Human Resources and
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Fair, safe and productive workplaces

Labour

Employment Equity in Your Workplace

Federal Contractors Program

STEP 1 –
Initiating an Employment Equity Program

Canada

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Introduction

Having read the Introduction document, your organization is now ready to begin the process of initiating an employment equity program in your workplace. The purpose of this process is to ensure that your organization is one where no person is denied employment opportunities for reasons unrelated to ability and where every person can pursue meaningful, barrier-free employment.

Developing an organizational strategy to carry out employment equity in your workplace is a crucial first step. Step 1 provides instructions that your organization must follow to meet the first four requirements of the Federal Contractors Program. The detailed tasks listed include information on how to adopt an accountability mechanism and assign a senior official; how to develop a communication strategy to provide information about employment equity to all staff; and how to consult with bargaining agents and employee representatives.

The distribution and collection of a self-identification questionnaire are key elements of this step, and are explained in detail in the last two tasks. The results of this questionnaire are the basis of the analysis carried out in Step 2 and the eventual development of your organization's employment equity plan.

This introductory section to Step 1 provides background and summary information on how to initiate an employment equity program, including:

- a summary of the legislative framework, including requirements under the *Employment Equity Act,* the *Employment Equity Regulations* and the Federal Contractors Program;
- a series of key points to remember;
- a list of tools and templates; and
- a summary of the basic methodology to be used to initiate employment equity, further detailed in the five task sections for Step 1.

Legislative Framework

As an organization implementing employment equity, you are required to take the necessary steps to adopt an accountability mechanism; communicate with employees; consult and collaborate with employee representatives and bargaining agents; and collect workforce data in a manner that complies with the *Employment Equity Act*, the *Employment Equity Regulations* and the Federal Contractors Program Requirements.

The *Employment Equity Act*

Section 9 of the *Employment Equity Act* requires your organization to:

- collect information on your workforce;
- collect data on the number of employees who self-identify as Aboriginal peoples, members of visible minorities or persons with disabilities (note however that data on women can be retrieved through human resource personnel files); And
- hold data collected through self-identification confidential and use it for the sole purpose of implementing employment equity.

Section 14 of the Act requires your organization to provide information to employees explaining the purpose of employment equity. Employers must also keep employees informed of the measures their organization has taken, or is planning to take, to implement employment equity, and the progress made toward it.

Section 15 of the Act requires your organization to consult with employee representatives by inviting them to provide their views on how best to implement employment equity in your workplace and on how to communicate matters relating to employment equity to employees. The Act clarifies the point that consultation and collaboration are not to be considered forms of co-management.

Section 17 of the Act requires your organization to maintain employment equity records with respect to your workforce, your employment equity plan and the implementation of employment equity.

Employment Equity Regulations

Section 3 of the Regulations requires your organization to conduct a workforce survey using a self-identification questionnaire to identify members of designated groups in your workforce.

Section 4 of the Regulations requires your organization to ensure that there is a means of identifying employees who respond to your self-identification questionnaire by name or otherwise.

Section 5 of the Regulations requires your organization to keep your workforce survey results up to date by:

- providing a self-identification questionnaire to new employees, employees who wish to change information on their questionnaire, or any employee who requests it;
- making necessary adjustments to the questionnaire results to take into account the responses of individuals listed above; and
- making necessary adjustments to the questionnaire results to take into account members of designated groups who have been terminated.

Section 11 of the Regulations requires your organization to maintain a record of activities undertaken and information provided by your organization, such as:

- a record of each employee's designated group membership, if any;
- a record of each employee's occupational group classification;
- a record of each employee's salary and salary increases;
- a record of each employee's promotions; and
- a copy of the self-identification questionnaire that was provided to employees.

Section 12 of the Regulations requires your organization to maintain records on terminated employees for two years after the date of termination.

Federal Contractors Program Requirements

Under Requirement 1, your organization must adopt accountability mechanisms for employment equity and assign a senior official.

Under Requirement 2, your organization must provide information to employees on the purpose of employment equity and what actions your organization has taken, or plans to take, to initiate employment equity in the workplace.

Under Requirement 3, your organization must consult with bargaining agents and/or employee representatives.

Under Requirement 4, your organization must collect workforce information using a self-identification questionnaire.

Key Points to Remember

Focusing on communication, consultation and record keeping throughout the initiation of employment equity in your workplace is crucial to creating a firm foundation on which to build your employment equity program and plan. These elements enforce your organization's commitment to a fair and equitable workplace for all and provide for greater transparency and accountability.

Communication

Communicating regularly with employees, managers, bargaining agents and employee representatives fosters an environment of understanding, commitment and support that will contribute to the successful initiation of an employment equity program in your workplace. These communications should explain employment equity and describe the activities and measures your organization will undertake to implement it.

Consultation

Especially during the initiation stage, it is important to ask employee representatives and bargaining agents for their opinion about how best to implement employment equity in your workplace and how to communicate with employees on matters related to employment equity.

Record Keeping

Appropriate record keeping of the steps your organization has taken to initiate employment equity is crucial. Keeping electronic or hard-copy records of the process will allow your organization to update data retrieved through your workforce survey easily and use this data as evidence of correct procedure during a compliance review.

Tools and Templates

Step 1 provides a number of tools and templates that will help your organization initiate an employment equity program effectively in your workplace.

Tools
- *Self-Identification Questionnaire: Frequently Asked Questions (Appendix 1D)*

Templates
- *First Communication to Employees: Introducing Employment Equity (Appendix 1A)*
- *Second Communication to Employees: Request for Volunteers for Employment Equity Committee (Appendix 1B)*
- *Third Communication to Employees: Introducing the Self-Identification Questionnaire (Appendix 1C)*
- *Self-Identification Questionnaire (Appendix 1E)*
- *Final Communication: Follow-up to Self-Identification Questionnaire (Appendix 1F)*
- *Counting Employees (Appendix 1G)*

Summary of Methodology

To initiate employment equity in your workplace in accordance with the *Employment Equity Act*, the Regulations and the Federal Contractors Program Requirements, your organization must:

- Establish an accountability mechanism and choose a senior official to be held accountable for initiating and implementing employment equity in your workplace.

- Provide information to all employees about the purpose of employment equity and the measures your organization has undertaken, and will undertake, to initiate employment equity in your workplace.

- Consult with bargaining agents and employee representatives to solicit feedback and ideas for the initiation of employment equity in your workplace. You must also consult and collaborate with bargaining agents and employee representatives to develop an employment equity committee to oversee the initiation and implementation process.

- Distribute to all employees a self-identification questionnaire that meets the Federal Contractors Program Requirements, to determine the number of designated group members in your workforce.
- Code the workforce data collected by employment status, National Occupational Classification code, Employment Equity Occupational Group and geographic location.

> *Upon completion of Step 1: Initiating an Employment Equity Program, you will have:*
> ✓ *put in place an accountability mechanism for the employment equity process and assigned accountability to a senior official;*
> ✓ *established and begun implementing a strategy to communicate information on your organization's process for implementing employment equity with all employees on an ongoing basis;*
> ✓ *established a mechanism to consult and collaborate with bargaining agents and employee representatives throughout the employment equity process;*
> ✓ *completed a workforce survey; and*
> ✓ *coded positions into their appropriate National Occupational Classification and established the representation of the four designated groups within the 14 Employment Equity Occupational Groups.*

Initiating Employment Equity: A–E Task Outline

TASK A   **Adopt an accountability mechanism for employment equity and assign a senior official**
Adopt an accountability mechanism for employment equity that is appropriate for the needs and circumstances of your organization. This will ensure that commitments to employment equity objectives are taken seriously. In addition, you must assign accountability to a senior official. The name and contact information of this individual is to be communicated to employees, bargaining agents and employee representatives, along with an explanation of the purpose of employment equity.

TASK B   **Establish an effective communication strategy**
A solid communication strategy is key to the success of your organization's employment equity initiatives. In this task, you will receive information on the communication requirements your organization must meet under the legislation.

TASK C   **Consult and collaborate with bargaining agents and employee representatives**
Consulting and collaborating with bargaining agents and employee representatives is a crucial step in establishing support for your organization's employment equity program

TASK D   **Collect workforce data**
To determine the representation of designated group members in your organization's workforce, you must distribute a self-identification questionnaire asking employees to self-identify as belonging to one or more of the designated groups.

TASK E   **Code workforce data**
The workforce data collected using your organization's self-identification questionnaire must be coded by employment status, National Occupational Classification coding, Employment Equity Occupational Group and geographic location. Coding your workforce data is a necessary step in preparing for the Workforce Analysis in Step 2.

Task A: Adopt an Accountability Mechanism for Employment Equity and Assign a Senior Official

As with any corporate initiative, it is crucial to adopt an accountability mechanism and assign accountability to a senior official who is to be responsible for overseeing the implementation of the program through various stages in the employment equity process.

> *Upon completion of Task A, you will have:*
> - ✓ *established a mechanism to ensure accountability for the development and implementation of an employment equity program*
> - ✓ *assigned accountability to a senior official; and*
> - ✓ *announced the purpose of employment equity to all employees.*

An effective employment equity program requires the ongoing commitment of your entire organization, starting with senior management. This commitment will filter throughout the organization, ensuring that everyone takes employment equity seriously.

Senior management can demonstrate that it supports employment equity through tangible actions. These include delegating appropriate authority to those responsible for developing the employment equity plan, allocating sufficient human and financial resources to ensure the effective functioning of the accountability mechanism and setting clear performance standards.

Types of Accountability Mechanisms

Your organization must, at a minimum, assign a senior official as a mechanism for accountability. Beyond this, however, you should also adopt one or more accountability mechanisms appropriate for your organization's specific needs and circumstances. You are strongly encouraged to be as creative and innovative as possible when deciding on a mechanism. Here are a few suggestions that may be beneficial to your organization:

- ✓ **establishing a sub-committee or working group;**

  Some organizations will find that a small sub-committee of the main employment equity committee or a clearly delegated employment equity coordinator—frequently situated in the HR area—can take on the day-to-day responsibility for managing the employment equity process.

- ✓ **linking employment equity goals and measures to the hiring managers' year-end bonuses;**

- ✓ **requiring managers of areas with gaps in representation to report on efforts and progress made toward removing barriers and eliminating gaps; and**

- ✓ **requiring people responsible for hiring processes to report on how they considered employment equity objectives in their decisions.**

Note: Although outside consultants may be helpful to some employers, accountability for the program and the work completed must always reside within the organization.

Assigning a Senior Official

Under the Federal Contractors Program Requirements, accountability for employment equity must be assigned to a senior official within your organization. Most organizations find that investing lead responsibility in one person provides the most consistency and control.

It is important to note that this measure goes beyond simply assigning accountability; your organization must ensure that the assigned person is aware that there are clear roles and responsibilities required of them.

Qualities of the Senior Official

It is important to choose the senior official carefully. The senior official should have:

- credibility with your organization's employees and with other members of the senior management team;
- senior-level capability;
- excellent communication, negotiation and program management skills;
- a commitment to employment equity as a concept;
- an understanding of the problems, concerns and aspirations of designated group members; and
- flexibility to modify human resource policies and practices without feeling threatened by change.

Roles and Responsibilities of the Senior Official

The roles and responsibilities of the senior official accountable for employment equity in your organization might include:

- taking on the role of champion of employment equity within your organization;
- carrying out, personally or through delegation, the next steps in employment equity implementation (i.e., forming an employment equity committee);
- chairing or participating in the employment equity committee or other related committees;

- requiring managers to report directly on how they are working to achieve employment equity-related goals and objectives within their own divisions;
- requiring those involved in the staffing process to report directly on how they considered employment equity-related goals and objectives in their staffing decisions; and
- signing employment equity communications sent to staff and answering staff questions or concerns related to employment equity.

Ideally, the assigned senior official should report directly to the chief executive officer to demonstrate to the rest of the organization that top management supports employment equity objectives. The higher the management level, the greater the probability of effecting positive change.

Announcing the Employment Equity Program

Once an accountability mechanism is in place and a senior official is assigned, you must announce the purpose of an employment equity program to all employees.

The initial announcement of the program should:
- state that an employment equity program will be implemented in the organization;
- explain why the program is being implemented;
- indicate that the employment equity program will continue to incorporate your organization's fundamental principle of filling vacancies based on merit;
- announce the senior official responsible for employment equity;
- assure employees that they will receive ongoing information about the program's implementation; and
- provide the name and contact information of a person who can be reached to obtain further information. This person (the employment equity contact) will handle enquiries and assist the senior official responsible for employment equity.

To view an example of a communication that introduces employment equity to employees and announces the assignment of a senior official, see **Appendix 1A**.

Task B: Develop an Effective Communication Strategy

Once you have established an accountability mechanism in your workplace and assigned accountability to a senior official, the next step is to develop and implement a communication strategy. Communication with respect to employment equity is not only a requirement, it is also essential to the success of the employment equity program. An informed and supportive workforce can help ensure that employment equity activities produce effective results. Good communication will also ensure that those with direct responsibility for carrying out activities receive co-operation.

Upon completion of Task B, you will have:
- ✓ *developed a comprehensive communication strategy for your organization; and*
- ✓ *established appropriate support structures to ensure the effective and sustainable functioning of the communication strategy.*

Structure and Elements of the Communication Strategy

Purpose of the Communication Strategy

The strategy should ensure that your communications to employees provide a clear message on:

- the corporate objective of achieving a workforce that is representative of the Canadian population and free of barriers for the four designated groups;

- the measures your organization has undertaken or will undertake to develop an employment equity program and meet this corporate objective; and

- the progress made toward employment equity implementation.

Target Audience

The type of audience affects the content of and approach to communications. Internal audiences can include one or more of the following groups: all employees, new employees, job applicants, managers and supervisors, bargaining agents, employee representatives, employees from each of the four designated groups, and the board of directors.

Methods of Communication

Personal communication

Personal communications is especially important in the early stages of the employment equity program to ensure that employees understand the reasons for employment equity, their roles and responsibilities, and the level of commitment of senior management to the program. Personal communication methods may include one-on-one discussions, meetings, information sessions, management briefings, presentations, conference calls, annual meetings, union meetings and hotlines.

Non-personal communication

Non-personal communication may be appropriate for providing progress reports on the implementation of the employment equity program and may include: e-mail, notice boards, posters, videos, memos, newsletters, pamphlets, brochures and Web sites.

Keys to Communication Success

Effective communication in the employment equity context is dependent on two core principles:

1) **Flexibility**: It is important that your organization's communication strategy has the flexibility to address unexpected issues as they arise.

2) **Continuity**: Effective communication with employees and employee representatives regarding employment equity should take place on a continuous basis through ongoing education and training. In order to gain support and assistance from employees, communication must be frequent at the beginning of the employment equity process and take place at least twice a year thereafter.

Although communication with all involved throughout the employment equity process is strongly encouraged, there are instances where communication is required.

Required Communications

Your organization is required to communicate with employees, managers, bargaining agents and employee representatives when:

1) providing introductory information about the purpose of employment equity and the name and contact information of the senior official who is to be held accountable for the implementation of employment equity in your workplace;

2) inviting interested individuals to participate in the formation of an employment equity committee, or equivalent, in your workplace;

3) introducing and explaining the self-identification questionnaire and providing contact information if there are questions or concerns; and

4) providing follow-up information related to the self-identification questionnaire.

Details on what is required in each communication and the circumstances that surround each release are discussed in the tasks that follow.

Task C: Consult and Collaborate with Bargaining Agents and Employee Representatives

All employers covered under the Federal Contractors Program are required to consult and collaborate with bargaining agents and employee representatives about specific matters related to employment equity implementation. The employment equity plan may have some effect on the collective agreement; the union is a key element in communicating with all workers and enlisting their support.

> *Upon completion of Task C, you will have:*
> - ✓ *established appropriate support structures to ensure the effective functioning of the communication strategy; and*
> - ✓ *created an employment equity committee or similar structure for collaboration and consultation with bargaining agents and employee representatives.*

Purpose of Consultation and Collaboration

Consultation and collaboration ensures that all workplace partners play an active role in employment equity implementation. Workplace initiatives and innovations developed and supported by management, bargaining agents and employee representatives have a better chance of succeeding than unilateral employer initiatives. In general, the policy of the federal government is to encourage labour-management co-operation in the workplace.

The co-operation and support of bargaining agents and employee representatives is essential to creating a favourable environment for the designated groups, especially when asking employees to self-identify as designated group members. Bargaining agent and employee representative involvement in the development of employment equity policies and procedures should result in policies and programs that will achieve employment equity goals when implemented in the workplace.

Scope of Consultation and Collaboration

The legislation specifies that employers must consult with bargaining agents and employee representatives in the development, implementation and revision of the employment equity plan. Therefore, continuous involvement by bargaining agents and employee representatives is required at each stage of the employment equity process, including:

- communications to employees;
- the workforce survey, using the self-identification questionnaire;

- the employment systems review;
- the preparation of the employment equity plan (including updates to your workforce analysis and employment systems review, as necessary);
- the implementation of the employment equity plan;
- monitoring progress during the implementation of the employment equity plan; and
- the review and revision of the employment equity plan.

The legislation requires employers to consult with bargaining agents and employee representatives regarding two types of assistance that they may provide.

Assist in communicating with employees

Bargaining agents and employee representatives can:
- provide valuable input to company publications, as well as company or employee newsletters;
- identify issues that management may not be aware of;
- participate in setting up joint labour-management information sessions;
- participate in regular staff meetings at various levels throughout the organization;
- help ensure that designated group members are aware of training programs, other targeted measures and procedures for obtaining reasonable accommodation; and
- provide assistance to employees completing the self-identification questionnaires.

Assist in facilitating the implementation of employment equity

Though this type of assistance is important throughout the process, it is critical during the initial phases. Bargaining agents and employee representatives can:
- Educate employees about employment equity and promote positive attitudes prior to distributing the self-identification questionnaire, to ensure the best possible response rate. Employee representatives can undertake much of the actual work and organization themselves.
- Provide input into communications strategies, employment systems reviews, the development of the employment equity plan and the review of results and progress.

The greater the degree of collaboration with bargaining agents and employee representatives, the greater the likelihood of success in implementing and sustaining employment equity principles, policies and objectives

Methods of Consultation and Collaboration

The legislation does not specify what type of process must be established for consultation and collaboration. Employers are, however, encouraged to build on successful labour-management structures that already exist or to introduce a new structure that will allow them to meet their responsibilities under the Act. Options include:

- a joint labour-management committee or working group;
- a number of joint labour-management sub-committees;
- task forces devoted to exploring specific aspects of employment equity;
- regional employment equity committees;
- focus groups; or
- a combination of these structures, depending on your organization's size, geographical distribution, number of bargaining units and employee representatives.

Your organization should move as quickly as possible to determine a structure that will operate effectively in the workplace. Several mechanisms are presented.

Employment Equity Committee

An employment equity committee is a very useful mechanism for consulting and collaborating with bargaining agents and employee representatives. It establishes a forum for sharing information and developing other mechanisms to ensure that all employees are aware of the objectives of employment equity.

The purpose of the employment equity committee is to oversee the implementation of the employment equity program in order to develop fair, equitable and barrier-free employment practices in accordance with the Federal Contractors Program and its requirements. The employment equity committee is not to be considered a form of co-management. Although employees and bargaining agents and/or employee representatives are encouraged to actively participate in the employment equity process, the organization (i.e. management) is to be held accountable for the employment equity plan.

Composition of the committee

The committee should:

- consist of at least four members, but not become too large and hard to manage;
- be co-chaired by a manager, an employee and/or an employee representative to increase collaboration and to promote a sense of inclusion;
- include the senior official responsible for employment equity;
- have representative(s) from one or more designated groups; and

- be adequately representative of the unionized and non-unionized portions of the workplace, all designated groups, occupational groups within the workplace and various geographic locations and sectors.

Organizations might also invite individuals from outside the workplace to sit on the committee for reasons of inclusiveness or expertise. Such a measure might be particularly useful in seeking a representative from a designated group that is significantly under-represented in the workplace.

Unionized workplaces:

In workplaces where all or part of the workforce is unionized, each union, through its bargaining agents, should be invited to participate as a full member in the employment equity committee. In such cases, a coordinating committee consisting of representatives from each of the sub-committees could also be established to oversee the process and provide a forum for sharing information.

In smaller workplaces with multiple bargaining agents, it may not be necessary to have a coordinating committee as long as each of the bargaining agents can be represented on the employment equity committee.

Non-unionized workplaces:

Where committee seats are assigned to non-unionized employees, some options include:
- **Selection by unit**: Assigning a seat to a unit or a branch in the case of small workplaces; for larger organizations, a regional or provincial seat can be established.
- **Nomination**: Inviting employees to nominate possible representatives.
- **Invitation for volunteers**: Seeking expression of interest in volunteering from employees.

To view an example of a memorandum inviting employees to participate in the employment equity committee, see **Appendix 1B**.

Functions of the Committee

Your organization's employment equity committee is encouraged to participate extensively throughout the process by:
- helping to establish, communicate, promote and implement employment equity in your workplace;
- assisting in the development of the self-identification questionnaire and promotion of the workforce survey;
- identifying specific needs of designated groups within your organization;
- reviewing all employment policies and practices, written and unwritten, to ensure they do not present employment barriers for designated group members;
- consolidating all of your organization's employment equity activities and goals;

- assisting in the development, implementation and review of the employment equity plan; and
- preparing and/or organizing presentations and/or training sessions on employment equity for managers and staff in your organization.

Ensuring the Effectiveness of the Employment Equity Committee

How the committee operates will depend a great deal on the size of your organization and its culture. Your organization can maximize the committee's effectiveness by:

- providing training to the members of the committee on employment equity and on interest-based, non-adversarial collaboration;
- developing clear terms of reference for the committee, which define its primary purposes and lay out how the committee will function;
- developing a general action plan for the committee;
- providing opportunities for committee members to identify and understand the issues, review and consider proposals before the committee, and formulate an informed response to proposals before the committee;
- presenting alternative or additional proposals to the committee for consideration;
- giving consideration to all proposals, advice, suggestions and other comments provided by employee representatives during the consultation and collaboration process; and
- making the committee process a part of committee members' work-related duties.

  This means:
    o committee meetings should take place during working hours;
    o employee representatives should receive their normal pay for time spent at committee meetings; and
    o employee representatives should be compensated at regular overtime rates if meetings exceed normal working hours.

Employment Equity Coordinator

Your organization may wish to appoint an employment equity coordinator after the committee is created so that its members can be involved in the selection.

Functions of the Employment Equity Coordinator

The employment equity coordinator is responsible for undertaking the following tasks with the advice and help of the employment equity committee:

- organizing committee meetings;
- developing a corporate policy on employment equity;
- collecting data and preparing employee surveys;
- carrying out the statistical and qualitative analysis;
- coordinating the review of the human resource policies and practices to assess their impact on designated group members;
- drafting the organization's employment equity plan;
- organizing awareness training or other employment equity training for employees;
- helping line managers develop individual plans for promoting employment equity within their sphere of responsibility;

- keeping employment equity records;
- preparing reports for senior management;
- keeping lists of local designated group associations up to date to inform them of job openings;
- advising the senior official responsible for employment equity of the progress of the program;
- representing the organization at outside meetings and functions; and
- acting as a primary contact during a Federal Contractors Program compliance review.

Qualities of the Employment Equity Coordinator

Your organization is encouraged to select an employment equity coordinator who understands and is knowledgeable about organizational policies and procedures. The coordinator should also be aware of the concerns of designated group members working in your organization. This individual should be competent in the area of negotiation.

Please note that if the coordinator is hired from outside the organization because of expertise in employment equity, the individual must acquire knowledge of the business lines of the organization to be able to make realistic proposals.

Points to Remember in the Consultation Process

✓ **Confidentiality**
Consultation and collaboration requires an open dialogue and sharing of information between the employer, bargaining agents and employee representatives. Therefore, it is recommended that employers provide bargaining agents and employee representatives with the information that is necessary to allow them to participate meaningfully and effectively in the consultation and collaboration processes. At the same time, confidentiality requirements must be respected.

The information provided should include items such as:

- employer policies and practices regarding recruitment, retention, promotion, transfers, and terms and conditions of employment;
- collective agreements in place;
- wage and salary rates (where appropriate), benefits and classification systems;
- results of the workforce survey, workforce analysis and employment systems review; and
- measures in the employment equity plan and timetables for their implementation.

✓ **Bargaining agent participation**
The bargaining agent has an obligation to participate in these consultations. In order for the consultation process to be meaningful, the collaboration of the bargaining agents must be sought while the policies and plans for the employment equity process are being finalized rather than after they have been finalized. If the bargaining agent declines to participate or provide an alternative, you must keep detailed records to demonstrate that all reasonable efforts were made to consult.

✓ **Decision-making power**
The *Employment Equity Act* clarifies that consultation and collaboration are not forms of co-management. This means that decision-making power and full responsibility for fulfilling the legislative requirements ultimately rest with the employer.

Although the employer retains the right to make the final decision in all matters and is only bound to seek the views of employee representatives, it is recommended that advice and input from bargaining agents and employee representatives be respected and considered.

Now that decisions related to the involvement of bargaining agents and the role of a committee or similar structure have been made, your organization will proceed to the crucial task of collecting workforce data using the self-identification questionnaire.

Task D: Collect Workforce Data

All organizations under the Federal Contractors Program are required to collect information about their workforce in order to determine the level of representation of designated group members. This task will explain in detail how your organization is to use a self-identification questionnaire to collect workforce data in a way that is consistent with the Federal Contractors Program Requirements. The information collected will later form the basis of your Workforce Analysis, which will determine areas of possible under-representation in your organization.

> *Upon completion of Task D, you will have:*
> ✓ *distributed and collected an employee self-identification questionnaire, which will provide the information required to determine the representation of designated groups in your workplace.*

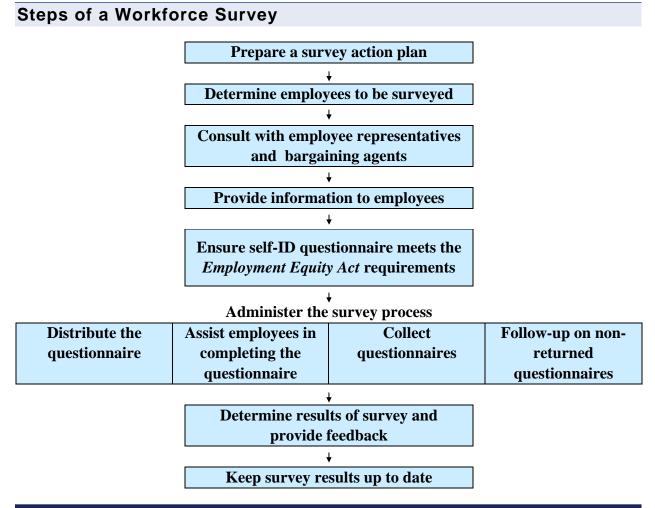## Surveying Your Workforce: The Self-Identification Questionnaire

Collecting information on the internal representation of designated group members in your workforce is a key component for many other tasks that your organization is required to undertake in the employment equity process. You will find that workforce data collected at this time will be used later to identify occupational groups where designated groups are under-represented and help to identify the barriers that have caused this under-representation. This data will be used to develop measures and establish short- and long-term goals to improve the representation of designated groups in your workforce.

You can fulfil this requirement by collecting and recording the following workforce information for all employees:

- **internal representation data** (stock data) taken from the self-identification questionnaire (note that a high response rate is required as a foundation for further analysis);
- **hire, promotion and termination data** (flow data) that will allow you to track the progress of employment equity over time; and
- **salary data**, including top and bottom salary quarters.

To collect internal representation data on the designated group members in your workforce, you must conduct a workforce survey using a voluntary self-identification questionnaire. It is recommended that the survey be redone every three years; however, an employer who maintains records as employees are hired, moved or terminated is not required to do so. Information on gender can be obtained by means other than the workforce survey, including through personnel records.

The following steps should be followed to conduct an effective workforce survey:

Steps of a Workforce Survey

Prepare a survey action plan

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Determine employees to be surveyed

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Consult with employee representatives and bargaining agents

↓

Provide information to employees

↓

Ensure self-ID questionnaire meets the *Employment Equity Act* requirements

↓

Administer the survey process

Distribute the questionnaire	Assist employees in completing the questionnaire	Collect questionnaires	Follow-up on non-returned questionnaires

↓

Determine results of survey and provide feedback

↓

Keep survey results up to date

Prepare a Survey Action Plan

A key factor in ensuring a successful and effective workforce survey is commitment to the process by the senior management. An effective workforce survey is one in which:

- employees, employee representatives and bargaining agents understand the purpose of the survey and how the results will be used;
- all, or at least a very strong majority of employees (80+ percent) complete and return the self-identification questionnaire; and
- respondents provide accurate self-identification information.

In order to encourage these results, an organization must prepare the groundwork for the workforce survey well in advance of survey distribution. The following questions about the questionnaire should be considered ahead of time:

- Who will be responsible for coordinating the survey process?
- Who will distribute the questionnaires?
- Who will answer questions that arise?
- Who will ensure that the right assistance is provided?
- Who will collect or receive the questionnaires?
- Who will open the questionnaires?
- Who will track returns and monitor responses? (return and response rate)
- Who will do the follow-up that is necessary?
- How will the information collected from the questionnaires be recorded?
- What record management system will be used to store and maintain employees' records?
- If a computerized system is used, who will enter the data?
- Who will determine results?
- Who will be the custodian of the data?

Determine Employees to Be Surveyed

Everyone employed for a period totalling 12 weeks or more during a calendar year (except for students and individuals working on contract) must be given a self-identification questionnaire once they have been hired. This includes full-time, part-time and temporary employees, and employees on any form of long-term leave, including long-term disability leave.

Consult with Bargaining Agents and Employee Representatives

Employers are required to consult with bargaining agents and employee representatives on the preparation, implementation and revision of the employment equity plan. In addition, they should consult on the assistance employee representatives could provide to the employer in implementing employment equity and in communicating with employees on matters relating to employment equity.

Assistance from bargaining agents and employee representatives in communicating with employees regarding the upcoming workforce survey and consulting with them during the various stages of the survey can help generate interest and ensure a high response rate.

In particular, bargaining agents and employee representatives should be involved in disseminating general information to all employees on the purpose of the upcoming workforce survey and the importance of completing and returning the self-identification questionnaire.

Provide Information to Employees

Through a preliminary information package or information sessions, your organization may also wish to provide additional material related to employment equity to address any concerns that employees may have regarding information disclosure, including:

- apprehension about revealing information that is generally not known in their workplace;
- worry that self-identification may jeopardize their present status or opportunities for advancement;
- impression that their work environment does not value diversity;
- perception of having been hired or promoted solely because of their designated group membership as opposed to their qualifications; or
- concerns of employees who are not members of designated groups that employment equity will remove or seriously reduce their promotion, training and other career development opportunities.

The information provided to employees should be aimed at addressing these concerns; in particular, it should address the idea that employment equity means giving preferential treatment to unqualified members of designated groups. The mechanisms established in the communication strategy should be used to communicate this information (for example, through employer and union newsletters, special information sessions, e-mail or inserts in pay envelopes).

The information provided should also:

- confirm senior management's commitment to employment equity;
- reassure employees that the main objectives of employment equity are to ensure fair hiring and promotion procedures and to provide a workplace environment that is respectful and accommodating of all employees' needs;
- point out that special initiatives targeted at designated group members may be undertaken where there is clear evidence that members of these groups are significantly under-represented in an occupational group; and
- indicate that any special initiatives are temporary and undertaken in order to address an existing issue. When the under-representation is corrected, the special initiatives will normally be phased out.

In addition, the information package could:

- give a brief background on employment equity—give evidence of the systemic barriers faced by members of the four designated groups;
- state that goals and timetables are part of employment equity planning and are used to measure progress toward full representation; and
- explain that employment equity goals are flexible targets, like other business goals.

To view an example of a memorandum to be sent to employees informing them of the upcoming workforce survey, see **Appendix 1C.**

You might also attach **Appendix 1D, Self-Identification Survey: Frequently Asked Questions** to the memorandum to answer any questions or concerns that your employees may have.

Self-Identification Questionnaire Requirements

The information and instructions included with the questionnaire itself can have a significant impact on response rates and accuracy. At the time of the survey, attach a cover letter that reiterates the fundamental purposes of employment equity, explains the role of the self-identification questionnaire and emphasizes the importance of accurate responses for effective planning and implementation of employment equity.

Mandatory

In order to meet the following requirements as set out in Sections 3 to 5 of the *Employment Equity Regulations*, the self-identification questionnaire must:

- be provided to all employees;
- include a question on gender, if unable to obtain accurate data on women from payroll or personnel records;
- include definitions of Aboriginal peoples, persons with disabilities and visible minorities that are consistent with those outlined under the *Employment Equity Act*. It is recommended that you use the definitions suggested in the Regulations.
- indicate that identification in more than one designated group is possible, since each designated group faces particular kinds of employment barriers and a person who belongs to more than one of these groups is likely to experience multiple barriers;
- indicate completion is voluntary;
- indicate that information will be kept confidential;
- indicate that employees can change information at any time;
- include an employee identifier;
- be provided to employees upon request; and
- be available in alternate formats upon request.

Confidentiality: Information collected by an employer is confidential and can be used only for the purpose of implementing the employer's obligations under the Act. [Act, s. 9(3)]

Self-identification: Employee self-identification is voluntary. Only employees who identify themselves as a member of a designated group, or agree to be identified, may be counted. [Act, s. 9(2)]

Optional

To ensure a better response rate, the questionnaire could also:

- Indicate that returning the questionnaire is mandatory (even if left blank).
- Provide the name of the employment equity contact and senior official.
- Include a check-off box where employees can agree that the information provided can be used for other human resource management purposes related to employment equity. (This would help you contact the designated group members who respond positively to this question to participate in special initiatives intended to address the under-representation of their group in a specific occupation. Such initiatives may be more successful if designated group members can be directly approached—something which, given the confidentiality requirements, cannot be done without prior consent.)
- Include extra questions relating to employment equity. If additional questions are included on the questionnaire (e.g., sub-groups of visible minorities), they must be closely linked to employment equity, be separated from self-identification questions and clearly state that the provision of this information is optional.

To view an example of a self-identification questionnaire for collecting workforce information, see **Appendix 1E**. You may wish to develop your own version of the questionnaire, adapted to your own particular workforce. However, any variation must retain the mandatory information specified above.

Administering the Questionnaire

Distribute the Questionnaire

Suggestions for distributing the questionnaire:

- ensure that all employees receive a self-identification questionnaire;
- set aside a specific time to distribute the self-identification questionnaire;
- pick a time when most employees are available, (i.e., avoid holidays or peak business periods);
- set a deadline for the return of the questionnaire;
- distribute the questionnaire in electronic and/or paper format;
- include additional educational material;
- include the name and telephone number of the employment equity contact, the employment equity coordinator and the senior official, to respond to employee questions;
- mail a survey package in a self-addressed envelope to employees who are not centrally located or who are on extended leave; and
- develop a distribution control sheet to track when each employee receives and returns the questionnaire.

Suggested distribution methods:

- distribute the questionnaire during regular staff meetings, training sessions or special employment equity information sessions;
- use internal mail;
- use the pay distribution system; or
- create a Census Day or Census Week to distribute the questionnaire.

Assist Employees in Completing the Questionnaire

To help employees understand and complete the questionnaire, employers may consider:

- appointing advisers to help employees;
- conducting information meetings in consultation with bargaining agents and employee representatives;
- establishing a hotline to answer questions;
- consulting with employees regarding the accommodation they need to complete the questionnaire; and
- using creative ways to communicate, such as posters and videos.

Collect the Questionnaires

- A high return rate can be ensured by requiring that every employee return the questionnaire, whether or not it is completed. This is specifically sanctioned by the Regulations.
- It may be useful to provide a deadline by which all questionnaires must be returned, and implement follow-up procedures to track missing returns and encourage employees to submit their questionnaires.

Follow-up to the Workforce Survey

It is important for your organization to aim for a 100% return and response rate to identify where gaps exist and develop an appropriate employment equity plan. The return rate is a measure of the percent of self-identification questionnaires that were returned (the number of questionnaires returned blank, partially completed and fully completed/number of questionnaires distributed). The response rate is a measure of the percent of questionnaires returned completed compared to the total number of employees given the questionnaire (number of questionnaires returned partially and fully completed/number of questionnaires distributed).After the completion of the survey, if you have not achieved a minimum 80% return and response rate, then you need to:

- send a communication to remind employees of the importance of the survey;
- remind employees that it is mandatory to return the survey questionnaire (if you have selected this option);

- confirm that all employees (e.g., absent, on leave, working in remote areas) did receive a questionnaire; and
- follow up with non-respondents or employees whose responses were illegible or incomplete.

To view an example of a memorandum to remind employees of the importance of the self-identification questionnaire, see **Appendix 1F**.

Communicate the Results of the Workforce Survey and Provide Feedback

Upon completion of the survey, you should send a communication informing employees of the results of the survey.

If a large number of questionnaires are not returned on time, if they are returned with one or more questions unanswered, or if there is reason to believe that a large number of employees may have answered the questions inappropriately, there may be a larger communication problem.

If this situation exists, the law does not allow employers or designated personnel to require people to provide or correct their responses. However, employers can attempt to improve the self-identification process by holding information sessions or providing information through newsletters or e-mail, to explain the purpose and principles of employment equity; explaining the purpose of the workforce survey and the importance of filling in the questionnaire; and emphasizing the protection of confidentiality.

Keeping Survey Results Up to Date

Your organization is responsible for keeping the survey results up to date by providing a self-identification questionnaire to:
- all new employees hired after the date of the last full workplace survey;
- all employees who indicate that they wish to change any information previously submitted on a questionnaire;
- any employee who requests a questionnaire.

Your organization must also make any necessary adjustments to the workforce survey results to take into account:
- any responses as a result of the above;
- changes in employment status, promotions and salaries; and
- any employees who were terminated.

Previous workforce survey

Your organization must retain a sample copy of the self-identification questionnaire that was provided to employees for two years after the period covered by the employment equity plan to which the questionnaire relates.

It is not necessary to re-survey part of or all of your workforce, if a previous survey meets the following criteria:

- it asked if the employee was a member of a visible minority, a person with a disability or an Aboriginal person;
- it used questions and was conducted in a manner that met the Federal Contractors Program Requirements*;*
- responses were voluntary; and
- results have been kept up to date.

Note: As employment equity has gained recognition among employees as an appropriate and productive approach to human resource management, return and completion rates have improved substantially. Conducting a new, well-planned workforce survey frequently results in more accurate identification of designated group members.

Task E: Code Workforce Data

Once you have collected workforce data using the self-identification questionnaire, the data must be classified according to:

- employment status;
- National Occupational Classification;
- Employment Equity Occupational Group; and
- geographic location of the position.

The purpose of coding your workforce data in this way is to facilitate the comparison by occupation and occupational group of designated group member representation in your workforce to availability in the Canadian labour market, as part of a workforce analysis in Step 2.

Upon completion of Task E, you will have:
- ✓ *coded workforce data by employment status, National Occupational Classification, Employment Equity Occupational Group and geographic location.*

Employment Status

First, the employee's employment status must be assigned. The three employment status classifications are:

- **Permanent full-time employee**: a person who is employed by an organization for an indeterminate period of time, to work the standard number of hours on a regular basis, as determined by the organization and in accordance with the occupational group to which the person belongs.
- **Permanent part-time employee**: a person who is employed by an organization for an indeterminate period of time, to work fewer than the standard number of hours on a regular basis, as determined by the organization and in accordance with the occupational group to which the person belongs.
- **Temporary employee**: a person who is employed on a temporary basis by an organization for any number of hours within a fixed period or periods totalling 12 weeks or more during a calendar year. This does not include a person in full-time attendance at a secondary or post-secondary education institution who is employed during a school break.

For additional information on how employees are counted, see Appendix 1G.

National Occupational Classification

The National Occupational Classification (NOC) is a system for describing the occupations of Canadians. In summary, it is a tool used to classify occupations according to their skill level and skill type. A four-digit code, called the NOC code, identifies the occupation. Each digit of this code reflects an important trait of the occupation it represents and provides a standardized language for describing the work performed by Canadians.

To obtain the detailed information on how to code your positions, you have two options:

- You can purchase the book *NOC: National Occupational Classification*. To order this document visit: **www.publications.gc.ca**

- You can visit the Labour Program Web site at **www.labour.gc.ca**. Here, you will find enough detail to complete your coding and tutorials to assist you. You may also contact the regional Workplace Equity Office of the Labour Program to obtain the assistance of a workplace equity officer. (Note, however, that workplace equity officers do not undertake the actual coding.)

Additional information about the NOC can be obtained by contacting:

Skills and Labour Market Information Division
Human Resources and Skills Development Canada
140 Promenade du Portage
Place du Portage Phase IV, 4th floor
Gatineau, Quebec K1A 0J9

819-994-4314

www.labour.gc.ca

The following sections provide an overview of the NOC coding process, as well as the other coding requirements for the self-identification questionnaire data.

Digit One: Skill Type

The **first digit** of the NOC code designates the skill type. Skill type is based on the type of work performed, but it also reflects the field of training or experience that is normally required for entry into the occupation. This includes the educational area of study required, as well as the industry of employment in cases where experience within an internal job ladder is required for entry. These categories are intended to indicate easily understood segments of the workforce.

Remember that occupations coded with a first digit of 1 through 9 refer to the skill type of that occupation. For example, the codes of all Occupations Unique to Processing, Manufacturing and Utilities start with the digit 9 on the left. However, Management Occupations, which are found across all skill types, start with 0 as the first digit.

Digit Two: Skill Level

The **second digit** of the NOC designates the skill level that corresponds to the type, and/or amount of training or education typically required to work in an occupation. The NOC consists of four skill levels identified from A through D, and each is assigned a numerical value ranging from 1 to 6.

Skill level is primarily based on the nature of the education and training required to work in an occupation. This criterion also reflects the experience required for entry and the complexity of the responsibilities involved in the work, compared with other occupations. In most cases, progression from skill level B to A is not possible without completion of additional formal education, whereas progression from skill level D to skill level C is often achievable through on-the-job training and experience.

Each skill level is intended to reflect commonly accepted paths to employment in an occupation. Where there are several paths to employment, the skill level most commonly identified by organizations is used, considering the context of the occupation and the trends in hiring requirements.

For Trades, Transport and Equipment Operators and Related Occupations, skill level B occupations may be coded with either a 2 or a 3. The reason for this is that there are more than 9 minor groups within the major group. When there are more than 9 minor groups within a major group, the skill level digit is increased by one, but corresponds to the same alphabetical character. The same applies for skill level C in Occupations Unique to Processing, Manufacturing and Utilities, where the second digit can be either 4 or 5.

Major groups

The **first two digits** are then grouped into 26 major groups. Remember that the first digit represents the skill type for an occupation and the second digit of the code generally separates occupations according to skill level or the type and duration of training required. Therefore, we can have several major groups within each skill type. For example, in the skill type Sales and Service Occupations, there are three major groups:

62   *Skilled* Sales and Service Occupations

64   *Intermediate* Sales and Service Occupations

66   *Elemental* Sales and Service Occupations

Digit Three: Minor Groups

At the **three-digit level**, the major groups are then divided into 140 minor groups. For example, major group 64, Intermediate Sales and Service Occupations, includes eight minor groups:

641   Sales Representatives, Wholesale Trade

642   Retail Salespersons and Sales Clerks

643   Occupations in Travel and Accommodation

644   Tour and Recreational Guides and Casino Occupations

645   Occupations in Food and Beverage Service

646   Other Occupations in Protective Service

647   Childcare and Home Support Workers

648   Other Occupations in Personal Service

Fourth Digit: Unit Groups

At the **four-digit level**, the system is expanded into 520 occupational groups identified as unit groups. Unit groups represent further specificity within an occupational domain. To continue with the example above, minor group 643, Occupations in Travel and Accommodation, is further divided into five unit groups:

6431   Travel Counsellors

6432   Pursers and Flight Attendants

6433   Airline Sales and Service Agents

6434   Ticket Agents, Cargo Service Representatives and Related Clerks (Except Airline)

6435   Hotel Front Desk Clerks

Once all positions in your workforce have been coded with a four-digit NOC code, they are grouped into 14 Employment Equity Occupational Groups as described in the following section.

Employment Equity Occupational Groups

You are required to group the different NOC codes assigned to the occupations that exist within your organization into 14 Employment Equity Occupational Groups (EEOGs). These include:

1) Senior Managers

2) Middle and Other Managers

3) Professionals

4) Semi-Professionals and Technicians

5) Supervisors

6) Supervisors: Crafts and Trades

7) Administrative and Senior Clerical Personnel

8) Skilled Sales and Service Personnel

9) Skilled Crafts and Trades Workers

10) Clerical Personnel

11) Intermediate Sales and Service Personnel

12) Semi-Skilled Manual Workers

13) Other Sales and Service Personnel

14) Other Manual Workers

The EEOG structure (2006 NOC) and definitions are included in Appendices C and D of the *2006 Employment Equity Data Report (EEDR)* and are also available on the Labour Program Web site at **www.labour.gc.ca**.

The EEOGs have been developed by the Labour Program to reflect the departmental and hierarchical structure of organizations. Grouping NOC codes by EEOGs therefore allows organizations to track the movement of designated group members over time from one department to another as well as from one hierarchical level of the organization to another.

Geographic Data Requirements

The final data requirement for each individual position in your workforce is to identify the geographic location of the position. This is done by assigning a Census Metropolitan Area (CMA) code to the position; a CMA is an area consisting of one or more adjacent municipalities situated around a major urban core. If your organization is not located within one of the following 33 CMAs listed, you code the position at the provincial or territorial level.

Statistics Canada has identified these areas as CMAs:

Halifax, N.S.	Peterborough, Ont.
St. Johns, N.L.	Ottawa-Gatineau, Ont.-Que.
Saint John, N.B.	Montréal, Que.
Moncton, N.B.	Québec, Que.
Toronto, Ont.	Sherbrooke, Que.
London, Ont.	Saguenay, Que.
Kitchener, Ont.	Trois-Rivières, Que.
St. Catharines-Niagara, Ont.	Winnipeg, Man.
Hamilton, Ont.	Saskatoon, Sask.
Windsor, Ont.	Regina, Sask.
Sudbury, Ont.	Calgary, Alta.
Kingston, Ont.	Edmonton, Alta.
Thunder Bay, Ont.	Vancouver, B.C.
Oshawa, Ont.	Victoria, B.C.
Barrie, Ont.	Abbotsford, B.C.
Brantford, Ont.	Kelowna, B.C.
Guelph, Ont.	

The CMA/provincial code is important because in Step 2: Workforce Analysis, you will establish the labour market availability of workers who are designated group members for each EEOG.

Moving Forward

Having collected crucial workforce information, your organization is now in a position to begin comparing internal workforce data to external availability data to determine the representation of designated group members in your workplace.

Labour

Employment Equity in Your Workplace

Federal Contractors Program

STEP 1 – Appendix

Table of Contents

Appendix 1A – Memorandum

First Communication to Employees

Introducing Employment Equity

To: **All employees**   **Date:** [Date]

From: **President/CEO**

Subject **Announcing the purpose of employment equity and assignment of the senior official responsible for employment equity**

[Organization's name] is subject to the Federal Contractors Program since being awarded contracts with the Government of Canada. As part of the process of obtaining such contracts we, as an organization, have committed to implementing an effective employment equity program.

We want to ensure that members of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities) are appropriately represented in our workforce. Although employment equity is designed to eliminate any employment barriers that these groups may face in our organization, employment equity benefits everyone in the workplace.

By implementing employment equity, we are taking advantage of Canada's diversity. We want to ensure that no person is denied employment opportunities for reasons unrelated to ability. It is important that all employees be equitably represented in all levels of our organization and be treated fairly in all of our selection, hiring, training and promotion practices.

We are pleased to announce that [Name of senior official] has been assigned as the senior official responsible for the employment equity program within [Organization's name]. [Name of senior official] will oversee the process of forming an Employment Equity Committee, conducting a workforce survey and analysis, examining all of our employment systems and developing an employment equity plan over the next few months. [Name of employment equity contact] has been assigned to assist the senior official responsible for employment equity in the coordination of this program.

The success of our employment equity program is linked to your support. We welcome your input and co-operation in implementing employment equity at [Organization's name]. We will contact you again shortly when we conduct the workforce survey in the coming weeks.

If you have any questions or comments about employment equity, please do not hesitate to contact [Name of employment equity contact] at [Phone number] or by e-mail at [E-mail address].

Sincerely,

_____

[Name of President/CEO]

Appendix 1B – Memorandum

Second Communication to Employees

Request for Volunteers for the Employment Equity Committee

To: All employees **Date:** [Date]

From: [Name and title of senior official responsible for employment equity]

Subject: Request for volunteers for the Employment Equity Committee

[Organization's name] is subject to the Federal Contractors Program since being awarded contracts with the Government of Canada. As part of the process of obtaining such contracts we, as an organization, have committed to implementing an effective employment equity program.

To encourage staff and employee participation in the employment equity process, we intend to create an Employment Equity Committee. This committee, made up of individuals representing management, employees and the union, will be involved in the following activities:

- communicating and promoting the implementation of all employment equity activities to employees;
- assisting in the development of the self-identification questionnaire and the promotion of the workforce survey;
- identifying specific needs of designated groups within our organization;
- assisting in the review of all employment policies and practices, written and unwritten, to ensure that they present no employment barriers for designated group members;
- assisting in the development, implementation and review of the employment equity plan; and
- preparing and/or organizing presentations and/or training sessions for managers and staff regarding employment equity.

Employment Equity Committee meetings will take place on the premises and during work hours. If you or someone you know is interested in joining the committee, please contact:

[Contact information of the employment equity contact person]

Sincerely,

_____

[Name and title of senior official responsible for employment equity]

Appendix 1C – Memorandum

Third Communication to Employees

Introducing the Self-Identification Questionnaire

To: **All employees**   **Date:** [Date]

From: **[Name and title of senior official responsible for employment equity]**

Subject: **Introducing the self-identification questionnaire**

[Organization's name] is subject to the Federal Contractors Program and we have made a commitment to ensure that all employees are treated fairly within our organization. All organizations that have 100 or more employees and are receiving federal contracts worth $200,000 or more must implement an employment equity program. This program will ensure that women, Aboriginal peoples, persons with disabilities and visible minorities are equitably represented at all occupational levels within our workforce.

As part of implementing employment equity, [Organization's name] must conduct a survey to collect data concerning its workforce. All employees, whether or not they identify themselves as a member of a designated group, are requested to complete this self-identification questionnaire and forward it to [Name of the Employment Equity Coordinator].

Filling out the questionnaire is voluntary. However, we encourage all employees to respond to the questions. Information from the questionnaire will allow us to identify and remove any barriers that may exist in hiring, training, promoting and retaining our employees.

The responses that you provide on the self-identification questionnaire will be kept confidential and used for employment equity purposes only. We encourage you to update this information about yourself at any time by completing another questionnaire as needed. With your help, we can achieve a workforce that is representative of the Canadian population.

Thank you for your support and co-operation. If you have any questions regarding the questionnaire or any other aspect of employment equity implementation, please do not hesitate to contact [Name of employment equity contact] at [Telephone number] or by e-mail at [E-mail address].

Sincerely,

_____

[Name and title of senior official responsible for employment equity]

Appendix 1D

Self-Identification Questionnaire

Frequently Asked Questions

1.   *Why is this information being collected?*

The information is being collected from new and current employees to obtain a picture of the composition of our workforce. The information will be useful in two ways: it will help us identify the under-representation of designated groups at all occupational levels within our workforce, and will be used for comparison purposes in order to monitor the success of our employment equity program.

2.   *Why should everyone complete the self-identification questionnaire?*

All employees are part of the workforce; therefore, the employment equity commitment can be fully supported only when all employees count themselves in. By providing your information, you will enable us to determine how the composition of our workforce compares to the workforce in our area. Even if you are not a designated group member, you are helping the organization to be an equitable workplace for all employees.

3.   *Do questions on race or disability contravene human rights legislations and other laws?*

No. The *Canadian Human Rights Act* stipulates that it is not a discriminatory practice to collect information if it is intended to be used in adopting or carrying out a special program, plan or arrangement designed to eliminate disadvantages faced by certain groups of individuals.[1]

4.   *How will the information I provide be used?*

Your information will be used to create statistics about the composition of our workforce. It will allow us to assess designated group representation in different occupational groups and levels, to set goals and to monitor progress in reaching these goals. If you consent by checking the box at the end of the questionnaire, human resources may contact you regarding specific initiatives for your designated group (if you are a member of one), including support measures and accommodation needs. We may also request your participation in the Employment Equity Committee or in Advisory Committees, or seek your advice on specific employment equity issues.

---

[1]   *Canadian Human Rights Act*, 2008, Section 16 (3).

5. *Must I respond to this questionnaire?*

   Your response to the self-identification questionnaire is voluntary. However, an organization can make it mandatory for you to sign and return the questionnaire to human resources even if you choose not to fill out any of the information.

6. *Is it necessary for me to fill out a new questionnaire if I have completed one in the past?*

   Even if you have self-identified in the past, you are asked to complete the questionnaire at this time to ensure that you are counted in and counted correctly. In addition, by filling out this questionnaire, you will ensure that our information is up-to-date.

7. *Will my information be kept confidential?*

   Yes. The information you provide is protected by the *Privacy Act* and will be kept confidential. Furthermore, the *Employment Equity Act* states that self-identification information can only be used for employment equity purposes, and your information will be kept separate from your personnel file. With your permission, your information can be used to refer you for special training or invite you to participate in selection boards or in other activities related to employment equity.

8. *How can I correct, change or access information about myself?*

   You can correct and/or change information about yourself by completing a new questionnaire and forwarding it to your employment equity contact. You can also contact our human resources office if you want to access information related to you.

9. *I have been accommodated in the workplace. Should I still identify as a person with a disability?*

   Yes. All persons with disabilities, including those who have been accommodated in the workplace, are asked to self-identify.

10. *Can I identify in more than one group?*

    Yes. The *Employment Equity Regulations* permit employees to identify in more than one designated group. The self-identification questionnaire includes definitions to help you identify which group(s) you may belong to.

11. *Can anyone else identify me?*

    No. You are responsible for your own identification. By law, this information cannot be provided by your manager, your supervisor or your colleagues, unless you authorize them to do so.

Appendix 1E

Self-Identification Questionnaire

Instructions

[Organization's name] believes that all employees should be treated fairly. We promote employment equity in the workplace to ensure that women, Aboriginal peoples, persons with disabilities and visible minorities are fully represented at all levels of our organization. Our employment equity program ensures that our hiring and promotion practices are based on qualifications and ability**.**

As part of our employment equity program, we are collecting information about our workforce through this questionnaire. Identifying as a member of a designated group (women, Aboriginal peoples, persons with disabilities and visible minorities) in Sections B to E will help create an accurate picture of our workforce. We assure you that our workplace is a safe environment in which to self-identify. You can ask for the accommodation you need in order to fulfil your work-related duties to the best of your ability.

Self-identification—sections B, C, D and E—and completion of sections F, G and H is voluntary. However, it is mandatory to complete Section A, sign in Section I, and return the questionnaire to human resources, even if you choose not to fill out any additional information.

The responses that you provide on this form will be retained for statistical purposes only; your confidentiality is protected. We encourage you to review, update and correct information about yourself at any time. Your information will not be used for unauthorized purposes.

This questionnaire is available in Braille, large print or audio cassette upon request. It is also available on our Web site at [Organization's Web site].

A.   Name: _____

Section/Branch: _____

Position: _____

Employee number: _____

Employment status: Full-time employee

Part-time employee

Temporary employee

B.   Gender

   Female   Male

After reading the descriptions in each of the next three sections, answer "Yes" if any of the following apply to you. Please note that you may self-identify in more than one group.

C.   Aboriginal Peoples

According to the *Employment Equity Act*, an Aboriginal person is a person who is Indian, Inuit or Métis.

   Are you an Aboriginal person?
   Yes   No

D.   Visible Minorities

According to the *Employment Equity Act*, members of a visible minority are people in Canada (other than Aboriginal peoples) who are non-white in colour or non-Caucasian in race, regardless of their place of birth or citizenship.

Examples of visible minorities include, but are not limited to:
- Black
- Non-white Latin American (including Indigenous people from Central and South America)
- East Asian (e.g., Chinese, Japanese, Korean)
- South Asian/East Indian (e.g., Indian, Pakistani, Bangladeshi, or East Indian from Guyana, Trinidad or East Africa)
- Southeast Asian (e.g., Burmese, Cambodian, Filipino, Laotian, Thai, Vietnamese)
- Non-white West Asian, North African or Arab (e.g., Iranian, Lebanese, Egyptian, Libyan)
- People of mixed origin (e.g., with one parent in one of the visible minority groups listed above).

   Are you a member of a visible minority?
   Yes   No

E.   Persons with Disabilities

According to the *Employment Equity Act*, persons with disabilities are persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who consider themselves to be at a disadvantage in the workforce by reason of that impairment, or who believe that an employer or potential employer is likely to consider them to be at a disadvantage because of that impairment. This includes people whose functional limitations due to their impairment have been accommodated in their current jobs or workplaces (e.g., by the use of technical aids, changes to equipment or other working arrangements).

Examples of disabilities include, but are not limited to:

- **Coordination or dexterity impairment**

  (e.g., difficulty using hands or arms, such as grasping objects or using a keyboard)

- **Mobility impairment**

  (e.g., difficulty moving from one office to another, walking long distances or using stairs)

- **Blindness or visual impairment**

  (e.g., unable to see or difficulty seeing, glaucoma; however, do not include yourself if you can see well with glasses or contact lenses)

- **Speech impairment**

  (unable to speak or difficulty speaking and being understood)

- **Deafness or hearing impairment**

  (unable to hear or difficulty hearing)

- **Other disabilities**

  (e.g., learning, developmental and other types of disabilities)

  Are you a person with a disability?

  Yes   No

F.   Additional Data for Accommodation Purposes

Please specify how we can accommodate you to help you participate fully in the workplace. Note that if we implement these accommodation measures, they will not have a negative impact on your hiring, training, promotion and retention in our organization.

_____

_____

_____

G.   Voluntary Employee Participation

1)   Please indicate below if you wish to have your employment equity self-identification information used for particular employment equity initiatives.

      Yes   No

2)   As part of our ongoing employment equity work, from time to time we ask designated group members to participate in various activities (e.g., committees, focus groups) to provide feedback on new programs. If you agree to be contacted directly by the employment equity contact or a local human resources manager for this kind of activity, please check "Yes" below.

      Yes   No

H. Employee Comments

If you have any comments/feedback on our employment equity program, we would like to hear from you. Rest assured, all comments will be kept confidential. Please contact the employment equity contact by phone [Telephone number] or e-mail [E-mail address].

I. Employee Signature

Signature: _____ Date: _____

Thank you for your participation!

Please return this form in the envelope provided to:

[Insert organization's address]

Appendix 1F – Memorandum

Final Communication to Employees

Follow-up to Self Identification Questionnaire

To: **All Employees**   **Date: [Date]**

From: [**Name and title of senior official responsible for employment equity**]

Subject: **Follow-up to self-identification survey**

[Organization's name] is committed to employment equity on an ongoing basis. We want to ensure that our workplace is a fair and supportive environment for all employees, including women, Aboriginal peoples, persons with disabilities and members of visible minorities.

We would like to thank all of you who returned the survey questionnaire. If you have not returned your questionnaire, please make this a priority. Your participation is extremely valuable to us.

If you have questions or if you would like to amend your personal information collected in the questionnaire, please contact [Name of employment equity contact] at [Phone number] or by e-mail [E-mail address] at any time.

Thank you again for your support and co-operation.

Sincerely,

_____

[Name and title of senior official responsible for employment equity]

Appendix 1G

Counting Employees

Federal Contractors Program

Organizations under the Federal Contractors Program employ 100 or more employees. To determine the number of employees in your workforce for the purposes of employment equity, you must first ascertain if there is an employment relationship. Second, you establish if the employee is a permanent full-time, permanent part-time or a temporary employee as described in the *Employment Equity Act* and the Regulations. Finally, you count the number of employees who meet the definitions. While Federal Contractors Program organizations are not explicitly covered by the *Employment Equity Act*, section 42 requires equivalence between the standards applied under the Act and those applied under the Federal Contractors Program. Therefore, the following direction and guidance is provided to help you navigate the process of counting the number of employees in your workforce for the purposes of the Federal Contractors Program and employment equity.

The Employment Relationship

In most cases, it is simple for an organization to determine if an employment relationship (also known as employer/employee relationship) exists, based on company payroll. However, in some cases, contracts can create an employer/employee relationship. In order to determine if an employer/employee relationship exists, you must review how the typical daily work arrangement is carried out. How the parties choose to label the relationship carries little significance. Factors to consider in determining if an employer/employee relationship exists are:

1) **Control and supervision** – An independent contractor (i.e., a person who is not an employee of your organization; a person with whom your organization does not have an employment relationship) exercises autonomous control over the method and techniques required to accomplish the task.

2) **Ownership of tools** – An independent contractor provides, at his or her own expense, the tools of the trade required to perform the work.

3) **Chance of profit** – An independent contractor has the opportunity to make profit.

4) **Risk of loss** – An independent contractor assumes the risk of financial loss.

5) **Role** – Work performed by an independent contractor is not integral to the business but rather an accessory to it (see also the Employee section).

Remember that no one factor is determinative. If you still question whether an employer/employee relationship exists, you may also review the factors that differentiate an employer and an employee.

The Employer

Where there are many related companies, divisions or subsidiaries, it may be difficult to determine the identity of the employer when determining whether that particular employer employs 100 or more employees. The following questions will often determine whether an organization has the capacity to qualify as an employer:

- Is it a separate legal entity or a separate person?
- Does it have a sufficiently separate or distinct management structure?
- Is it operated as a separate undertaking? For example, are employees intermingled and transferred without formalities or do employees resign to be hired by the related division or organization? Are there separate human resource practices and payrolls?
- Does it hold the necessary authorization, licence or permit to operate in that field?

An employer may also be defined using the following criteria:

- The party directing and exercising control over the worker performing the work – since corporations act through agents, it may be necessary to determine the identity of the employer of the person who supervises the worker in terms of how and when the work is performed and defines the worker's duties.
- The party bearing the burden of remuneration – it is important to determine who is actually paying the worker. Just handing over the remuneration is not sufficient. In the absence of other factors, being a conduit or intermediary for compensation is not sufficient to establish the existence of an employment relationship.
- The party imposing discipline and evaluating performance.
- The party hiring the worker – the party responsible for selecting, testing and training workers and bearing the related costs.
- The party with the authority to dismiss the worker.
- The party who the worker perceives to be the employer – it should be noted that it is not uncommon for an employee to misidentify his or her own employer.
- The existence of an intention to create the relationship of employer and employee.

As before, no one factor is conclusive or determinative.

The Employee

The factors taken into consideration to determine if a person is an employee are considered collectively and include the following questions:

1) Is the position permanent?

2) Does the individual participate in benefits? Does the employee remit employment insurance (E.I.) contributions through the company?

3) Does the employer submit annual T4 slips for the individual? Is insurance paid by the company for the individual?

4) Is the individual required to have insurance? Is coverage for the individual's employment insurance or worker's compensation provided by the company?

5) Is there a written agreement of employment? Does the individual wear a company uniform? Does the individual use a company vehicle? Are tools, order forms, business cards and/or equipment provided by the company? Can products be purchased from companies other than the employer?

6) Can the individual solicit customers? Can the individual carry competitive lines? Are fees set by the company? Must the individual remit fees each day to the company?

7) What is the extent of the company's coordination/supervision of the individual? Can the individual select the method of performing his or her job functions? Does the company have disciplinary powers? Who arranges for a substitute if the individual is unable to perform the work?

8) Can the individual hire employees? Does the company control the firing of the individual's employees? Can work be freely subcontracted?

9) Does the individual perform the same work as employees of the company? Does the individual spend a substantial amount of time working for the company?

10) Does the company provide vacation pay and overtime? Does the individual set his or her own hours? Does the individual do his or her own scheduling?

11) Who do the customers phone when they have a problem—the individual or the company? Is the money paid by the customers directed to the individual or to the company? Does the company perform bookkeeping on the individual's behalf? Is the individual paid the same amount regardless of whether the customer pays?

12) Are the individual's expenses reimbursed? Is there a chance of profit or risk of loss for the individual?

13) Is the individual's activity part of the company's business organization?

Employment Status

Permanent Full-Time Employees Under the *Employment Equity Act*

A **permanent full-time employee** is a person who is employed by an employer for an indeterminate period of time to work the standard number of hours on a regular basis as determined by the employer, depending on the Employment Equity Occupational Group to which the person belongs. The standard number of hours is set by the employer, but cannot be less than the usual number of hours worked by full-time employees in the same occupational group.

Precedents already exist in the flexible application of employment status definitions to seasonal employment, as well as to the work schedules, dispatching systems and security in industries such as longshoring and trucking. In the water transport industry, permanent full-time employment status is not affected by seasonal shutdowns since many employees retain the right to return to work. In other industries/organizations, positions with routine contract renewal may be considered permanent.

Permanent Part-Time Employees Under the *Employment Equity Act*

A **permanent part-time employee** is a person who is employed by an employer for an indeterminate period of time to work fewer than the standard number of hours on a regular basis as determined by the employer, depending on the Employment Equity Occupational Group to which the person belongs.

Generally, what is standard or usual for a group of employees is considered full-time; anything less is considered part-time. For example, in a case where the standard, usual way of working for the company is to work 11 hours per day for 3 days during the week, employees who fit this work pattern would be considered full-time, and employees who do not would be considered part-time. Similarly, in circumstances where an employee is not hired on an hourly basis but on some other basis such as workload, piece work, or mileage, it is necessary to determine whether the workload, piece work, mileage, etc., is standard or usual for all or most employees within the employer's workforce.

Temporary Employees Under the *Employment Equity Act*

A **temporary employee** is a person who is employed on a temporary basis by an employer for any number of hours within a fixed period or periods totalling 12 weeks or more during a calendar year. This does not include a person in full-time attendance at a secondary or post-secondary education institution who is employed during a school break. Whether the hours are regular or irregular is not a factor to consider in determining temporary employment status.

The total number of weeks worked by temporary employees is calculated according to the **cumulative number of weeks worked**, not by the cumulative number of days. For example, an employee may be called to work two days one week, three days the following week and one day per week for ten other weeks during the calendar year. This employee would be considered a temporary employee for employment equity purposes.

> ### *How are students counted under the Employment Equity Act?*
>
> *Students employed during a school break, even if this period exceeds **12 weeks**, and who are returning to school, are not counted as employees for employment equity purposes.*
>
> *Co-operative education (co-op) students working during the summer period are not considered to be on a school break since this work experience forms part of their education. Co-operative students who work more than 12 weeks during their work placements should be reported as temporary employees. In addition, students working on a part-time basis throughout the year are counted provided they worked 12 weeks or more*

The most significant distinction between temporary staff and permanent staff is job security, where permanence usually means employment for an indefinite duration. The duration of employment or the benefits received do not indicate employment status. Even if an employee is hired for a length of employment that is long term, the employee does not have permanent status if the duration of employment can be defined.

Casual or Other Employees Under the *Employment Equity Act*

Casual employees are employees who work less than 12 weeks during a calendar year and whose contracts have designated start and end dates. Casual employees and students working during a school break are not counted as temporary employees.

Other employees are employees who are on unpaid leave (often temporary lay-off or long-term leave) but who otherwise fulfil the definitions of permanent full-time, permanent part-time or temporary employees and maintain the right to return to work.

Special Case: Agency Personnel

Agency personnel can only be counted as employees for the purposes of employment equity if they are hired for periods exceeding 12 weeks, if they are paid by the employer, and if an employer/employee relationship exists.

Special Case: Contract Workers and Associates

With respect to contract workers or associates in any industry, it is always necessary to begin by ascertaining whether an employer–employee relationship exists. An employer–employee relationship may exist with some contract workers or associates and not with others in the same organization. The existence of this relationship must be determined case by case.

For example, the term associate may mean the same as franchise (affiliated with or having a relationship by way of association), in which case the person would not be counted as an employee. If an associate is a partner or co-manager, is hired by the organization (as opposed to elected or volunteered, such as board of director members), or is compensated by your organization for work, then the person is counted as an employee.

The best way to determine if an employment relationship exists is to confer with legal counsel.

The Issue of Jurisdiction

Federal Jurisdiction Versus Provincial Jurisdiction

Employers required to comply with the *Employment Equity Act* include those who employed 100 or more employees "on or in connection with a federal work, undertaking or business as defined in section 2 of the *Canada Labour Code*" at any time during the calendar year.

The determination of employers covered by provincial or federal legislation is considered on a case-by-case basis and takes into consideration the nature of the corporate structure and the type of business conducted by the organization.

Federal Jurisdiction and the Legislated Employment Equity Program

Employers with a federally regulated workforce of 100 or more employees are obligated to report to the Legislated Employment Equity Program (LEEP) under the Act.

Provincial Jurisdiction and the Federal Contractors Program

Organizations with a provincially regulated workforce of 100 or more employees are subject the Federal Contractors Program under the Act, provided they have received one contract or standing offer valued at $200,000 or more to provide goods or services to the Government of Canada.

Special Case: Dual Jurisdiction Under the *Employment Equity Act*

Certain businesses may have two or more distinct areas of activity. Part of the operation may be federal in nature, and part provincial. Where this occurs, it is necessary to determine whether the business is divisible for jurisdictional purposes, and the Labour Program and the employer should verify whether each portion of the workforce includes at least 100 employees.

If your workforce has 100 or more employees who fall under the LEEP, as well as 100 or more employees who fall under the Federal Contractors Program, your must either:
- fulfil the Federal Contractors Program Requirements for the provincially regulated portion of the workforce, while reporting the federally regulated portion under the LEEP; or
- report the entire workforce under the LEEP.

If your workforce has 100 or more federally regulated employees, you may request to report on your total workforce under the LEEP, regardless of the proportion of the workforce that falls under provincial jurisdiction. **Note: the decision to report the full workforce under the LEEP must be communicated to the Labour Program**.

If your workforce has 100 or more provincially regulated employees and less than 100 federally regulated employees, your entire workforce is subject to the Federal Contractors Program.