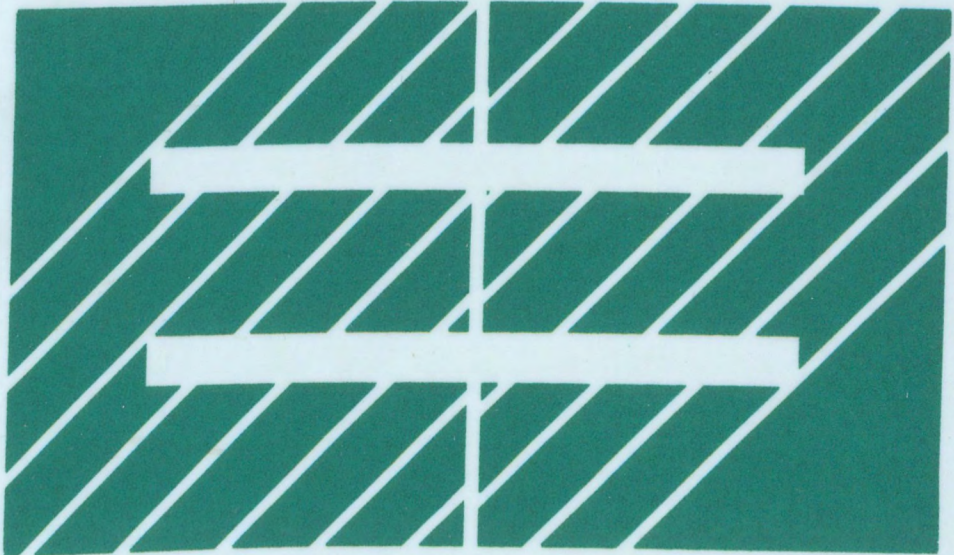Department of Justice
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Ministère de la Justice
Canada

EMPLOYMENT EQUITY GUIDE

GUIDE DE L'ÉQUITÉ
EN MATIÈRE D'EMPLOI
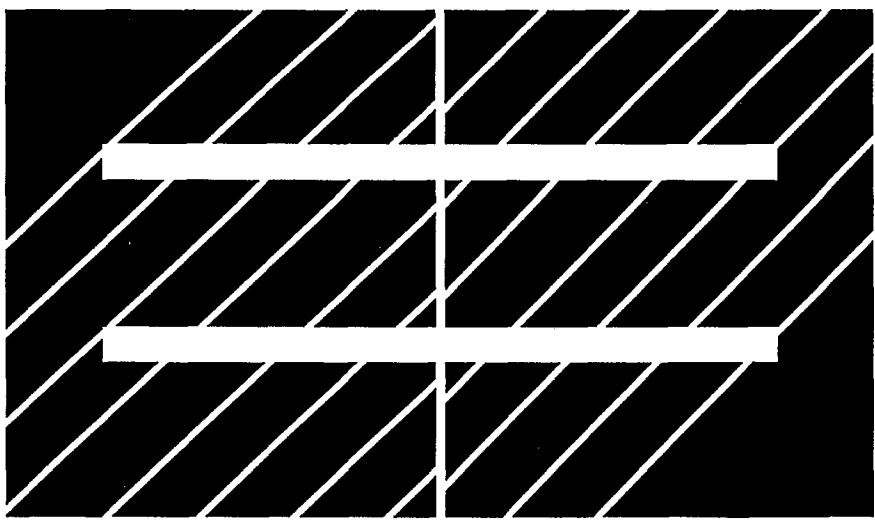
Canada

EMPLOYMENT EQUITY GUIDE

Department of Justice
Human Resources Planning and
Employment Equity Section
Human Resources Directorate

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INTRODUCTION

Sometimes equality means treating people the same despite their differences, and sometimes it means treating them as equals by accommodating their differences.

Judge Rosalie Silberman Abella
Equality in Employment 1985

The purpose of this guidebook is to inform and guide employees, and managers in particular, on the nature, operation and overall aim of the Employment Equity Program.

Part 1 covers the definition, aim and history of Employment Equity in the Public Service and in the Department of Justice. A glossary of key terms and definitions that are often used when discussing Employment Equity is found at the end of this section.

Parts 2 and 3 outline the special programs and initiatives that address and correct discriminatory employment practices. These include employment support systems offered by the Department (inventories of target groups) and the Public Service Commission (Special Measures Programs). Other support services are also highlighted, such as the technical aids budget to accommodate persons with disabilities.

Part 4 sets out general guidelines for equitable hiring and interview practices, and Part 5 provides a list of resources and contacts for further information on Employment Equity.

It is hoped that this guidebook will provide the information and tools necessary for all levels of the Department to understand, support and participate in the implementation of Employment Equity.
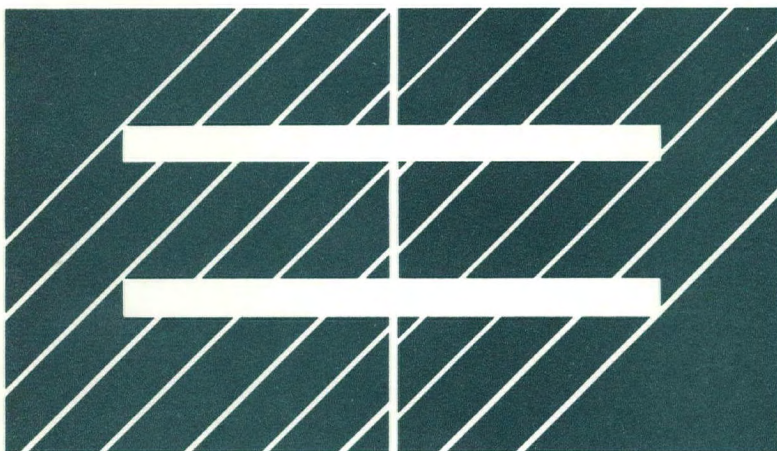
PART 1

BACKGROUND INFORMATION ON EMPLOYMENT EQUITY

1.1 Why Do We Need an Employment Equity Program?

There is ample evidence that in all sectors of the Canadian economy and society, equal access to employment has been denied to members of some groups because of their sex, racial or ethnic characteristics, or their physical or mental disabilities — and not because of their job qualifications and abilities. This situation not only violates basic human rights, but also hinders economic growth by preventing the full labour force participation of skilled individuals. The Employment Equity Program assists employers in responding and adapting to increasing changes in the make-up of Canadian society and the labour force.

The Employment Equity Program aims to ensure equal access to employment opportunities for all Canadians of all races, cultures and abilities and for both sexes. The Program is designed to assist those who have historically been excluded from being hired and promoted because of systemic and/or attitudinal resistance to their equal participation.

Four groups have been identified by the Program as being clearly underrepresented in numbers and percentages throughout all levels (notably senior levels) of the Canadian work force. These groups are:

- aboriginal persons;
- members of visible minority groups;
- persons with disabilities; and
- women.

Whether intentional or unintentional, direct or indirect, discrimination in the workplace is a reality for these groups. Employment systems and personal attitudes or beliefs may limit or exclude their full participation and mobility in the workplace. Both recruitment and selection systems are extremely vulnerable to unintentional and systemic

discrimination; it has been shown that up to 75% of all employment system discrimination occurs during these two phases. The following two examples illustrate how hiring practices may indirectly disadvantage members of the target groups:

Cloning

We are all familiar with the high tech concept of cloning or producing identical copies. In a similar way, individuals have a tendency to feel most comfortable with people who seem to be much like themselves, however conscious or unconscious this feeling may be. If this tendency is not questioned in the employment selection process, the most successful candidates will often be the ones who most closely resemble the people interviewing them. Therefore, if all the decision-makers are members of one group, they may tend, however unconsciously, to make hiring decisions favouring their own group. Employment Equity aims to make us aware of the tendency to favour members of our own groups (gender, race, ability, education, etc.) and to show us how to broaden our perspectives.

Merit

One of the most common arguments against Employment Equity is that the Program threatens the notion of "merit" and the standards for qualified recruitment. This myth is challenged by Judge Rosalie Abella:

> The word "qualified" in recruitment or hiring discussions means much more than a degree from an educational institution. It means a largely subjective assessment of collegiality, area of expertise, languages spoken, ideas promoted, interests pursued, families produced, and so on... And that of course depends on the assessor's view of "best", and of the prevailing workplace culture he or she seeks to perpetuate....

> And far from employment equity threatening the merit principle, the merit principle is exactly what employment equity is trying to introduce... No one has the right to talk about how [Employment Equity] is destroying the merit principle until they can prove that we've had it up until now.

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Given that the Employment Equity Program deals fundamentally with changing the way we think and act, it is not surprising that the Program is not always very popular. It is human nature to resist change, as changing the status quo is unsettling and sometimes uncomfortable. However, history proves that the changes required to achieve equitable and fair employment practices will not come about simply because of good will.

As individuals and as a society, we require a bit of a push to implement change; hence we create laws, policies and programs to do this. The aim of the Employment Equity Program is exactly this: to support and encourage managers in understanding and implementing the changes needed to achieve a representative work force. As managers in the Department of Justice, you are responsible for implementing and directing policies, programs and services in the best possible way. In order for the Employment Equity Program to be successful, and to achieve lasting and meaningful change in our corporate and social culture, it is essential that you, as managers, understand, take ownership of and implement the Program at all levels.

1.2 What is Discrimination?

In general, prejudice refers to a special type of attitude or belief, generally a negative one, towards members of some distinct social group. Discrimination refers to negative actions directed towards these individuals. Discrimination is prejudice in action.

Many factors make people "different" from one another. For example, people may differ on one or more of the following: gender, race, physical ability, political ideology, social class. To discriminate is to treat a person, or a group, unequally (often defined as unfairly) because of a difference, whether it is perceived or real. In the same way, it is also unfair to treat certain groups as special or with extra privileges, as in the case of reverse-discrimination.

Women, aboriginal people, members of visible minority groups and persons with disabilities face significant but different disadvantages in employment due to discrimination. Some of these disadvantages include high unemployment, occupational segregation, pay inequity and limited opportunities for career progression.

Employment Equity Programs aim to deal with both prejudiced attitudes and discriminatory employment practices. Discrimination is very difficult to identify and quantify because ideas, attitudes and beliefs are not always obvious — one is never exactly sure about what other people are thinking or how they will treat others in a given situation. The best approach for changes in attitudes is through general education and awareness training, exposure to new ideas and situations, positive role models, and general support and encouragement for change. Education can enable people with, for example, sexist or racist attitudes to realize that sex and culture differences need not be threatening or considered marks of inferiority. Consequently, they will not treat people who are unlike themselves as unequal or special because of their difference.

Although employers are well aware of the necessity to avoid intentional discrimination such as decisions to hire women only for secretarial positions, a more subtle form of discrimination remains quite common. "Systemic discrimination" refers to the many employment barriers that are hidden, usually unintentionally, in the rules, policies and procedures employers use to manage their personnel. These systems discriminate if they encourage or discourage certain individuals simply because they are members of certain groups, rather than because of their ability to do the job.

Employment "systems" or "practices" refer to the employer's standard ways of carrying out such personnel activities as recruitment, hiring, training and development, promotion, job classification and salary level decisions, performance evaluation, discipline and termination. Some of these practices are formally described in personnel manuals and collective agreements, while others remain more informal and are based on traditional practices and conventions.

An important legal principle to keep in mind is that employers are accountable even when discrimination is the unintended result of employment systems that screen out or block the progress of particular groups of employees or potential employees for reasons unrelated to qualifications, merit, or business requirements. For example, if an employer's work force is already predominantly composed of employees representing only one group in our society (for example, white males), posting job vacancies within the company or recruiting by word of mouth among employees is likely to perpetuate the situation.

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It is important to remember that taking away the privilege or advantage from one group is not putting them at a disadvantage; it is putting them at an equal level with everyone else.

1.3   How Employment Equity is Achieved

Employment Equity Programs are justified and enforced in Canadian law. The *Canadian Charter of Rights and Freedoms* permits any law, program, or activity that has as its objective improving the conditions of disadvantaged individuals or groups.

Employment Equity was introduced into the Public Service in the early 1980s as a program called "Affirmative Action." Originally, the program was adopted to increase the participation of three target groups: women, aboriginal people, and persons with disabilities. Visible minorities were officially added as a target group in 1985. In June 1986, Parliament enacted the *Employment Equity Act* and thus gave the Affirmative Action Program its new name, "Employment Equity."

Treasury Board applies and regulates the *Employment Equity Act* for federal departments by requiring them to report what proportion of employees belong to the four target groups, who does what job and at what level. Employers are then required to determine why these groups are underrepresented (i.e. why the numerical representation of these groups is proportionately less than their labour market availability), and to set goals and timetables for correcting the situation.

In accord with Treasury Board directives, the Department of Justice has reviewed its work force composition and employment systems in order to identify areas of concern and remedial measures for inclusion in a departmental Employment Equity Action Plan. The most recent Plan was released in the spring of 1991, and it covers the period up to March 1994. The Plan reflects the Department's Mission and Values and takes into consideration the challenges to be faced as a result of Justice in the 1990s, as well as the concerns and needs of each of the four employment equity target groups.

The objectives and content of this plan correspond quite closely to the six key goals in the area of Employment Equity that have been identified to shape the Public Service of the 1990s. The

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Department's Employment Equity Action Plan contains seven major objectives, as follows:

1) to ensure management's role in the ownership of the Employment Equity Program and accountabillty for its results;

2) to achieve the equitable distribution and full participation of all target group members;

3) to facilitate career advancement and development opportunities for target group members;

4) to improve the quality of worklife by considering work alternatives and pilot projects such as job-sharing, working at home, and part-time work to facilitate the recruitment and retention of target group members;

5) to promote awareness of the Employment Equity Program and related activities within the Department;

6) to enhance communications in the area of Employment Equity within the Department; and

7) to increase, where feasible, the numbers of target group members in order to ensure that the Department is representative of Canadian society, depending on external work force availability.

1.4 Self-Identification

The measure of the Employment Equity Program's success, in terms of the number of target group members represented in our work force, is based on the voluntary process of self-identification. In addition, the Treasury Board objectives for promotion of target group members are based on internal availability, which relies on self-identification data.

Throughout the staffing process in the Public Service or in Justice, there are several opportunities to identify oneself as a member of a target group. In this Department, self-identification forms are distrib-

uted at the formal "letter of offer" stage of employment and a departmental survey is undertaken once every few years to obtain information on target group members already working in the Department who may not have identified themselves previously.

The effectiveness of the self-identification process is questionable, and Treasury Board is currently reviewing the process to improve it. There will always be a certain number of people who choose not to identify themselves as members of a target group for various reasons. One of the strongest reasons is the concern about being labelled a "token" employee, and not seen as someone hired for their qualifications or because they have earned the position. There are many other reasons, including personal philosophies, general lack of interest, or simply being unaware that the process exists.

The main argument in favour of self-identification is that, in order to achieve a representative work force, the Department must know who is and who is not represented at the moment. This can only be determined through the voluntary self-identification of target group employees.

Another encouragement for self-identification is that if we can achieve a truly representative work force, where percentages of available labour pools match the percentage representation in our departmental work force, and if we establish truly equitable hiring practices, future generations of target group members will be drawn to the Department by our reputation as a fair employer. In other words, if we can achieve Employment Equity to the extent that the Program will no longer be necessary, our work force representation and reputation will influence society's perception of the Department, and all groups will be encouraged and interested in working for the Department of Justice. We will be drawing the best employees from all groups in society.

1.5 Employment Equity Targets

In the spring of 1991, Treasury Board introduced a new target-setting strategy as a means for achieving the equitable representation and distribution of designated group members in the Department. The new strategy is "flow-based," which means that it focuses on an equitable share of recruitment and promotions of designated groups

as well as maintaining retention by controlling separations. This is different from the previous "stock-based" target strategy, where targets were based on numerical representation.

These Employment Equity Targets have been developed by the Public Service Commission (PSC) on behalf of Treasury Board, and are set for a three-year planning cycle. There are individual targets set for the recruitment, retention and promotion of each of the four designated groups, based on the following:

- The targets for recruitment and promotions are the proportion of new recruits and promotions that should be filled by designated group members, based on external and internal availability data, respectively.
- The target for retention will require the Department to maintain a discretionary separation rate that is no greater than that of the separation rate of non-designated groups.

This new approach supports the assumption that designated group members are entitled to an equitable share of recruitment and promotions. Information on recruitment and promotion activities of the Department from PSC data and the departmental Personnel Management Information System allows us to monitor progress and identify areas where change may be required. PSC progress reports will be supplied to the Department on a semi-annual basis.

NEW EMPLOYMENT EQUITY TARGETS

NON-MANAGEMENT CATEGORY TARGETS			
GROUP	**RECRUITMENT**	**PROMOTIONS**	**SEPARATIONS**
Aboriginal Peoples	2.2 %	1.7 %	10.9 %
Persons with Disabilities	2.0 %	2.8 %	10.9 %
Visible Minorities	4.4 %	2.7 %	10.9 %
Women (by occupational category)			
Scientific & Professional	43.8 %	43.6 %	7.2 %
Administrative & Foreign Service	39.9 %	66.3 %	3.2 %
Technical	49.3 %	65.5 %	0.0 %
Administrative Support	N/A	93.0 %	17.4 %
Operational	30.5 %	79.6 %	15.4 %
MANAGEMENT CATEGORY TARGETS			
GROUP	**RECRUITMENT**	**PROMOTIONS**	**SEPARATIONS**
.Aboriginal Peoples	0.9 %	1.0 %	2.0 %
Persons with Disabilities	2.7 %	2.0 %	2.0 %
Visible Minorities	3.4 %	2.2 %	1.2 %
Women	17.4 %	15.8 %	1.7 %

1.6 Departmental Employment Equity Advisory Committees

Four advisory committees have been established to recommend the development of policies to the Deputy Minister and to monitor their implementation. The committees are:

- The Advisory Committee on Aboriginal People (ACAP)
- The Advisory Committee on Persons with Disabilities (ACPD)
- The Advisory Committee on Visible Minorities (ACVM)
- The Advisory Committee on Equal Opportunities for Women (ACEOW)

In addition, a Steering Committee was established as an umbrella committee for the advisory committees, comprising the chairpersons of each of the advisory committees, a regional representative, a representative of the Human Resources Directorate, and a representative of the Legal Officers Advisory Committee. The Steering Committee oversees the Program, monitors and reports on the implementation of the three-year Action Plan, allows for information exchange, and comments on proposals of the advisory committees.

These committees play a very important role in the Department. They have been instrumental in the development of the Employment Equity Action Plan and in recommending policy changes that reflect and include the concerns of each of the target groups.

1.7 Glossary of Terms and Definitions

Aboriginal People — Canada's three indigenous peoples: Indians, Inuit or Métis. (*Autochtones*)

Discrimination — A distinction, intentional or not, based on personal characteristics of an individual or group, which has the effect of imposing burdens, obligations, or disadvantages that are not imposed upon others, or which withholds or limits access to opportunities, benefits and advantages available to other members of society. (*Discrimination*)

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Ethnocentrism — A view of the world that uses one perspective — the perspective of one's own culture and world view — as the basis for making value judgements about the behaviours and norms of other cultures. One's own culture is usually seen as superior; other cultures are viewed as inferior. (*Ethnocentrisme*)

External Work Force[*] — A collective group of individuals, both those employed outside the Public Service and those seeking employment, who are qualified to fill a job within the Public Service. (*Main-d'oeuvre externe*)

Members of Visible Minority Groups[*] — Persons who, because of their race or colour, are part of a visible minority group in Canada. For purposes of Employment Equity, groups of primary focus are: Black, Chinese, Japanese, Korean, Filipino, South Asian (Indo-Pakistani), Visible Minority West Asian or North African, South East Asian (Burmese, Cambodian, Laotian, Thai, Vietnamese, etc.), Oceanic (Melanesian, Micronesian, Polynesian), Visible Minority Latin American, or any combination of the above groups. (*Membres des groupes de minorités visibles*)

Non-Traditional Occupations for Women[*] — Those occupations in which women have not usually been employed. An occupation in the Public Service is considered non-traditional when the external availability is not more than 30 percent and the current representation in the Public Service is not more than 30 percent. (This definition excludes the Management Category.) (*Professions non traditionnelles pour les femmes*)

Persons with Disabilities — Those persons who consider themselves (or believe that a potential employer would likely consider them) disadvantaged for the purposes of employment by reason of any persistent physical, mental, psychiatric, learning or sensory impairment. (*Personnes handicapées*)

Prejudice — Attitudes, beliefs and assumptions that bias one's opinion of other cultures or social groups and members of those groups. Prejudices may be based on generalizations from negative experiences, misinformation, incomplete information, stereotypes or irrational beliefs. (*Préjugés*)

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[*] Treasury Board definition

Racism — The use of differences attributed to race to condone negative treatment. Racism may be manifested on a continuum from avoidance to aggression, including indifferent to hostile attitudes and/or exclusionary, antagonistic or harassing behaviour. Forms of racism may be covert, overt, conscious or unconscious. Historical forms of distrust towards whole groups may be perpetuated through institutionalized practices. Such practices ensure the continuation of patterns of interaction based on "inherited" perceptions of race. (*Racisme*)

Reasonable Accommodation[*] — Any adjustment necessary to ensure that no individual competes at a disadvantage for employment opportunities or is blocked from carrying out the essential components of a job because of disability. Such accommodation is reasonable when it does not impose "undue hardship" on the employer. (*Aménagement raisonnable*)

Special Measures (Programs)[*] — Remedial actions taken for a predetermined period to redress the results of employment disadvantages experienced by the designated group. These measures, usually implemented in the form of programs, support mechanisms and targets, are intended to hasten the achievement of fair representation of designated group members in the Public Service. (*Mesures spéciales, programmes de*)

Status Quo — The accepted ways of thinking, feeling and behaving that form the dominant attitudes and values shared by a group based on a situation as it currently exists. Individuals who form the dominant group perpetuate inclusive values that ensure the continuation of the group, its values and position of dominance. (*Statu quo*)

Stereotypes — Conventional beliefs and fixed attitudes about a group of people, based on characteristics of, or experience with, one or a few individuals, held to be representative of the whole group. Stereotypes are frequently used to perpetuate dominant group values through feelings of superiority or inferiority to those who do not share those values. (*Stéréotypes*)

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[*] Treasury Board definition

Systemic Discrimination[*] — Policies or practices that are not necessarily intended to discriminate, but have a disproportionate and adverse effect on members of designated groups, for which there is no justification. Examples of this discrimination include (but are not limited to): arbitrary screening criteria for hiring and promotions; requests for unnecessary educational standards; and training or work experience unrelated to actual job performance. (*Discrimination systémique*)

Target Groups / Designated Groups — The Employment Equity Program aims to correct low representation and unequal access to the Canadian work force for four specific groups. These are: women; aboriginal people; persons with disabilities; and members of visible minority groups. (*Groupes cibles/désignés*)

Underrepresentation[*] — A situation where the ratio of designated group members in an occupational group or level is disproportionately low in view of their qualifications and availability in the total work force. (*Sous-représentation*)

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[*] Treasury Board definition
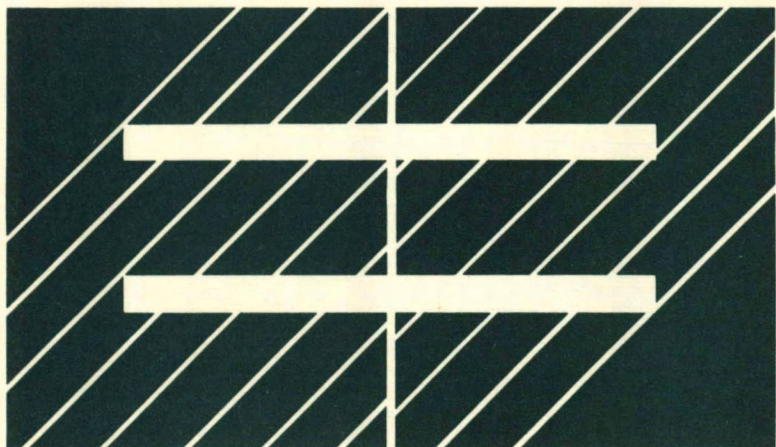
PART 2

HIRING MEMBERS OF TARGET GROUPS

2.1 Inventories of Target Group Candidates for Employment

Departmental Inventory of Lawyers

Because the Department of Justice is the prime user of lawyers in the government, the national inventory of available lawyers is maintained within the Department, not the Public Service Commission. Therefore, when other government departments and agencies are looking to hire lawyers, they come to Justice for referrals.

Lawyers who are members of the target groups are identified as such for easy access and referral upon request.

An updated inventory of lawyers can be obtained from the Law Careers Section of the Human Resources Directorate at (613) 941-1902.

Public Service Commission Target Group Inventories

The Public Service Commission identifies target group members in their applicant inventories (Officer and Support Categories). Résumés from qualified target group members are easily accessed when requested. When staffing officer and support staff positions, managers need simply ask their staffing officer to request that the PSC include target group members in the candidate referrals. By specifically requesting that target group members be among those referred, managers can ensure they will be getting the best qualified candidates from all groups.

Departmental Inventory of Target Group Candidates

In addition to the PSC inventories of target group members, and in response to the growing number of independent applications, inter-departmental referrals and Public Service applications of target group members interested in Justice, a new inventory and referral procedure has been implemented by the Employment Equity Section of the Human Resources Directorate.

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This procedure involves screening résumés of target group members who are interested in and qualified for employment with the Department. Résumés are then forwarded to the appropriate managers for their consideration when filling vacancies.

The entire inventory is distributed semi-annually to the Directors of the Law Careers and the Classification and Staffing Operations Sections, to all Staffing Officers, Employment Equity Advisory Committees, Regional Directors and members of the Management Committee for their information and consideration when staffing. A copy of the inventory is available from the Employment Equity Section at (613) 941-1903.

2.2 Special Measures Programs

With a view to assisting the Department in meeting its Employment Equity objectives, managers are strongly encouraged to utilize the Public Service Commission's Special Measures Programs. These programs complement the regular staffing process by providing temporary incentives and benefits through resources and training that encourage the appointment of target group members. These programs are the:

- ACCESS Program for Disabled Persons;
- Visible Minority Employment Program;
- Northern Careers Program;
- National Indigenous Development Program; and
- OPTION: Non-Traditional Occupations for Women.

These programs provide an excellent alternative method for staffing positions, with the following benefits:

- up to 12 person-months from the PSC per appointment, depending on needs (training or otherwise);
- reimbursement of salary costs of program participants;
- reimbursement of approved non-salary costs such as training, travel, relocation, technical aids, personal services (i.e. attendant care for a person with a disability), and in the north, isolated-post allowance.

To benefit from these programs, managers must, with the assistance of the Employment Equity Section and the responsible Staffing Officers:

- appoint a target group member (registered as a program participant);
- provide on-the-job training, as agreed;
- provide career development opportunities;
- provide a commitment of continuing employment in the Department for program participants, following the completion of the program.

(Technical aids required by persons with disabilities can be acquired through the Department's Technical Aids Budget or from the PSC's Technical Aids Loan Bank. Please refer to Section 3 for more information.) For further information on the Special Measures Programs, contact either your staffing officer or the Employment Equity Section of the Human Resources Directorate at (613) 941-1903.
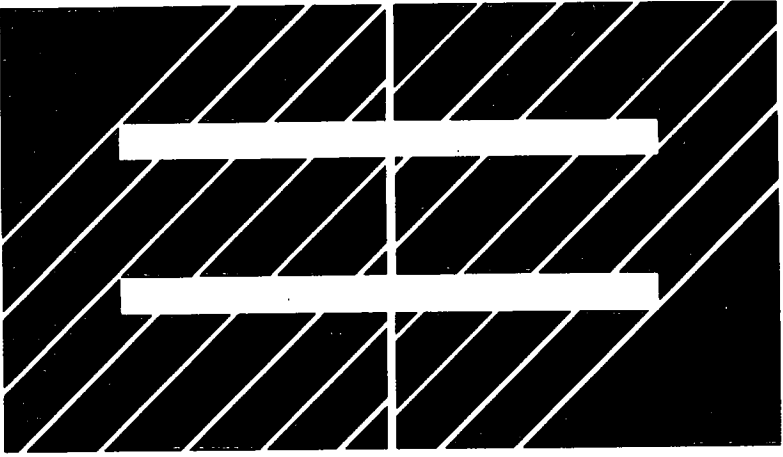
PART 3

SUPPORT SERVICES FOR PERSONS WITH DISABILITIES

3.1 How to Acquire Technical Aids

A Technical Aids Budget has long been established in the Department to provide funds for the purchase of essential technical aids or equipment for persons with disabilities, in order for them to be able to perform their duties in an effective and efficient manner.

Technical aids are work-related aids such as reading devices for the visually impaired, braille typewriters, communication aids for people with hearing impairments, or desk blocks for wheelchairs. The Technical Aids Budget is available for the purchase of all work-related technical aids for all employees of the Department of Justice (NCR and Regions) hired on a casual, term or indeterminate basis.

Personal aids such as hearing aids and eyeglasses, however, are not considered technical aids and must be acquired independently by the employee. Personal aids are not considered work-related when they are required by the employee for functioning both within and outside the normal hours of work.

Keep in mind that whether a person requires technical aids should not be a consideration when staffing, because arrangements for acquiring equipment can be made after the person is hired.

It is the manager's responsibility to arrange for the acquisition of technical aids for employees. Upon receiving a written description of the impairment and identification of the required technical aid from the employee, the manager will need to:

- assess the need for the technical aid;
- examine the possibility of exchanging or accommodating work tasks, without changing the essential nature of the job;

- with the help of the employee, consult with outside organizations to determine the most appropriate and effective type of aid to assist the employee; and
- submit a written request for the aid to the Employment Equity Section.

This request should include:

a) the employee's name, position and location
b) a certificate from a physician giving a brief description of the disability, or a memo from the manager waiving the need for a doctor's statement (i.e. if the disability is self-evident)
c) the reason(s) the employee requires the technical aid
d) the type of aid required (preferably indicate make and model)
e) an indication as to whether an outside agency has been consulted and, if so, any supporting comments from the agency
f) justification that funds are not available locally (i.e from operating budget)

The Employment Equity Section then reviews, authorizes and submits a request for the aid to Materiel Management. Because this process may be lengthy in some cases (particularly when specialized equipment has to be ordered), the PSC has a loan bank of technical aids for departments to use until their own equipment has been obtained.

In addition, under the PSC's Access Program for Disabled Persons (see Section 2), required technical aids may be loaned to departments as part of the staffing agreement. For more information on acquiring technical aids, contact the Employment Equity Section of the Human Resources Directorate at (613) 941-1903.

3.2 Telecommunication Devices for the Deaf (TDD)

Telecommunications Devices for the Deaf (TDD) are electronic keyboards that are attached to a regular telephone to allow callers (whether employees, clients or members of the public) with a hearing impairment to communicate by typing a conversation back and forth with someone in the Department (using a TDD also).

A training video on "How to Use Your TDD" is available (English only) from the Employment Equity Section at (613) 941-1903.

The following is a list of TDD phone lines in the Department:

National Capital Region:
Communications and Consultation Branch   (613) 992-4556

Regional Offices:
Halifax   (902) 426-5468
Montréal   (514) 283-6674
Toronto   (416) 973-2496
Vancouver   (604) 666-1511

3.3 Publications Available in Alternative Format

For people with a visual impairment the Department offers a number of publications in alternative format. These publications are available in braille, on audio cassette or with very large print. The Communications and Consultation Branch provides publications in alternative format according to demand and resources. Some of the publications currently available on audio cassette with braille labelling (in both English and French) are:

- "What to do if a Child Tells You of Sexual Abuse: Understanding the Law"
- "Toward Equality — A Response to the Report of the Parliamentary Committee on Equality Rights"
- "Equality Issues in Federal Law: A Discussion Paper"
- "Another Way — Mediation in Divorce and Separation"
- "Shaping Canada's Future Together"

These products are all available from the Communications and Consultation Branch at (613) 957-4222.

3.4 Working with Persons with Disabilities

No matter how well-trained, sensitive, well-meaning or objective a supervisor or manager is, no one is immune to having questions or biases about persons who are disabled. These feelings may be carried into daily interaction with the disabled employee and picked up by peer employees, having a profound effect on the social integration of the employee with a disability.

Always remember that someone with a disability is a person first and a person with a disability second. We all have "handicaps"; some are just more obvious and physically limiting than others. Our attitudes toward people with disabilities can be their biggest impediment.

Sensitizing Yourself and your Staff to Working with Employees with Disabilities

The following are some suggestions to prepare yourself and your staff to work effectively and comfortably with colleagues who are disabled:

- Don't insist on talking about the disability; they are here to do a job, not to sensitize others. Unless you have a very good and close relationship with another individual, that person's disability should only be mentioned to the extent that a technical aid or other assistance may be required to get the work done. Intimate details of an individual's disability are personal, and not everyone appreciates questions about it. It will be a judgment call depending on the person with the disability, the manager and the co-workers.

- Read up on the disability if you are unsure about it. Knowledge reduces uneasiness. Information is available from many national and local associations for persons with disabilities, such as the Canadian Hearing Society or the Canadian National Institute for the Blind. The Employment Equity Section of the Department may also provide information (call (613) 941-1903).

- Remember to ask if you can help — never assume. The employee with the disability is the expert on how you can help. Don't feel offended if your help is not wanted.

- Before a person with a disability begins work, meet with co-workers to explain the nature of the disability and answer questions to minimize any apprehension that may exist.
- Be sure to ask the employee with the disability for opinions and information on job modification or accommodations and relationships with co-workers.
- Ask the person with the disability if there is anything you may need to know about it or any technical aid that might be important.
- When planning office activities and social events, make sure the facilities are physically accessible so that everyone can participate.
- As with all employees, maintain open communication lines and be clear and specific about the operations and expectations of the job.

The following are some practical tips that may be helpful when dealing with people with particular disabilities:

Hearing Impairment

According to 1986 Census data and the Health and Activity Limitation Survey (HALS):

- 2.5 million or 10% of Canadians reported having some sort of hearing loss
- of those with a hearing loss, 8% cannot use a regular phone and require a Telecommunication Device for the Deaf (TDD)
- over 900,000 or 4% of Canadians reported having a hearing disability (i.e. requiring a hearing aid). However, advocacy groups believe that the number is much higher, because these data rely on voluntary self-identification of a disability.

Tips:

- When speaking with people who have impaired hearing, face them directly. Remember that exaggerated lip movements and shouting do not necessarily help communication.
- Written text, communicating by pen and pencil, and visual presentations and similar aids can be helpful.

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- If there is a sign language interpreter, speak to the individual, not the interpreter.

Visual Impairment

Tips:

- Don't avoid words like "see", "look" or "read". This is everyday language used by everyone, including blind people, and therefore is not offensive.
- Always announce your arrival to and exit from a room. Announce the arrival of others as well, so that the employee with visual impairment knows who is there.
- It can be helpful if you occasionally comment on the surroundings, to provide a mental picture of what is going on.
- When walking, allow the employee to take your arm, if he or she wishes. Walk one step ahead and hook their arm above your elbow.
- Do not leave things lying around. Let the employee know if furniture or chairs have been relocated.
- Do not touch or in any way distract a guide dog (no feeding!), unless you have permission from the owner.

Mobility Impairment

Tips:

- Many different disabilities can affect a person's mobility and these people may be required to use a wheelchair, cane or crutches. Make sure the office is physically accessible and that doors and hallways are wide enough to manoeuvre in.
- Make sure that all important notices, signs and postings are at a level that people in wheelchairs can see.
- Don't lean on, push or grab a wheelchair without first getting the owner's permission.
- Be careful around people with canes or crutches — they may be easily knocked off balance.

Speech Impairment

Tips:

- Keep in mind that speech difficulties have nothing to do with intellect.
- Don't be afraid to ask them to repeat themselves. They may prefer to write their message or use a letter board or word printer instead.
- To be sure you have understood their message, repeat what you think you have heard.
- Be patient. Don't finish a person's sentence for him or her.

Suggestions on Language Use

The term "person with a disability" is preferred over such general terms as "the disabled." When talking about their disability or the nature of their physical limitations, focus as much as possible on the person, not the disability. Use positive images and language that implies dignity and respect — think of how you would describe yourself. Never use patronizing phrases such as "atta boy," or terms that suggest helplessness, fear or pity, such as "handicapped," "confined to a wheelchair," "victim" or "crippled."

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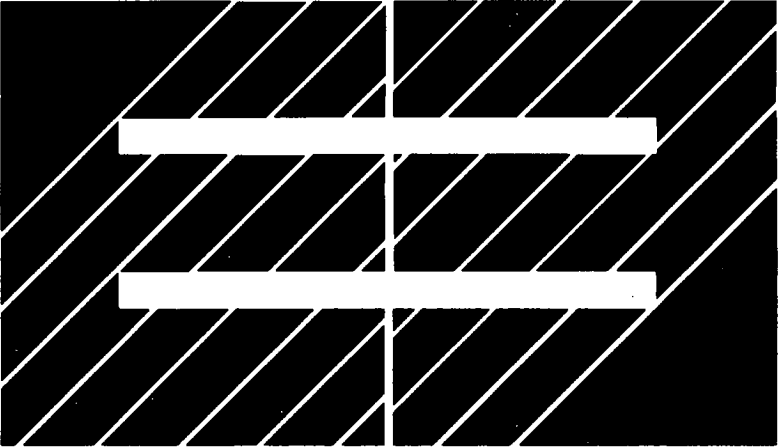
PART 4

SCREENING AND SELECTION BOARD GUIDELINES ON EQUITABLE HIRING PRACTICES

The following guidelines are intended to facilitate equitable interview and hiring practices for managers when screening or selecting candidates for employment, in particular, candidates from designated groups (i.e. women, persons with disabilities, visible minorities and aboriginal persons).

The time has come to think about the equity of the staffing process and to question whether past recruitment efforts have been fair for target group members. We can now consider how this might be changed, starting with the role of managers and staffing officers in the staffing process.

These guidelines offer some ideas on how to provide an equitable staffing process. Part 4.1 offers general guidelines relevant to all four target groups and covers pre-interview, interview and post-interview phases. Part 4.2 offers specific guidelines for each target group.

4.1 General Interview Guidelines

4.1.1 Preparation for the Interview

i) Acknowledge Cultural Differences

- Generalizations about another culture are often simplistic and can be misleading. The many variables in each individual's life make it difficult to come to one cultural definition.
- Everyone has had a different history and we do not generally experience or view the world in the same way. Be aware and respectful of the possibility of different world views.

- In order to enhance understanding and fair evaluation of candidates for employment, it is very important to acknowledge that there may be differences in cultures and ways of thinking.

- Make sure the interview is available in either English or French, as the candidate wishes.

ii) Reflect on Prejudgments and Assumptions

- A skilled interviewer aims to get the facts needed to assess a candidate properly, without drawing out a lot of unnecessary information.

- To dispel and clarify personal assumptions or prejudgments about a target group, interviewers should take the time to discuss questions that they may have and to clarify concerns and assumptions with their colleagues and the interview team prior to the interview.

- To prepare an unbiased interview forum, it is important to discuss, dispel and avoid cultural assumptions and stereotypes about a target group and different cultures or ways of life. Stereotypes are based on a distorted image of a group and do not necessarily reflect reality or the norm.

- Note where your own lack of information or understanding may contribute to prejudgments, and remain aware of this during the interview. Interviewers must have knowledge of the background experiences and culture of their potential interviewees.

iii) Review Interview Material

Establish Qualifications

- Review the required qualifications for the position and consider the possibility that qualifications may in some cases be unnecessarily inflated — for example, high levels of education and lengthy experience may not always be legitimate requirements for a job. It is important that requirements be realistic and reasonable. Unrealistic and excessively high qualifications will systematically limit and exclude worthy candidates.

- When establishing the Statement of Qualifications for the position in consultation with a staffing officer, consider whether equivalent or other related experience would be appropriate qualifications. For example, for a position as a counsellor, experience with community outreach and personal support services may equal, if not surpass, the requirement of many years of formal study.

- Be sure that consideration is given to volunteer experience, which offers many valuable skills.

Screen Résumés

- Résumés often do not do justice to an individual's experience and potential because they are unclear or too short. The interview is an opportunity for the candidate to clarify and elaborate on this information.

Review Interview Questions

- Questions should never concentrate on factors unrelated to job performance. For example, avoid questions on gender, ethnicity, nationality, religion, or family status. These factors have no bearing on the candidate's talent, skill, ability and enthusiasm for the position. Remember to respond to each candidate on the basis of individual merit.

- A good test on the relevancy of a question is whether or not you would ask the same question to other candidates (especially non-target group candidates). Questions about opinions on current or topical issues (e.g. abortion or native self-government) are presumptuous, personal and completely irrelevant to job requirements, and should never be part of an interview.

- Information required for security clearances or similar purposes can be obtained after selection.

iv) Inform Applicant of Process and Requirements

- Keep in mind that the interview process is often an intimidating and overwhelming experience for any candidate, regardless of culture. This may be compounded when the process is based on unfamiliar terminology, setting and customs.
- To reduce and demystify the intimidating nature of the interview process, managers should describe the process and procedures to the candidates, noting in particular what will be required of them in terms of participation. For example, the explanation could include details on:

  - dates, times and deadlines;
  - different steps or parts of the process;
  - written and oral tests that may be given;
  - the composition of the selection team (including titles and the number of people on the team);
  - whether the interview will be formal or informal;
  - the language the interview will be conducted in;
  - any role-playing or other teamwork they may need to participate in.

This information will enhance the candidate's self-assurance and preparedness for the interview, and thus improve overall performance.

v) Composition of Selection Boards

- In accordance with the departmental policy on Screening and Selection Boards for Designated Groups, the composition of screening and selection boards is to reflect the aims of the Employment Equity Policy. All reasonable efforts will be made to have the screening and selection boards represent society at large, whether or not the candidates are members of the four designated groups.

4.1.2 During the Interview — Good Practices in General

- The Committee should ask the candidate how he or she wishes to be addressed — for example, by first name or by Ms. or Mr.
- Referring to local and personal experiences allows for more self-assured responses. Warm-up questions on the candidate's personal experiences and example situations on local organizations or events may be helpful.
- Remember to allow time for pauses in conversation and time for the candidate to formulate answers.
- Both interviewers and the candidate should agree before the interview begins that if something is unclear, questions will be welcomed by both sides.
- Encourage discussion and elaboration. When a response is unclear or too short, ask questions; do not simply assume that the candidate is wrong or does not know the answer.
- Be aware of how your communication techniques can enhance or inhibit responses and the atmosphere of the interview. Keep in mind your tone of voice, body language and facial expressions. These all impart a certain message to the candidate in terms of how they are being perceived and how well they are doing.
- Another important interviewer quality is knowledge of your own prejudices. Awareness of prejudices is necessary in order to compensate for them.

4.1.3 After the Interview

Feedback

- Providing feedback to all candidates is more than just being conscientious. Giving candidates information on how they fared in the interview, including strengths and shortcomings, can be positive and very helpful to them for future interviews.
- Remember that honesty and straightforwardness about the decisions and choices made, although these are not always easy to express, are the most appreciated kind of commentary.
- The interview should be a worthwhile and stimulating experience for everyone involved.

4.2 Guidelines for Interviewing Members of Target Groups

Most of the above guidelines apply to everyone; however, there are also particular things to keep in mind when dealing with candidates from each target group. The following information highlights the concerns and issues specific to each target group.

4.2.1 Aboriginal People

• Questions about political and social opinions, such as on land claims and self-government, are irrelevant to job requirements and should be avoided. Think about whether the same questions would be asked of a non-aboriginal candidate.

• Remember also that because a person is aboriginal does not necessarily mean he or she was raised in a different culture. It is equally possible that an aboriginal person was raised in the city as on a reserve .

4.2.2 Persons With Disabilities

• Special accommodations, such as sign language interpretation or audio cassettes of written text, are to be made available. The Secretary of State offers such support services (see Part 5). A list of Public Service Commission selection tests is available in alternative format from the Personnel Psychology Centre (613) 996-9852.

• Keep in mind that our attitude toward persons with disabilities can be their biggest handicap. Someone with a disability is a person first, and only second a person with a disability. Remember that some people are born with disabilities, but anyone can become disabled at any time.

• Disabilities can be classified into the following four categories: physical, sensory, emotional and mental.

• When reserving and preparing the interview room, keep in mind physical accommodation (elevators, manageable doors, adequate space).

• It is all right to discuss technical aids that the candidate may require to perform the job. The issue of cost of technical aids should not be a barrier or a negative aspect of the candidate's

potential, because there are many programs and budgets to cover these costs. Consider accommodation as an investment rather than an expense.

• Avoid language that describes particular attributes of courage, suffering, victimization, pity or abnormality when presenting persons with a disability. Language designed to arouse fear, guilt or pity should also be avoided. Stick to factual terms and wording.

• Recognize that a functional impairment (e.g. blindness) does not necessarily limit all other life functions. Blindness may be dysfunctional for driving but not for being a lawyer.

• Recognize that persons with disabilities do not form a homogeneous group. A blind person, an amputee, or a person with a developmental disability may have nothing in common with each other, but are often defined as one group — disabled.

• Remain considerate and use common sense. Offer assistance if it looks as though it might be needed. If you are unsure about when and if help is needed, ask the person.

4.2.3 Members of Visible Minority Groups

• Be aware of your attitudes and prejudgments. Ask yourself if the same question would be asked of other candidates.

• Never assume that skin colour or accent means that a member of a visible minority group is from a different culture or has had different life experiences from yours.

• Keep in mind that job requirements often unfairly consider Canadian experience the only valid experience. This may deny many qualified visible minority candidates equal access to the competition.

4.2.4 Women

• Review the questions and ask yourself if you would ask a man the same question.

• Questions on family plans or marital status are not relevant to ability to perform the job. If transfer or travel is part of the job, applicants can be asked if this would cause a problem, regardless of their sex.

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- Evaluation of résumés may indicate gaps in paid work history for some women, often because of child-rearing years. A woman's absence from the work force for a few years should not be seen as a disadvantage to her qualifications, but rather should be looked at positively. Many skills are acquired during child-rearing years such as planning, flexibility, judgment, dealing with emergencies, working under pressure, and completing several tasks at one time.

- In the case of a woman who has been absent from the work force for several years, questions might be asked on how the candidate feels that her past work experience (paid or unpaid) has helped her to develop the skills required for the job.

- The language used, whether written or spoken, should be gender neutral wherever possible.
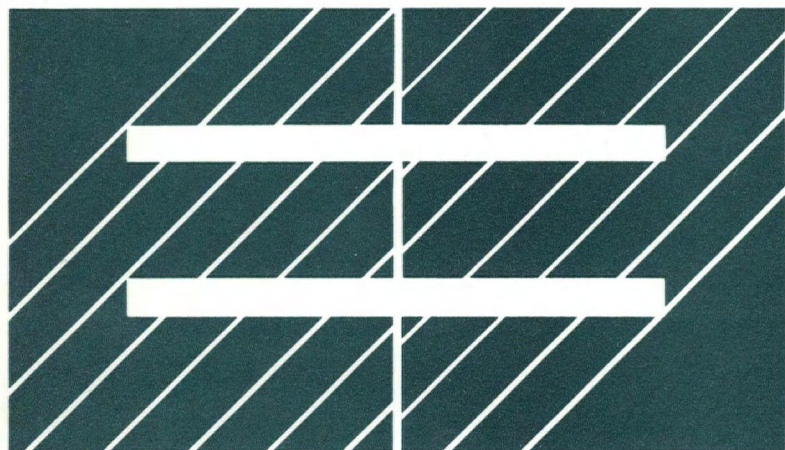
PART 5

CONTACT NUMBERS AND REFERENCE MATERIAL

IMPORTANT NUMBERS

Departmental Employment Equity Section

1st Floor, LaSalle Academy
373 Sussex Drive
Ottawa, Ontario K1A 0H8

Chief, Employment Equity	Mary-Lynn Courtney	(613) 941-1875
Employment Equity Officers	Maurice Fournier	(613) 941-1903
	Renée Hétu	(613) 941-1878
	FAX	(613) 957-8381

Employment Equity Advisory Committees

Advisory Committee on Aboriginal People (ACAP)
Shelley Buhay, Chairperson   (613) 954-5347
Legal Services, ISTC   FAX   (613) 954-5356
235 Queen Street
1st Floor East, Room 184-C

Advisory Committee on Persons with Disabilities (ACPD)
Clare Scullion, Chairperson   (613) 952-3451
Finance Legal Services   FAX   (613) 995-7223
427 Laurier Ave. West
Enterprise Building, 6th Floor

Advisory Committee on Equal Opportunities for
Women (ACEOW)
Hélène Goulet, Chairperson   (613) 952-2271
Legal Education
Room 42, Justice Building   FAX   (613) 941-4074

Advisory Committee on Visible Minorities (ACVM)
Christopher Amerasinghe, Chairperson   (613) 954-7950
Crimes Against Humanity and   FAX   (613) 952-7370
War Crimes Section
122 Bank Street
Jackson Building

Public Service Commission

General Enquiries (National Capital Region)   (613) 996-8436
                                    TDD   (613) 996-1205

Employment Equity Program   (613) 996-8067

Technical Aid Loan Bank   (613) 992-8168
                        TDD   (613) 992-9021

Personnel Psychology Centre   613) 996-9852
(Has screening material and tests in alternative
format, i.e. Braille, audio cassette, large print,
computer disk)

Special Measures Programs, Coordinator   (613) 996-8067

Regional Offices

Newfoundland   (709) 772-4812   TDD (702) 772-4317
Prince Edward Island (902) 566-7030   TDD (902) 566-7039
Nova Scotia   (902) 426-2990   TDD (902) 426-6246
New Brunswick   (506) 857-6616   TDD (506) 857-6624
Québec   (418) 648-3230   TDD (418) 648-7273
Montréal.   (514) 283-5776   TDD (514) 283-2467
Ontario   (416) 973-3131   TDD (416) 973-2269
Manitoba   (204) 983-2486   TDD (204) 983-6066
Saskatchewan   (306) 780-5720   TDD (306) 780-6719
Alberta   (403) 495-3144   TDD (403) 495-3130
British Columbia   (604) 666-0350   TDD (604) 666-6868
Northwest Territories (403) 873-3525
    Northern Careers (819) 979-6268
    Program

Yukon   (403) 668-4487
   Northern Careers   (403) 667-2327
   Program
Automated Notice System Reader Service English 1-800-461-6263
(audio listing of job notice information)   French 1-800-461-7948

Secretary of State
   Interpretation Services for the Deaf   (613) 996-3367
   (Sign language services)

Human Rights Commission
   National Office   (613) 995-1151
                     TDD (613) 996-5211

Canadian Hearing Society (CHS)   (613) 936-0509
(see telephone book for regional offices) TDD (613) 236-0902

**Canadian National Institute for the
Blind (CNIB)**   (613) 563-4021
   (see telephone book for regional offices)

Job Accommodation Network   1-800-526-2262
   free counsel on job accommodation

REFERENCE MATERIAL

(All available for loan from the Employment Equity Section)

Canadian Council on Rehabilitation and Work
   "Focus on Ability", Employer's Handbook on Employment and
   Disability

Canadian International Development Agency
   Staffing Strategies to Promote Employment Equity

Canadian Living Magazine
   "May I Help You? Offering Aid to Persons With Disabilities".
   Vol 17, no. 4 (April 1992), p. 137.

City of Nepean — Parks and Recreation Department
   Sensitivity Awareness Training
Cross-Cultural Communications International, Inc.
   The McDonald Series: Vol 1 — Guide to Designated Group
                                     Retention
                       Vol 2 — Aboriginal Issues Today

   *Interviewing Aboriginal·Peoples — A Practical Guide to Cross
   Cultural Interviews*

Department of Justice
   Employment Equity Brochure, 1990
   Employment Equity Policy — Personnel Administration Manual,
   Chapter 12, 1990
   Departmental Policy on Composition of Screening and Selection
   Boards for Target Group Members, 1991
   Manitoba Justice — "Aboriginal Needs Assessment Survey Report"
   Manitoba Justice Aboriginal Advisory Committee, June 1991.

Government of Canada, *Employment Equity Act*

Human Rights Commission
   *A Guide to Screening and Selection in Employment
   Equality...We All Have a Hand In It*

Ontario Law Reform Commission, Rosalie Silberman Abella, Chair
   "Women Towards the Millennium." Presented at the Women's
   Western Retreat in Parksville, British Columbia, May 5-9, 1991.

Public Service Commission
   Employment Equity Programs Information Kit
   Employment Equity — Manager's Guide
   Special Measures Programs Information Booklets
   Technical Aid Loan Bank for Disabled Persons Pamphlet
   *From Principles to Practice: A Management Strategy for the
   Employment of Persons With Disabilities*

Statistics Canada — Personnel Branch
   *A Manager's Guideline to Supervising Employees With
   Disabilities*

Supply and Services Canada
   Directory of Programs and Services — Employment Equity

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