

Employment Equity Status Report



Equality of opportunity

Office of the Auditor General

File # 2820-02-O04-2011

January 11, 2012

Employment Equity Vision:

“Equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability.”

Did you know that?

The proportion of women who have completed some form of post-secondary education continues to be greater than that of men. (Statistics Canada. “2006 Census: Educational Portrait of Canada”)

In the coming years, more Aboriginal people will be entering the workforce than ever before. This growing population will constitute an important pool of recruits to supplement shortages in the labour market. (Statistics Canada. “Perspectives on Labour and Income”)

Employers who have made accommodations for employees with disabilities reported that this allowed the company to retain a qualified employee, increased the worker’s productivity and eliminated the cost of training a new employee. (Job Accommodation Network)

Canada’s visible minority population has attained higher levels of education than the general population. (Statistics Canada. “Immigrants’ Education and Required Job Skills”)



The employment equity results (EE results)¹ for the Office of the Auditor General (OAG) are excellent. The overall representation of the four designated groups within OAG's workforce is higher or close to their labour market availability estimates. Therefore, the OAG is considered a leader in that regard.

The Canadian Human Rights Commission encourages the OAG to maintain its achievements but to also go beyond EE legislative requirements (See Commission's EE Results Expectations section.)

The Commission will monitor the performance of the OAG through a review of the annual reports submitted to the Office of the Chief Human Resources Officer. The Commission may also assess the employer's situation within three years to evaluate results.

If the OAG continues to be an EE Leader (i.e., with better overall EE results in comparison with its own industry or having full overall representation in three out of four designated groups), the next evaluation of the Commission will focus only on results achieved.

On the other hand, if the OAG was to obtain less-successful results with respect to EE matters, the evaluation would then focus on all nine statutory requirements, as well as on results achieved.

To assist organizations moving toward a self-sustaining human rights culture, the Commission is currently piloting the Human Rights Maturity Model (HRMM), which is a roadmap for implementing workforce practices that continuously improve the organization's human rights capacity. The *Employment Equity Act* is one of the key aspects of the Model.

The Commission invites the OAG to participate in this initiative. As an EE leader, it seems that OAG would be assessed by the Commission at level three (out of five) on EE matters.

For additional information on this initiative, please visit the Commission's website at http://www.chrc-ccdp.ca/hrmm_mmdp/default-en.asp

¹ Refers to the ratio between representation in the workforce and availability in the labour market.

1. CURRENT EMPLOYMENT EQUITY PROFILE

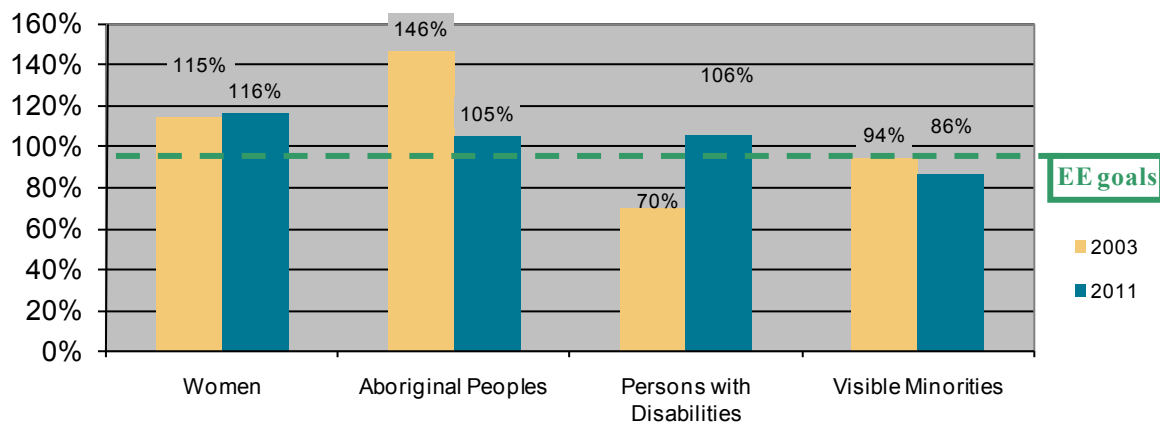


The purpose of the *Employment Equity Act* (EEA) is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability. In the fulfilment of that goal, the Act serves to correct the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities, and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way; it also requires special measures and the accommodation of differences.

1.1 The Office of the Auditor General's profile by designated groups

The following bar chart illustrates the employment equity results (EE results) of designated group members in the OAG's workforce over the last few years. EE results depict the ratio between representation in the employer's workforce and availability in the labour market. A score of 100% means that a group representation is equal to the availability of that group within the relevant segment of the labour market.

**Office of the Auditor General of Canada
EE Results by Designated Groups, 2003 and 2011**

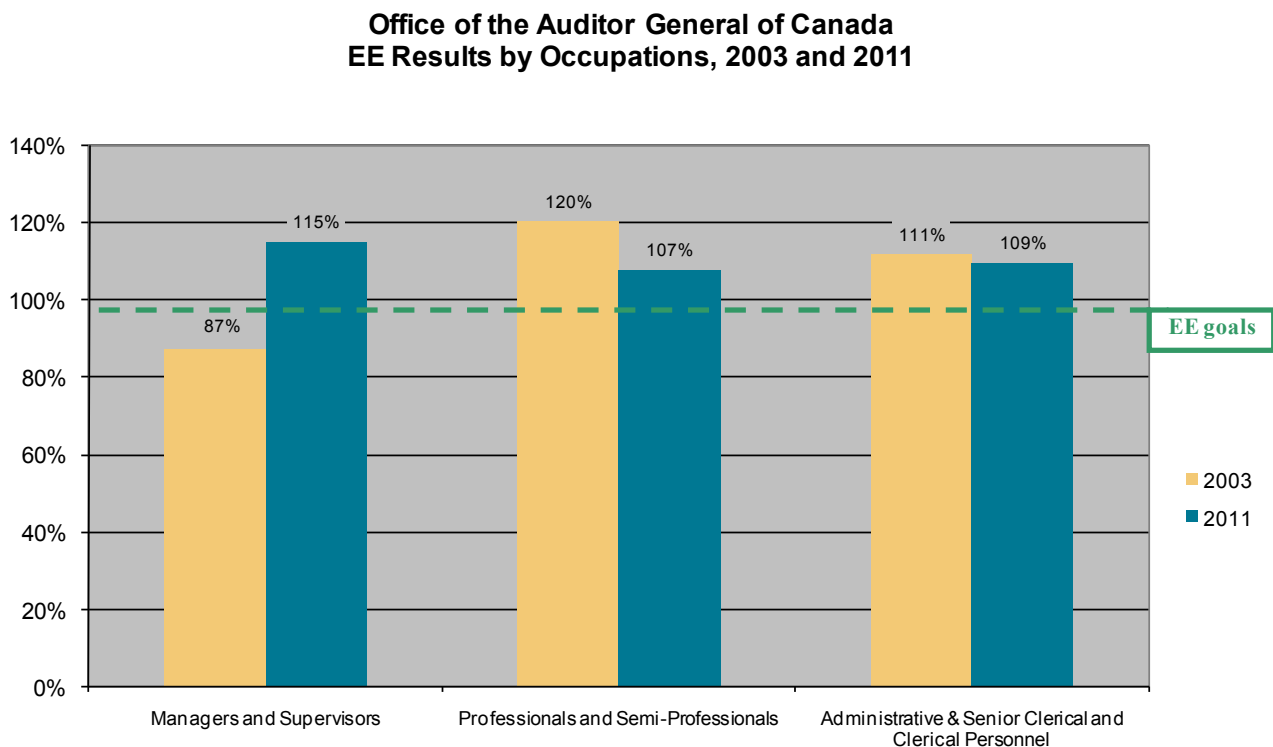


- For 2011, the overall EE results of the four designated groups exceeds or is close to the 100% EE goal which is excellent.
- A significant improvement has been made in the EE results for persons with disabilities since 2003 which is commendable.
- However, the AOG should pay attention to members of visible minorities in order to reverse the negative trend.

Additional information on the representation gaps of the four designated groups by occupational groups can be found in Annex 2.

1.2 The Office of the Auditor General’s profile by occupational categories

The following graphic illustrates the overall EE results by occupational categories.



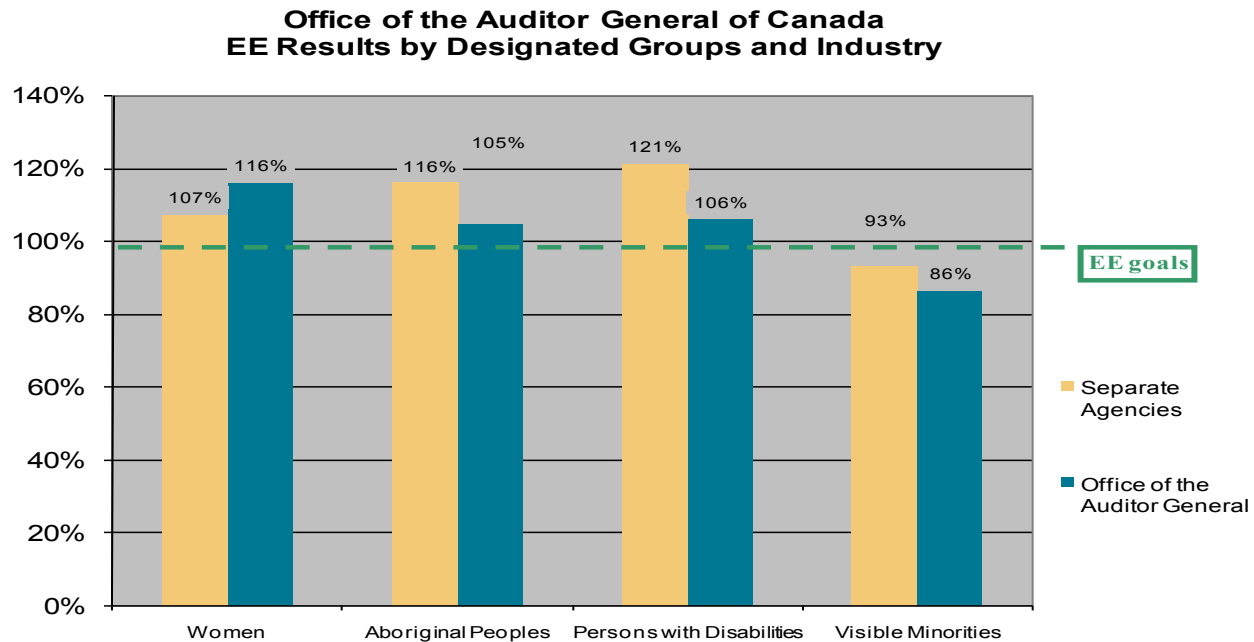
"Managers and Supervisors" is comprised of Senior Managers, Middle and Other Managers and Supervisors.

- The overall EE results for the three occupational categories exceed the 100% EE goal which is excellent.
- Some minor gaps exist for members of visible minorities in the Professionals and Semi-Professionals category and for women and members of visible minorities in the Administrative & Senior Clerical and Clerical Personnel category.

Additional information on the representation gaps of the four designated groups by occupational groups can be found in Annex 2.

1.3 Comparison with the Federal Separate Agencies

OAG is considered an EE leader with respect to employment equity because it has an overall representation above the 100% EE goals for women, Aboriginal peoples and persons with disabilities.



- The overall representation of three of the four designated groups: women, Aboriginal peoples and persons with disabilities exceed the 100% EE goal as it does for Separate Agencies.
- The overall representation of members of visible minorities remains good but it is below that of the federal Separate Agencies. This shows that improvement is possible.

2. EMPLOYMENT EQUITY CONTEXT



2.1 General Challenges in the Employer's Industry

a. Public Sector

In 2009-2010, three of the four designated groups, with the exception of persons with disabilities, were appointed to the public service at a proportion exceeding their respective workforce availability.

- Although persons with disabilities are not under-represented in the public service, the percentage of applicants in this group remained stable at 3.0%, while their share of appointments decreased from 3.3% in 2008-2009 to 3.1% in 2009-2010.

The Public Service Commission's (PSC) focus in 2009-2010 has been on an array of initiatives that are expected to pave the way for continuous improvement of EE representation across the public service.

Noteworthy practices in 2009-2010: Health Canada, the Canada School of Public Service, Citizenship and Immigration Canada and Western Economic Diversification Canada demonstrated strong performance with respect to staffing-related initiatives to increase representativeness. Based on their Departmental Staffing Accountability Report submissions, all four organizations incorporated EE planning with business planning, established measurable objectives for EE recruitment and staffing and reported on progress to senior managers. All four also provided evidence of organizational commitment to representativeness, such as: promoting collaboration with the visible minority and aboriginal communities; participating in mentorship programs within the academic community; developing a Persons with Disabilities Opportunity Program; incorporating a diversity component within outreach activities; and developing and implementing an Aboriginal Internship Program.

For more information, please consult the PSC's 2009-2010 Annual Report at <http://www.psc-cfp.gc.ca/arp-rpa/2010/index-eng.htm>

b. Economic Environment

During tough economic times, there are fewer hirings and promotions, but some turnover still occurs through retirement, maternity leave, voluntary and involuntary separations, and transfers. Through attrition, organizations can open up employment opportunities for members of the designated groups. As well, employers can prepare designated groups for promotion through training and mentorship programs and other developmental initiatives.

Besides hiring, promoting and keeping designated group members in the workforce, employers must be flexible in accommodating their various needs. This, too, can be done during economic downturns while benefiting all employees in the organization.

2.2 General Challenges in the Labour Market

a. Consultation and Collaboration with Employees Representatives

Consultation and collaboration with employee representatives are key elements for success in employment equity. This approach creates better decision-making and better buy in, and reduces potential resistance to the implementation of employment equity programs. It also contributes to the development of creative solutions by the people who best understand the organization's environment and challenges.

The involvement of employee representatives, including bargaining agents, in developing employment equity policies and procedures, should result in policies and programs that will achieve workplace employment equity goals.

All employers covered by the *Employment Equity Act* are required to consult with employee representatives about specific matters related to the implementation of employment equity. Employers and employee representatives shall collaborate in the preparation, implementation, and revision of the employer's employment equity plan.

While employers are required to do everything possible to maximize consultation and collaboration with employee representatives, where this proves infeasible, the employer still has the duty to proceed independently. The *Employment Equity Act* is clear that the ultimate responsibility for compliance with the law rests with the employer.

For more information, please consult Human Resources and Skills Development Canada (HRSDC) *Guideline 3: Consultation and Collaboration* at:
<http://www.hrsdc.gc.ca/eng/lp/lo/lsw/we/legislation/guidelines/gdln3.pdf>

b. Challenges with respect to Systemic Discrimination

Systemic discrimination means discrimination that leads to, perpetuates, or reinforces persistent patterns of inequality among disadvantaged groups when their overall conditions are assessed in the broader historical, legal and social context. Often, systemic discrimination involves a mixture of intentional and unintentional discrimination.

Such discrimination may not exclude all members of a group, but it will have a more serious effect on one or more of the protected groups than on others. The remedy often requires that measures be implemented, to change the systems leading to the systemic problem.

For example, stated qualifications often include elements unrelated to the job at hand and which present barriers to prospective applicants. Another example is job postings which

emphasize length of experience instead of actual skills and abilities. These tend to exclude women, who often interrupt their careers to raise a family. Employment equity programs are an example of one way in which systemic discrimination may be remedied.

c. Workplace Accommodation

The most common accommodation required for employed persons with disabilities was a modification to the working hours or days, or the possibility of reduced work hours. This was reported by one-fifth of employed persons with disabilities. About 1 in 6 required a special chair or back support or a job redesign, while about 1 in 10 required a modified or ergonomic workstation. (Statistics Canada, *The Daily*, Thursday, July 24, 2008)

Accommodation means an exemption from or an adjustment to general policies and facilities for an individual with particular needs. It is provided when the policies or facilities in question are, broadly speaking, justifiable, but have an adverse impact on the members of some groups.

Under human rights law, accommodation must be provided up to the point of undue hardship. Factors that may contribute to undue hardship include insupportable costs, substantial disruptions of operations, and health and safety considerations. It is important to emphasize that the simple fact that accommodation involves some cost, disruption or difficulty does not mean that “undue hardship” exists.

Unions have a responsibility to facilitate reasonable accommodation. In particular, where certain provisions of a collective agreement create special difficulties for individuals from a designated group, bargaining agents must cooperate to address this difficulty.

For more information, please refer to HRSDC’s Guideline 7: Employment Equity Plan at <http://www.hrsc.gc.ca/eng/lp/lo/lsw/we/legislation/guidelines/gdln7.shtml>

d. Special Programs Designed to Prevent, Eliminate or Reduce Disadvantages

A special program (or special measures) is any plan, arrangement, rule, policy or legislative provision designed to prevent, eliminate or reduce disadvantage that is experienced, or likely to be experienced, by disadvantaged groups.

The reason for the disadvantage must be related to a prohibited ground of discrimination, as defined in the *Canadian Human Rights Act*, or must be related to membership in any of the designated groups defined in the *Employment Equity Act*. It is not a discriminatory practice to adopt or carry out a special program.

The Commission’s *Policy on Special Programs* is available to assist employers in the development and implementation of appropriate special programs when these are used to ensure equality is achieved

2.3 OAG's Specific Accomplishments and Challenges

Accomplishments

The OAG exceeds the EE goals for three of the four designated groups: women, Aboriginal peoples and persons with disabilities. It has also demonstrated a marked improvement in the overall representation of persons with disabilities which is excellent.

Specific challenges

As mentioned earlier in this report, the OAG need to take additional actions in order to increase the representation of members of visible minorities in occupational groups where under-representation exists.

3. COMMISSION'S EMPLOYMENT EQUITY RESULTS EXPECTATION



Based on the *Employment Equity Act*, the OAG shall ensure reasonable progress toward implementing employment equity. The constant demographic evolution of EE designated groups impacts the employer's attempts to eliminate representation gaps. The availability of the four designated groups within the labour market has, in fact, increased by 25% between 2003 and 2008. As a result, this increases the recruitment opportunities for designated group members.

Furthermore, some First Nations reserves and settlements did not participate in Censuses as enumeration was not complete, or it was interrupted before completion. In 2006, there were 22 incompletely enumerated reserves, down from 30 in 2001 and 77 in 1996. Statistics Canada data quality rules require these non-enumerated areas to be excluded from census².

Considering the above factors, to improve their EE results when establishing short-term hiring and promotion numerical goals, employers should go beyond meeting basic legislative requirements by taking into account

- the on-going growth in availability; and
- the under-representation of Aboriginal peoples in the Censuses.

The factors above should be taken into account in addition to the following elements which are identified in legislation:

- 1) the degree of under-representation of persons in each designated group;
- 2) the availability of qualified persons in designated groups;
- 3) the anticipated growth or reduction of the employer's workforce; and
- 4) the anticipated turnover of employees.

Consequently, the Commission invites the OAG to aim for the following overall representation:

- | | |
|------------------------------|---------------------------------|
| - Women: | maintain current representation |
| - Aboriginal Peoples: | 3.0% |
| - Persons with Disabilities: | 4.5% |
| - Visible Minorities: | 16.0% |

These are not quotas but goals (or flexible and rational targets), which like all business goals, the OAG can use to plan and evaluate its programs.

² Given the incomplete enumeration of Aboriginal peoples, an estimate of the missing participants was obtained from Statistics Canada. To compensate for these in labour market availability estimates, an increased proportional estimate is suggested by the Commission to better reflect the participation of Aboriginal peoples in the workforce.

4. CONCLUSION



The EE results of the OAG are excellent. The overall representation of three designated groups: women, Aboriginal peoples and persons with disabilities within the OAG's workforce exceeds the 100% EE goal. For this reason, the OAG is currently considered a leader with respect to employment equity in the federal Separate Agencies.

However, the OAG must continue to monitor its plan and assess progress as long as areas of under-representation still exist in certain occupational groups. Specifically, the organization must take targeted measures to reduce, or ideally eliminate, the remaining gaps identified in Annex 2 of this report.

The Commission encourages the OAG to go beyond meeting basic EE legislative requirements and to become an employer of choice, thereby experiencing the benefits of having greater representation (See the Commission's EE Results Expectations section.)

For your information, the Commission is implementing a Human Rights Maturity Model (HRMM), which integrates multiple processes (complaints, audits, policy review, training, etc). This initiative supports the alignment and integration of multi-disciplined activities required to successfully develop a self-sustaining culture of human rights.

For additional information on the HRMM, please visit the Commission's website at

http://www.chrc-ccdp.ca/hrmm_mmdp/default-en.asp

ANNEX 1: AUDIT PROCESS



Name of the employer	The Office of the Auditor General
Contact name & title	Colette Monpetit Director, Strategic Human Resources Management
Sector	Public Sector
Number of employees	650
Workforce analysis	The workforce analysis is based on the 2006 Census and the Participation and Activity Limitation Survey (PALS). It is dated March 31, 2011
Headquarters	Ottawa
Regional locations	Vancouver, Edmonton, Ottawa, Montreal and Halifax
Employee Representatives	PSAC Local 70153 (182 employees)
Compliance Review Officer	Renée Graziella Thomas

The Auditor General of Canada is an Officer of Parliament who audits federal government departments and agencies, most Crown corporations, and many other federal organizations. It also reports publicly to the House of Commons on matters that the Auditor General believes should be brought to its attention.

The OAG conducts performance audits of federal departments and agencies, annual financial audits of the government's financial statements, and special examinations and annual financial audits of Crown corporations.

The organization employs 650 employees of which 50% are in Professionals and 27% are in Middle and Other Managers occupational groups.

The OAG was notified of this assessment on August 24, 2011 and this is the second audit for this organization.

ANNEX 2: STATISTICS ON REPRESENTATION OF DESIGNATED GROUP MEMBERS



The following table illustrates the overall and occupational representation of designated group members in the employer's workforce.

Office of the Auditor General
REPRESENTATION AND AVAILABILITY ESTIMATES OF DESIGNATED GROUPS
BY OCCUPATIONAL GROUPS AS OF MARCH 31, 2011

OCCUPATIONAL GROUP	TOTAL #	WOMEN					
		Representation		Availability		Gap	Ratio*
		#	%	%	#	#	
Senior Managers	18	5	27.8%	42.2%	8	-3	66%
Middle & Other Managers	177	93	52.5%	40.8%	72	21	129%
Professionals	329	196	59.6%	53.3%	175	21	112%
Semi-Professionals and Technicians	17	6	35.3%	25.0%	4	2	141%
Supervisors	3	2	66.7%	50.6%	2	0	132%
Administrative & Senior Clerical Personnel	17	10	58.8%	76.8%	13	-3	77%
Clerical Personnel	89	77	86.5%	69.8%	62	15	124%
TOTAL	650	389	59.8%	51.7%	336	53	116%

OCCUPATIONAL GROUP	TOTAL #	ABORIGINAL PEOPLES					
		Representation		Availability		Gap	Ratio*
		#	%	%	#	#	
Senior Managers	18	1	5.6%	7.2%	1	0	77%
Middle & Other Managers	177	5	2.8%	4.0%	7	-2	71%
Professionals	329	5	1.5%	1.2%	4	1	127%
Semi-Professionals and Technicians	17	1	5.9%	2.2%	0	1	100%
Supervisors	3	0	0.0%	2.1%	0	0	-
Administrative & Senior Clerical Personnel	17	0	0.0%	1.9%	0	0	-
Clerical Personnel	89	4	4.5%	2.5%	2	2	180%
TOTAL	650	16	2.5%	2.4%	15	1	105%

OCCUPATIONAL GROUP	TOTAL #	PERSONS WITH DISABILITIES					
		Representation		Availability		Gap	Ratio*
		#	%	%	#	#	
Senior Managers	18	0	0.0%	3.2%	1	-1	0%
Middle & Other Managers	177	8	4.5%	3.2%	6	2	141%
Professionals	329	14	4.3%	4.5%	15	-1	95%
Semi-Professionals and Technicians	17	0	0.0%	4.8%	1	-1	0%
Supervisors	3	0	0.0%	9.5%	0	0	-
Administrative & Senior Clerical Personnel	17	1	5.9%	2.6%	0	1	100%
Clerical Personnel	89	5	5.6%	4.4%	4	1	128%
TOTAL	650	28	4.3%	4.1%	27	1	106%

OCCUPATIONAL GROUP	TOTAL #	VISIBLE MINORITIES					
		Representation		Availability		Gap	Ratio*
		#	%	%	#	#	
Senior Managers	18	1	5.6%	4.8%	1	0	116%
Middle & Other Managers	177	7	4.0%	5.1%	9	-2	78%
Professionals	329	61	18.5%	19.2%	63	-2	97%
Semi-Professionals and Technicians	17	1	5.9%	11.0%	2	-1	53%
Supervisors	3	0	0.0%	9.0%	0	0	-
Administrative & Senior Clerical Personnel	17	1	5.9%	8.0%	1	0	74%
Clerical Personnel	89	4	4.5%	11.1%	10	-6	40%
TOTAL	650	75	11.5%	13.3%	87	-12	86%

Totals may not equal the sum of components due to rounding.

Source: 2006 Census of Canada and the 2006 Participation and Activity Limitation Survey (PALS)

*Proportional relation between representation and availability.

For more information please contact:

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