergence cannot be funneled into just psychosocial or intellectual disabilities....”

- Concerns were raised about consistency in the use of the terms “persons,” “workers” and “employees.”
- Some participants were critical of using the term “Black” for a new designated group, as it would be the only group identified by colour and could be seen as objectivizing its members. Participants suggested adopting an Afro-centric term, with subcategories that refer to geographic origins, instead of using the term “Black” as a single category.
- Religious minorities and belief systems (even if not currently practised) was another topic flagged to be considered for inclusion as a designated group under the *Employment Equity Act* and referred to the list provided by the Canada Census, which in the most recent survey included Indigenous and alternative spiritual traditions as well as secular perspectives.

“[What] was the rationale for not including religious minorities protections under the *Employment Equity Act*? This is an opportunity to be proactive on this and not wait another 30 [to] 40 years. Intersectionality is being overlooked in this regard, which is dangerous for religious minorities who have layers [of discrimination] and are not otherwise protected in other categories....”

Participants were asked whether they wanted to keep the definitions of the designated groups in the *Employment Equity Act* where they currently are or move them to the Regulations.

- Most participants indicated their preference for keeping the definitions in the Act as opposed to having them in the Regulations to emphasize the stability and protection this would bring in the long-term, regardless of any changes in the political environment.

## Collection of survey data

The consultation questions for this theme were as follows:

1. Would you have concerns with amending the Act to require employers to obtain employee consent to collect and use information gathered through self-identification surveys? If so, how could we address them?
2. How would you address challenges associated with employee self-identification? Are there other legislative amendments and/or employer initiatives that could be implemented to improve employee trust and increase self-identification survey response rates?

The following are **key highlights** of the input heard:

- The importance of self-identification surveys to assess employment equity targets and address under-representation was consistently highlighted.
- Concerns were raised about women not being required to self-identify in the survey, requiring employers to rely on administrative data (for example, the pay system) to obtain data on women's representation.
- To boost employee confidence and trust, there must be a clear intent and purpose for collecting data and its use. Participants indicated their lack of awareness regarding how the collected self-identification data is being used.
- Comments extended to the potential use of intersectional data. For example, would a Black employee self-identify as a "Black employee" and a "racialized worker"? Comments requested clarity and transparency on how intersectional data would be reported and counted.
- Challenges raised included the fear of negative repercussions for self-identifying (for example, whether self-identifying would create a barrier to career advancement) and capacity issues for small organizations.
- Identity fraud was a considerable concern raised for Indigenous and 2SLGBTQ+ communities.

Additional feedback from participants included the following:

- Gathering employee self-identification data allows employers to know where gaps are in terms of employment equity, diversity and inclusion in various organizations. Collecting this information supports employers in assessing whether they are meeting their employment equity targets and, if they are not, addressing under-representation through targeted recruitment.

- There is an issue with the way data is currently captured for the purposes of self-identification, given that the data is not disaggregated and there are individuals who have multiple identities (for example, being a woman and a person with a disability).
- There was a suggestion to include sex as a category that is distinct from gender identity in the self-identification survey so that a person’s sexual characteristics assigned at birth are considered.
- A few participants raised concerns about the possibility of diluting the voices of marginalized groups if employees be allowed to self-identify with as many designated groups and subgroups that apply to them.
- It was deemed important to clearly identify the objectives or purpose for collecting self-identification data. Providing information about how the data would be used, the collection process, data-handling procedures and who has access to the data would boost employees’ confidence and encourage self-identification. It was also expressed that raising awareness about the importance of self-identification among employees is essential.

“The way we define inclusion – the way we define these terms – really determines the type of data we collect, and the types of data we collect [determine] the decisions that are made.”

- Participants emphasized the need to explain to employees how self-identification data would be used in the future to foster transparency and accountability, which in turn would improve workers’ trust in the system.
- There was the suggestion that a pilot strategy be implemented to enhance the way self-identification is collected to allow employees to correct or update information or confirm its accuracy.

## Theme 2: Supporting employees and employers

### Meaningful consultations

The consultation questions for this theme were as follows:

1. Would you have concerns with including a requirement to create Joint Employment Equity Committees under the Act? If so, how could we address them?
  - a. What role or function could a Joint Employment Equity Committee serve to have a meaningful impact on employment equity in the workplace?

- b. Would you have concerns with requiring a minimum number of five Joint Employment Equity Committee members, at least half of whom would not exercise managerial functions? If so, how could we address them?
  - c. Would you have concerns with Joint Employment Equity Committees striving to represent each designated group, where possible, as the Task Force recommends? If so, how could we address them?
2. If Joint Employment Equity Committees were not established, how could meaningful consultations between employers and designated groups occur under the Act?
3. What approaches could be taken to ensure meaningful consultations include members of more than one designated group and members of subgroups?
4. How could employers collect qualitative information on the lived employment experiences of members of designated groups and subgroups?

The following are **key highlights** of the input heard:

- The following points were raised to support the success of Joint Employment Equity Committees (JEECs):
  - collaborating with and including equity-seeking networks to support JEEC objectives
  - establishing direct lines to senior executives to expand their influence
  - incorporating employee testimony on systemic racism to advance committee work
  - mandating training on employment equity and accountability measures
  - ensuring that decision makers have lived experience and represent designated groups
  - balancing committee members with working-level employees and executives
  - monitoring and evaluating the progress of the committee's work
- Lack of funding could hinder JEECs, leading to limited employee participation and frustration in achieving employment equity goals.

I completely support collecting data in an intersectional way. I just don't think that the joint committees should have the same individual sitting on multiple committees simultaneously so that power is distributed in a larger number of [individuals'] hands and not only in the hands of a few."

Additional input from participants in the consultation sessions revealed the following:

- To avoid “committee fatigue,” there was strong support among participants for using existing equity, diversity and inclusion committees rather than creating new ones, as the number of existing committees may vary across departments.
- Participants viewed addressing the systemic barriers to employment equity as a crucial aspect to be considered in the creation of this type of committee, as is integrating the definition of barriers to employment into the design of the JEECs.
- Participants expressed the importance of refining and rethinking hiring processes to make sure that the employer incorporates diversity and inclusion by design. The practice of running non-advertised selection processes was identified as problematic, given the perceived biases and lack of transparency for candidates. Conducting a reform of the non-advertised selection process and practices, starting with the Public Service Commission of Canada’s policy instruments, was mentioned as a potential solution.
- The creation of these committees is an opportunity to discuss the elements of equity, diversity and inclusion with the unions and senior management.
- Participants suggested establishing mandatory meetings of these committees with structured governance, including assigning specific roles and responsibilities for their members, and sharing meeting minutes with the employer to ensure that information is disseminated appropriately.

“I ... think that raising awareness and increasing learning among public servants, and especially people in positions of power (team leaders, managers, directors, etc.), is a key element. Training on the reality of members of these groups should be mandatory, in my opinion.” [Translation]

- A review of the *Public Service Employment Act* alongside the planning or design of a JEEC would enhance representativeness and address systemic issues. Because the *Public Service Employment Act* provides considerable authority for managers to make recruitment decisions, its review would be viewed as necessary to ensure that the *Employment Equity Act* is effective, proactive and comprehensive in promoting employment equity and removing barriers in the workforce.
- It could be problematic if members of employment equity committees with responsibility for making decisions on diversity and inclusion are not members of designated groups. Decision makers involved in these committees should have the



lived experience of equity-seeking members to bring relevant knowledge to their roles and to inform the policies and legislative changes required in this area.

- A JEEC must have a clear mission and actionable items, and it should represent each member of equity seeking groups, including ethnocultural or religious groups who have not been part of a designated group (for example, religious minorities). Also, to have an impact, the obligations of JEECs must be embedded in the Act, as doing so would require the obligation to issue reports and to meet certain objectives. There was a suggestion to audit these committees to draw lessons learned, assess their effectiveness and course correct if needed.
- Concerns were raised about the number of committees that exist now and whether these would overlap or duplicate efforts that a JEEC would seek to accomplish.

“I have a problem with this. I think it is going to be just another committee that is not listened to as some other people have brought up. The idea would be great if it actually had teeth. It needs to have teeth. There needs to be a way that things that are brought forward by this committee, if we have them, are under scrutiny somehow....”

## Theme 3: Strengthen enforcement and compliance

### Barrier removal and reasonable progress

The consultation questions for this theme were as follows:

1. Would you prefer that “employment barrier” be defined as proposed by the Task Force, or as it is currently defined in the interpretations, policies and guidelines? If you would prefer an alternative definition, please provide the definition and an explanation.
2. Would you see value in including the definition of “barrier” in the Act or Regulations so it is enforceable? If yes, would you prefer that the definition be included in the Act or in the Regulations? Please explain.
3. What proactive approaches could be taken to identify, remove and prevent barriers to strengthen employment equity?

The following are **key highlights** of the input heard:

- Managers may recognize barriers (for example, systemic racism) but choose not to act due to a lack of accountability structures.

- Biases in selection processes are systemic barriers that hinder representation of designated groups in the workforce and impact the hiring and retention of employees.
- The term “employment barriers” in its current form is not clearly defined and ends up favouring the employer rather than the employee.
- Participants suggested leveraging the Public Service Employment Survey to measure inclusion and removal of barriers.

Additional feedback from participants included the following:

- Providing a clear definition of barriers to employment is essential, as it would ensure that everyone understands what constitutes a barrier. Testimonies from those who have experienced systemic racism provided concrete examples, making the definition more tangible.
  - Example: A manager who offers an acting position to one candidate while discriminating against other competent candidates exemplifies a situation where the aggrieved person cannot easily challenge the process due to the difficulty of proving discrimination.
- To support transparency and the removal of barriers to employment, new questions in the Public Service Employment Survey could be considered. This idea was brought forward as a way of making managers in the federal public service accountable to the employees and the public.

<p>“There are people who have severe disabilities who are very capable and could contribute to the public service, but ... there are potentially some attitudinal barriers around accommodating [them].”</p>
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- The inclusion of employment equity designated groups in selection committees was suggested as a way to make the process more diverse and eliminate some cultural barriers and biases. Also, the use of trauma-informed approaches was suggested as a best practice that should be integrated into the hiring, recruitment and retention of staff.
- Suggestions were made to have requirements for employers to demonstrate annually that they are in fact working to reduce barriers, drawing a parallel with the obligation of producing progress reports as established in the *Accessible Canada Act*.

- Another suggestion was to bring the definition of “employment barrier” in line with definitions used for adverse impacts, which are already well established in Canadian law. By doing so, employers would be the ones responsible for proactively addressing cases of systemic discrimination rather than expecting employees who have faced discrimination to go through complaint systems or go to court or a human rights tribunal.

### Accommodations for persons with disabilities

Participants expressed views about what they see as unique barriers experienced by persons with disabilities as they relate to accommodations:

- There is a need for a more inclusive and accommodating process for persons with disabilities in the public service. Some participants expressed frustration with the current accommodation process, which they perceive as unaccommodating and lacking in trust and respect for employees requesting accommodation. The process is seen as nebulous, with too much power given to the employer and labour relations units to deny requests without explanation or justification, which participants see as leading to a culture of mistrust toward employees with disabilities.
- Concerns were raised regarding the need for the following:
  - consistent implementation of policies for persons with disabilities
  - detailed legislation for uniform accommodations
  - annual reporting for accountability
  - disaggregated data for better understanding of barriers
  - concrete action-based recommendations for changes to the *Employment Equity Act*
  - a standard for timely accommodation
  - a centralized fund for accommodations
  - anonymity protection in data collection
  - an audit of the Canadian Human Rights Commission and of employment systems
  - penalties tied to employment equity results

“[P]eople in positions of power for whatever reason are leading this ableist culture and causing so much unnecessary pain and reduced productivity. If we really want to change this culture, we need to promote [persons with disabilities] and allow them to own it. I agree [that] if [persons with disabilities] are still surviving here, they are tough, intelligent, exceptional people, and that should be recognized.”

- Participants stressed the importance of an accommodation process that is not overly cumbersome for individuals or employers. The process should not create additional obstacles and should not discourage anyone due to excessive length of the accommodation process.
- A proposal was made to create a departmental-level fund to cover accommodation requests. Managers who have access to such a fund would not have to seek funding in their budgets to pay for accommodation requests.

“A lot of people who are chronically ill also take years to get diagnosed. They still need accommodations while they are waiting to get a diagnosis. Medical notes should not be needed to get accommodated.”

### Regulatory oversight, penalties and complaints

The consultation questions for this theme were as follows:

1. Would you have concerns with establishing an Employment Equity Commissioner to administer and enforce the Act independently from the Minister of Labour? If so, how could we address them?
2. Would you have concerns if the Canadian Human Rights Commission’s role expanded in administering and enforcing the Act? If so, how could we address them?
3. Would you have concerns if employees were allowed to file complaints if they believed their employer was not fulfilling obligations under the Act? If so, how could we address them?

The following are **key highlights** of the input heard:

- Participants generally supported the idea of having an Employment Equity Commissioner who would administer and enforce the Act independently from the Minister of Labour. However, concerns were raised about resource allocation for this role.
- Participants suggested that the appointment process of the Commissioner should be transparent and that the Commission have the authority to enforce decisions.
- The role of an ombudsperson was identified as a step toward addressing complaints.

Additional input from participants indicated the following:

- Some participants saw the role of both the Commissioner of Official Languages and the Commissioner of Accessibility as models to be followed in the creation of an Employment Equity Commissioner.
- There was a suggestion to set recruitment goals for each designated group and make this information publicly available as a way of providing results on employment equity.
- In addition to recruiting and retention of designated groups, there is a need to review the process for discrimination complaints to ensure that employees have channels to address them.
- Concerns were expressed regarding an expanded role for the Canadian Human Rights Commission in administering and enforcing the Act. Participants acknowledged the challenges that the institution is currently undergoing given the Senate committee report<sup>2</sup> on human rights and the findings that the Commission breached the “no discrimination” clause of collective agreements. Ensuring the accountability and integrity of the Commission would be required if its role were to be expanded to address employment equity issues. It was suggested that the Auditor General audit the Commission regarding its effectiveness in carrying out its functions.
- There was a suggestion to provide the Employment Equity Commissioner with the same power as the Office of the Auditor General. The Commissioner’s Office should have a composition that resembles the representation of designated groups and should have the power to enforce its decisions.
- Employment systems reviews should be conducted at the same time as equity audits to ensure the delivery of results.
- Imposing penalties on departments that are not achieving expected results in matters of employment equity was also suggested to improve the current system.
- Regarding the question of whether participants have concerns about allowing employees to file complaints when they believe their employer was not fulfilling

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<sup>2</sup> Standing Senate Committee on Human Rights: [\*Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission\*](#), December 2023.

obligations under the Act, there was a suggestion for employees to file complaints outside of their organizations.

- There was a suggestion to have another mechanism to file complaints in the public service. It was suggested that the current grievance process is very lengthy (for example, cases can take five years) and not very effective. A better mechanism would benefit the employee, the departments, the union and taxpayers.
- The role of the departmental ombudsperson was mentioned as a first step in being able to make complaints against the employer while recognizing that it would be better to have a mechanism through which to file any complaints.
- The mechanisms available for employees who experienced discrimination at work are not clear. Unions were mentioned as instances to raise this type of complaint; the Canadian Human Rights Commission's visibility was questioned, as many employees were not aware of its role with respect to dealing with employers who do not fulfill their obligations as established in the Act.
- To advance employment equity, departments should be obligated to monitor the distribution of designated groups in the workforce, as well as conduct annual audits that show the percentage distribution of visible minorities and 2SLGBTQI+, Black and other marginalized employees.

## Theme 4: Improve reporting and public accountability

The consultation questions on this theme were as follows:

1. How would you define and measure success in employment equity?
2. Would you have concerns with reducing the frequency of reporting (quantitative and/or narrative components) for federally regulated private sector employers from annually to once every three years? If so, how could we address them?
3. Would you have concerns with permitting that data collected on members of more than one designated group and subgroups be included into reporting, in support of an intersectional lens? If so, how could we address them?

“[I]f we really want to have an inclusive workforce that’s really [representative] of society in Canada, then that information is available, and we should be able to compare the data we have from our employment equity objectives to the census data.”

The following are **key highlights** of the input heard:

- Success can be measured by analyzing career stagnation for equity-seeking groups (for example, racialized employees face longer career progression times) and by developing indicators to measure the extent that minority groups are integrated in the workplace.
- Participants suggested leveraging a maturity model framework to support short- and long-term targets and comparing representation data to census data.
- There were mixed opinions on reducing reporting frequency. Annual reporting was preferred by networks to better track and monitor progress; however, a reduction of administrative burden and allowing greater focus on implementation was also highlighted.
- There was a suggestion that reports should include both qualitative and quantitative ways of measuring success and to include short-, medium- and long-term metrics to be able to appreciate the changes in employment equity in each organization.

“Just about the reporting, I think one of the things I would discuss with the other group [would be] for it to be more accurate. It’s best to have it on a yearly basis versus three years [because a lot of changes can happen within three years. Paid people can get a promotion or go on maternity leave. Even for me, I find [that] every three years would not be a good picture of what we are trying to improve or change.”

Additional views from participants on this theme included the following:

- If the reporting were done every three years, data should be collected and analyzed on a yearly basis.
- Both the federal government and federally regulated private sector employers should demonstrate that they comply with employment equity in their workplace, and this information must be public.
- Conducting audits or reviews every five years could be a way of measuring progress in employment equity and of ensuring accountability. Imposing penalties on organizations that are not implementing employment accessibility measures was also mentioned as a way of advancing employment equity objectives.
- There would be a need for more disaggregated and intersectional data to better understand and address the barriers faced by persons with disabilities. Suggestions included adding geographic location and official languages to the analysis. An idea raised was to measure success by assessing how long it takes organizations to offer accommodations to persons with disabilities.

- The transparency of results and proactive disclosure were expressed as key accountability components. Once employment equity data is available, it should be made public, including to the media. Moreover, there should be a follow-up on the results to ensure that progress is based on established targets.
- There was concern with the long work hours that employees contribute voluntarily on employment equity matters, such as attending meetings, consultation activities and related activities (for example, drafting minutes). Participants indicated the need to recognize this work.
- The *Accessible Canada Act* was seen as the model of a well-written Act, with clear guidelines for the development of action plans, strategies, reports and training to support its implementation.

## Final remarks

OCHRO recognizes that what was heard in consultation sessions regarding modernization of the *Employment Equity Act* should be considered in the context of related initiatives, such as [Canada's Anti-Racism Strategy 2024-2028](#), released in June 2024 as engagement sessions were underway.

OCHRO was struck by the remarkable engagement and participation during the consultation sessions, underscoring the significance of these efforts and the Act's modernization. OCHRO extends its gratitude to the Labour Program as the lead for this vital endeavour of consulting on the best way to put in place the Government of Canada's initial commitments to modernize the [Employment Equity Act](#).



## Appendix A: Interdepartmental networks

OCHRO engaged with more than 2,500 public servants and employee networks over six weeks in May and June 2024. Communications were disseminated via the following organizations:

- Human Resources Council
- Designated Senior Officials on Employment Equity, Diversity and Inclusion – Community of Practice and its extended membership
- Deputy Minister Employment Equity Champions and Chairs Committees and Circle:
  - Racialized Employees Champions and Chairs Committee
  - Indigenous Federal Employees Champions and Chairs Circle
  - Persons with Disabilities Champions and Chairs Committee
- Community of Federal Visible Minorities
- Network of Asian Federal Employees
- Racialized Women Belonging
- Anti-Racism Ambassadors Network
- Filipino Public Servants Network
- Ukrainian Canadians in the Public Service
- Knowledge Circle for Indigenous Inclusion
- Indigenous Senior Leaders Circle
- Indigenous Executive Network
- Indigenous Federal Employees Network
- Federal Public Service Indigenous Training and Development Community of Practice
- Positive Spaces Initiative
- Public Service Pride Network
- Infinity: The Network for Neurodivergent Public Servants
- Interdepartmental Network of Accessibility and Disability Chairs
- Federal Black Employee Caucus
- Federal Black Employee Caucus – Women’s Caucus
- Black Executives Network

- Interdepartmental Black employee networks
- Departmental networks for women
- Muslim Federal Employees Network
- Jewish Public Servants' Network
- Sikh Public Service Professionals' Network

## Appendix B: Consultation presentation for the *Employment Equity Act* modernization

The following represents the content of the slide deck titled “Modernizing the Federal *Employment Equity Act*: Engagement with Diversity and Inclusion Networks” that was presented during consultations.

### Slide 1: Modernizing the Federal Employment Equity Act – Engagement with Diversity and Inclusion Networks

Spring 2024

Office of the Chief Human Resources Officer

#### Slide 2: Context

- The [Employment Equity Act Review Task Force](#) carried out the most extensive review of the *Employment Equity Act* (EE Act) since its introduction in 1986. The arm’s length Task Force engaged with hundreds of partners and stakeholders, including community organizations, public, private, and non-profit sectors, as well as advocacy groups and networks.
- On December 11, 2023, the Minister of Labour and Seniors, accompanied by the former Chair of the Task Force, announced the release of the Task Force’s final report: [A Transformative Framework to Achieve and Sustain Employment Equity](#), including the report’s [executive summary](#). The report provides wide-ranging recommendations on how to modernize and strengthen employment equity in the federal jurisdiction.
- The Task Force was a first step to inform the modernization of the EE Act. The Government of Canada is now engaging with impacted communities, unions, organizations, and employers to understand how best to effectively implement possible changes to the Act.

#### Slide 3: Purpose

The Office of the Chief Human Resources Officer (OCHRO) will be supporting the Labour Program with these consultations by meeting with Public Servants within the Core Public Administration, in particular with equity-seeking networks.

Once engagement sessions are completed, OCHRO will be preparing a “What We Heard” report to summarize the feedback received through engagement sessions with equity-seeking networks, which will be submitted to the Labour Program.

There are four areas for consultation:

1. Updating the purpose, designated groups and collection of survey data;
2. Supporting employees and employers;
3. Strengthening accountability, compliance, and enforcement; and
4. Improving public reporting.

**We encourage you to respond to any questions that are of interest and/or relevance.**

**Departments and organizations, groups or individuals are also welcome to submit written submissions to the Labour Program by July 31, 2024, by email to [EDSC.LEE-EEA.ESDC@labour-travail.gc.ca](mailto:EDSC.LEE-EEA.ESDC@labour-travail.gc.ca).**

#### **Slide 4: Theme One – Expanded Designated Groups and Terminology**

#### **Slide 5: Definitions and Terminology**

The EE Act **currently identifies four designated groups:**

- **Aboriginal peoples** means persons who are Indians, Inuit or Métis
- **Members of visible minorities** means persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour
- **Persons with disabilities** means persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who
  - consider themselves to be disadvantaged in employment by reason of that impairment, or
  - believe that an employer or a potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment; and
  - includes persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace
- **Women** (not currently defined in the Act)

#### **Slide 6: Task Force Recommendations – Definitions and Terminology**

The Task Force found that many believe **the language referring to designated groups is outdated**, and **existing groups are not representative of diverse communities** in the labour market who face significant barriers

**The Task Force recommends:**

- creating two new designated groups for Black workers and 2SLGBTQI+ workers

- replacing the term “Aboriginal peoples” with “Indigenous workers” to use a distinctions-based approach (First Nations, Inuit, Métis)
- keeping women as an employment equity group
- replacing the term “members of visible minorities” with “racialized workers”
- using the definition of “disability” from the *Accessible Canada Act*

In response, the **Government announced its [initial commitments](#) to implement the above recommendations.**

### Slide 7: The Act vs. Regulations

#### Keep the definitions in the EE Act

- Perceived stability as changes would need to be approved by Parliament

#### Move the definitions to the Employment Equity Regulations

- More flexibility for making future updates and keeping pace with the evolution of language

### Slide 8: Topics and Questions for Consultation – Definitions and Terminology

Keeping in mind the government’s [initial commitments](#):

1. Are there other groups that should be further studied and considered for inclusion as designated groups under the Act? If so, what groups and why?
2. Would you keep the definitions of the designated groups in the Act, where they currently are or move them to the Regulations? Why?

### Slide 9: Collection of Survey Data

The Act currently requires employers, for the purpose of implementing employment equity, **to collect and analyze workforce information** (including information collected via the workforce survey questionnaire, also known as the self-identification survey) **to determine the degree of under-representation for designated groups.**

- The workforce survey questionnaire **only collects data on Aboriginal people, persons with disabilities and members of visible minorities.**
- **Women are not included in current self-identification practices**, which means that employers may instead use other sources, such as administrative data (e.g.,

through a pay system), to identify women to meet data collection and workforce analysis requirements.

- According to the Act and the Regulations, information collected, including self-identification information, **is confidential** and is **only to be used for the purpose of implementing the employer’s obligations** under the Act.
- **Language on consent is not explicit in the Act.**

### Slide 10: Task Force Recommendations – Collection of Survey Data

The Task Force report outlines **challenges for data collection and transparency** and the importance of collecting **distinctions-based, intersectional, and disaggregated data to better address barriers**, while upholding privacy protections.

#### The Task Force recommends:

- requiring employers to ask all employees to complete the **self-identification survey on initial hiring, on an annual basis, and when leaving** an employer;
- mandating the completion of the self-identification survey but **maintaining the disclosure of self-identification information voluntary** (e.g., the employee would be given the option of answering “prefer not to state” for each question);
- making self-identification surveys **available in accessible formats**, including all employment equity groups and disaggregated subgroups, and **clarifying that a worker may self-identify as being a member of as many equity groups** and disaggregated subgroups that apply

### Slide 11: Topics and Questions for Consultation – Consent and Data Collection

1. a) Would you have concerns with amending the Act to require employers to obtain employee consent to collect and use information gathered through self-identification surveys? If so, how could we address them?

This approach is in alignment with broader Task Force report arguments to strengthen trust among employees while continuing to ensure privacy protection is maintained.

- b) How would you address challenges associated with employee self-identification? Are there other legislative amendments and/or employer initiatives that could be implemented to improve employee trust and increase self-identification survey response rates?

**OCHRO comment:** With the centralization of self-ID data collection under OCHRO, departments will have an important role in communicating the mandatory and voluntary aspects of the self-ID questionnaire and helping to build trust in the process.

### Slide 12: Theme Two – Supporting Employees and Employers

#### Slide 13: Meaningful Consultations

Under the EE Act, employers must **consult with employees’ representatives and bargaining agents** to:

- **seek their views** on the assistance representatives can provide to facilitate the implementation of employment equity in the workplace and communication to employees on matters related to employment equity
- **seek their views** on the preparation, implementation and revision of the employment equity plan
- **determine ways** to minimize adverse impacts of seniority rights with respect to a layoff or recall on employment opportunities of persons in designated groups

Currently, employers **must communicate information to employees** regarding the purpose, measures, and progress made in implementing employment equity, but **they do not have to consult with members of designated groups**.

#### Slide 14: Task Force Recommendations – Meaningful Consultations

The Task Force stresses the importance of **two-way dialogue** between employers and employees, and ongoing collaboration with members of designated groups to better **understand their experiences in the workplace** and **remove employment barriers they face**.

**The Task Force recommends:**

- introducing a **legislative requirement for the creation of Joint Employment Equity Committees** (it would be made up of representatives of management and employees, with the aim of creating collaborative spaces to identify and remove barriers)
- providing **training for Joint Employment Equity Committee members** to support them in carrying out their responsibilities
- striving to ensure that Joint Employment Equity Committees have **representation for each of the employment equity groups**, and employees from **across the work life cycle**

- including **comprehensive protection** under the Act for Committee members **against reprisals** by the employer or bargaining agent
- permitting the **Committee to collect, analyze, and review relevant data** to assist the employer with implementing employment equity

### Slide 15: Topics and Questions for Consultation – Meaningful Consultations

1. Would you have concerns with including a requirement to create Joint Employment Equity Committees under the Act? If so, how could we address them?
  - a. What role/function could a Joint Employment Equity Committee serve to have a meaningful impact on employment equity in the workplace?
  - b. Would you have concerns with requiring a minimum number of five Joint Employment Equity Committee members, at least half of whom would not exercise managerial functions? If so, how could we address them?
  - c. Would you have concerns with Joint Employment Equity Committees striving to represent each designated groups, where possible, as the Task Force recommends? If so, how could we address them?
2. If Joint Employment Equity Committees were not established, how could meaningful consultations between employers and designated groups occur under the Act?
3. What approaches could be taken to ensure meaningful consultations include members of more than one designated group and members of subgroups?
4. How could employers collect qualitative information on the lived employment experiences of members of designated groups and subgroups?

### Slide 16: Theme Three – Strengthen Enforcement and Compliance

### Slide 17: Barrier Removal and Reasonable Progress

#### Under the Act, employers must:

1. **Collect workforce information and conduct a workforce analysis:** employers must collect data and analyze the information to assess whether under-representation exists.
2. **Employment systems review:** where under-representation is identified, employers must review their employment systems, policies, and practices to identify barriers pertaining to under-representation. Reviews are only completed when under-representation is identified.



3. **Employment equity plan:** employers must use the results of their workforce analysis and employment systems reviews, where applicable, to create an employment equity plan outlining the actions and measures they intend to take to eliminate employment barriers and correct under-representation. Employment Equity Plans are to be updated at least once every three years.

Employers must make **reasonable efforts** to implement the employment equity plan and **monitor and assess whether reasonable progress is being made**.

### **Employers also have obligations to remove employment barriers**

Currently, employment barriers are not defined in the Act, but the Labour Program provides the following definition in the [Interpretations, Policies, and Guidelines](#) (in IPG-113):

An employment barrier is an employment policy or practice that has a disproportionately negative impact on 1 or more members of designated groups (impact) and that:

- does not comply with human rights or employment legislation (legality)
- is not consistently applied across the organization (consistency)
- is not necessary for the safe and efficient operation of the organization (validity), or
- may be accommodated to reduce or eliminate the negative impact (accommodative nature).

### **Slide 18: Task Force Recommendations: Barrier Removal and Reasonable Progress**

The Task Force report finds the word “**barrier**” used **inconsistently, and the barrier removal process is not proactive or comprehensive enough**. The Task Force also points out that the Act does not clarify how reasonable progress needs to be made.

#### **The Task Force recommends:**

- **defining barriers**, in the EE Act, as “practices that affect equity groups in a disproportionately negative way”
- developing guidelines that include **practices for identifying and eliminating barriers**, and how to conduct employment systems reviews to identify and eliminate barriers
- specifying that **barrier removal applies across each stage of the employment life cycle**, should be reported upon in employment systems reviews, and provide for the regulations or guidelines prepared under them to support comprehensive barrier removal and reporting

The EE Act should be clarified to ensure employers understand their obligations to make **reasonable progress** to achieve and sustain employment equity.

### Slide 19: Discussion Questions – Barrier Removal and Reasonable Progress

1. Would you prefer that “employment barrier” be defined as proposed by the Task Force, or as it is currently defined in the Interpretations, Policies and Guidelines? If you would prefer an alternative definition, please provide the definition and an explanation.
2. Would you see value in including the definition of “barrier” in the Act or Regulations, so it is enforceable? If yes, would you prefer that the definition be included in the Act or in the Regulations? Please explain.
3. What proactive approaches could be taken to identify, remove and prevent barriers to strengthen employment equity?

**OCHRO comment:** Workforce availability (WFA) is the current benchmark used by core public administration organizations to assess if under-representation exists. Treasury Board Secretariat (TBS), works with the Labour Program and Statistics Canada to obtain the data necessary to calculate WFA. Once ready, TBS provides WFA estimates to departments within the core public administration.

### Slide 20: Regulatory Oversight, Penalties, and Complaints

Responsibility for **compliance and enforcement under the Act is shared** by the Minister of Labour and the Canadian Human Rights Commission (CHRC).

#### The **Minister of Labour:**

- is responsible for **compliance activities** for federally regulated private sector reporting obligations
- can issue notices of assessment for a **monetary penalty** to employers who are found to have committed a violation (e.g., failing to submit reports)
- currently, **monetary penalties for employers in the federally regulated private sector** can be up to \$10,000 for a single violation or \$50,000 for repeated or continued violations; violations include failing to file an employment equity report, failing to include the required information, or knowingly providing false or misleading information

#### The **CHRC:**

- Conducts compliance audits of federally regulated employers in the private and public sectors on their employment equity programs under the Act

- The Commission addresses areas of non-compliance with employers and can also apply enforcement measures, such as the issuance of a direction
- Chairperson of the Canadian Human Rights Tribunal can appoint an **Employment Equity Review Tribunal** if an employer requests a review of a CHRC audit decision or if the CHRC makes an application for an order confirming a direction
- **Employees have no official recourse** if they believe their employer is not meeting their statutory obligations under the Act

**Slide 21: Task Force Recommendations – Regulatory Oversight, Penalties, and Complaints**

The Task Force finds the current division of roles around compliance and enforcement ineffective. The Task Force also heard that employees and their representatives should be able to **bring forward complaints** under the Act.

**The Task Force recommends:**

<p>The Government <b>establish an Employment Equity Commissioner to administer the Act</b></p>	<p>Establishing a <b>complaint mechanism for employees</b> who believe their employers are in violation of their obligations under the Act</p>
<p>The newly established Employment Equity Commissioner would:</p> <ul style="list-style-type: none"> <li>• Be <b>independent</b> and report directly to Parliament</li> <li>• Take over the <b>responsibilities</b> from the Minister of Labour under the Act, including guidance and enforcement</li> <li>• <b>Collect information</b> on employment practices and policies of covered employers</li> <li>• Oversee <b>regulations</b> and conduct <b>audits</b></li> <li>• <b>Investigate</b> and respond to <b>complaints</b> about employer’s non-compliance with equity obligations</li> </ul>	<p><b>Revising the name and role of the Employment Equity Review Tribunal</b> so that it can also review decisions if requested by either an employee or employee representative and allow the Tribunal to function as part of the new complaint mechanism for employees</p>
<p>Allowing the Employment Equity Commissioner to <b>dismiss a complaint</b>, unless there is sufficient evidence brought by the complainant</p>	<p><b>Updating and harmonizing with comparable penalties</b> under the <i>Pay Equity Act</i> and the <i>Accessible Canada Act</i>, scaled to the size and</p>

	nature of the employer and level of non-compliance
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### Slide 22: Discussion Questions – Regulatory Oversight, Penalties, and Complaints

1. Would you have concerns with establishing an Employment Equity Commissioner to administer and enforce the Act independently from the Minister of Labour? If so, how could we address them?
2. Would you have concerns if the Canadian Human Rights Commission’s role expanded in administering and enforcing the Act? If so, how could we address them?
3. Would you have concerns if employees were allowed to file complaints if they believed their employer was not fulfilling obligations under the Act? If so, how could we address them?

### Slide 23: Theme Four – Improve Reporting and Public Accountability

#### Slide 24: Reporting Frequency and Data Transparency

#### Employers are required to develop an annual report with:

##### 1. A **quantitative** section outlining:

- The industrial sector and location of workplace\*
- The number of employees and number of members in each designated group<sup>†</sup>
- Aggregated wage gap information\*
- The data and degree of representation of members of designated groups for:
  - the occupational groups of employees<sup>‡</sup>
  - the salary ranges of their employees
  - the number of employees hired, promoted, and terminated

##### 2. A **narrative** section describing:

- Measures taken to implement employment equity and results achieved
- Consultations between the employer and its employees on employment equity<sup>§</sup>

#### [Notes to slide 24]

\* Not applicable to the federal public service reports.

† Federal public service employers must also filter this information by department and province.

‡ Within the employer's workforce for federal public sector and occupational groups in which their employees are employed for federally regulated private sector.

§ Federally regulated private sector reports on consultations undertaken “during the reporting period concerning the implementation of employment equity.”

### **Employers must provide a copy of their full reports to employees’ representatives.**

In 2024, the Government of Canada launched a new website, [Equi’Vision](#). The site is a data visualization tool that publishes data from employment equity reports (i.e., the quantitative section) for federally regulated private sector (FRPS) employers with 100 or more employees. The website makes it easy to search and compare data for the FRPS on representation rates and pay gaps concerning the four designated groups under the Act.

This site is the result of **pay transparency measures** initiated in 2020 and aimed at improving workplace equity.

### **Slide 25: Task Force Recommendations – Reporting Frequency and Data Transparency**

The Task Force heard that both **employers** and **equity groups** are **dissatisfied with current reporting processes**. The report notes the importance of including **disaggregated** and **intersectional data** in the reporting framework; however, some employers were unaware they could go beyond the Act’s requirements when collecting data. Further, the **annual reporting** has created **extensive work for employers**. As well, reporting mainly focuses on **numerical representation**, rather than on **addressing qualitative challenges**, such as **comprehensive barrier removal**.

#### **The Task Force recommends:**

- expressly clarifying in the Act that data collection and reporting on subgroup members is permitted, and allow special measures to be taken to improve hiring, promotion and retention of subgroup members that face higher under-representation
- the Employment Equity Commissioner develop tools that foster appropriate, accessible public sharing of employer reports, that are consistent with privacy laws
- providing detailed guidance in the Regulations or guidelines on how to collect disaggregated data and report it in a meaningful manner, which would support the use of an intersectional lens when implementing employment equity obligations
- providing directives in the Regulations or guidelines to avoid misleading reporting if persons are counted multiple times across disaggregated or intersecting groups
- reporting requirements for covered employers be aligned with other similar reporting processes, such as the *Pay Equity Act* and the *Accessible Canada Act*

- creating an open government site that makes all reports available through an accessible, searchable database
- Reporting by employers, including employment systems reviews, be required by all covered employers on a three-year reporting cycle

### Slide 26: Discussion Questions – Measuring Success and Reporting

**OCHRO comment:** Under section 21 of the EE Act, TBS currently reports on the state of employment equity in the core public administration through a consolidated annual report.

1. How would you define and measure success in employment equity?
2. Would you have concerns with reducing the frequency of reporting (quantitative and/or narrative components) for federally regulated private sector employers from annually to once every three years? If so, how could we address them?
3. Would you have concerns with permitting that data collected on members of more than one designated group and subgroups be included into reporting, in support of an intersectional lens? If so, how could we address them?

### Slide 27: Discussion Questions – Other

1. Do you have any other suggestions for the Government of Canada regarding the modernization of the *Employment Equity Act* framework?
2. What change or changes would be most important to achieving concrete progress on employment equity in the coming years?
3. Are there any current employment equity requirements that do not serve a useful purpose?

### Slide 28: Next Steps

- July 31 – OCHRO deadline to submit “What We Heard Report” to Labour Program
- The Labour Program will use the feedback received during the consultation to inform changes to the EE Act.

Thank you!