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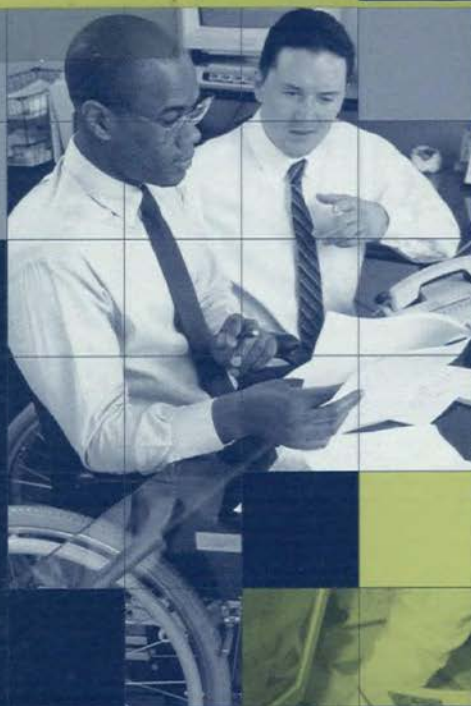
Industry
Canada

Industrie
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Diversity

Key to creativity, innovation
and achieving excellence

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Canada



This brochure is also available in multiple formats upon request, as well as on the Employment Equity and Diversity intranet site (icinfra.ic.gc.ca/eed), under the heading "Publications."

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Message from our Deputy Minister

I believe that a workplace of choice equates with fostering and maintaining an equitable, respectful and supportive work environment – one where people are entitled to work and advance on the basis of their qualifications, to be treated with dignity and respect, and to be free from discrimination on the basis of race, colour, religion, age, gender, marital or family status, disability and sexual orientation. It is not just about legislative compliance or the right thing to do; it is about recognizing and valuing individual differences, strengths and abilities.

Today we are part of a more diverse labour force. Managing diversity means acknowledging and understanding the issues surrounding diversity and creating a work environment where all employees can realize their full potential. A diverse work force will position us to take advantage and develop our business in the diverse markets and communities we serve. If diversity is to succeed, it requires commitment from all of us.

The Human Resources Branch, Employment Equity and Diversity Unit has produced this brochure as part of its diversity campaign to increase awareness of employment equity and diversity among Industry Canada's management and staff. Policy on these two matters often prompts inquiries from managers and employees and, although this brochure cannot cover every aspect, it answers the most frequently asked questions.

I am confident that through our continuous commitment we will succeed in ensuring that diversity is fully recognized at Industry Canada.

A handwritten signature in dark ink, appearing to read 'V. Peter Harder', with a stylized flourish at the end.

V. Peter Harder

Employment Equity

Q. What is employment equity?

A. Employment equity is equality in the workplace, achieved through the elimination of discriminatory practices. The purpose of the *Employment Equity Act* is to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, Aboriginal peoples, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences. (See *Employment Equity Act*, 1995, c. 44, s. 2.)

Industry Canada seeks to eliminate any recruitment, selection, promotion or training practices that have the effect of being discriminatory, to develop appropriate accommodations for its employees and to provide a supportive workplace where individuals are treated with respect and dignity.

Human Rights: A Historical Perspective

- 1970 In the early 1970s, the federal government began to deal systematically with employment equity issues.
- 1977 In 1977, the federal government passed the *Canadian Human Rights Act*. In so doing, the government joined nine provinces in creating a single law dealing with discrimination. The Act set up a human rights commission to administer the law and ensure compliance.
- 1978 In 1978, it launched an affirmative program aimed at private industry and federal contractors. Crown corporations were included a year later.

- 1982 In 1982, Prime Minister Trudeau brought Canada's Constitution home, and with it, the new *Canadian Charter of Rights and Freedoms*. The charter sought to protect individual rights by preventing laws that unfairly discriminate or that take away human rights. It acknowledged that everyone, regardless of colour, religion, race or belief, possesses certain fundamental rights that no government can remove without cause.
- 1983 In 1983, the federal government introduced its Affirmative Action Program to bring about the equitable representation and distribution of women, Aboriginal peoples and persons with disabilities in the Public Service. Visible minorities were included in 1985. That same year, it also announced the establishment of the Royal Commission on Equality, chaired by Ontario Judge Rosalie Silberman Abella.
- 1986 In 1986, the federal government enacted the first *Employment Equity Act* as a result of the 1984 *Report of the Royal Commission on Equality in Employment*. It also introduced the Treasury Board's Employment Equity Policy and initiated the Federal Contractors Program. The *Employment Equity Act* of 1986 had only applied to the federally regulated private sector (e.g. chartered banks, national airlines, interprovincial communications and telephone companies, and interprovincial transportation companies) and Crown corporations with 100 or more employees, but not to the federal public sector.
- Until 1992, employment equity in the Public Service was governed by a Treasury Board policy issued in 1986. In 1992, the *Public Service Reform Act* amended the *Financial Administration Act* to include a series of provisions related to employment equity, giving a legislative basis to the Employment Equity Program in the federal Public Service.
- 1995 In December 1995, a revised *Employment Equity Act* received Royal Assent and became law. Employers under federal jurisdiction in the private and the public sectors, including the federal Public Service and separate employers, became subject

to similar obligations to implement employment equity. It was at this time that the Canadian Human Rights Commission was given a mandate to verify compliance through audits of employers covered by the legislation and to help resolve non-compliance through persuasion and the negotiation of written undertakings, wherever possible.

Federal Contractors Program

Whereas the *Employment Equity Act* (1995) covers federally regulated employers of the legislated Employment Equity Program, the Federal Contractors Program applies to provincially regulated employers with a national work force in Canada of 100 or more employees. Specifically, the Federal Contractors Program applies to contractors – those provincially regulated employers that receive federal government goods or services contracts of \$200 000 or more. As a condition for bidding on large federal contracts, such contractors are required to certify in writing their commitment to employment equity.

The Canadian Human Rights Commission does not audit employers covered under the Federal Contractors Program. Rather, the Minister of Labour is responsible for the Federal Contractors Program for employment equity. The program is administered by workplace equity staff of Labour Standards and Workplace Equity from national headquarters, as well as by a network of regional workplace equity officers across Canada. These same officers enforce the program by conducting periodic on-site compliance reviews at the premises of contractors.

Q. What are systemic employment barriers?

A. Systemic employment barriers (also known as systemic discrimination) are often the result of employment policies or practices based on criteria that are not related to the job or to business requirements. Systemic employment barriers may be hidden unintentionally in rules and procedures and sometimes even the facilities that employers provide to their employees. Although they may seem reasonable, and are not intended to discriminate, certain practices can have an adverse impact on the members of designated groups.

Employers are legally accountable even when discrimination is the unintended result of employment systems. Systems that screen out or impede the progress of particular groups of employees or potential employees for reasons unrelated to qualifications, merit or business requirements are considered discriminatory.

The following are examples of systemic employment barriers:

- The acceptance of only Canadian educational credentials as a selection criteria to screen and hire applicants – this can exclude people who possess comparable educational credentials from other countries or who have equivalent levels of actual work experience.
- The requirement to attend evening meetings – this may have an adverse impact on employees who may have primary responsibility for child or elder care.
- Employment tests that are culturally or sexually biased – these can exclude certain people.
- Qualifications that are not job-related, such as the automatic requirement of a university degree.
- The assumption that a person with a disability may not be able to do a job as well as others – this is a barrier because it influences the decisions made about that person's possible hiring, retention or promotion.
- A work environment that tolerates sexual or racial harassment.

Q. Is employment equity reverse discrimination?

A. No.

Implementing employment equity is perceived by some people as reverse discrimination. Some people believe that they are disadvantaged by employment equity programs and feel that they are victims of discrimination (e.g. not being able to apply for a job for which they are qualified, because the competition is advertised for employment equity candidates only). Employment equity programs focus on eliminating barriers and ensuring that all Canadians can fully utilize their skills and have access to job opportunities; they are not meant to result in reverse discrimination.

Employment equity is not about giving preferential treatment to the designated groups, nor is it about taking away opportunities from Caucasian people and males. It is about taking remedial action. Employment equity programs are not intended to be permanent. However, they are a necessary tool at this time to bring all people to a level playing field.

Q. Does employment equity conflict with merit?

A. No.

Merit reflects three values found in legislation: non-partisanship, competence and representativeness. In a merit-based public service, people (including members of employment equity groups) are selected on the basis of their competence, through processes that are fair, equitable and transparent. The *Canadian Human Rights Act*, the *Employment Equity Act* and the *Public Service Employment Act* reflect the government's commitment to institute positive measures to hire competent individuals from designated groups where under-representation exists (Aboriginal people, persons who are members of a visible minority, persons with disabilities and women) to ensure a representative public service.

Q. Does employment equity mean lowering employment standards and hiring unqualified individuals because they are members of designated groups?

A. No.

Employment equity is about hiring qualified candidates. It is designed to establish realistic and relevant employment standards. It is not intended to lower them. Managers may be required to develop selection criteria that measure the skills required for the job instead of using criteria that restrict or screen out applicants. The process of redefining the selection criteria is a benefit to all potential candidates, as it ensures that the standards for employment opportunities are related to the job to be performed.

Self-identification

Q. How are the designated groups defined?

A. The four designated groups are defined as follows:

Persons with a disability are persons who have any long-term or recurring condition or health problem that limits the kind or amount of work they can do in the workplace; OR persons who feel that they may be perceived as limited in the type or amount of work they can do because of a physical, mental, sensory, psychiatric or learning impairment. Persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace are also included.

The following are examples of such disability:

- coordination/dexterity impairment (e.g. cerebral palsy);
- blindness/visual impairment;
- speech impairment;
- non-visible physical impairment (e.g. hemophilia, diabetes or environmental sensitivities);
- developmental/mental impairment (e.g. Down syndrome);
- mobility impairment (e.g. muscular dystrophy);
- learning disability (e.g. dyslexia);
- deafness/hearing impairment; and
- psychiatric impairment (e.g. severe depression or schizophrenia).

Aboriginal peoples are North American Indians and/or members of First Nations, Métis or Inuit. North American Indians and/or members of First Nations include “status,” “treaty” or “registered” Indians, as well as non-status and non-registered Indians.

Persons in a visible minority group are persons who are non-Caucasian in race or non-white in colour (other than Aboriginal persons as defined above), regardless of place of birth. The following are examples of visible minority groups: Black, non-white Latin-American, Chinese, Japanese, Filipino, Southeast Asian (e.g. East Indian, Pakistani, Sri Lankan, Bangladeshi), West Asian and Arab (e.g. Afghan, Armenian,

Egyptian, Iranian, Iraqi, Israeli, Lebanese, Jordanian, Palestinian, Syrian, Turkish), North African and persons of mixed origins (with one parent from a visible minority group).

Women are considered to be a designated group in those categories in which they are under-represented in a department. Data on women as a designated group may come from gender information collected for other purposes.

Q. Why aren't other ethnic minorities included?

A. The federal government has determined that women, Aboriginal peoples, members of visible minorities and persons with disabilities are the most disadvantaged compared with the general population of working age. As a federal employer, Industry Canada is required to report on the status of members of these four designated groups.

Q. What are the benefits of self-identification?

A. Self-identification is voluntary. However, we can only have accurate information about our work force if you complete a self-identification form.

All Industry Canada employees are part of our work force, whether or not they are members of a designated group. The participation of every employee is important in helping Industry Canada to do the following:

- obtain an accurate profile of our work force to determine to what extent our work force is representative of the Canadian labour force;
- identify where we need to eliminate barriers that limit or exclude designated groups from employment opportunities;
- develop policies and practices to support the recruitment, retention and development of employees in designated groups; and
- establish appropriate numerical goals for representation of designated groups in the departmental work force.

Q. Can I identify myself in more than one designated group?

A. Yes.

Employment equity legislation permits employees to identify in more than one designated group. For example, you may identify yourself as an Aboriginal person and a person with a disability, or as being a member of a visible minority group and a woman.

Q. The employment equity form says the information I am asked to provide will be held in strict confidence, but you want my name to be on the form. Why?

A. The confidentiality of self-identification information collected by the Department will be maintained in accordance with the provisions of the *Privacy Act* and the *Employment Equity Act* and its Regulations. All authorized departmental personnel from the Human Resources Branch, Employment Equity and Diversity Unit and the Treasury Board Secretariat who at any time have access to self-identification information pertaining to a specific individual must abide by a Code of Confidentiality applicable to the collection of self-identification data in the Public Service of Canada. Industry Canada's human resources advisors also have access to self-identification information for the purposes of tracking information (from application forms only when disclosed) about applicants who are applying through competitions. The self-identification data are updated and maintained in the Human Resources Management System Employment Equity Data Base.

Data on individuals are not available to directors or managers. Only statistical information is available to management. If you are in a designated group, you may also consent to your self-identification information being used by Industry Canada's Employment Equity Coordinator for human resource management purposes in support of employment equity. This includes referral for specialized training, participation in selection boards, as well as inclusion in specific programs aimed at persons in the designated groups and, in the case of persons with disabilities, facilitating appropriate accommodation in the workplace.

**Q. Why didn't I get a self-identification questionnaire?
How do I get one?**

A. If you are an employee of Industry Canada, you should have received a questionnaire. If you did not receive one, please call the Human Resources Branch, Employment Equity and Diversity Unit at (613) 952-6572 and we will be pleased to send you one. You may also complete the self-identification form on-line (icinfra.ic.gc.ca/eed).

Q. I have already self-identified in a department where I previously worked; do I have to complete a new form?

A. The legislation requires that employers survey their work force and keep their self-identification information up-to-date, by providing questionnaires on an ongoing basis to new employees and current employees who request it or wish to change their information. Self-identification information is confidential and does not become part of regular personnel records. Your self-identification information is not kept on your personnel file. If you are new to Industry Canada, we encourage you to complete a form to ensure that Industry Canada's information is kept up-to-date.

Q. What if my information changes later on?

A. If you wish to change or update information about yourself at any time, please contact the departmental Employment Equity Coordinator at (613) 952-6572 to request a new form. Self-identification forms are also available on-line (icinfra.ic.gc.ca/eed).

Q. What communication mechanisms have been established to support employment equity at Industry Canada?

A. At Industry Canada, employment equity is supported through consultation with union representatives and through employment equity advisory committees. The following four Industry Canada advisory committees have been established to support employment equity:

- Action Committee on Women's Issues;
- Advisory Committee of Persons with Disabilities;
- Advisory Committee of Visible Minorities; and
- Advisory Committee of Aboriginal Peoples.

These committees play an instrumental role by making links between employee needs and the direction of departmental policy, in order to facilitate changes that are positive and effective to employment equity policies, programs and services.

The Advisory Committee Champions

The champions for each of the designated groups are assistant deputy ministers or equivalent. They are the spokespersons for their committee and advisors to the Deputy Ministers Board. The champions' main responsibilities are the following:

- to provide personal and visible support for employment equity;
- to oversee the committee's ongoing activities;
- to keep abreast of the progress and changes related to employment equity issues of concern to persons representative of the equity group; and
- to provide input to various employment equity reports.

Diversity

Q. How does diversity differ from employment equity?

A. Employment equity is the foundation upon which diversity and inclusiveness can be built. Diversity is acknowledging and valuing the many aspects and behaviours that make each of us different from one another, such as gender, age, religion, sexual orientation, cultural background, regional affiliation, socio-economic status, and work and life responsibilities. Diversity and employment equity are not contradictory to each other, rather they complement each other. Both are designed to reflect the diversity in our Canadian society. The ultimate goal of both diversity and employment equity is the achievement of an equitable employment system free of discriminatory practices.

“Every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society . . .”

– *Canadian Human Rights Act*, 1976–77, c. 33, s. 2

Q. What is discrimination?

A. According to the *Canadian Human Rights Act*, it is unlawful for any employer or provider of service that falls within federal jurisdiction (federal departments, agencies and Crown corporations, Canada Post, chartered banks, national airlines, interprovincial communications and telephone companies, interprovincial transportation companies, and other federally regulated industries, such as certain mining operations) to make distinctions based on the following prohibited grounds:

- race;
- national or ethnic origin;
- colour;
- religion;
- age;
- sex (including pregnancy and childbirth);
- marital status;
- family status;
- mental or physical disability (including previous or present drug or alcohol dependence);
- pardoned conviction; or
- sexual orientation.

To make such distinctions is an act of discrimination. All provinces and territories have similar laws forbidding discrimination in their areas of jurisdiction.

Discriminatory Acts

The *Canadian Human Rights Act* deals with discriminatory behaviour in its various forms:

- differential treatment of an individual or a group of individuals based on a prohibited ground;
- all forms of harassment; and
- systemic discrimination – a seemingly neutral policy or practice which in fact is discriminatory.

The following are some examples:

Employment

A person cannot be denied a job because of a disability that does not affect job performance or that can be accommodated.

Accommodation

An individual unable to work certain days for religious reasons may not be denied employment unless the employer can demonstrate that it would cause undue hardship.

Harassment

Making demeaning comments because of a person's colour, ethnic origin, age, disability, sex, or any of the grounds in an employment or service situation, is prohibited under the Act. Harassment is a type of discrimination. It can take many forms, such as threats, intimidation or verbal abuse; unwelcome remarks or jokes about subjects such as race, religion, disability or age; displaying sexist, racist or other offensive pictures or posters; sexually suggestive remarks or gestures; unnecessary physical contact, such as touching, patting, pinching or punching; physical assault, including sexual assault. Harassment can consist of a single incident or several incidents over a period of time.

Q. How can various religious observances be accommodated?

A. According to the collective agreements between the Treasury Board of Canada, Secretariat and bargaining agents and the Treasury Board's policy on leave with pay, management shall make every reasonable effort to accommodate an employee who requests time off to fulfil his or her religious obligations without suffering loss of income, within the appropriate confines of the collective agreement.

Flex-time (compressed work week) or annual or compensatory leave, individual arrangements for make-up time, if operationally feasible are possible options. Managers are encouraged to consult relevant collective agreement clauses.

Q. Who benefits from employment equity and diversity?

A. We all do. In fact, benefits created by employment equity and diversity affect all Industry Canada staff, not just the members of designated groups. All people now enjoy policies and programs that were initially implemented to accommodate the designated groups, such as automatic doors which are useful when hands are full; maternity leave has been expanded to include paternity and adoption leave; ramped sidewalk curbs are useful for bicyclists and children in strollers.

As an employee, you benefit by:

- working in a supportive and welcoming workplace that is free from unlawful discrimination and harassment; and
- having equal access to jobs, training and other development opportunities.

As a manager, you benefit by:

- improved teamwork and reduced workplace conflict;
- enhanced employee morale and job satisfaction; and
- increased productivity.

Industry Canada benefits by:

- attracting and retaining talented staff; and
- improving client services that are more responsive to the needs of Canada's diverse communities.

Q. How does Industry Canada support diversity in the workplace?

A. Industry Canada continually supports diversity by fostering and maintaining an equitable, respectful and supportive work environment for all employees from diverse backgrounds, providing ongoing learning opportunities, and developing and implementing programs, policies and initiatives to ensure everyone has an equal opportunity to succeed.

The following are some notable examples:

- encouraging our employees to complete a self-identification survey and conducting a work force analysis to determine the extent to which our work force is representative of Canadian society;
- reviewing our employment systems, policies and practices to ensure there are no employment barriers;
- preparing a multi-year Employment Equity Plan to set goals and develop strategies to address under-representation identified in the work force analysis;
- maintaining a centralized pool of funds to assist managers in accommodating the special needs of their employees with disabilities;
- supporting flexible work arrangements;
- providing learning opportunities such as mentoring programs;
- actively combatting harassment in the workplace;
- developing a guide for Industry Canada's managers on accommodation of all employees and prospective employees who have needs for accommodation;
- providing diversity awareness and employment equity workshops; and
- promoting communication of the issues among employees at all levels.

Q. What can I do to support diversity at Industry Canada?

A. Managers

As a manager, your responsibilities for diversity include the following:

- being aware of all of the components of the Department's Employment Equity Action Plan;
- keeping abreast of employment equity and diversity issues by regularly consulting the departmental Employment Equity and Diversity intranet site;
- ensuring effective overall performance and continuous progress of the employment equity goals within your operations;
- achieving, fostering and maintaining a representative work force;
- ensuring that individuals are hired according to job-relevant criteria;
- taking steps to accommodate the special needs of employees, where required;
- encouraging innovation and creativity;
- ensuring equitable access to career development and advancement opportunities, including assignments, career development programs, coaching and mentoring;
- ensuring that sexist or racist jokes and slurs are not tolerated; and
- encouraging the participation of employees in the designated group advisory committees.

Employees

If diversity is to succeed, it requires commitment, not only from management but from all of us. For all employees, this means:

- voluntarily participating in self-identification to ensure a comprehensive and accurate picture of our work force;
- treating all colleagues with dignity and respect;
- seeking opportunities to learn more about the goals and benefits of diversity and employment equity; and
- joining one of our departmental employment equity advisory committees.

Q. Where can I get more information about employment equity and diversity?

A. Contact Information and Resources

1. Human Resources Branch, Employment Equity and Diversity Unit
For employment equity advice (policy interpretation and issues related to employment equity and diversity), contact (613) 952-6572 or (613) 946-7297.

For further information, or if you wish to become a member of any designated group advisory committee, contact (613) 946-6771.

2. Industry Canada's Employment Equity and Diversity Intranet Site
The intranet site (icinfra.ic.gc.ca/eed) provides departmental employees, managers and human resources practitioners with information on the Department's Employment Equity and Diversity Program. You will also find information on the departmental employment equity advisory committees, and an array of useful links to central agencies and external organizations that provide equity and diversity information and publications.

"Traditionally we've been guided by concepts of fairness, merit and treating everyone equally. These values have served us well, but they need to be tempered and nuanced so that difference is valued rather than assimilated, founded upon mutual respect, shared values and beliefs open to differences."

— V. Peter Harder
Deputy Minister of Industry
(*Speaking to the Agents of Change
Broadcast Workshop, May 2000*)

Notes