Fair, safe and productive workplaces

Labour

Employment Equity in Your Workplace

Federal Contractors Program

STEP 3 –
Creating an Employment Equity Plan

Canada

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Introduction

The creation of your organization's employment equity plan brings together all elements completed in earlier steps. Your organization will use the information gathered and the recommendations (if applicable) developed in earlier stages of the employment equity process to develop a sustainable employment equity plan.

An employment equity plan gives your organization a systematic and structured approach to removing barriers and implementing positive policies, practices and special measures that will remove gaps in the representation of the four designated groups.

This plan is intended to be a "living document," meaning that it needs to be monitored and updated. For example, if after a year your organization reaches its numerical goals for hiring and promoting visible minorities but is far behind its goals for another group, it may adjust its plan to focus more on the groups that continue to be under-represented.

Your organization's employment equity plan must include:
- measures for removing all barriers identified in your employment systems review;
- positive policies and practices to ensure that all employees, including designated group members, can work in a positive and equitable workplace;
- special measures targeted to increase the representation of under-represented designated groups;
- short-term hiring and promotion goals to eliminate under-representation;
- long-term representation goals that commit your organization to achieving full representation;
- clear time frames and accountability measures; and
- a system for monitoring and revising your employment equity plan over time.

This introductory section provides background and summary information on creating an employment equity plan, including:
- a summary of the legislative framework, including requirements under the *Employment Equity Act*, the Employment Equity Regulations and the Federal Contractors Program Requirements;
- a series of key points to remember;
- a list of the tools and templates included in this guide; and
- a summary of the basic methodology.

Legislative Framework

As an organization implementing employment equity in your workplace, you are required to create an employment equity plan under the *Employment Equity Act*, the *Employment Equity Regulations* and the Federal Contractors Program Requirements.

The *Employment Equity Act*

The creation and implementation of an employment equity plan is referenced in sections 10, 11, 12, 13 and 15 of the Act.

Section 10 of the Act requires organizations to:

- prepare an employment equity plan that includes positive policies and practices, short-term measures to eliminate barriers, short-term goals and long-term goals, and a timetable for implementation;
- establish positive policies and practices related to hiring, training, promoting and retaining designated group members, and reasonable accommodations to be instituted in one to three years; and
- specify measures that will be taken in the next one to three years to eliminate employment barriers that were identified in the employment systems review.

Section 11 of the Act requires organizations to:

- ensure that the employment equity plan would, if implemented, lead to reasonable progress toward implementing employment equity.

Section 12 of the Act requires organizations to:

- make all reasonable efforts to implement an employment equity plan; and
- monitor the implementation of the employment equity plan on a regular basis to assess whether reasonable progress toward implementing employment equity is being made.

Section 13 of the Act requires organizations to:

- review their plan at least once every three years and make adjustments as necessary.

Section 15 of the Act requires organizations to:

- consult and collaborate with employee representatives and bargaining agents in preparing, implementing and revising an employment equity plan.

Employment Equity Regulations

Section 11 of the Regulations requires your organization to establish and maintain records related to its employment equity plan and the steps it has taken to monitor the implementation of its plan.

Federal Contractors Program Requirements

As an organization covered under the Federal Contractors Program, you are required to adhere to requirements 7 through 10 in developing your employment equity plan:

7. Establishing short-term and long-term goals

8. Adopting measures to remove barriers

9. Adopting special measures, positive policies and practices, and reasonable accommodation measures

10. Adopting monitoring procedures

Key Points to Remember

A continued focus on communication, consultation and record keeping is crucial to creating an employment equity plan. Routinely consulting with employees, management, employee representatives and bargaining agents will ensure a transparent process and further demonstrate your organization's commitment and accountability. Documenting your organization's efforts to create a solid and sustainable employment equity plan will also contribute to transparency and accountability.

Communication

Your organization is required to maintain constant communication with employees, management, employee representatives and bargaining agents in developing and implementing its employment equity plan. These individuals can play a significant role in setting goals and creating positive policies, practices and measures.

Input from these individuals could help your organization establish innovative and creative:
- measures to eliminate barriers;
- short-term hiring and promotion goals;
- positive policies and practices as well as special measures;
- long-term goals; and
- monitoring procedures.

Consultation

As in previous tasks completed in the employment equity process, your organization must consult with employees, managers, employee representatives and bargaining agents throughout

the creation of your formalized employment equity plan. Input from these individuals is vital to ensuring that all goals and measures set out in the plan are achievable and sustainable.

Record Keeping

Record keeping plays a significant role in the creation of your organization's employment equity plan. Throughout this process, you will be asked to consult past records (for example, the results of your organization's workforce analysis and employment systems review) and to create new records of your intentions related to goals, measures and monitoring procedures.

Your completed plan is perhaps the most important record your organization is asked to create and modify over time. It contains a thorough overview of your organization's current and future plans to create and maintain an equitable workforce where no individual is denied opportunities for reasons unrelated to ability.

Tools and Templates

This guide provides your organization with a number of tools and templates that will help you complete your employment equity plan.

> *Tools*
> - *Basic Goals Tool and Explanation (Appendix 3A)*
> - *Employment Equity Action Plan: measures to remove barriers (Appendix 3B)*
> - *Employment Equity Action Plan: special measures, positive policies and practices and reasonable accommodation measures (Appendix 3F)*
>
> *Templates*
> - *Sample Employment Equity Policy (Appendix 3C)*
> - *Sample Anti-Harassment Policy (Appendix 3D)*
> - *Sample Accommodation Policy and Sample Accommodation Request Form (Appendix 3E)*
> - *Employment Equity Plan Template (Appendix 3G)*

Summary of Methodology

Creating an employment equity plan requires significant links between the results of your organization's workforce analysis and employment systems review. Your organization will use the results of both forms of analysis to develop a plan for addressing the under-representation of designated groups in your workforce.

The results of your workforce analysis will be used to establish short-term hiring and promotion goals that, if achieved, will result in reasonable progress toward closing gaps in the representation of the four designated groups. Your organization can achieve these numerical goals by removing all barriers uncovered by the employment systems review and by instituting positive policies, practices and special measures.

The results of your employment systems review will be used to establish an action plan that includes measures for eliminating all barriers identified in the review. Creating positive policies will enhance the workplace for all employees, with particular positive impacts for the designated groups, and special measures will ensure that gaps are reduced in a timely manner.

Timelines are required for achieving all measures. Record each measure and timeline in your employment equity plan.

The result will be a written plan that must be reviewed at least once during the three-year life of the plan and adjusted as required. The plan is just one more step in an employment equity process that is consistent with the basic tenets of any good problem-identification or problem-resolution strategy.

Note: The key standard established by the Employment Equity Act is that your employment equity plan, if implemented with reasonable efforts, will lead to reasonable progress toward removing gaps in the representation of the four designated groups

Upon completion of Step 3: Creating an Employment Equity Plan, you will have:
- ✓ *established numerical goals to correct areas of under-representation identified in your workforce analysis;*
- ✓ *created an action plan containing measures for removing barriers;*
- ✓ *established positive policies and practices as well as special measures;*
- ✓ *established monitoring and revision procedures; and*
- ✓ *formalized your organization's employment equity plan by recording all goals and measures to be achieved in the short and long term and the process by which they will be monitored and revised.*

Creating an Employment Equity Plan: A–F Task Outline

TASK A: **Review results of the workforce analysis and employment systems review**
Review the results of your organization's workforce analysis and employment systems review. The purpose of this task is to recall areas of under-representation that must be addressed and barriers that must be removed, to ensure they are covered in the plan.

TASK B: **Establish recruitment and promotion goals in the short term**
Establish short-term goals of one to three years to close gaps in the representation of designated groups identified in your workforce analysis. These short-term numerical goals must be sufficient to ensure that reasonable progress will be made in closing the gaps over three years.

TASK C: **Create an action plan for removing barriers in the short term and implementing positive policies and practices, special measures, and accommodation**
Develop measures and an action plan for removing barriers and achieving short-term hiring and promotion goals. This includes measures for eliminating employment barriers identified in your employment systems review, creating and implementing positive policies and practices, creating special measures to accelerate the closure of gaps in representation, and creating and implementing reasonable accommodation measures.

TASK D: **Establish representation goals for the long term**
Long-term goals are goals that will be achieved after the three years of the plan. Long-term goals indicate your organization's objectives with respect to achieving full representation of under-represented designated groups in your workforce over time. Long-term goals may be numerical, non-numerical or both.

TASK E: **Establish monitoring and revision procedures**
Like all corporate plans, your organization's employment equity plan is a living document that must be continuously monitored, evaluated and revised. The plan must be reviewed and revised at least once every three years.

TASK F: **Write your organization's official employment equity plan**

An employment equity plan must include an introduction outlining the steps your organization has taken to communicate with employees, a section identifying those accountable for employment equity within your organization, and your workforce profile.

The plan must have a results table detailing how your employment equity plan will address problem areas identified in both your workforce analysis and your employment systems review.

Lastly, your plan must include a detailed description of the monitoring system your organization will put in place to monitor progress as well as review and revise the plan.

Task A: Review Results of the Workforce Analysis and Employment Systems Review

To ensure that your organization's employment equity plan will close gaps in the representation of designated groups and eliminate barriers, you must first review the results of both your workforce analysis and your employment systems review.

> ***Upon completion of Task A, you will have:***
> ✓ *reviewed the results of your organization's workforce analysis and employment systems review to prepare for creating an employment equity plan.*

To review the results of your organization's workforce analysis, consult the results table in your workforce analysis summary report. This table provides the scope your action plan is required to cover, as it identifies **all** the gaps to be addressed.

The same is required for the review of the results of your employment systems review. You must take note of the recommendations made in the employment systems review. If your organization chooses not to incorporate certain recommendations into your employment equity plan, a justification is required. While developing the plan, it may well be possible to identify more effective measures for dealing with barriers or implementing special measures.

> *Note: Your plan must respond to **all** identified gaps and barriers.*

Task B: Establish Recruitment and Promotion Goals in the Short Term

To correct issues of under-representation identified in your workforce analysis, your organization must establish short-term hiring and promotion goals. These goals should cover a period of one to three years.

> *Upon completion of Task B, you will have:*
> - ✓ *established recruitment and promotion goals for the short term (one to three years) to correct areas of under-representation;*
> - ✓ *established time lines for the achievement of recruitment and promotion goals; and*
> - ✓ *assigned an individual responsible for the realization of each goal.*

When establishing numerical hiring and promotion goals, it is important to keep in mind that you are not being asked to implement quotas. Quotas are explicitly prohibited from being made mandatory under Subsection 33(2) of the *Employment Equity Act*. These goals are related to your organization's own gaps in representation and are calculated in a way that is appropriate and attainable for your workforce. These goals are similar to all other performance goals in your organization and serve as key measures of the success of your employment equity plan. As such, they provide the same quality of performance indicators most organizations establish for their lines of business.

Employment equity is also not about hiring or promoting unqualified candidates or having your organization suffer undue hardship. Rather, it is about taking the necessary steps to ensure that designated group members are hired, promoted and retained equitably.

You may choose to use either absolute numbers or percentages in creating your goals. Typically, absolute numbers are used in instances where there are small gaps in representation, and percentage goals are used where there are large gaps. Percentage goals are better at automatically reflecting changes in your level of staffing actions in any given year.

Organizations must aim to achieve rates of hiring and promotion of designated group members that are **at a minimum** on par with availability, as identified in the workforce analysis. As such, hiring goals must not be lower than the relevant external availability figure. However, it is often necessary to set goals above availability in order to make reasonable progress toward closing the gaps. How much greater than availability will depend on a number of factors as set out in Section 10(2) of the *Employment Equity Act*, which states that employers shall consider the following in establishing numerical goals:

- the degree of under-representation of designated group members in each occupational group in your workforce;

- the availability of qualified persons in designated groups within your workforce and in the larger Canadian workforce;
- the anticipated growth or reduction of your workforce during the period to which your goals apply; and
- the anticipated turnover of employees within your workforce during the period to which your goals apply.

As we will see, you have to establish positive policies and special measures that provide a reasonable expectation that these goals will be achieved.

Designating Responsibility for the Achievement of Goals

Designating responsibility for the achievement of goals is a significant measure for increasing the likelihood that gaps in representation are closed. The responsible individuals could include managers or human resources officials. Goals established and the time frame in which these goals are to be achieved must be communicated to each individual selected to oversee the hiring and promotion of designated groups that are under-represented in their areas of concern. Again, this is consistent with the standard practices of good management.

Recording Goals

The Basic Goals Tool in **Appendix 3A**, allows your organization to anticipate the representation of designated group members in your workforce by projecting annual hires and terminations over a three-year period. This tool is an Excel table that automatically calculates hiring goals as percentages. You will also find instructions on how use this tool in Appendix 3A.

Task C: Create an Action Plan for Removing Barriers in the Short Term and Implementing Positive Policies and Practices, Special Measures, and Accommodation

Establishing a three-year employment equity action plan is required to support the numerical goals set in the previous task. Your organization's short-term action plan must include:

1) measures for eliminating **all** employment barriers identified in your employment systems review;

2) positive policies and practices;

3) special measures to accelerate the closure of gaps in representation; and

4) reasonable accommodation measures to ensure the full participation of all designated groups in your workplace.

Upon completion of Task C, you will have:
- ✓ *established measures for removing barriers identified in your employment systems review;*
- ✓ *established special measures, positive policies and practices, and reasonable accommodation measures;*
- ✓ *established a time frame for achieving each measure, special measure, positive policy and practice, and accommodation measure; and*
- ✓ *assigned an individual responsible for achieving each measure, special measure, positive policy or practice, and accommodation measure.*

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1. Establish Measures for Eliminating Employment Barriers

Your organization's employment equity plan must include measures for removing the barriers identified in your employment systems review. In many cases, the recommendations (if any were made) in your employment systems review will be the most appropriate to adopt. Barriers are generally defined as policies and practices that have an adverse impact on one or more designated groups and are not required for the safe and efficient operation of the business. They must be removed as quickly as possible. For example, barriers such as invalid tests and standards must—and can—be removed immediately.

However, some measures for eliminating barriers, such as the development and implementation of more structured human resources practices, may take time to implement. Still others may be a function of the organization's current status and may be retained with the addition of supplemental initiatives to overcome their negative impacts. For example, word-of-mouth

recruitment is often a very effective approach for employers, and its negative impact is the result of current levels of under-representation.

In the final analysis, however, your organization must ensure that its practices over the three years of the plan are capable of permitting it to meet the short-term hiring and promotion goals.

Measures that will be taken to remove barriers are to be recorded in a table found in **Appendix 3B**. Each measure is to be paired with an individual responsible for implementing the measure, and the time frame for the removal of the barrier.

2. Create and Implement Positive Policies and Practices

Positive policies and practices are measures that, although not explicitly targeted at designated group members, create an environment that supports a diverse workforce and the removal of barriers.

There are many types of positive policies and practices that your organization may implement, for example:

- **an anti-harassment policy;**
- **an accommodation policy;**   **Mandatory**
- **an employment equity policy;**
- regular accessibility reviews;
- flexible work arrangements;
- expanded paid leave policies (illness, family care, maternity, paternal leave);
- unpaid leave/sabbaticals;
- a daycare program;
- sensitivity and cross-cultural training;
- an employee assistance program;
- a career development program;
- an education/training/mentoring program; and/or
- a workplace violence prevention policy.

These are just some of the policies and practices you might implement. Be creative and innovative in adopting positive policies and practices to promote and encourage a more representative workforce.

Developing Positive Policies

When developing positive policies, it is important to be clear and concise.

All positive policies should include:
- a clear policy statement;
- a definition of the issue at hand (for example, a definition of harassment);
- an assignment of responsibility and accountability;
- procedures to follow, where appropriate;
- a structure of actions involved; and
- a system for monitoring and revision.

The Labour HRSDC – Labour Program has developed examples of an employment equity policy (**Appendix 3C**), an anti-harassment policy (**Appendix 3D**), and an accommodation policy (**Appendix 3E**). In order to be found in compliance, an organization must have at least a minimum these three policies, although it may choose to draft its own versions.

3. Create and Implement Special Measures

If your organization has areas of significant under-representation, special measures are required to speed up the closure of gaps and to specifically target and encourage the recruitment, promotion and retention of designated group members. Special measures may also be required where it will take time to remove an identified barrier. These initiatives are aimed explicitly at attracting, promoting and retaining members of the designated groups to address the ongoing effects of under-representation.

Section 2 of the *Employment Equity Act* states that employment equity means more than treating people in the same way—it also requires special measures and the accommodation of differences. Section 15 of the *Canadian Charter of Rights and Freedoms* permits special programs, as do all federal, provincial and territorial human rights Acts.

Examples of special measures include **targeted**:
- outreach and recruitment;
- advertising;
- education and training programs;
- job rotation;
- accelerated/modified career development programs;
- mentoring programs;
- sponsored trade school training; and
- co-op placement.

Note: The fact that these measures are explicitly targeted at one or more designated groups makes them "special measures." Normally, such measures are used until the gap has been closed.

Other special measures could include:

- establishing support networks for members of designated groups in the workplace;
- providing development opportunities for members of designated groups; and
- reserving apprenticeship openings for members of designated groups.

Your organization is encouraged to be creative and innovative in creating special measures to ensure that goals are achieved and gaps are reduced. It is crucial that special measures are targeted at areas of under-representation and are clearly designed to support the goals your organization has established.

4. Create and Implement Reasonable Accommodation Measures

Reasonable accommodation involves adopting new initiatives or adjusting current policies to eliminate barriers to the full participation of **all** designated group employees and prospective employees. Accommodations are not reserved for persons with disabilities; they may also be made to accommodate employees' family status or religious adherence. It is important to note that these policies are not intended to cause your organization undue hardship.

Undue hardship implies that some hardship in providing accommodation must be expected. To determine when it becomes "undue," the employer considers cost and health and safety.

Examples of accommodation include:

- modifying facilities (entrances, exits, common use areas, washrooms, meeting and training spaces, etc.);
- modifying job functions;
- modifying work stations;
- modifying working hours to accommodate appointments;
- developing return-to-work programs;
- providing technical aids;
- developing an alcoholism policy;
- developing a policy on religious observance;
- recognizing religious holidays for leave; and
- providing a prayer or quiet room.

An accommodation policy must have clearly outlined procedures that provide guidelines for managers and supervisors who provide accommodation and for employees requesting it. It

should also respond to all the prohibited grounds of discrimination covered in the human rights act that applies to your province or territory of operation. You will find an example of an accommodation policy and procedures in **Appendix 3E**.

Note: Accommodation should only be applied when a barrier is deemed to be valid. If the barrier is not valid, it must be removed, as mentioned in the Employment Systems Review Policies and Practices Diagnostic Tool.

Recording Special Measures, Positive Policies and Practices and Reasonable Accommodation Measures

Just as you recorded your short-term numerical goals in a table, you must do the same for the Special Measures, Positive Policies and Practices and Reasonable Accommodation Measures to be implemented.

In order to complete the suggested table, identify the Employment Equity Occupational Group that the policy or practice is affecting negatively, record the barrier that was identified in your employment systems review, and then record the measures that you have established, the time frame in which you expect to reach that goal, and the manager responsible.

To complete the Employment Equity Action Plan: Special Measures, Positive Policies and Practices and Reasonable Accommodation Measures, list the objective to be achieved; the actions to be taken; the individual to be responsible for taking action; and the time frame for completion.

You will find a blank table for your use in **Appendix 3F**.

Task D: Establish Representation Goals for the Long Term

Establishing long-term representation goals is crucial for increasing the likelihood that gaps in the representation of designated groups remain closed and that no new gaps will be identified. The purpose of long-term goal setting is to enable your organization to set aside immediate operational requirements and consider the broader picture. Long-term representation goals will help your organization to establish employment-equity-related objectives for a period of more than three years. These goals may be numerical, non-numerical or both, depending on the needs of your organization.

> *Upon completion of Task D, you will have:*
> - ✓ *established long-term numerical and non-numerical representation goals to close gaps in your workplace and increase the likelihood that gaps remain closed;*
> - ✓ *established a time frame for the achievement of each goal; and*
> - ✓ *assigned an individual responsible for the realization of each goal.*

Long-Term Numerical Goals

The focus of long-term numerical goals is to address gaps that may require more than three years to close. For example, a long-term numerical goal could be to achieve full representation of all designated groups in **all** management positions within five years.

Long-Term Non-Numerical Goals

Long-term action plan initiatives are meant to be larger efforts to eliminate specific barriers in the workplace. For example, long-term non-numerical goals could include completing building modifications to improve access for, and accommodation of, persons with disabilities or establishing an on-site daycare facility. Another qualitative goal could be to organize, over time, training and information sessions to eliminate cultural and attitudinal barriers.

Recording Long-Term Goals

Your organization's long-term action plan may be recorded using the Employment Equity Action Plan: Measures to Remove Barriers, and the Employment Equity Action Plan: Special Measures, Positive Policies and Practices, Reasonable Accommodation Measures in Appendices 3B and 3F.

Task E: Establish Monitoring and Revision Procedures

To ensure the effectiveness and sustainability of your organization's employment equity plan, you must create and implement monitoring and revision procedures.

Monitoring is the regular evaluation of your organization's employment equity plan to assess whether reasonable progress toward implementing employment equity is being made. Your organization is required to update numerical goals and make any changes that are necessary upon review. An employment equity plan must be reviewed at least once in the period during which short-term numerical goals are established (i.e., once every three years).

> *Upon completion of Task E, you will have:*
>   ✓ *created a monitoring system to evaluate your organization's employment equity plan regularly.*

Continuous monitoring of your employment equity plan will help your organization to:

- follow up on the responsibilities and accountabilities of individuals and groups to ensure that they are implementing the various components of the plan;
  demonstrate that you are making reasonable efforts to implement your plan;
  ensure that reasonable progress is being made in implementing the activities set out in the plan and in reaching goals;
  identify activities that work and those that do not (some activities will generate immediate results and others will not) and take corrective action;
  outline new or better ways to achieve results;
  establish new or higher numerical goals as circumstances require (changes in occupational groups, number of employees, growth or reduction of units, or the release of new census data may all require changes in employment equity goals); and
  set out new or expanded responsibilities and accountabilities.

A good monitoring system measures the extent to which the key activities set out in your employment equity plan are being implemented and tracks progress in achieving the organization's short- and long-term goals with measurement at appropriate intervals. It helps ensure that the activities are undertaken within the time frame set out in your plan and evaluates whether the time frames themselves are realistic and achievable. The information obtained in the monitoring process is used to review the effectiveness of the plan and provide direction in revising it.

Changes in the representation of designated groups provide an indication over time of how successful various activities aimed at increasing representation have been. If your organization is

not meeting its short-term numerical goals, it must examine the action plan closely to determine why its measures are not effective and make necessary adjustments or replace them with more appropriate measures.

Creating a Monitoring System

To create a successful and efficient monitoring system, your organization must describe:

- who will be responsible for monitoring the employment equity plan;
  how often monitoring will take place;
  what type of consultations with employees will take place regarding the monitoring of the employment equity plan;
- to whom the results of the monitoring process will be reported; and
- how the results of the monitoring process will be reported to employees.

It is expected that if a goal or measure is not being achieved, the plan will be revised to include additional new and/or modified measures and activities.

To facilitate monitoring, all statistics and documents related to employment equity must be retained for two years after the period covered by your employment equity plan.

Task F: Write Your Organization's Official Employment Equity Plan

Your organization's employment equity plan must include a thorough summary of the efforts that have been undertaken to implement employment equity to the point of finalizing the plan. It must also include a thorough summary of the concrete steps you will take to implement your plan, including monitoring and revising its contents regularly to ensure that progress is sustainable.

> *Upon completion of Task F, you will have:*
> ✓ *formalized your organization's employment equity plan by recording your action plan and the monitoring and revision procedures that will be implemented.*

An employment equity plan must include:

1) an introduction;

2) a description of your organization's action plan; and

3) a description of your organization's monitoring and revision procedures.

You will find detailed instructions for the completion of each of these elements below.

For an employment equity plan template, see **Appendix 3G**.

1. Introduction

The introduction of your organization's employment equity plan is an overview of your organization's workforce profile, actions taken to communicate with various individuals throughout the creation of your employment equity plan, and measures put in place to ensure accountability.

Workforce Profile

Record your workforce profile. The information required is:

- the number of employees covered under your organization's plan and their status (i.e., number of full-time, part-time and temporary workers); and

- a description of anticipated changes in the workforce (i.e., significant expansions and reductions).

Communication

Describe in detail consultations that took place and communications that were circulated in the process of creating your organization's employment equity plan.

Your organization likely consulted with employees, management, employee representatives, bargaining agents and other individuals on a number of occasions. Describe actions that were taken to announce:

- your organization's intent to implement employment equity;
- the senior official accountable for employment equity;
- the workforce survey;
- the commencement of the workforce analysis and employment systems review; and
- the results of the workforce analysis and employment systems review.

Your organization will have communicated with these actors in various scenarios throughout the implementation process. It is important to note all of these occurrences to substantiate your efforts to communicate.

Accountability

Describe how accountability was maintained throughout the creation of your employment equity plan. In this section, identify the individuals responsible for various tasks undertaken in this step.

Identify:

- who prepared the employment equity plan;
- who approved/endorsed the employment equity plan; and
- who is responsible for the plan's implementation and the achievement of the goals.

Also identify:

- when the employment equity plan was completed; and
- when the employment equity plan was approved.

2. Description of Your Organization's Action Plan

In this section, you are required to describe:

- measures to be taken in the short term to eliminate employment barriers identified in your employment systems review;
- positive policies and practices to be instituted in the short term for hiring, promoting and retaining designated group members and for accommodating them in the workplace;

- short-term numerical goals for hiring and promoting designated group members and measures that will be taken to achieve those goals; and

- the timetable for the implementation of the previously mentioned positive policies, practices and measures.

Discuss how your organization's long- and short-term numerical and non-numerical goals will address areas of under-representation identified in your workforce analysis and eliminate barriers identified in your employment systems review.

Providing a review of results will add to your organization's efforts to document the employment equity process appropriately as well as add meaning to the planned goals and measures.

- **Addressing under-representation by removing barriers and achieving numerical goals in the short term**
Attach the tables completed from **Appendices 3A, 3B and 3F** (the Basic Goals Tool, the Employment Equity Action Plan: measures to remove barriers, and the Employment Equity Action Plan: special measures, positive policies and practices and accommodation measures).

- **Eliminating barriers and increasing representation through a long-term action plan**
Attach the tables completed in **Appendix 3B** (Employment Equity Action Plan: measures to remove barriers) and **Appendix 3F** (Employment Equity Action Plan: special measures, positive policies and practices and accommodation measures).

3. Description of Your Organization's Monitoring and Revision Procedures

In this section of your organization's employment equity plan, you must provide a detailed description of the measures to be put in place to monitor and revise the plan. This must include the names and contact information of those responsible for monitoring the employment equity plan, how often a review will take place, what types of consultations with employees will take place regarding the monitoring of the plan, to whom the results of the monitoring process will be reported, and how the results of the monitoring process will be reported to employees.

Again, you may wish to consult the employment equity plan template in **Appendix 3G**.

Moving Forward

Once your employment equity plan is complete, you will move on to the fourth and final step of this process: retaining compliance by successfully implementing your employment equity plan, revising it as required and sustaining your employment equity program.

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Employment Equity in Your Workplace

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STEP 3 – Appendix

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Appendix 3A:
Basic Goals Tool and Explanation

The basic goals tool can be found in the Excel file titled "Basic Goals Tool.xls".

According to Section 10 of the *Employment Equity Act*, employers have to establish one- to three-year short-term numerical hiring goals for each designated group in each Employment Equity Occupational Group (EEOG) where under-representation was identified in the workforce analysis.

The **Basic Goals Tool** is to be used to assist organizations in establishing their goals. The template first calculates the number of anticipated hires of all employees over the next three years, taking growth and turnover into account, then calculates the projected representation of the designated group in a three-year span if the hiring goals were to be achieved.

Comments are included throughout the template to assist users. Cells with comments have red triangles in the upper-right corners. If you rest the pointer over a cell that has an indicator, the instruction appears.

Basic Goals Tool

This template is used when the organization has no historical flow data. It includes a separate worksheet for each designated group, within one Microsoft Excel workbook.

The template is designed to establish goals for one designated group at a time. Although numerical goal setting is not required by the *Employment Equity Act* for any EEOG where no under-representation was identified by the workforce analysis, this template takes both growth and terminations over the next three years into consideration. The organization must take these into consideration in hiring goals in order to maintain representation for the designated groups in all EEOGs.

Information is entered in the **yellow** and **blue** fields only. All information for blue cells comes from the workforce analysis. All information for yellow cells comes from sources other than the workforce analysis.

Before starting to work on this template, you will need **the most recent workforce analysis results**.

The following are the instructions to complete the tool:

First step

1) Delete all rows corresponding to EEOGs where the organization has no employees within its workforce.

   Note: You will need to remove the protection from the worksheet (Tools/Protection/Unprotect Sheet) in order to be able to delete any rows.

2) In Cell B9 (Column B, Row 9), enter the date of the internal data used to conduct the workforce analysis. For example, if the workforce analysis is based on internal workforce data as of December 31, 2003, then enter 2003/12/31.

3) In Cell M9 (Column M, Row 9), enter the three-year period for which the goals will be established. For example, if the workforce analysis is based on internal workforce data as of 2003/12/31, then enter 2004-2006.

4) In Column B, enter the total number of employees by EEOG used to conduct the workforce analysis.

5) In Column C, enter the percentage of estimated annual growth (for example, enter 5 if the organization expects to grow 5% per year).

6) In Column E, enter the estimated annual termination rate (for example, enter 3 if the organization expects employees to be terminated at a 3% annual rate).

   Note: If terminations are not tracked in percentage but rather by number, then you will need to count the number of terminations over the past three years within each occupational group and divide it by the number of employees in column B for that group and divide that percentage by three. Enter this percentage in column E.

7) In Column H, enter the representation (number) of the designated group in the EEOGs from the workforce analysis.

8) In Column I, enter the gap of the designated group in the EEOGs from the workforce analysis. Be sure to enter gaps as negative numbers.

9) In Column O, enter the percentage availability of the designated group in the EEOGs from the workforce analysis.

10) In Column N, enter the percentage hiring goals. In general, goals should be set **at least** equal to the availability estimates (column O) established in the workforce analysis. Depending on certain considerations, some organizations are expected to set goals above availability [see Subsection 10(2) of the *Employment Equity Act*].

Note: Column D automatically calculates the number of new positions as a result of growth during the next three years = B x C x 3.

Column F automatically calculates the number of new positions as a result of turnover during the next three years = B x E x 3.

Column G automatically calculates the number of anticipated hires over the next three years as a result of both growth and turnover = D + F.

Column J automatically sets the designated group's termination rates to be equivalent to column E.

Column K automatically calculates the estimated number of designated group members who will leave during the next three years = H x J x 3.

Column L automatically calculates the estimated number of hires of designated group members that will be required to close the gap (this is the sum of the share of hires due to growth that the designated group should receive + the gap + the number of designated group members who will need to be replaced during the next three years due to turnover) = (D x O) - I + K.

Column M automatically calculates the number of designated group members to be hired based on the anticipated number of hires over the three-year period = G x N.

Column P automatically calculates the current percentage representation of the designated group in the EEOG = H ÷ B.

Column Q automatically calculates the projected percentage representation of the designated group in three years if the hiring goal is achieved = (H - K + M) ÷ (B + D).

Second step

The tool is now complete for one of the designated groups. The tool can be saved by selecting **File**, then **Save As** and selecting the drive and/or directory in which you want to save the tool.

Third step

Repeat for each designated group in the appropriate worksheet.

Basic Goals for
[Organization's Name]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Formulas for Columns	Data Entry WFA Table	Data Entry	B x C x 3	Data Entry	B x E x 3	D + F	Data Entry WFA Table	Data Entry WFA Table	Equivalent to E	H x J x 3	(D x O) - I + K	G x N	Data Entry	Data Entry WFA Table	H ÷ B	(H - K + M) ÷ (B + D)

Hiring Goals Expressed as Percentages

Employment Equity Occupational Group (EEOG)	All Employees YYYY/MM/DD #	Growth Annually %	Growth Over 3 Years #	Terminations Annually %	Terminations Over 3 Years #	Anticipated Hires Over 3 Years #	ABORIGINAL PERSONS Representation #	Gap #	Terminations Annually %	Terminations Over 3 Years #	Hires Required #	3 Year Goals YYYY-YYYY #	3 Year Goals YYYY-YYYY %	Availability %	Current Rep. %	Projected Rep. in 3 Years %
Senior Managers			0		0	0			0.0%	0	0	0				
Middle & Other Managers			0		0	0			0.0%	0	0	0				
Professionals			0		0	0			0.0%	0	0	0				
Semi-Professionals & Technicians			0		0	0			0.0%	0	0	0				
Supervisors			0		0	0			0.0%	0	0	0				
Supervisors: Crafts & Trades			0		0	0			0.0%	0	0	0				
Administrative & Senior Clerical Personnel			0		0	0			0.0%	0	0	0				
Skilled Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Skilled Crafts & Trades Workers			0		0	0			0.0%	0	0	0				
Clerical Personnel			0		0	0			0.0%	0	0	0				
Intermediate Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Semi-Skilled Manual Workers			0		0	0			0.0%	0	0	0				
Other Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Other Manual Workers			0		0	0			0.0%	0	0	0				

Basic Goals for
[Organization's Name]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Formulas for Columns	Data Entry WFA Table	Data Entry	B x C x 3	Data Entry	B x E x 3	D + F	Data Entry WFA Table	Data Entry WFA Table	Equivalent to E	H x J x 3	(D x O) - I + K	G x N	Data Entry	Data Entry WFA Table	H ÷ B	(H - K + M) ÷ (B + D)

Hiring Goals Expressed as Percentages

Employment Equity Occupational Group (EEOG)	All Employees YYYY/MM/DD #	Growth Annually %	Growth Over 3 Years #	Terminations Annually %	Terminations Over 3 Years #	Anticipated Hires Over 3 Years #	PERSONS WITH A DISABILITY Representation #	Gap #	Terminations Annually %	Terminations Over 3 Years #	Hires Required #	3 Year Goals YYYY-YYYY #	3 Year Goals YYYY-YYYY %	Availability %	Current Rep. %	Projected Rep. in 3 Years %
Senior Managers			0		0	0			0.0%	0	0	0				
Middle & Other Managers			0		0	0			0.0%	0	0	0				
Professionals			0		0	0			0.0%	0	0	0				
Semi-Professionals & Technicians			0		0	0			0.0%	0	0	0				
Supervisors			0		0	0			0.0%	0	0	0				
Supervisors: Crafts & Trades			0		0	0			0.0%	0	0	0				
Administrative & Senior Clerical Personnel			0		0	0			0.0%	0	0	0				
Skilled Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Skilled Crafts & Trades Workers			0		0	0			0.0%	0	0	0				
Clerical Personnel			0		0	0			0.0%	0	0	0				
Intermediate Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Semi-Skilled Manual Workers			0		0	0			0.0%	0	0	0				
Other Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Other Manual Workers			0		0	0			0.0%	0	0	0				

Basic Goals for
[Organization's Name]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Formulas for Columns	Data Entry WFA Table	Data Entry	B x C x 3	Data Entry	B x E x 3	D + F	Data Entry WFA Table	Data Entry WFA Table	Equivalent to E	H x J x 3	(D x O) - I + K	G x N	Data Entry	Data Entry WFA Table	H ÷ B	(H - K + M) ÷ (B + D)

Hiring Goals Expressed as Percentages

Employment Equity Occupational Group (EEOG)	All Employees YYYY/MM/DD #	Growth Annually %	Growth Over 3 Years #	Terminations Annually %	Terminations Over 3 Years #	Anticipated Hires Over 3 Years #	VISIBLE MINORITIES Representation #	Gap #	Terminations Annually %	Terminations Over 3 Years #	Hires Required #	3 Year Goals YYYY-YYYY #	3 Year Goals YYYY-YYYY %	Availability %	Current Rep. %	Projected Rep. in 3 Years %
Senior Managers			0		0	0			0.0%	0	0	0				
Middle & Other Managers			0		0	0			0.0%	0	0	0				
Professionals			0		0	0			0.0%	0	0	0				
Semi-Professionals & Technicians			0		0	0			0.0%	0	0	0				
Supervisors			0		0	0			0.0%	0	0	0				
Supervisors: Crafts & Trades			0		0	0			0.0%	0	0	0				
Administrative & Senior Clerical Personnel			0		0	0			0.0%	0	0	0				
Skilled Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Skilled Crafts & Trades Workers			0		0	0			0.0%	0	0	0				
Clerical Personnel			0		0	0			0.0%	0	0	0				
Intermediate Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Semi-Skilled Manual Workers			0		0	0			0.0%	0	0	0				
Other Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Other Manual Workers			0		0	0			0.0%	0	0	0				

Basic Goals for
[Organization's Name]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Formulas for Columns	Data Entry WFA Table	Data Entry	B x C x 3	Data Entry	B x E x 3	D + F	Data Entry WFA Table	Data Entry WFA Table	Equivalent to E	H x J x 3	(D x O) - I + K	G x N	Data Entry	Data Entry WFA Table	H ÷ B	(H - K + M) ÷ (B + D)

Hiring Goals Expressed as Percentages

Employment Equity Occupational Group (EEOG)	All Employees YYYY/MM/DD #	Growth Annually %	Growth Over 3 Years #	Terminations Annually %	Terminations Over 3 Years #	Anticipated Hires Over 3 Years #	WOMEN Representation #	Gap #	Terminations Annually %	Terminations Over 3 Years #	Hires Required #	3 Year Goals YYYY-YYYY #	3 Year Goals YYYY-YYYY %	Availability %	Current Rep. %	Projected Rep. in 3 Years %
Senior Managers			0		0	0			0.0%	0	0	0				
Middle & Other Managers			0		0	0			0.0%	0	0	0				
Professionals			0		0	0			0.0%	0	0	0				
Semi-Professionals & Technicians			0		0	0			0.0%	0	0	0				
Supervisors			0		0	0			0.0%	0	0	0				
Supervisors: Crafts & Trades			0		0	0			0.0%	0	0	0				
Administrative & Senior Clerical Personnel			0		0	0			0.0%	0	0	0				
Skilled Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Skilled Crafts & Trades Workers			0		0	0			0.0%	0	0	0				
Clerical Personnel			0		0	0			0.0%	0	0	0				
Intermediate Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Semi-Skilled Manual Workers			0		0	0			0.0%	0	0	0				
Other Sales & Service Personnel			0		0	0			0.0%	0	0	0				
Other Manual Workers			0		0	0			0.0%	0	0	0				

Appendix 3B: Employment Equity Action Plan: Measures to Remove Barriers

Employment Systems Review			Employment Equity Plan		
EEOG #	Barrier Identified	Recommendation *if any were made*	Measures to Remove Barrier	Time Frame	Individual Responsible
Recruitment, Selection and Hiring					
Training and Development					
Promotion					
Retention and Termination					
Reasonable Accommodation					

Appendix 3C: Sample Employment Equity Policy

The following is an example of what your organization's final employment equity policy could look like. Although the basic elements of this policy (i.e., policy statement, definition of employment equity, assignment of responsibilities, procedures, structure, confidentiality agreement and monitoring system) should remain, the content may differ from one organization to the next.

Your organization is encouraged to be as innovative as possible in writing this policy and tailoring it to meet the needs of your workplace.

1.0 Policy Statement

[Your organization] is committed to ensuring that no person is denied employment opportunities or benefits for reasons unrelated to ability and to achieving and maintaining a workforce that is representative of women, Aboriginal peoples, persons with disabilities and members of visible minorities.

[Your organization] undertakes to identify and remove any discriminatory policies and practices found in the recruitment, selection, hiring, promotion, training, retention and termination of employees in all levels and categories of employment.

2.0 Definition

Employment equity is an ongoing planning process to eliminate barriers in the workplace that may prevent the full participation of all current and potential employees. It focuses on the employment situation of the four groups identified in the federal *Employment Equity Act*—women, Aboriginal peoples, persons with disabilities and visible minorities (referred to as **the designated groups**).

The goal of employment equity is to:
- achieve full representation in line with availability;
- identify and eliminate barriers in the organization's employment policies and practices;
- remedy the effects of past discrimination;
- foster a climate for equity; and
- improve access and distribution throughout all occupations and at all levels for members of the designated groups.

3.0 Responsibilities

It is the responsibility of [your organization] to:

- provide a supportive work environment that will:
  - o encourage employees to self-identify as designated group members; and
  - o attract and retain designated group members;
- implement an employment equity program in accordance with the requirements of the Federal Contractors Program (FCP) of Human Resources and Skills Development Canada – Labour Program;
- consult and collaborate with employee representatives, including bargaining agents, designated group members and others as mandated by Parliament in Section 15 of the *Employment Equity Act*;
- communicate with employees by:
  - o distributing information about employment equity initiatives and progress regularly to all employees; and
  - o using all available internal media and ensuring that media are accessible to all employees (including persons with disabilities);
- co-operate with the Labour Program with respect to its compliance reviews; and
- maintain all records as required by the *Employment Equity Act*, the Regulations and the FCP Requirements.

4.0 Procedures

4.1 Federal Contractors Program Requirements

[Your organization] will implement an employment equity program in accordance with the Federal Contractors Program Requirements.

In particular, [your organization] will:

- Communicate to all employees [your organization's] commitment to the achievement of employment equity, the measures to be undertaken and already undertaken, and the progress made to implement employment equity.
- Develop a mechanism for consulting and collaborating with employee representatives on an ongoing basis.
- Appoint a senior officer of the organization to be responsible for overseeing and assisting in the implementation of employment equity. This officer will report directly to the President/CEO and will be designated the Senior Official Responsible for Employment Equity.
- Collect and maintain data on the workforce, including conducting a workforce survey asking employees to self-identify as a member of one or more of the designated groups.

- Use a workforce analysis to analyze the representation of the designated groups within the organization in relation to their representation in the supply of qualified workers from which [your organization] may reasonably be expected to recruit employees.
- Undertake a review of employment systems (policies and practices) to ensure that they do not constitute a barrier to the full participation of designated group members. This review will make recommendations for eliminating barriers.
- Develop and implement an employment equity plan to address the inequities identified by the workforce analysis and employment systems review. The plan will detail measures for removing the barriers (numerical and non-numerical goals), a time frame for their achievement and the names of the individuals responsible for their achievement.
- Adopt special measures and reasonable accommodation to help ensure the achievement of [your organization's] employment equity goals.
- Adopt a monitoring procedure to monitor the progress and results achieved in implementing employment equity and to review the employment equity plan and revise it as necessary.

4.2 Structure

4.2.1 Senior Official Responsible for Employment Equity

[Your organization] will appoint a senior official, designated the Senior Official Responsible for Employment Equity, to be responsible for the implementation and effective maintenance of [your organization's] employment equity policy. The senior official responsible for employment equity will report directly to the President or CEO.

4.2.2 Employment Equity Committee

[Your organization] will establish an employment equity committee that will work through and with the senior official responsible for employment equity to implement and monitor [your organization's] employment equity policy.

The employment equity committee will be responsible for:
- 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;
- reviewing employment policies and practices to ensure that they do not present a barrier to the full participation of designated group members; and
- assisting in the development of the employment equity plan.

The committee will be co-chaired by the senior official responsible for employment equity or a delegated official and an employee representative.

Membership on the employment equity committee will be voluntary. Employees throughout the organization will be encouraged to participate. Ideally, the committee will have members from the bargaining agent(s) or an authorized representative (if there are unionized employees within the organization), as well as employees from the various designated groups, occupational groups, and geographic locations and sectors within the organization.

5.0 Monitoring and Review

Anyone who has a concern related to the implementation of this policy may submit it in writing to the employment equity committee.

6.0 Confidentiality

Information given at any stage of the employment equity process will be kept strictly confidential, unless otherwise agreed to by the employee.

Appendix 3D:
Sample Anti-Harassment Policy

Harassment in the workplace is an issue that has received a lot of attention recently. Harassment on the basis of sex, race or personal characteristics or through abuse of authority is not only illegal; it also has a negative impact on employees and costs employers in both profit and productivity. It is important for all organizations, especially those like yours that are committed to an equitable and barrier-free workplace, to have a written policy prohibiting this type of behaviour.

The following is an example of an anti-harassment policy that your organization may use to help guide the creation of your own. As with your employment equity policy, it is important to have basic elements in place (a policy statement, definition of harassment, assignment of responsibilities, procedures, structure, confidentiality agreement and monitoring system). Aside from the basics, this type of policy requires much greater detail, such as a set of policies and procedures to be followed when an employee is a victim of, or is accused of, harassment.

As with all other policies, your organization is encouraged to be as innovative as possible and create an anti-harassment policy that is tailor-made for your workplace.

1.0 Policy Statement

Harassment creates an intimidating, hostile or offensive work environment that undermines the full participation of employees by negatively impacting an individual's employment conditions.

[Your organization] does not condone or tolerate harassment of any kind. We are committed to providing a safe and respectful work environment for all staff and customers. All complaints of harassment will be taken seriously, whether they are made informally or formally. We undertake to act on all complaints to ensure that they are resolved quickly, confidentially and fairly.

2.0 Definition

Harassment is verbal or physical conduct that, on the basis of sex, sexual orientation, gender identity or expression, race, religion, national origin, age, or physical or mental disability, has the purpose or effect, from the point of view of a reasonable person, of either interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

2.1 Unwelcome Behaviour that Demeans, Humiliates or Embarrasses

Harassment is any behaviour that demeans, humiliates or embarrasses a person and that a reasonable person should have known would be unwelcome. It includes actions (for example, touching, pushing), comments (for example, jokes, name-calling), and displays (for example, posters, cartoons). It may be a single incident or several over time.

2.2 Unwanted Sexual Behaviour

Sexual harassment includes offensive or humiliating behaviour that is related to a person's sex, as well as behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. It includes questions and discussions about a person's sexual life, touching a person in a sexual way, commenting on someone's sexual attractiveness or sexual unattractiveness, persisting in asking for a date after having been refused, displaying cartoons or posters of a sexual nature, and writing sexually suggestive letters or notes.

2.3 Abuse of Authority

Abuse of authority occurs when a person uses authority unreasonably to interfere with an employee or the employee's job. It includes humiliation, intimidation, threats and coercion. It does not include normal managerial activities, such as counselling, performance appraisals and discipline, as long as these are not being done in a discriminatory manner.

Those in positions of authority must recognize that there is always an element of unequal power in their relationships with subordinates. It is incumbent upon those with authority not to abuse the power with which they have been entrusted.

2.4 Examples of Harassment

The following are some examples of harassment:
- unwelcome remarks, slurs, jokes, taunts or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, or other personal characteristics;
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- unwelcome physical contact, such as patting, touching, pinching or hitting;
- humiliating an employee in front of co-workers;
- vandalism of personal property; and
- abuse of authority that undermines someone's performance or threatens his or her career.

2.5 Not Considered Harassment

2.5.1 Consensual Banter or Relationships

Two or more employees bantering back and forth is not harassment if everyone involved is in agreement. However, if any employee feels uncomfortable with this behaviour and the behaviour continues even after that person has expressed their discomfort or the others involved should have known the person was uncomfortable, then it is harassment. This type of harassment can create what is known as a "poisoned work environment," where employees do not feel safe and feel consistently humiliated.

Employees flirting with each other or becoming involved in a romantic or sexual relationship are not harassing each other, as long as the relationship is consensual. If one of the employees changes his or her mind and the other person persists in trying to continue the relationship, this is harassment.

2.5.2 Legitimate Management Intervention

Appropriate performance reviews, counselling and discipline are not harassment.

3.0 Responsibilities

See 4.0 Procedures for specific information about the complaint process.

3.1 Employee Rights and Responsibilities

All employees have the responsibility to treat each other with respect and to speak up if they are or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Each employee has the right to be treated fairly and respectfully in the workplace. Each employee also has the responsibility to treat co-workers and customers in a way that respects individual differences.

If someone behaves in a way that offends, harms, humiliates or degrades you, do not put up with it. If you feel you can speak to that person, do so. Tell them the behaviour is inappropriate. If they continue the behaviour, or if you do not feel you can speak directly to the person, see section 4.0, Procedures.

If you observe a co-worker or other person behaving in a way that seems to be embarrassing or harassing someone else, you can and should speak up. You can let them know in a respectful way that you think the behaviour is inappropriate.

3.2 [Your Organization] and Manager Responsibilities

As an employer, [your organization] has a responsibility to be aware of what is happening in the workplace. The senior executive body of [your organization] is committed to ensuring that all incidents of harassment are taken seriously and are acted upon quickly, confidentially and fairly. [Your organization] has full responsibility for making sure our work environment is free of harassment.

Each manager and supervisor is responsible for fostering a safe working environment that is free of harassment. Managers must set an example for appropriate workplace behaviour and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint. If you become aware of harassment in your work area, or elsewhere in the company, you must do everything you can to stop it, whether or not a compliant has been made. If a reasonable person should have known that harassment was going on, you will be held responsible if you let the situation continue. Managers who ignore harassment will be disciplined.

4.0 Procedures

4.1 If You Are Being Harassed

The following steps will tell you what to do if you are being harassed. This section will also tell you exactly what you can expect from the complaint process, what the possible remedies and penalties for harassment are, and how to appeal.

Speak Up

The first thing to do if you are being harassed is to tell the person harassing you to stop, if possible. Let them know that you are embarrassed, humiliated, demeaned or otherwise bothered by what they are doing or saying. Often, a person may not be aware that their behaviour is bothersome and will change the behaviour once they realize this.

Make Notes

You could speak to the person directly or write them a letter. If you write a letter, date it and keep a copy. If you speak to them, you may want to tell a trusted friend what you have done and why. You should also make a note of what the bothersome behaviour was, the date it happened, how you felt, what you did about it and who else was present, if there were witnesses. Ideally, the harassment will stop. If it does not, continue to keep notes. These will be useful later if there is an investigation.

4.1.1 Informal Procedures

Speak to a Manager or an Anti-Harassment Counsellor

It may be that communicating directly with the person will not be enough or that you feel unable to deal with him or her directly. In that case, you can speak to your supervisor, another manager or an anti-harassment counsellor.

The person to whom you speak will ask for details of what happened, make sure you understand the policy and any other options you have (such as a union grievance), and ask how you want to proceed. You may ask them to help you write a letter or to speak to the harasser on your behalf. You may ask them to arrange for mediation between you and the person whose behaviour offends you. If these attempts to resolve the situation do not work, you can also ask the anti-harassment counsellor to help you file a formal complaint. The informal procedures are optional. You may file a formal complaint immediately or, if you feel that would not be productive, you may go directly to the appropriate provincial Human Rights Commission.

Mediation

If the circumstances permit it, mediation can come before a formal investigation. Mediation is a process in which a neutral third party helps the people involved in the complaint reach a solution that is acceptable to both parties. If you want to work toward a mediated settlement, the director of personnel (or the Vice President of [your organization] if the director of personnel is a party to the complaint) will appoint a qualified mediator, from within the organization or from outside it, who is acceptable to both parties, is not otherwise involved in the complaint, and will not be asked to represent the company at any stage of any proceedings related to the complaint.

However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position or level of authority, or for any other reason. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does occur, each person has the right to be accompanied and assisted during the sessions by someone with whom they feel comfortable.

4.1.2 Formal Complaints

If the informal route for resolving a harassment situation does not succeed or is not appropriate, [your organization] supports its employees in filing a formal complaint. It will be investigated by either a specially trained person from within the organization or a consultant. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser and any witnesses. All employees have a responsibility to co-operate in the investigation.

The investigator will need to know:

- your (the complainant's) name and position;
- the name and position of the alleged harasser;
- details of what happened;
- dates, times and how often harassment occurred;
- where it happened; and
- the names of any witnesses, if appropriate.

You will need to be prepared to supply this information.

*If you are the **complainant**, you have the right to:*
- *file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;*
- *have a person of your choice accompany you during the process;*
- *make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith;*
- *be informed about the progress of your complaint;*
- *be informed of the type of corrective measures that will result from the complaint; and*
- *receive fair treatment.*

4.2 If You Are Accused of Harassment

4.2.1 Informal Procedures

If someone complains to you informally about your behaviour, take a good look at it. It may be that, without intending to, you have spoken or acted in a way that has offended, humiliated, or degraded another person or group of people. It is your responsibility to change your behaviour if it is harassing or offensive to others. You may also want to consider apologizing.

Keep written notes of any conversation you have where someone suggests you have harassed them or another person. Record the details of the conversation and the date it happened, how you felt, and what you did, if anything. Also make notes of your version of the alleged harassment, the date it occurred, and who else was present, if there were any witnesses.

If you and the person who is complaining to you are unable to resolve the situation, you can turn to an anti-harassment counsellor for advice.

Mediation

If someone has accused you of harassment and you have not been able to resolve the situation with that person, mediation is a possible next step. Mediation may make a formal complaint unnecessary. You can ask for mediation, or you may agree if it is suggested to you. You do not have to agree, however, if you think that you are being pressured into something that does not feel right to you.

If you want to work toward a mediated settlement, the director of personnel (or the Vice President of [your organization] if the director of personnel is a party to the complaint) will appoint a qualified mediator, from within the organization or from outside it, who is acceptable to both parties. If mediation does become part of the informal process, each person has the right to be accompanied and assisted during the sessions by someone of their choosing.

4.2.2 Formal Complaints

If someone files a formal complaint about your behaviour, you will have to participate in the investigation. You can ask an anti-harassment counsellor for advice. You will be expected to co-operate, give your perspective on what happened, and, if the investigation shows that you did harass another person or group of people, you will be expected to change your behaviour. You may also be subject to additional disciplinary action.

> *If you are the individual **accused** of harassment, you have the right to:*
> - *be informed of the complaint;*
> - *be given a written statement of the official allegations and respond to them;*
> - *have a person of your choice accompany you during the process;*
> - *be informed about the progress of the complaint; and*
> - *receive fair treatment.*

4.3 Other Employees

All employees are expected to co-operate in the investigation of complaints and efforts to resolve them. Employees should be mindful of the sensitivities of the parties and should keep any information related to complaints confidential.

4.4 The Investigation and Subsequent Action

4.4.1 Written Report

The investigator will submit a written report to the director of personnel (or the Vice President of [your organization], if the director of personnel is involved in the complaint). The investigator will decide, based on the evidence collected, whether there is enough evidence to conclude that harassment occurred. He or she will also identify all possibilities for resolving the situation and will recommend one or more courses of action. If harassment has occurred, the director of personnel will then decide (in consultation with senior management, if necessary) what remedies will be provided to the victim, what disciplinary action will be imposed on the harasser, and whether the people in question can continue in their current work situations.

4.4.2 Decision

The director of personnel will inform the person who filed the complaint and the harasser of any disciplinary action, remedy and change in work within a week after the investigator has handed in the report. Disciplinary action, remedies and changes in work will be instituted within one week of the people involved being informed of the decision.

4.4.3 Separation of the Complainant and Alleged Harasser

If the complainant and the alleged harasser are in a subordinate–supervisor relationship, the director of personnel may decide to assign one or both of them to a different work area during mediation or investigation. Co-workers may also be separated during an investigation, if necessary.

4.4.4 Remedies for the Victim

[Your organization] will make every reasonable effort to remedy the effects of the harassment. A person who has been harassed may receive one or more of the following remedies, depending on the severity of the harassment and what he or she lost because of it:

- an oral or written apology from the harasser and [your organization];
- reimbursement of lost wages;
- a job or promotion that was denied;
- compensation for any lost employment benefits, such as sick leave;
- compensation for hurt feelings; and/or
- a commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.

No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

4.4.5 Corrective Action for Harassers

Someone who has harassed another person will be subject to one or more of the following forms of discipline, depending on the severity of the harassment:

- a written reprimand;
- a fine;
- a suspension, with or without pay;
- a transfer, if it is not reasonable for the people involved to continue working together;
- a demotion; and/or
- dismissal.

In most cases, the harasser will also be required to attend an anti-harassment training session.

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. If the investigation reveals that harassment occurred, the incident and the discipline imposed on the harasser will be recorded in the harasser's file.

4.5 Unsubstantiated Complaints

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the accused harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained and no record in his or her file.

4.6 Complaints Made in Bad Faith

In the rare event that a complaint was made in bad faith—in other words, the complaint was filed without basis and with deliberate and malicious intent—the complainant will be disciplined, and a record of the incident will be put in his or her file.

Penalties for someone who complains in bad faith will be the same as for a case of harassment (see Corrective Action for Harassers) and will depend on the seriousness of the situation. Compensation for the person falsely accused may include steps to restore any lost reputation and any of the remedies that would be available in a case of harassment (see Remedies for the Victim).

4.7 Retaliation

Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation, or been found guilty of harassment, will themselves be considered guilty of harassment and penalized accordingly. The possible penalties are the same as those assessed against harassers.

4.8 Other Options

Union Grievance Procedures

The union has procedures allowing you to file or bring forward a grievance in certain cases of alleged harassment. Check with your union representative or an anti-harassment counsellor if you want more information about filing a grievance.

5.0 Appeal

A person directly involved in a complaint may appeal to the Vice President of [your organization] (or the President, if the Vice President made the initial decision or is a party to the complaint) within a week of learning the decision. If the Vice President believes there is sufficient reason to re-investigate or to change the penalty, compensation or work assignment, he or she may make that decision within one week. If you are dissatisfied with the results of your appeal, you may go directly to the appropriate provincial Human Rights Commission.

6.0 Monitoring and Review

[Your organization] will monitor this policy and make adjustments where necessary. We will review it after the first six months, after the first year and annually from then on. If you have any concerns with the policy, please bring them to the attention of the director of personnel. Your comments are always welcome.

7.0 Confidentiality

[Your organization] will not disclose a complainant's or alleged harasser's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. Managers involved in a complaint are reminded to keep all information confidential, except in the above circumstances.

Appendix 3E:
Sample Accommodation Policy

Accommodation in the workplace is a matter of great importance when attempting to establish an equitable working environment. Accommodation is one or more measures taken to alter or eliminate a policy, practice or physical feature of the worksite that has or may have an adverse impact on, and that constitutes a barrier to, the full participation of employees from the designated groups.

The following is a sample accommodation policy that your organization may use as a guide in creating its own policy. You are invited and encouraged to be as innovative as possible in setting accommodation policies. You will also find a sample request for accommodation form attached.

1.0 Policy Statement

[Your organization] is committed to creating and maintaining a barrier-free work environment to ensure the full participation of all persons. To this end, [your organization] will, where it is possible and reasonable to do so and does not cause undue hardship, alter existing policies or practices, adopt new policies or practices, make adjustments to the worksite, or re-assign employees unable to perform the duties of their job to alternate work assignments. This policy provides guidance for the provision of these accommodations for all current and potential employees (herein referred to as **employee(s)**).

2.0 Definition

An accommodation is a measure taken to alter or eliminate a policy, practice or physical feature of the worksite that has or may have an adverse impact on, and that constitutes a barrier to, the full participation of employees from the designated groups identified in the federal *Employment Equity Act*—women, Aboriginal peoples, persons with disabilities and visible minorities. This includes all grounds covered by the *Canadian Human Rights Act* and is not limited to the accommodation of persons with disabilities (i.e. religious accommodation, family-related needs).

Accommodation means an exemption from or an adjustment to general policies and facilities for an individual with particular needs. It is provided when the policies or facilities in question are, broadly speaking, justifiable but have an adverse impact on the members of some groups. For something to be justifiable, it must be clearly linked to the nature of the work performed or service provided by the organization.

2.1 Examples of Accommodation

Types of accommodation during the selection process may include but are not limited to:

- providing information about the position in multiple formats (i.e., for candidates who are blind or visually impaired);
- ensuring that applicants who are deaf or hearing impaired can make inquiries via a TTY number or fax;
- allowing extra time, where appropriate, for tests or exams; and
- ensuring that the interview site is fully accessible.

Types of accommodation in the workplace may include but are not limited to:

- attendant services;
- adaptive technology;
- changes to worksites;
- flexible work arrangements, including but not limited to telework, task modification, allowing time for religious observance, or other alternative work arrangements;
- converting printed matter to alternative media and providing reader services for employees who are blind or visually impaired;
- providing work space and furnishings that are appropriate to the nature of the disability;
- providing interpreters for deaf and hearing-impaired employees;
- adapting training programs to the needs of employees with disabilities, including those with learning disabilities; and
- cultural accommodation.

Alternate formats can include:

- braille documents;
- large print documents; and
- electronic versions of documents.

3.0 Responsibilities

Overall responsibility for implementing this policy rests with [your organization]. [Your organization] will advise employees about their right to accommodation and assist concerned employees in identifying the most suitable accommodation.

There is, however, a shared responsibility for ensuring that accommodation needs are identified. The employee has a responsibility for requesting accommodation, including identifying, where possible, the types of accommodation he or she considers appropriate.

4.0 Procedures

4.1 Initiating Requests

The onus for initiating the accommodation request rests with the employee who requires the accommodation.

4.1.1 Employee Requiring Accommodation

The employee requiring accommodation will:
- make the request to his or her immediate supervisor (actual employee);
- make the request to the director of human resources (potential employee);
- identify the type of accommodation required, if possible;
- participate and co-operate to facilitate the accommodation; and
- provide the necessary documentation.

An employee requesting an accommodation is expected to be reasonable in responding to proposals put forward by [your organization] and, where it is involved, the union.

4.2 Processing Requests

4.2.1 Supervisor

On receiving a request for accommodation, the supervisor will:
- identify accommodation options appropriate for the employee;
- work in close co-operation with the employee and/or his or her representative;
- pass the request to the director of human resources if the accommodation requires action that exceeds the supervisor's budget or authority to act; and
- participate and co-operate to facilitate the accommodation.

4.2.2 Director of Human Resources

On receiving a request for accommodation, the director of human resources will:
- work with the employee in a timely manner to find the most appropriate means of accommodation;
- ensure that the employee can participate in the process as fully as possible;
- seek the advice of a specialist, with the employee's consent, where the request involves issues outside the expertise of [your organization]; and
- confer with the VP Corporate Services if an accommodation request requires a commitment of resources that the director of human resources believes is beyond the budget for accommodation or raises the likelihood of undue hardship.

The supervisor or director of human resources may request relevant documentation from the employee to support the need for accommodation.

4.3 Other Parties

4.3.1 Your Organization

Your organization will:

- ensure that all employees are provided with a copy of this policy (made available in alternative formats, as required);
- educate and communicate with all personnel about this policy;
- educate supervisors about their role in accommodation and ensure that they abide by this policy;
- make the resources necessary for implementing this policy available;
- participate and co-operate with all parties to facilitate the accommodation while respecting the dignity of the individual;
- provide accommodation to the point of undue hardship; and
- respect individuals' right to privacy and confidentiality.

4.3.2 Union

The union will:

- educate their members about accommodation;
- encourage their members to identify and communicate the need for accommodation; and
- work together with all parties to facilitate accommodation.

All parties will work diligently to ensure that all requests for accommodation are dealt with in a timely fashion and that all personnel involved in the process treat the employee with dignity and respect.

5.0 Undue Hardship

Accommodation will generally be provided up to the point of undue hardship. Undue hardship is determined on a case-by-case basis. Factors that constitute or may contribute to undue hardship include: insupportable costs, substantial disruptions of operations, and health and safety considerations. If any of these factors creates a burden that cannot reasonably be borne by [your organization], the obligation to accommodate is suspended.

6.0 Appeal

Should an accommodation request be denied or an alternative offered, the employee requesting the accommodation will be informed of:

- the reasons for the decision; and
- the right to request a review of the decision.

The employee may submit a written request for reconsideration to the VP Corporate Services as well as to the appropriate local human resources commission.

7.0 Monitoring and Revision

The VP Corporate Services will monitor all requests for accommodation to ensure that the accommodation policy has been implemented correctly and is being maintained.

[Your organization] will review this policy on a regular basis and will make revisions as necessary. All employees will be invited to contribute to the review process. [Your organization] will also accept comments on this policy at any other time and, unless the comment raises an urgent concern, will consider the comments during the review. Comments outside the review should be directed to the VP Corporate Services.

8.0 Confidentiality

All documents relating to specific requests for accommodation will be kept confidential and will only be disclosed with the express consent of the employee. No documentation with regards to accommodation will be kept in the personnel file of the employee.

Appendix 3E:
Request for Accommodation Form

[Organization's name] is committed to ensuring that all its employees are able to effectively utilize their relevant skills and experience to perform their jobs and contribute to [Organization's name]'s performance and service delivery, regardless of any special needs they may have. In particular, [Organization's name] has established and maintains an effective system for preventing discrimination against any of the designated groups, in keeping with its responsibilities under the Federal Contractors Program. [Organization's name] is committed to a timely, confidential and sensitive response to requests for accommodation from individuals or designated groups.

In the event that assistance or an alternate format of this form is required in order to complete this form, please contact [Employment equity contact's name] at [Employment equity contact's phone number] or [Employment equity contact's e-mail address].

1) Name of employee/applicant: _____

2) Contact details (phone number, address or workstation):

   _____
   _____
   _____

3) If a current employee, please provide details (optional):

   Position: _____

   Classification: _____

   Department or division: _____

4) Describe the request or need to be addressed (use back of page if necessary):

   _____
   _____
   _____
   _____

Date of request: ____ / ____ / ____
              dd   mm   yy

_____
Signature of person requesting accommodation

_____
Name of person completing form (if applicable)

_____
Signature of person completing form

If appropriate, please attach supporting documentation.

Report on the Outcome of an Accommodation Request

To be completed by [Name of manager responsible for accommodation request] and maintained on record for reports and verification purposes with regard to the accommodation request.

1) Was an accommodation provided? (if **NO**, go to question 7)

   YES ❑   NO ❑

2) If YES, describe the accommodation provided (use back of page if necessary):

   _____
   _____
   _____
   _____

3) What was the dollar cost (if any) of this accommodation?

   $ _____

4) Is this accommodation usable only by one individual employee/applicant (e.g., a specific computer screen, approval of particular leave)?

   YES ❑   NO ❑

5) Was this the accommodation requested by the employee/applicant?

   YES ❑   NO ❑

6) Date accommodation implemented: ____ / ____ / ____
   (go to question 11)   dd   mm   yy

7) If the answer to question 1 was **NO**, please provide the reasons why the accommodation was not provided (please attach relevant additional material):

   _____
   _____
   _____

8) Who authorized the decision not to provide an accommodation?

   _____

9) Has the employee/applicant been advised of the outcome of the request?

YES ❑   **NO** ❑

10) Has the employee/applicant been advised of his or her appeal, review and formal complaint rights?

YES ❑   **NO** ❑

11) Date the employee/applicant was advised: ____ / ____ / ____
                                        dd   mm   yy

_____

Name and title of manager responsible for accommodation request

_____

Signature of manager responsible for accommodation request

Date of completion of form: ____ / ____ / ____
                           dd   mm   yy

Appendix 3F:
Employment Equity Action Plan: Special Measures, Positive Policies and Practices and Reasonable Accommodation Measures

Objective 1		
Actions	**Individual Responsible**	**Time Frame**

Objective 2		
Actions	**Individual Responsible**	**Time Frame**

Objective 3		
Actions	**Individual Responsible**	**Time Frame**

Objective 4		
Actions	**Individual Responsible**	**Time Frame**
Objective 5		
Actions	**Individual Responsible**	**Time Frame**

Appendix 3G:
Employment Equity Plan Template

Introduction

The introduction of your organization's employment equity plan is an overview of your organization's workforce profile, actions taken to communicate with various individuals throughout the creation of your employment equity plan, and measures put in place to ensure accountability.

- **Workforce Profile**

  Record your workforce profile. The information required is:

  o the number of employees covered under your organization's plan and their status (i.e., number of full-time, part-time and temporary workers); and

  o a description of anticipated changes in the workforce (i.e., significant expansions and reductions).

- **Communication**

  Describe in detail consultations that took place and communications that were circulated in the process of creating your organization's employment equity plan.

- **Accountability**

  Describe how accountability was maintained throughout the creation of your employment equity plan. In this section, identify the individuals responsible for various tasks undertaken in this step.

Description of Your Organization's Action Plan

In this section, you are required to describe:
- *measures to be taken in the short term to eliminate employment barriers identified in your employment systems review;*
- *positive policies and practices to be instituted in the short term for hiring, promoting and retaining designated group members and for accommodating them in the workplace; and*
- *short-term numerical goals for hiring and promoting designated group members and measures that will be taken to achieve those goals.*

For each measure, you must include a time frame for implementing the positive policies and practices or for achieving the goals and record the name of the manager accountable.

In addition to short-term goals, your organization must describe:
- *measures to be taken in the long term to address gaps in the representation of designated group members that may require more than three years to close; and*
- *measures your organization will take to eliminate specific barriers in the workplace.*

For each measure, you must include a time frame for closing gaps in representation or for eliminating barriers and record the name of the manager accountable for the goal

Your organization must include the tables completed in Appendices 3A, 3B, 3F and 3G.

Description of Your Organization's Monitoring and Revision Procedures

In this section of your organization's employment equity plan, you must provide a detailed description of the measures to be put in place to monitor and revise the plan. This must include:

- *the names and contact information of those responsible for monitoring the employment equity plan;*
- *how often a review will take place;*
- *what types of consultations with employees will take place regarding the monitoring of the plan;*
- *to whom the results of the monitoring process will be reported; and*
- *how the results of the monitoring process will be reported to employees.*