

Employment Equity and Diversity

in the Department of National Defence
and the Canadian Armed Forces

—Historical Efforts to Address
Employment Equity

Report to the Minister
of National Defence

May 2022



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Executive summary

In November 2020, the Minister of National Defence requested that our office review employment equity in the Department of National Defence (DND) and the Canadian Armed Forces (CAF) to assess whether the organizations were meeting their obligations. Among other items, the Minister requested that we examine what worked in the past, what did not work, and where the organizations can improve employment equity and diversity in their workforces. This request allowed us to perform some research in this area as we continue to look into diversity and inclusion in the DND and CAF.

This report examines the history of employment equity from 1997 to 2021. We took a holistic approach and examined all employment system reviews, Canadian Human Rights Commission audits, pertinent Office of the Auditor General audits, and DND and CAF employment equity plans since the two organizations became subject to the *Employment Equity Act* (EEA) in 1997 and 2002 respectively—a period of over 24 years. This is the first time that these plans, reviews, audits, and reports have been analyzed at one time in one report.

This unique approach has shown what has worked, where progress has been made over the long term, and where progress has not been made. Our objective is to determine the employment equity challenges identified over the years, what measures DND and the CAF took to address those challenges, and the level of progress made during that timeframe.

According to the EEA, the purpose of employment equity is to achieve equity in the workplace so that no person will be denied employment opportunities or benefits for reasons unrelated to their ability.

The DND and the CAF are two of the largest federal departments and organizations in Canada. Together, they employed 26,422 civilians and 107,956 military members as of April 2021.¹

1 “Population of the federal public service by department”, Treasury Board Secretariat, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/human-resources-statistics/population-federal-public-service-department.html>, Accessed 12 December 2021 and “Canadian Armed Forces Employment Equity Report 2020–2021”, Canadian Armed Forces, 2021.

From 2010 to 2021, our office received 931 complaints concerning recruitment and 879 complaints involving career advancement opportunities. In addition, there were 189 workplace discrimination complaints. While designated employment equity groups did not submit all these complaints and not all would have been deemed to be unfair, these numbers show that the DND and the CAF face challenges to the provision of fair and equitable employment for employees and members.

This report describes key historical successes and challenges that the DND and the CAF have faced in implementing employment equity. We have identified four key areas of success: the strategic committee structure, the Defence Team Employment Equity Champions, the Defence Advisory Groups and Organizations, and the employment equity commemorative events.

This report also presents one observation and defines five areas of concern. These areas are employment equity representation goals, recruitment, advancement, retention, and culture. The intertwining of all these challenges makes it more difficult for both organizations to implement the EEA because the challenges cannot be addressed in isolation. As a result, addressing only one challenge will not solve the problem. For example, retention issues cannot be addressed in their entirety unless career advancement and culture barriers are overcome. For that reason, a co-ordinated and cohesive approach is necessary.

Our observation and areas of concern will inform our upcoming systemic work for the creation of long-lasting improvements that will benefit the Defence community.

Observation

Observation

The Department of National Defence and the Canadian Armed Forces have deeply embedded barriers to employment equity representation goals, recruitment, career advancement, retention, and culture, which are all intertwined. Despite their organizational differences, they both face similar challenges. During the past 20 years, the DND and the CAF have adopted initiatives to address the challenges; unfortunately, they have achieved little progress. As a result, barriers persist in several areas of concern which limit the achievement of employment equity for designated groups.

Areas of Concern

Employment equity representation goals

From 2003 to 2020, the DND and the CAF have made some progress in increasing overall representation rates of designated groups. However, persistent underrepresentation continued both in overall representation rates and in certain occupational categories for both organizations.

Recruitment

Despite numerous initiatives, the DND and the CAF continued to face challenges and have barriers to the recruitment of designated groups from 2003 to 2020.

Career advancement

While the overall representation of designated groups at the DND and the CAF improved slightly from 2004 to 2020, career advancement challenges persist for designated groups in certain occupations.

Retention

From 2004 to 2019, the DND and the CAF launched several initiatives to retain employees from designated groups. Nevertheless, significant challenges continue in certain occupational categories.

Culture

Despite DND and CAF initiatives, persistent challenges to the implementation of a culture of acceptance of employment equity continued from 2003 to 2020. This is tied to challenges in convincing employees and members to self-identify as belonging to one or more designated groups.

Introduction

In 2020, the Minister of National Defence requested the Office of the Ombudsman for the DND and the CAF to investigate employment equity within the DND and the CAF. In particular, the Minister requested that this Office investigate their historical approach to employment equity to examine what worked, what did not work, and where the organizations can make improvements. This request allowed us to perform some research in this area as we continue to look into diversity and inclusion in the DND and CAF.

Employment equity initiatives provide key actions for organizations to achieve equity in the workplace and correct systemic disadvantages. Since the EEA came into force for the DND and the CAF, external audit authorities as well as the DND, and the CAF have produced numerous reports and plans about how the two organizations can implement employment equity in their workplaces.

We have conducted an analysis of employment equity within the DND and the CAF that is unlike any previous study. To do this, we took a holistic approach covering a span of 24 years. We examined all employment system reviews, Canadian Human Rights Commission audits, pertinent Office of the Auditor General audits as well as DND and CAF employment equity plans completed since both organizations became subject to the EEA. This is the first time these studies have been analyzed in such a way. Looking at all these reports for one investigation has shown us what has worked, what has not worked, and where the DND and the CAF could achieve future progress. Given that this report relies on historical literature, we have not made any recommendations to the Minister of National Defence. However, our report will inform the next phases of work in this area.

This report examines the history of employment equity from 1997 to 2021 in terms of the four groups designated in the EEA: women, persons with disabilities, Aboriginal peoples, and visible minorities.² We refer to these four groups collectively as “designated groups”. To be consistent with the EEA, we have used the terms "Aboriginal peoples" and "visible minorities". We also refer to “men” and “women” to be consistent with the EEA.³ This terminology is not meant to disregard preferred language or other genders and gender identities.

We recognize that all groups have diverse identity factors that intersect, including Lesbian, Gay, Bisexual, Transgender, Queer, and 2-spirited (LGBTQ2+) communities. Given that the LGBTQ2+ communities are not under the purview of the EEA, we were not able to include them in this historical review.

Our observation and areas of concern provide insight into various aspects of employment equity, diversity, and inclusion within the DND and the CAF that require further examination. In addition, the Staff of the Non-Public Funds, Canadian Forces are not considered in this report as they fall under a separate employer and not part of the CAF.

² *Employment Equity Act*, S.C. 1995, chapter 44., <https://laws-lois.justice.gc.ca/eng/acts/E-5.401/FullText.html>

³ This report uses the term “Aboriginal peoples” to be consistent with the Constitution Act, 1982 and the *Employment Equity Act*, and which includes the Indian, Inuit and Métis peoples in Canada. This report also uses the term “visible minorities” consistent with the *Employment Equity Act*. In addition, this report refers to men and women to be consistent with the *Employment Equity Act*. The terminology is not meant to disregard other genders and gender identities. [Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c.11. *Employment Equity Act*, S.C. 1995, c. 44.]

Mandate

The Office of the Ombudsman for the DND and CAF was created in 1998 by Order-in-Council to increase their transparency as well as to ensure the fair treatment of concerns raised by CAF members, Departmental employees, and their families.

The Office is a direct source of information, referral, and education for the members of the Defence community. Its role is to help individuals access existing channels of assistance or redress when they have a complaint or concern. The Office is also responsible for reviewing and investigating complaints from constituents who believe they have been treated unfairly by the DND or the CAF. In addition, the Ombudsman may investigate and report publicly on matters affecting the welfare of CAF members, DND employees, and others falling within their jurisdiction.

The ultimate goal is to contribute to substantial and long-lasting improvements to the Defence community. Any of the following people may bring a complaint to the Ombudsman when the matter is directly related to the DND or the CAF:

- A current or former CAF member
- A current or former member of the Cadets
- A current or former DND employee
- A current or former Non-Public Fund employee
- A person applying to become a member
- A member of the immediate family of any of the above-mentioned
- An individual on an exchange or secondment with the CAF

The Ombudsman is independent of the military chain of command and senior civilian management and reports directly to the Minister of National Defence.

Section I: Context

Employment Equity Act

Parliament passed the EEA in 1986 and significantly amended it in 1996. Amendments included new requirements for employers as well as the addition of the Federal Public Service, including the DND, to the list of employers covered by the Act. The EEA did not apply to the CAF until 2002.

Federally regulated employers subject to the EEA must identify and eliminate barriers limiting the employment opportunities of visible minorities, women, Aboriginal peoples, and persons with disabilities. The goal is to achieve representation of designated groups across all levels of an organization proportionate to their representation in the Canadian population. Employment equity does not require employers to hire or promote people who do not meet essential position qualifications.

The Treasury Board Secretariat sets the policy framework for the application of employment equity in the Federal Public Service,⁴ while the departments are accountable for complying with EEA requirements.⁵ Under the Act, the Canadian Human Rights Commission (CHRC) conducts employer audits to enforce compliance with EEA requirements.⁶ These audits ensure that employers are implementing their employment equity plans.⁷

In 2017, the federal government released *Strong, Secure, Engaged*, a strategic defence policy. Included in its vision is a CAF that reflects the diversity of Canada.⁸

The Department of National Defence

The DND is a department in the Public Service of Canada that works side-by-side with the CAF. In April 2021, there were 26,422 civilian DND employees. They worked at locations in the

4 Prior to 2009 when they were amalgamated, the Public Service Human Resources Management Agency of Canada provided policy direction on employment equity to departments. *DND Corporate Civilian Employment Equity Action Plan, 2005/2006–2007/2008*, page 3.

5 The EEA requirements include collection of workforce information; workforce analysis; review of employment systems, policies, and practices; Employment Equity Plans; implementation and monitoring of Employment Equity Plans; periodic review and revision of Employment Equity Plans; information about employment equity; consultation and collaboration; and Employment Equity records.

6 The EEA requirements include collection of workforce information; workforce analysis; review of employment systems, policies, and practices; Employment Equity Plans; implementation and monitoring of Employment Equity Plans; periodic review and revision of Employment Equity Plans; information about employment equity; consultation and collaboration; and Employment Equity records.

7 Prior to 2014, the formal name of the Regular and Reserve Forces was the “Canadian Forces” or “CF”. “Canadian Armed Forces” was also used to refer to the organization. For readability and consistency, the term “Canadian Armed Forces” or “CAF” is used in this document. However, some documents cited refer to the “Canadian Forces” or “CF.”

8 In early 2020, the Directorate of Diversity and Inclusion in Human Resources (Civilian) provided a Directive to all Level 1s, including MILPERSCOM and the Vice Chief of Defence Staff, referencing all facets of the employment equity program in the DND. It reminded those responsible that “...diversity and inclusion are legislative requirements as well as foundations for six *Strong, Secure, Engaged* initiatives...” and that various published reports stress the need to prioritize diversity and inclusion.

National Capital Region and on bases, wings, and other military establishments across Canada and the world.⁹

The *Public Service Employment Act* governs employment in the Federal Public Service.¹⁰ Job appointments to the public service are made according to that Act, and the Treasury Board of Canada is the employer of employees in federal government departments, including the DND.¹¹

The Canadian Armed Forces

The CAF is a military organization that is headed by the Chief of Defence Staff. The CAF is not subject to the *Public Service Employment Act*.¹² The CAF has two components:

- the Regular Force, and
- the [Reserve Force](#) (comprised of the Primary Reserve, Canadian Rangers, Cadet Organizations Administration and Training Service, and Supplementary Reserve).¹³

Each component is comprised of officers and non-commissioned members.¹⁴ In April 2021, the CAF had approximately 107,956 military members.¹⁵

Women

Women have served in the Canadian military for over 100 years. During World War I (1914–1918), almost 3,000 women served in the Canadian Army Medical Corps as military nurses. During World War II (1939–1945), the CAF stood up the Canadian Women’s Army Corps, the Royal Canadian Air Force Women’s Division, and the Women’s Royal Canadian Naval Service. Some of the positions occupied by women at that time included clerks, telephone operators, mechanics, and drivers of heavy mobile equipment. In 1980, women were allowed to become CAF pilots,¹⁶ and in 1989, the CAF opened all military occupations to women except submarine service. This service was opened subsequently to women in 2001.¹⁷

9 “Population of the federal public service by department”, Treasury Board Secretariat, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/human-resources-statistics/population-federal-public-service-department.html>, Accessed 12 December 2021 and “Canadian Armed Forces Employment Equity Report 2020-2021”, Canadian Armed Forces, 2021.

10 *Public Service Employment Act*, S.C. 2003, chapter 22, sections 12, 13.

11 *Public Service Employment Act* (S.C. 2003, chapter 22, sections 12, 13), section 2.

12 *Public Service Employment Act*, S.C. 2003, chapter 22, ss. 12, 13.

13 The CAF Employment Equity Regulations, SOR/2002-421 state that the *EEA* and its regulations apply to Canadian Forces members, both officers and non-commissioned members, who are serving:

- in the Regular Force; or
- in the Reserve Force, other than those declared non-effective strength.

14 A non-commissioned member is any person, other than an officer, who is enrolled in, attached, or seconded other than as a CAF officer. *National Defence Act*, R.S.C., 1985, c. N-5, section 2.

15 “Population of the federal public service by department”, Treasury Board Secretariat, <https://www.canada.ca/en/treasury-board-secretariat/services/innovation/human-resources-statistics/population-federal-public-service-department.html>, Accessed 12 December 2021 and “Canadian Armed Forces Employment Equity Report 2020-2021”, Canadian Armed Forces, 2021.

16 “Five milestones for Canadian Women in Military Service,” Veterans Affairs Canada, Accessed 3 September 2021, <https://www.veterans.gc.ca/eng/art-hub/five-milestones-for-women>.

17 “Women in the Canadian Armed Forces,” Canadian Armed Forces, Accessed 3 September 2021, <https://forces.ca/en/women-in-the-caf/>.

Aboriginal peoples

For centuries, Aboriginal peoples fought alongside European allies in North America.¹⁸ During the Boer War (1899–1902), they enlisted as soldiers and fought in the military forces of the Canadian Dominion and the British Empire.¹⁹ During World War I and World War II, thousands of Aboriginal men and women enlisted voluntarily in the CAF.²⁰ Aboriginal CAF members have defended Canadian values of peace, freedom, and democracy in such recent missions as Canada’s engagements in Bosnia, Kosovo, Afghanistan, and other United Nations-led and humanitarian missions.²¹

Visible minorities

Visible minorities have volunteered to fight alongside Europeans in British North America, French North America, and in the Canadian military for centuries. There is a variety of visible minority groups, only a few of which are mentioned here. For example, Black Canadians have served since at least the 1780s. During the War of 1812, Black Canadians helped to defend Upper and Lower Canada against American attacks. In World War I, an entirely Black military unit of over 800 volunteers formed the No. 2 Construction Battalion in Pictou, Nova Scotia. Thousands of Black Canadians also served in non-segregated battalions during World War II, the Korean War (1950–1953), and in Afghanistan.²²

Sikh Canadians, Japanese Canadians, and Chinese Canadians served in the Canadian military during World War I.²³ Chinese Canadians also served in World War II, and all three groups served in the Korean War and in Afghanistan.²⁴ Deployment in Afghanistan included CAF members of diverse backgrounds such as Arab Canadians, Turkish Canadians, and other Asian Canadian communities.

Persons with disabilities

By comparison with the other designated groups, the CAF does not have the same recruitment requirements for persons with disabilities. As a result, we do not discuss them in this section about the CAF.

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- 18 “The Arrival of the Europeans: 17th Century Wars,” Government of Canada, Accessed 3 September 2021, <https://www.canada.ca/en/department-national-defence/services/military-history/history-heritage/popular-books/aboriginal-people-canadian-military/arrival-europeans-17th-century-wars.html> and “Indigenous contributions to the War of 1812,” Government of Canada, Accessed 3 September 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1338906261900/1607905474266>.
- 19 “Aboriginal People in the Canadian Military—Chapter 4: Transforming Relationships: 1815–1902,” Lackenbauer, P. Whitney; Moses, John; Sheffield, R. Scott; Gohier, Maxime: Department of National Defence, Last updated June 2020, <http://www.cmp-cpm.forces.gc.ca/dhh-dhp/pub/boo-bro/abo-aut/chapter-chapitre-04-eng.asp>.
- 20 “Aboriginal People in the Canadian Military, Chapter 5: The World Wars,” Lackenbauer, P. Whitney; Moses, John; Sheffield, R. Scott; Gohier, Maxime: Department of National Defence. Last updated June 2020, <http://www.cmp-cpm.forces.gc.ca/dhh-dhp/pub/boo-bro/abo-aut/chapter-chapitre-05-eng.asp>.
- 21 “Indigenous People in the Canadian Armed Forces,” Department of National Defence, Accessed 19 November 2021, <https://www.canada.ca/en/department-national-defence/news/2017/06/les-peuples-autochtones-dans-les-forces-armees-canadiennes.html>.
- 22 “Black Canadians in Uniform—A Proud Tradition,” Veterans Affairs Canada, Accessed 3 September 2021, <https://www.veterans.gc.ca/eng/remembrance/people-and-stories/black-canadians>.
- 23 “Buckam Singh and the Sikh Canadians in the First World War,” The Canadian Encyclopedia, Accessed 3 September 2021, <https://www.thecanadianencyclopedia.ca/en/article/sikh-canadians-in-the-first-world-war>; “Asian Canadians and Canada’s Military”; Canadian War Museum, Accessed 23 November 2021; <https://www.warmuseum.ca/learn/asian-canadians-and-canadas-military/>. “Japanese Canadian Soldiers of the First World War and the Fight to Win the Vote,” Government of Canada, Accessed 3 September 2021, <https://www.canada.ca/en/parks-canada/news/2016/11/japanese-canadian-soldiers-first-world-fight-vote.html>; “Asian Canadians and Canada’s Military”; Canadian War Museum, Accessed 23 November 2021; <https://www.warmuseum.ca/learn/asian-canadians-and-canadas-military/>.
- 24 “Chinese Canadians,” Veterans Canada, Accessed 3 September 2021, <https://www.veterans.gc.ca/eng/remembrance/people-and-stories/chinese-canadians>; “Asian Canadians and Canada’s Military”; Canadian War Museum, Accessed 23 November 2021; <https://www.warmuseum.ca/learn/asian-canadians-and-canadas-military/>.

Section II: Observations and analysis

Employment Equity Governance Framework and Defence Advisory Groups

The DND and the CAF are separate organizations. As a result, they publish separate employment equity plans and undergo separate employment equity compliance audits. However, they collaborate on committees, initiatives, and commemorative events for joint employment equity efforts.

One example of DND-CAF collaboration is the Defence Diversity Council.²⁵ The members of this Council include the Defence Team Employment Equity Champions, the Defence Advisory Groups and Organizations, and other DND and CAF stakeholders. The Council was stood up in 2003.²⁶ It plays a key role in employment equity efforts, assessing diversity programs, and providing both organizations with strategic approaches to recruiting, training, promoting, and retaining members of designated groups. The Council also makes recommendations to the Deputy Minister and Chief of the Defence Staff.²⁷

The Director Workforce Programmes and Services (DWPS) and Directorate Human Rights and Diversity (DHRD) develop and implement policies and programs to support DND and CAF employment equity goals.²⁸ They also coordinate all Level 1²⁹ efforts to meet these goals. To assist the groups in their work, the DND and the CAF appoint Employment Equity Champions to represent each of the designated groups and thereby contribute to employment equity.

Four national Defence Advisory Groups and Organizations represent EEA designated groups to provide advice and unique perspectives to the CAF leadership and DND management.³⁰ They are the Defence Women's Advisory Organization (DWAO), the Defence Aboriginal Advisory Group (DAAG), the Defence Advisory Group for Persons with Disabilities (DAGPWD), and the Defence Visible Minorities Advisory Group (DVMAG). A fifth Defence Advisory Group known as the Defence Team Pride Advisory Organization (DTPAO) advocates for the employment equity interests of LGBTQ2+

25 The Defence Diversity Council was replaced in 2016 with the current Employment Equity Diversity Departmental Council (EEDDC). Terms of Reference were recently amended; as of February 2022, they were awaiting approval.

26 Department of National Defence, Terms of Reference - Defence Diversity Council, (Ottawa: DMGIEE 3- 3, 1460-CF EE-DDC, NDHQ, 28 October 2003), 1. <https://www.cfc.forces.gc.ca/259/281/276/rueben.pdf>

27 The Chief of the Military Personnel and the Assistant Deputy Minister, Human Resources (Civilian) co-chair the Council. Other members include the Vice Chief of the Defence Staff, Strategic Joint Staff, Assistant Deputy Ministers for Policy, Finance and Corporate Services, Infrastructure and Environment, Science and Technology, Information Management, Public Affairs, Materiel, plus senior representatives from the Army, Navy and Air Force. *Ex officio* members include the national co-chairs of the four Defence Employment Equity Advisory Groups and the senior non-commissioned member from each Defence Employment Equity Advisory Group and the Army, Navy, and Air Force. Canadian Forces Employment Equity Plan, *Advancing on a Wide Front*, December 2006, page 5.

28 One example is the Defence Administrative Orders and Directives 5516 series "Defence Administrative Orders and Directives, 5516-0," Government of Canada, Accessed 3 September 2021, <https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5516.html>.

29 Level 1s (L1s) are senior organizational leaders. For the DND, this includes leaders at the Assistant Deputy Minister level. For the CAF, senior leadership at this level includes those, for example, at the Vice Chief of Defence Staff or the Chief of Military Personnel level.

30 The Defence Team also has numerous regional and local groups of the employment equity Defence Advisory Groups, including some on bases across Canada. These groups advise local leadership and management as well as advance the visibility of diversity and employment equity across the country. They are a resource for the CAF leadership to consult and work with on issues related to barriers and discrimination in the workplace.

members and employees. As the LGBTQ2+ communities are not a designated group under the EEA, this historical report did not review their evolution in the Defence community.³¹

Following the 2007 CHRC Employment Equity Compliance Report³² recommendation favouring the development of membership guidelines for national and regional advisory groups,³³ the CAF issued its 2015–2020 CAF Employment Equity Plan.³⁴ This Plan contained a new employment equity governance framework with three main characteristics:³⁵

- issue resolution by the chain of command,
- a greater role for the Defence Employment Equity Champions, and
- revised means for Defence Advisory Groups to communicate issues to leadership.

The 2011 and 2018 CHRC Employment Equity Compliance Audits³⁶ recognized the CAF's work in establishing the Defence Advisory Groups as a framework for consultation.³⁷ The 2018 CHRC audit cited the CAF's ongoing consultation with the Defence Advisory Groups as one of the CAF's accomplishments.³⁸ As a creation of both the CAF and the DND, the Defence Advisory Groups represent an accomplishment for both organizations.

This structure was in place at the time of this report's publication. However, the supporting committee structure and governance for employment equity will be subject to change with the creation of the Chief, Professional Conduct and Culture (CPC). The CPC is responsible for leading fundamental change to end employment inequity, discrimination, harassment, and sexual misconduct in the workplace.

31 As of the publication of this report, the *Employment Equity Act* does not include LGBTQ2+ peoples as members of designated groups. However, the federal government has established a task force to make concrete, independent and evidence-based recommendations to the Minister of Labour on how to modernize the Act. Its final report is expected in early 2022.

32 "Employment Equity Audit Report—Canadian Forces," Canadian Human Rights Commission, 2007.

33 "Employment Equity Audit Report—Canadian Forces," Canadian Human Rights Commission, 2007, page 16.

34 "Canadian Armed Forces Employment Equity Plan 2015–2020," Canadian Armed Forces.

35 "Canadian Armed Forces Employment Equity Plan 2015–2020," Canadian Armed Forces, page 3.

36 "Employment Equity Audit Report—Canadian Forces," Canadian Human Rights Commission, 2011; "Employment Equity Interim Audit Report—Canadian Armed Forces," Canadian Human Rights Commission, 2018.

37 "Employment Equity Audit Report—Canadian Forces," Canadian Human Rights Commission, 2011, page 11.

38 "Employment Equity Audit Report—Canadian Forces," Canadian Human Rights Commission, 2011; "Employment Equity Interim Audit Report – Canadian Armed Forces," Canadian Human Rights Commission, 2018.

The Department of National Defence—Civilian Workforce³⁹

The following is a timeline of key DND events and document releases we considered in conducting this historical review:

DND timelines

1988	<i>Employment Equity Act came into force</i>
1996	DND becomes subject to the <i>Employment Equity Act</i> and its regulations
2000	DND is required to incorporate TBS benchmarks for hiring visible minorities outlined in 'Embracing Change in the Federal Public Service' DND Employment Systems Review
2001	CHRC DND Compliance Audit
2003	DND Employment Systems Review
2004	CHRC DND Compliance Audit
2005	2005–2008 DND Employment Equity Plan - required by EEA
2009	2009–2010 DND Employment Systems Review
2013	CHRC DND Compliance Assessment
2014	CHRC DND Compliance Audit, March 2014–2017 DND Employment Equity Plan (updated March 2016) by the DND
2018	DND Employment Systems Review
2019	<i>Diversity and Inclusion in the Security and Intelligence Community</i> (2019) the National Security and Intelligence Committee of Parliamentarians (NSICOP) DND Evaluation of Diversity and Inclusion, Defence Team Management Program, November 2019–2020 DND Departmental Progress Report for Canada's Action Plan on Women, Peace and Security
2020	2019 NSICOP Report (revised in 2020) by the National Security and Intelligence Committee of Parliamentarians DND Directive to Increase Diversity and Inclusion in the Civilian Workforce, February
2021	Privy Council Office, Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service

³⁹ CHRC conducted a Compliance Audit for the DND in 2021. Given that the Audit had not been released at the time of reporting, it was not considered in this report.

The Canadian Armed Forces

The following is a timeline of key CAF events and document releases we considered in conducting this historical review:

CAF timelines

1988	<i>Employment Equity Act (EEA) came into force</i>
2002	CAF becomes subject to the EEA 2002 Auditor General of Canada Report
2004	CAF Employment Systems Review
2006	CAF Employment Equity Plan, December - required by EEA
2007	CHRC CAF Compliance Audit
2010	CAF Employment Equity Plan - Revision 1, November
2011	CHRC CAF Compliance Audit Report
2013	CAF Employment Systems Review 2012–2012 CAF Employment Equity Report
2015	2014–2015 CAF Employment Equity Report 2015–2020 CAF Employment Equity Plan - required by EEA
2016	2015–2016 CAF Employment Equity Report Auditor General of Canada Audit - Report 5 - CAF Recruitment and Retention CAF Diversity Strategy
2017	2016–2017 CAF Employment Equity Report
2018	CHRC CAF Compliance Audit 2017–2018 CAF Employment Equity Report by the CAF
2019	CAF Employment Systems Review 2018–2019 CAF Employment Equity Report
2020	2019–2020 CAF Employment Equity Report (June)

Observation: The Department of National Defence and the Canadian Armed Forces have deeply embedded barriers to employment equity representation goals, recruitment, career advancement, retention, and culture, which are all intertwined. Despite their organizational differences, they both face similar challenges. During the past 20 years, the DND and the CAF have adopted initiatives to address the challenges; unfortunately, they have gained little progress. As a result, barriers persist in several areas of concern which limit the achievement of employment equity for designated groups.

The following is a presentation of the areas of concern that we identified when conducting our historical review. It highlights the key barriers the DND and the CAF face in creating a more diversified workforce, and it shows how these barriers are intertwined. In particular, the [report's conclusion](#) identifies how the connections among barriers found at one employment stage can influence another stage.

Area of concern: employment equity representation goals

The DND and the CAF have made some progress in terms of increasing some of their overall representation rates. However, the DND was unable to meet its overall representation goals for visible minorities at any time during the period of 2003 to 2020. For its part, the CAF could not fulfill any of its overall representation goals for any of the designated groups during the same period. In fact, the representation of women in the CAF stagnated for 15 years. As a result, although both had similar challenges, overall underrepresentation was more prevalent in the CAF. Neither organization met its goals in certain male-dominated occupational categories such as the Scientific and Professional classifications in the DND as well as the CAF's Combat Arms classifications. Therefore, we observed that recruitment and retention initiatives failed in helping the DND and the CAF to fulfill its representation goals.

DND goals

CHRC audits have shown the DND complied with some of its employment equity requirements from 2001 to 2020. For example, departmental compliance is shown in DND's review of employment systems, policies, and practices.⁴⁰ That being said, DND continues to face challenges in meeting its designated group representation goals.⁴¹ This is demonstrated by Table 1 found below.

40 Under the EEA and the *Employment Equity Regulations*, where a workforce analysis has identified underrepresentation of designated persons, employers must conduct a review of their employment systems, policies, and practices (i.e. an ESR) in order to determine whether barriers for designated groups exist. The ESR must examine employee recruitment, development, training, promotion, retention, termination, and reasonable accommodation of special needs. However, an employer who has conducted a review of employment systems, policies, and practices is not required to conduct another review if the results of the previous review are likely to be the same as those in a subsequent review. (EEA ss 9(1)(b) and *Employment Equity Regulations*, ss 8, 9, 10).

41 "National Defence (Civilian)—Audit Assessment," Canadian Human Rights Commission, 2013, page 3.

**Table 1—DND representation goals versus rates reported
2001–2020**

		Women	Aboriginal peoples	Visible minorities	Persons with disabilities
2001	DND goals	38.0%	1.8%	5.1%	6.1%
	DND rates reported	37.1%	2.2%	3.6%	5.4%
2011	Labour market availability in Canada	42.2%	2.8%	7.9%	4.6%
	DND rates reported	40.9%	2.9%	6.4%	6.7%
2015	DND goals	39.1%	2.5%	9.1%	4.6%
	DND rates reported	40.9%	3.1%	7.5%	5.7%
2019	DND goals	39.5%	2.6%	8.7%	4.6%
	DND rates reported	40.0%	3.1%	7.8%	5.4%
2020	DND goals	44.0%	4.2%	11.4%	9.0%
	DND rates reported	41.0%	3.4%	9.6%	5.5%

Sources: 2001 DND Workforce Analysis; DND Employment Equity Database March 2011 per DND responses to CHRC Employment Equity Questionnaire; Employment Equity Database, March 2011 per DND responses to CHRC Employment Equity Questionnaire; 2014–2017 DND Employment Equity Plan;⁴² 2014–2017 DND Employment Equity Plan;⁴³ 2019 DND Evaluation of Diversity and Inclusion; and March 2020 DND Employment Equity Workforce Analysis.⁴⁴

Since 2001, the DND has conducted labour market analyses as required by the EEA. These analyses describe numerous occupational categories where underrepresentation of all designated groups has persisted due to significant recruitment and selection challenges. The 2020 data show that the

42 “Department of National Defence Civilian Employment Equity Plan, 2014–2017,” Department of National Defence, updated 2016, page 7.

43 “Department of National Defence Civilian Employment Equity Plan, 2014–2017,” Department of National Defence, updated 2016, page 7.

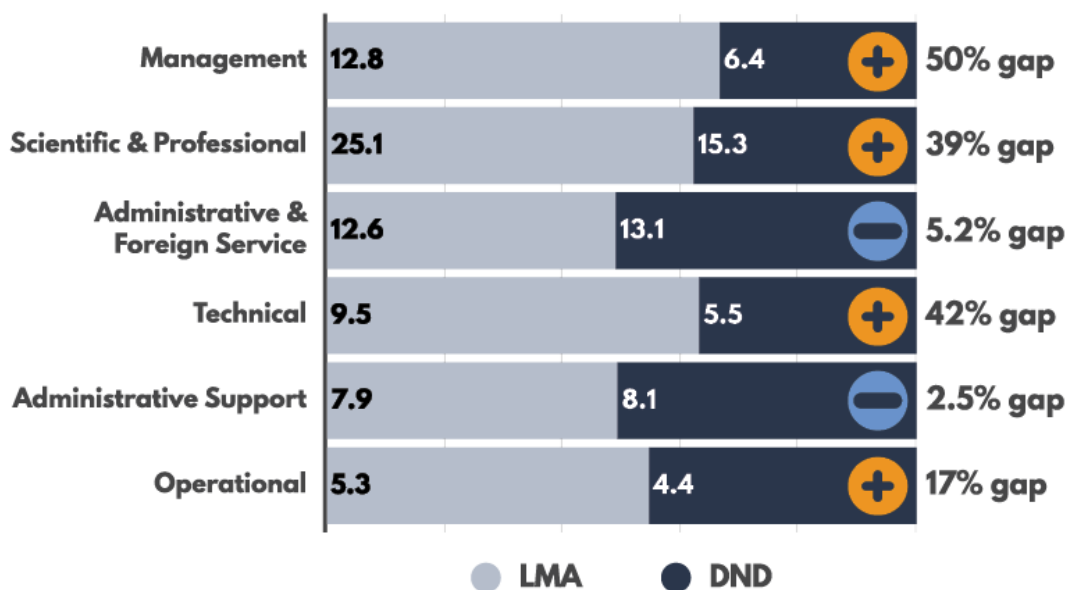
44 “Employment Equity Workforce Analysis,” Department of National Defence, 31 March 2020.

designated group underrepresentation was significant in almost all occupational categories. This was the case notably for:

- Women in technical positions;
- Persons with disabilities in scientific and professional, technical, administrative and foreign service as well as operational positions;
- Aboriginal peoples in scientific and professional as well as operational positions; and
- Visible minorities in the scientific and professional, technical, and administrative and foreign service occupation groups.⁴⁵

Table 2 describes the full extent of visible minority underrepresentation in these occupational groups.

Table 2—Sample of gaps
between qualified persons available in the Canadian labour market (Labour Market Availability (LMA)) versus DND representation rates of visible minorities in 2020 by occupation group (%)



Source: March 2020 DND Employment Equity Workforce Analysis.⁴⁶

In 2019, the National Security and Intelligence Committee of Parliamentarians (NSICOP), a joint committee of members of the House of Commons and the Senate, produced an independent report entitled *Diversity and Inclusion in the Security and Intelligence Community*. This report reviewed the DND and other federal government security and intelligence organizations.

45 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, 2019 (revised in 2020).

46 “Employment Equity Workforce Analysis,” Department of National Defence, 31 March 2020.

The NSICOP report noted that representation goals are often calculated using outdated data. In addition, the report observed that like most other federal government organizations, the DND considered availability estimates as a goal to achieve, rather than a measure to surpass.⁴⁷ As a result, the report concluded that these two issues led to the continual underrepresentation of designated groups within the DND by comparison with Canada's actual population demographics.

Following the NSICOP report, the DND's 2020–2021 Civilian Inclusion and Diversity Plan broke ranks with past plans to propose that Level 1 organizations⁴⁸ must make meaningful progress in meeting or exceeding employment equity objectives. Where they do not meet these objectives, the Commands must provide a justification and action plan to address the issue.⁴⁹ It is not clear what “meaningful progress” means or to whom the Level 1 Commands must provide their justifications and action plans.

The CHRC's 2014 comparison of the DND with other federal departments led the Commission to report that the DND had a slightly lower overall representation rate of designated groups.⁵⁰ Five years later, the NSICOP report concluded that the DND continued to show a lower overall representation rate for all designated groups except for persons with disabilities.⁵¹

CAF goals

Tables 3 and 4 below show the CAF has not met its overall representation goals since it came under the purview of the EEA. For example, despite efforts over the past 19 years, the percentage of women members in the CAF stagnated until 2019 when a one percent increase brought that representation level to 16 per cent of all CAF members. The limited increase in Aboriginal peoples and visible minority members has not been sufficient to keep up with Canadian demographics. Indeed, the 2018 Canadian Human Rights Compliance Audit⁵² professed a lack of comfort with CAF's goals for these two groups.⁵³

47 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, 2019 (revised in 2020), page 30.

48 Level 1s (L1s) are the second most senior leaders (behind Level 0s [L0s], which is the Ministerial level).

49 “Civilian Diversity and Inclusion Action Plan,” Department of National Defence, 2020–2021, page 6.

50 “Employment Equity Audit Report–National Defence (Civilian Members),” Canadian Human Rights Commission, 2014, pages 1 and 4.

51 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020), page 13.

52 “Employment Equity Interim Audit Report–Canadian Armed Forces,” Canadian Human Rights Commission, 2018.

53 “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2011; “Employment Equity Interim Audit Report–Canadian Armed Forces,” Canadian Human Rights Commission, 2018, page 12.

Table 3 describes overall CAF representation rates from 2006 to 2020.

Table 3—CAF representation rates
(Regular Force and Primary Reserves)

		Women	Aboriginal peoples	Visible minorities	Persons with disabilities
2001	CAF goals	19.5%	2.8%	9.1%	—
	CAF rates reported	15.1%	1.5%	2.7%	—
2011	Labour market availability in Canada	25.1%	3.4%	11.8%	—
	CAF rates reported	15.0%	1.9%	4.2%	1.2%
2016	CAF goals	25.1%	3.4%	11.8%	—
	CAF rates reported	14.9%	2.6%	7.0%	1.5%
2019	CAF goals	25.1%	3.4%	11.8%	—
	CAF rates reported	16.0%	2.8%	9.4%	1.2%
2020	CAF goals	25.1%	3.5%	11.8%	—
	CAF rates reported	16.1%	2.8%	9.6%	1.2%

Sources: 2006 CAF Employment Equity Plan⁵⁴, the 2010 CAF Employment Equity Plan⁵⁵, the 2018 CHRC Employment Equity Compliance Audit⁵⁶, the 2015–2016 Employment Equity Report,⁵⁷ the 2019–2020 Employment Equity Report,⁵⁸ and the 2021–2026 CAF Employment Equity Plan.⁵⁹

The CAF has faced difficulties in finding an acceptable methodology for estimating labour availability in the setting of representation goals. Since its first audit of the CAF in 2004, the CHRC has criticized the CAF’s methodology. The CAF has attempted to develop a new methodology, which the 2018 Canadian Human Rights Compliance Audit⁶⁰ rejected because the CAF used the National Occupational Classification data.⁶¹ This methodology resulted in the CAF comparing itself to itself, and as such does not measure the organization’s progress against any external benchmark. This Audit also stated that until the CAF identified a new goal-setting methodology, the current representation of designated group members should keep pace with the projected increases of designated group members among Canadian citizens aged 18 to 49 years. This would mean that the rate of increase of designated groups in the CAF would match their rate of

54 “Canadian Forces Employment Equity Plan, Advancing on a Wide Front–December 2006,” Canadian Armed Forces, 2006, page 8.
 55 “Canadian Armed Forces Employment Equity Plan–Revision 1–November 2010,” Canadian Armed Forces, page 7. The 2010 CAF Employment Equity Plan was the first plan to report the representation rate of persons with disabilities.
 56 “Employment Equity Interim Audit Report–Canadian Armed Forces, 2018,” Canadian Human Rights Commission, 2018, pages 4–6.
 57 “Canadian Armed Forces Employment Equity Report–2016–2017,” Canadian Armed Forces, page 5.
 58 “Canadian Armed Forces Employment Equity Report–2019–2020,” Canadian Armed Forces, page 6 and “Canadian Armed Forces Employment Systems Review–Qualitative Component,” Canadian Armed Forces, 2013, pages 29–34.
 59 “CAF Employment Equity Plan 2021–2026,” Canadian Armed Forces, January 2021.
 60 “Employment Equity Interim Audit Report–Canadian Armed Forces,” Canadian Human Rights Commission, 2018 pages 13-14.
 61 The National Occupational Classification (NOC) is Canada’s national system for describing occupations.

increase in national Census data.⁶² By way of example, if the projected increase of visible minorities in Canada were five per cent per year, then the representation rate goals for visible minorities should increase by that much each year.

Table 4 presents a comparison of Statistics Canada 2016 Census data on the Canadian workforce aged 19 to 49 with the CAF designated group representation rates in 2016.

**Table 4—2016 Canada workforce versus
2016 CAF Representation Rates**

	Canada	CAF
Women	49.1%	15.0%
Aboriginal peoples	4.9%	2.6%
Visible minorities	19.5%	7.0%
Persons with disabilities	9.1%	—

Sources: 2016 *Employment Equity Data Report*, Government of Canada, at page 1, <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/employment-equity/reports/2016-annual.html#h2> and 2018 CHRC CAF Compliance Audit report, pages 3–4. Note that it does not include Cadet Organizations Administration and Training Services (COATS) for women nor the Canadian Rangers for Aboriginal peoples, as reflected in the CHRC report.⁶³ Labour market availability statistics provided to the Office by the CAF are an adaptation from Statistics Canada’s custom tabulation of unpublished data from the 2016 Census.⁶⁴

Due to the principle of Universality of Service, the CAF is not required to enroll persons with disabilities. This is explained in [Appendix II](#). As a result, persons with disabilities were not listed in the CAF data.⁶⁵

In conclusion, since 2003 there has been limited progress in designated group representation in the DND and the CAF.

62 “Employment Equity Interim Audit Report–Canadian Armed Forces, 2018,” Canadian Human Rights Commission, 2018, page 12.

63 “Employment Equity Interim Audit Report–Canadian Armed Forces,” Canadian Human Rights Commission, 2018, pages 4–6.

64 “2016 Employment Equity Data Report,” Government of Canada, at page 1, Accessed 3 September 2021, <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/employment-equity/reports/2016-annual.html#h2>

65 “2016 Employment Equity Data Report,” Government of Canada, at page 1, Accessed 3 September 2021, <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/employment-equity/reports/2016-annual.html#h2>

Area of concern: recruitment

Despite the numerous initiatives taken from 2003 to 2020, the DND and the CAF faced challenges and had barriers to the recruitment of designated groups, especially in certain occupations.

The difference between the civilian recruitment framework and the military recruitment framework is clear. On the civilian side, DND can recruit from the general population to fill positions at all departmental levels. This allows for the relatively immediate creation of diversity throughout the organizational structure. However, on the military side, the CAF can recruit from the general population only to fill entry-level positions. All other levels are filled through promotion. This makes workforce diversification crucial at the recruitment stage. In addition, this makes the CAF rely on retention and advancement strategies to yield results throughout all levels of the organization.

DND recruitment

Internal departmental reports such as the DND employment system reviews as well as external CHRC audit reports from 2004 and 2014 show the persistence of several barriers to DND recruitment of designated groups over the past 19 years.

Together, these reports found that hiring requirements involving citizenship, delays with security clearances, second official languages,⁶⁶ and physical barriers as well as the use of informal networks for communicating job opportunities created recruitment issues for certain designated groups. In addition, some occupations such as operations faced significant challenges in designated group recruitment due to general perceptions that employment equity and operational effectiveness are opposing rather than mutually supportive goals.⁶⁷ Finally, the reports noted a lack of managerial employment equity knowledge. This led to the perception that DND managers were resistant to employment equity efforts, including a reluctance to focus on qualified designated groups in recruitment practices.⁶⁸

66 "Employment Equity Compliance Review–Department of National Defence–Draft Interim Report," Canadian Human Rights Commission, 2001, page 14.

67 "Canadian Forces Employment Systems Review (CF ESR), Final Report, December 2004 pp. 8, 38, 2.1 Leadership and Accountability for Employment Equity

68 "The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component," Department of National Defence, 2011, pages iv-v.

The DND developed several initiatives in its 2014–2017 DND Employment Equity Plan⁶⁹ to increase designated group recruitment. These initiatives included the establishment of:

- higher recruitment objectives, especially for visible minorities in management, scientific and professional, and technical categories, persons with disabilities in scientific and professional categories as well as Aboriginal peoples in management;
- selection areas open only to members of designated groups; and the
- broadening of essential position requirements such as experience, knowledge, and security clearance to eliminate employment barriers for candidates with out-of-country experience, education, or both.⁷⁰

However, two years later the 2019 Top-Line Results DND Employment Systems Review⁷¹ identified the same barriers to the recruitment of designated groups as those reported in earlier plans, reviews, and audits.⁷²

The DND 2020–2021 Civilian Inclusion and Diversity Plan provided guidance on recruitment. This guidance included focused recruitment efforts as well as name-blind recruitment at the screening and test correction phases of staffing processes.⁷³

CAF recruitment

From 2002 to 2016 three Auditor General of Canada Reports, two CAF Employment

System Reviews, and three CHRC CAF Compliance Audits addressed recruitment. Together, they noted that several obstacles persisted in CAF recruitment of designated groups.

69 “Department of National Defence Civilian Employment Equity Plan (updated 21 March 2016), Department of National Defence, 2016.

70 “Department of National Defence Civilian Employment Equity Plan (updated 21 March 2016), Department of National Defence, 2016.

71 “Top-line Results from the Defence Civilian Employment Systems Review,” Department of National Defence, 2019.

72 “2003 DND Civilian Employment Systems Review, Executive Summary,” Department of National Defence, 2003; “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component”, Department of National Defence, July 2011; “Employment Equity Compliance Review–National Defence (Civilian Staff)–Compliance Status Report,” Canadian Human Rights Commission, 2004; and “Employment Equity Audit Report–National Defence (Civilian Members)”, Canadian Human Rights Commission, March 2014.

73 “Civilian Diversity and Inclusion Action Plan,” Department of National Defence, 2020–2021, page 12.

For example, the 2002 Auditor General of Canada Report found an insufficient CAF focus on recruiting designated groups.⁷⁴ Both the 2004 and 2013 CAF Employment Systems Reviews⁷⁵ reported the following obstacles to designated group recruitment:

- negative perceptions of militaries in general;
- postings which separate members from family and community for lengthy time periods;
- a high school graduation requirement;
- a lack of cultural neutrality in the Canadian Forces Aptitude Test;
- a lack of representation at recruiting and outreach events, recruitment centres, and the Royal Military College in Kingston, Ontario;⁷⁶
- inconsistent recruitment campaigns; and
- a lack of recruiters and military career counsellors trained in cross-cultural communications.⁷⁷

In addition, the 2006 Auditor General of Canada Report⁷⁸ found that CAF recruitment rates for women, Aboriginal peoples, and visible minorities had been on a steady decline since 2002.⁷⁹ In response, the CAF tried to address this decline. In 2005, the *Canada First Defence Strategy* identified recruitment and retention as a top priority and allotted funding accordingly.⁸⁰ Both the 2006 and the 2010 CAF Employment Equity Plans stated the CAF would take a more systematic approach in recruiting.⁸¹

However, the 2007 CHRC CAF Compliance Audit characterized the Forces' efforts to recruit women as unsystematic and *ad hoc*. Furthermore, this Audit found a lack of support mechanisms for Aboriginal peoples. In addition to the steps the CAF was already taking to address these issues,⁸² the Audit proposed that recruitment documents should include portrayals of all designated groups.⁸³ The subsequent 2011 CHRC CAF Compliance Audit⁸⁴ concluded that although results had improved, they still fell short of the CAF's goals.⁸⁵

74 "Report 5, Canadian Armed Forces Recruitment and Retention–National Defence, The Fall 2016 Reports of the Auditor General of Canada," Auditor General of Canada, 2016, page 11.

75 "Final Report–Employment Systems Review (ESR)–Canadian Forces (CF)–Volume 1–Report and Appendices" Canadian Armed Forces, 2004 and "Canadian Armed Forces Employment Systems Review Qualitative Component" Canadian Armed Forces, 2013.

76 The 2004 Employment System Review looked at the Royal Military College in Kingston, Ontario. It did not review the Royal Military College in St. Jean, Quebec.

77 "Final Report–Employment Systems Review (ESR)–Canadian Forces (CF)–Volume 1–Report and Appendices," Canadian Armed Forces, 2004 and Canadian Armed Forces Employment Systems Review Qualitative Component," Canadian Armed Forces, 2013.

78 "Chapter 2–National Defence–Military Recruiting and Retention," Auditor General of Canada, 2006.

79 "Chapter 2–National Defence–Military Recruiting and Retention," Auditor General of Canada, 2006, pages 56, 71–72.

80 "Canada First Defence Strategy," Department of National Defence, 2005.

81 "Canadian Forces Employment Equity Plan, Advancing on a Wide Front–December 2006," Canadian Armed Forces, 2006, page 13, and "Canadian Armed Forces Employment Equity Plan–Revision 1–November 2010," Canadian Armed Forces.

82 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2007, pages 8–9, 11–12.

83 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2007, pages 9–15.

84 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2011.

85 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2011, page 11.

The 2015–2020 CAF Employment Equity Plan⁸⁶ describes several designated group recruitment initiatives that the CAF had undertaken. These measures include:

- communicating with designated group leaders such as Aboriginal Elders about CAF career opportunities, culture, and values;
- developing positive relations with local designated group communities and organizations; and
- increasing representation of designated groups among CAF military career recruiting counsellors and recruiting officers.⁸⁷

Despite these efforts, subsequent reports such as the 2016 Auditor General of Canada Report⁸⁸ determined that the CAF had not implemented any special employment equity measures or recruiting programs for women. This finding was in stark contrast with the reality that women as a designated group represented continuous gaps in the CAF’s approach to recruitment.⁸⁹ In 2017 the CAF responded by launching a special initiative, the Women in Force Program. Unfortunately, despite this initiative the recruitment of women continues to be a challenge.

The 2021–2026 CAF Employment Equity Plan prescribes many of the same designated group recruitment initiatives found in previous plans. However, this Plan also proposes a new initiative to review the recruiting process and identify barriers to designated group recruitment.⁹⁰ Although it is too soon to evaluate the results of this initiative, this Office will continue to monitor them to evaluate progress.

In conclusion, since the CAF only recruits from the general population for entry-level positions, it fills all other positions internally through promotion. In addition, the CAF’s unique nature, and especially the unlimited liability and frequent relocations, make recruitment particularly challenging. Therefore, creating a diverse workforce depends on inclusive and proactive approaches to recruitment strategies and processes.

Area of concern: career advancement

While the overall representation of designated groups improved somewhat from 2004 to 2020, the DND and the CAF continued to face persistent challenges in terms of designated group career advancement in certain occupational groups.

These challenges included appointment processes whose design did not include employment equity considerations, a lack of developmental training opportunities, and an insufficient knowledge of employment equity. This resulted in low designated group representation rates in DND’s management, technical, and scientific positions. As for the CAF, this resulted in a substantial gap in the representation of designated groups among CAF General officers, as promotions of designated groups were found primarily among the lower ranks.⁹¹

86 “Canadian Armed Forces Employment Equity Plan 2015–2020,” Canadian Armed Forces, 2015.

87 “Canadian Armed Forces Employment Equity Plan 2015–2020,” Canadian Armed Forces, 2015.

88 2016 Fall Reports of the Auditor General of Canada–Report 5–Canadian Armed Forces Recruitment and Retention–National Defence,” Auditor General of Canada, 2016.

89 “2016 Fall Reports of the Auditor General of Canada–Report 5–Canadian Armed Forces Recruitment and Retention–National Defence,” Auditor General of Canada, 2016, paragraphs 5.25, 5.34.

90 “Canadian Armed Forces Employment Equity Plan 2021–2026,” Canadian Armed Forces, page 19.

91 “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2007, pages 12–14; and “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2011, page 12.

In addition, the DND and the CAF share other challenges. These difficulties included a lack of representation of designated groups on selection and appointment boards as well as official language requirements forming an additional barrier to the career advancement of certain designated group members.⁹² In this respect, career advancement of designated groups is impacted by factors, such as culture, where the barriers are deeply embedded within these organizations.

DND career advancement

According to employment systems reviews, designated groups also faced additional problems involving potential bias and discrimination that are present throughout DND and CAF employment practices, particularly in certain occupational categories.

For example, employment system reviews that the DND conducted in 2009–2010 and 2019, as well as the CHRC’s 2001 and the 2004 compliance audits, found that the DND suffered from the following designated group career advancement problems:

- a lack of professional development training, including official language training for allophones;
- disparity between training approved in learning plans and completed training, likely because of lack of resources and operational tempo, particularly in Operations;
- positions being filled by retiring military members (other than those who are medically released), rather than designated group members;
- an underrepresentation of designated groups in Human Resources; and
- a lack of building accessibility for persons with disabilities.⁹³

To address some of these issues, the DND proposed the following two initiatives in its 2014–2017 Employment Equity Plan: a mentoring program to encourage knowledge transfer among designated groups and increased funding for the developmental training of designated group members.⁹⁴

Subsequently, however, the underrepresentation of designated groups became even more evident. This was particularly the case for management, technical, and scientific roles. For example, women continued to be underrepresented in management and other non-traditional roles. In addition, gender biases affecting promotion decisions, stereotypes, and discrimination towards some designated groups as well as a lack of understanding about employment equity contributed to these underrepresentation rates.⁹⁵

A key message of the DND 2020–2021 Civilian Action Plan is that the Department wants to reduce these gaps by increasing designated group representation at the executive, management, and supervisory levels as positions become vacant or are created. At present, it is too soon to evaluate the results of this Action Plan.⁹⁶

92 “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011, pages vi and 21–24.

93 “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011, pages vi and 21–24.

94 “Department of National Defence Civilian Employment Equity Plan (updated 21 March 2016), Department of National Defence, 2016, page 17.

95 “Top-line Results from the Defence Civilian Employment Systems Review,” Department of National Defence, 2019, pages 19, 30–35.

96 “Civilian Diversity and Inclusion Action Plan,” Department of National Defence, 2020–2021, pages 12.

In January 2021, the Clerk of the Privy Council issued a call to action to Deputy Ministers which stated that the leadership of the federal public service must be more racially diverse.⁹⁷ It is too early to determine the results of this call to action.

CAF career advancement

CHRC audits and internal CAF Employment Systems Reviews identified several designated group gaps and barriers to career advancement in the CAF.

First of all, the training system only permitted second official language training. This was the case even for allophone CAF members whose first language is neither English nor French. Those seeking language training were required to identify the official language in which they were more fluent in order to receive training in their second official language. This occurred even though allophone CAF members might have benefited from training in both official languages.⁹⁸

Secondly, the composition of merit boards (now called selection boards)⁹⁹ and career manager groups were not sufficiently diverse. Many respondents who participated in these reviews reported that rank progression could be more difficult for designated groups due to non-merit factors such as biased evaluations, prejudice, and discrimination.¹⁰⁰

The audits and reviews proposed various initiatives to help the CAF reduce these barriers and gaps. Some of these initiatives included the:¹⁰¹

- provision of mentorship and coaching for designated group members;
- tracking and analysis of career advancement data such as time in rank;
- analysis of training patterns, including training access;
- promotion of awareness of mental health issues; and the
- development of policies for CAF members with learning difficulties.¹⁰²

At this time it is unclear whether the CAF has implemented all these initiatives given that CAF employment equity reports do not identify what has been implemented for each of the initiatives.

Area of concern: retention

Despite several initiatives undertaken from 2004 to 2019, the DND and the CAF faced persistent challenges in retaining designated group members in certain occupational categories. Both organizations have recognized this as a problem. As a result, they have launched initiatives to stabilize and improve retention rates. However, initial results have shown that the DND and the CAF must do more to increase retention rates.

97 “Call to Action on Anti-Racism, Equity, and Inclusion in the Federal Public Service”, Clerk of the Privy Council. <https://www.canada.ca/en/privy-council/corporate/clerk/call-to-action-anti-racism-equity-inclusion-federal-public-service.html>

98 “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2007, pages 12–14; and “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2011, page 12.

99 http://cmp-cpm.mil.ca/assets/CMP_Intranet/docs/en/recruitment-careers/promotion/caf-selection-board-guidance-manual-2022.pdf

100 “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2007, pages 12–14; and “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2011, page 12.

101 “Canadian Armed Forces Employment Equity Plan 2015–2020,” Canadian Armed Forces, Annex B, at page 4.

102 Defence Administrative Orders and Directives (DAOD) 5516-5, Learning Disability Accommodation during Recruiting, Training and Education, Date of Issue: 29 April 2019.

DND retention

The DND conducted Employment Systems Reviews in 2003, 2009–2010, and 2019. All these Reviews uncovered low retention rates for Aboriginal peoples, women in general and in particular those in technical and operational jobs as well as persons with disabilities in scientific and professional occupations. As first reported in 2010,¹⁰³ some women in non-traditional, male-dominated occupations noted that male-dominated environments weakened female retention in these trades. In addition, a 2001 CHRC DND Compliance Audit¹⁰⁴ found that the isolation of Aboriginal employees from their communities may have led to them leaving the DND.

The 2009–2010 and 2019 Employment Systems Reviews reported that many visible minorities believed they were treated differently in comparison with other employees. They said they felt their workplace did not allow for discussions of their respective cultures. They also identified a general lack of employment equity awareness in the department.¹⁰⁵

Subtle forms of discrimination such as the use of micro-aggressions and being addressed in a condescending manner were reported. Such behaviours indicate that the DND's workplace culture may have contributed to retention challenges. Furthermore, barriers to career advancement described in the previous section of this report may have also aggravated problems in designated group retention.¹⁰⁶

The 2005–2008 DND Employment Equity Plan¹⁰⁷ proposed three measures to address retention barriers. These measures involved:

- researching designated group member termination rates for comparison with the employee population in general,
- gathering exit information from employees who voluntarily leave the DND in order to understand why they leave, and
- ensuring that designated group members' issues are addressed specifically in the Departmental Civilian Retention Strategy.¹⁰⁸

The 2014–2017 DND Employment Equity Plan contained initiatives for promoting departmental understanding and awareness of diversity and inclusion.¹⁰⁹ However, challenges continued to be reported. In addition, the DND 2020–2021 Civilian Action Plan provided broad guidance about retention issues. That being said, it is too soon to determine if this guidance will be effective.¹¹⁰

103 "The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component," Department of National Defence, 2011, page 26; "Top-line Results from the Defence Civilian Employment Systems Review," Department of National Defence, 2019, pages 6, 7, 12, 20.

104 "Employment Equity Compliance Review–Department of National Defence–Draft Interim Report," Canadian Human Rights Commission, 2001, page 17.

105 "The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component," Department of National Defence, 2011, page vii.

106 "Top-line Results from the Defence Civilian Employment Systems Review," Department of National Defence, 2019, page 31.

107 "Corporate Civilian Employment Equity Plan 2005/2006–2007/2008," Department of National Defence, 2005.

108 "Corporate Civilian Employment Equity Plan 2005/2006–2007/2008," Department of National Defence, 2005, page 30.

109 Department of National Defence Civilian Employment Equity Plan (updated March 21, 2016), Department of National Defence, 2016, pages 14–15.

110 "Civilian Diversity and Inclusion Action Plan," Department of National Defence, 2020–2021, page 12.

CAF retention

Once designated group members started to join the CAF in greater numbers, retention issues became apparent. Both the 2004 and 2013 Employment Systems Reviews noted that in this regard the CAF was inflexible.¹¹¹ Both reviews reported the following retention problems:

- Women felt obliged to choose between career and family.
- Aboriginal peoples and visible minorities faced a similar tension between their careers and their communities.
- There was a perception that a majority of CAF members opposed accommodating cultural and religious differences among their colleagues.¹¹²
- Some designated groups faced difficulties in terms of integrating into the CAF, adjusting to the CAF culture, and fulfilling CAF language requirements.
- Despite merit, designated groups were not advancing within the CAF.

Although the 2007 CHRC CAF Compliance Audit¹¹³ did not conduct an explicit examination of retention issues, many of the barriers that this Audit described may have had some impact on retention. Examples include:

- limited sensitivity to gender issues as well as maternity leave and parental leave for women,
- a lack of visible minority students at the Royal Military College,¹¹⁴
- insufficient support mechanisms for Aboriginal recruits, and
- the perception that employment equity and operational effectiveness are opposing goals.¹¹⁵

The CAF has acknowledged retention's importance in its 2006, 2010, 2015–2020, and 2021–2026 Employment Equity Plans¹¹⁶ as well as in the draft 2020 Retention Strategy. As a result, the CAF has launched the following five initiatives for the measurement and analysis of current trends and the subsequent development of solutions for potential retention problems:

- the collection of data on the percentages of designated group members leaving the Regular and Reserve Forces,
- the invitation of Aboriginal Elders to address CAF leaders,
- the creation of a space to engage in Aboriginal traditions at the Royal Military College in St-Jean,
- the provision of more diversity and inclusion training, and
- the development of more flexible leave policies.¹¹⁷

Table 5 lists the designated group release rates from 2014-2015 to 2019-2020 relative to their total representation rates. Note that these rates do not correlate across designated groups during any given year.

111 "Final Report–Employment Systems Review (ESR)–Canadian Forces (CF)–Volume 1–Report and Appendices," Canadian Armed Forces, 2004.

112 "Canadian Armed Forces Employment Systems Review–Qualitative Component," Canadian Armed Forces, 2013.

113 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2007.

114 Note that the 2007 CHRC audit was relying on the 2004 CAF Employment Systems Review, which reviewed the Royal Military College in Kingston, Ontario, but not the Royal Military College in St. Jean, Quebec.

115 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2007, pages 8 and 9.

116 "Canadian Forces Employment Equity Plan, Advancing on a Wide Front–December 2006," Canadian Armed Forces, 2006, page 8.

117 "Canadian Armed Forces Employment Equity Plan 2015–2020," Canadian Armed Forces, page 2.

Table 5—CAF representation rates 2014-2020

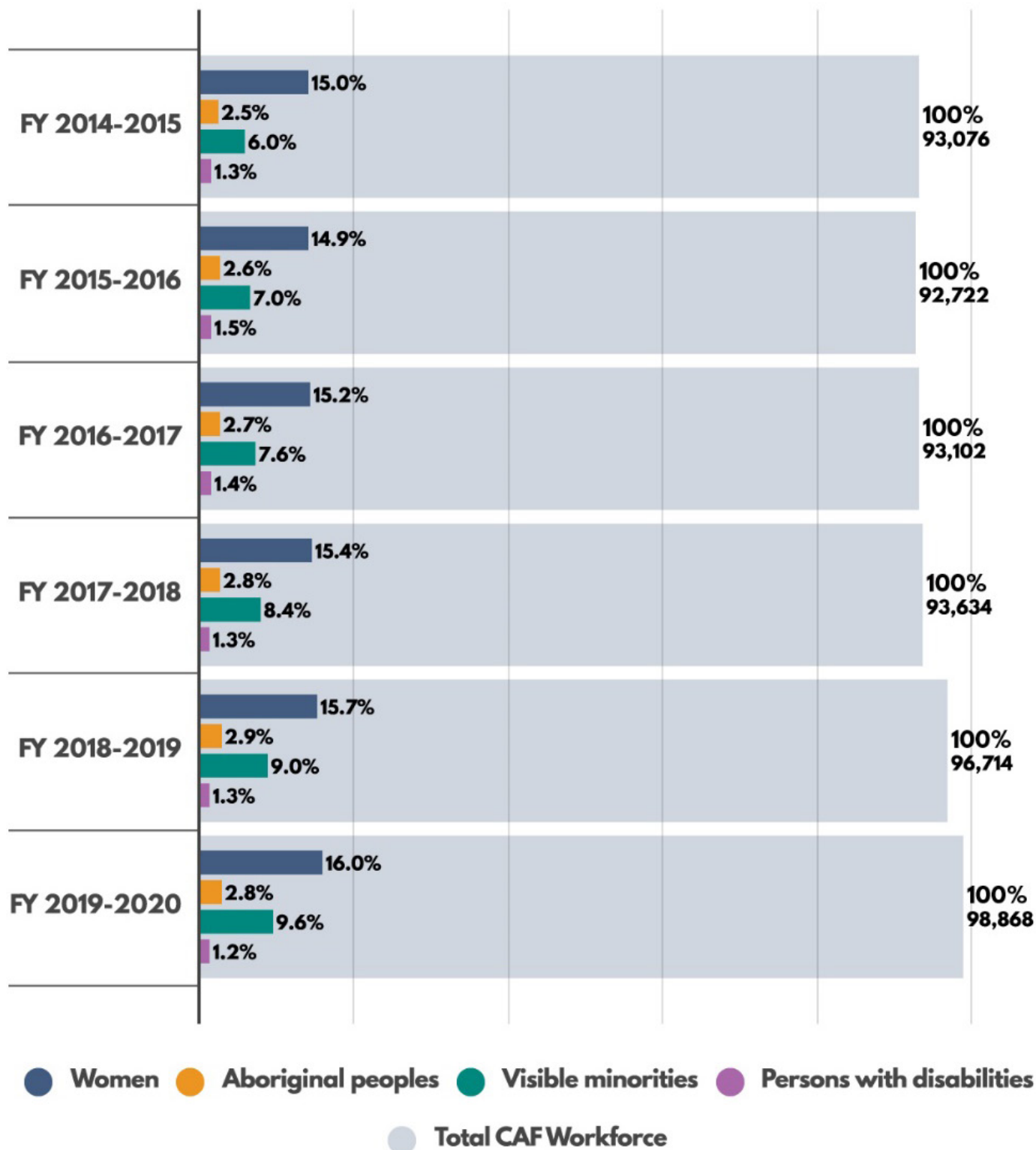
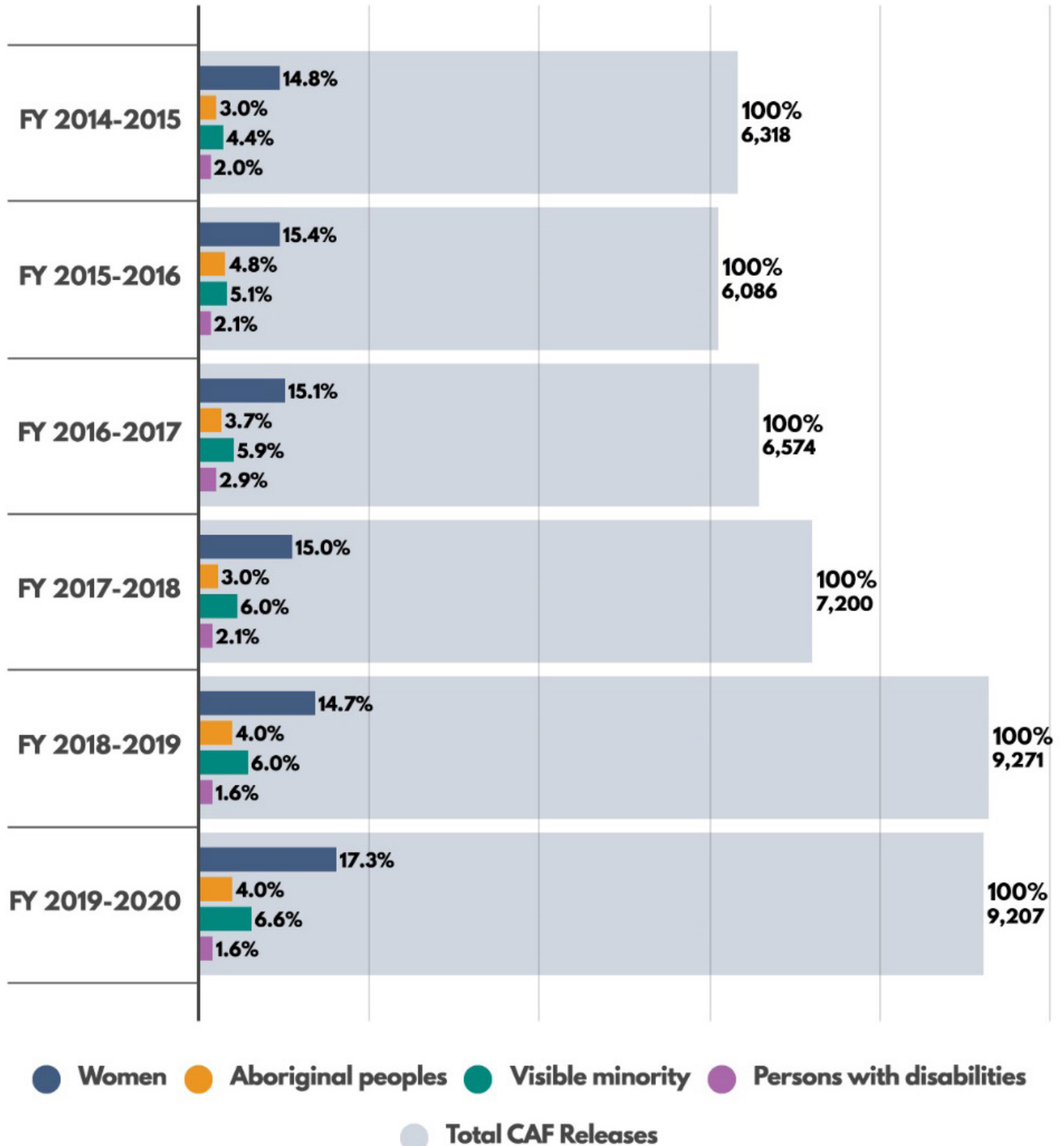


Table 6—CAF release rates 2014-2020



Sources: the 2018 CHRC Employment Equity Compliance Audit, the 2014-2015 CAF Employment Equity Report, page 4, the 2015-2016 CAF Employment Equity Report, page 5,ii the 2016-2017 CAF Employment Equity Report, page 5, the 2017-2018 CAF Employment Equity Report, page 4, the 2018-2019 CAF Employment Equity Report, page 5, the 2019-2020 CAF Employment Equity Report, page 6 We have used the overall percentage rates provided by the CAF in its employment equity reports and the total numbers from the Schedules of the CAF employment equity reports. The CAF employment equity reports note that it does not include the results for women serving in the Cadet Organizations Administration and Training Service (COATS) and Aboriginal peoples serving in the Canadian Rangers in the overall representation rates for fear of inflating the overall representation percentage results.iii

Area of concern: culture

Despite measures the DND and the CAF implemented from 2003 to 2020, challenges persisted in building a culture of acceptance of employment equity.

Fundamental misunderstandings of employment equity among managers, employees, and members continued to pose difficulties. This served to limit acceptance, particularly in the CAF. Negative perceptions combined with a reluctance to value employment equity and diversity also led to challenges on the culture front for both organizations.

These macro-level problems have led to challenges in the day-to-day implementation of employment equity. One of these micro-level issues the DND and the CAF have faced is convincing employees and members to self-identify. Under the EEA, both organizations must conduct a workforce survey that is based on employees and members self-identifying as belonging to one or more designated groups. Although both organizations are required to provide new employees with the survey, members may choose not to complete the self-identification portion. The DND allows new employees and employees throughout their careers to self-identify or amend their self-identification, either through PeopleSoft in the Human Resources Management Systems or by paper.

As noted in the 2019 NSICOP Report and the 2018 CHRC audit of the CAF, there is a general reluctance in the DND and some reluctance in the CAF to complete the self-identification form.¹¹⁸ In 2018, the DND came close to achieving the CHRC audit requirement of an 80 per cent self-identification response rate for the entire organization while the CAF met the requirement.¹¹⁹ To clarify, those who did not respond could be either designated group or non-designated group employees or members. In both organizations, designated group members were reluctant to self-identify out of fear of potential discrimination¹²⁰ or uncertainty about the use of the collected information. In addition, some DND employees indicated that they did not self-identify because they wanted to be seen as getting ahead on their own merit, rather than because of their identity. For their part, some CAF members did not self-identify because they wanted to be seen as part of the group.¹²¹

118 Annual Report 2019 – Chapter 1: Diversity and Inclusion in the Security and Intelligence Community”, National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020), page 29 and “Employment Equity Interim Audit Report –Canadian Armed Forces, 2018,” Canadian Human Rights Commission, 2018, page 3.

119 “Canadian Armed Forces Employment Equity Report 2020–2021”, Canadian Armed Forces, 2021.

120 “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011, page viii.

121 “Canadian Armed Forces Employment Systems Review–Qualitative Component,” Canadian Armed Forces, 2013, pages 19, 37 and “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011, page viii.

DND culture

The 2003 DND Employment Systems Review¹²² reported that only the most senior executives could describe the benefits of having a diverse workforce. Most other managers stated there were no benefits to having a diverse workforce.¹²³ Echoing this, the 2004 CHRC DND Compliance Audit identified a lack of understanding of employment equity, a lack of training for military managers in supervising civilian employees, and a lack of accountability for employment equity among managers. Furthermore, this Audit found that attitudes towards persons with disabilities could be a key explanation for their underrepresentation in operations.¹²⁴

The 2005–2008 DND Employment Equity Plan¹²⁵ called for the implementation of various culture and diversity training initiatives. These initiatives included incorporating and monitoring a new competency called “valuing diversity” in employee and supervisor competency profiles.¹²⁶

The 2014–2017 DND Employment Equity Plan discussed the need for the DND to incorporate departmental employment equity awareness programs.¹²⁷ In addition, the *2019 Employment Systems Review* reported that while DND employees stated there was less overt racism in their workplaces micro-aggressions and condescending behaviours continued to occur. This was the case particularly in less diverse workplaces. Some designated groups did not feel accepted, while all designated groups reported issues in terms of workplace culture.¹²⁸

In summary, although there has been some progress, designated groups have continued to face organizational culture barriers. Generally, managers and employees did not have a fundamental understanding of employment equity. In addition, despite 15 years of employment equity and diversity training, managers and employees alike have continued to display a lack of awareness about employment equity, including accommodation.

CAF culture

Employment equity plans, employment systems reviews, and audits have often defined the CAF culture as problematic.

Both the 2004 and 2013 CAF Employment Systems Reviews¹²⁹ defined challenges involving CAF culture. For example, the 2013 CAF Employment Systems Review¹³⁰ reported that not all surveyed participants accepted diversity, and some expressed negative views about employment equity.¹³¹ Some CAF members in leadership roles claimed they should place less emphasis on employment

122 “2003 DND Civilian Employment Systems Review, Executive Summary,” Department of National Defence, 2003.

123 “2003 DND Civilian Employment Systems Review, Executive Summary,” Department of National Defence, 2003, pages v, vi, x.

124 “Employment Equity Compliance Review–National Defence (Civilian Staff)–Compliance Status Report,” Canadian Human Rights Commission, 2004, page 10.

125 “Corporate Civilian Employment Equity Plan 2005/2006–2007/2008,” Department of National Defence, 2005.

126 “Corporate Civilian Employment Equity Plan 2005/2006–2007/2008,” Department of National Defence, 2005, pages 26, 30.

127 “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011.

128 “Top-line Results from the Defence Civilian Employment Systems Review,” Department of National Defence, 2019, pages 23–25, 30, 31, 34.

129 “Final Report–Employment Systems Review (ESR)–Canadian Forces (CF)–Volume 1–Report and Appendices,” Canadian Armed Forces, 2004.

130 “Canadian Armed Forces Employment Systems Review–Qualitative Component,” Canadian Armed Forces, 2013.

131 “Canadian Armed Forces Employment Systems Review–Qualitative Component,” Canadian Armed Forces, 2013, pages 9–14. For example, some participants stated such things as when people join the CAF “your culture from home gets wiped out at the door”. See page 10.

equity. Many military personnel still advocated for a CAF culture based on traditional values such as conformity, neutrality, and uniformity.¹³²

The 2007 and the 2018 CHRC Employment Equity Compliance Audits¹³³ endorsed the CAF vision of an inclusive and representative workforce. In particular, the 2018 Audit stated it was encouraged by the increase in representation of Aboriginal peoples and visible minorities in the CAF from 2010 to 2016. That said, both Audits determined that challenges remained. As the Top-line findings of the 2013 CAF Employment Review Survey on the Diversity Climate in the CAF noted, a survey question showed that only about 60 per cent of respondents agreed or strongly agreed that the CAF should reflect the cultural composition of Canadian society. The remainder were either neutral or disagreed. Overall, the results showed that at the time a considerable number of CAF members did not see the value of diversity.¹³⁴

In addition, despite diversity training courses, member acceptance of employment equity in the CAF did not increase significantly. As mentioned earlier, in employment systems reviews, the CAF leadership self-reported accepting employment equity. However, at the same time some felt there should be less emphasis on it. To accept employment equity completely requires action as well as words.

All CAF Employment Equity Plans have proposed initiatives to build an organizational culture that is more receptive to employment equity and diversity. In essence, these initiatives have involved increasing awareness and understanding of employment equity. Nevertheless, challenges have persisted. A lack of understanding of employment equity and a culture that is not accepting of diversity creates barriers for those who are designated group members. Much work remains to be done in order to eliminate these barriers.

132 “Canadian Armed Forces Employment Systems Review—Qualitative Component,” Canadian Armed Forces, 2013, pages 10–11 and 37.

133 “Employment Equity Interim Audit Report—Canadian Armed Forces, 2018,” Canadian Human Rights Commission, 2018.

134 “Letter Report: Top-line findings of the 2013 CAF Employment Review Survey on the Diversity Climate in the CAF,” Defence Research and Development Canada, 2013, page 13.

Section III: Conclusion

During the past 20 years, the DND and the CAF have undertaken numerous initiatives to address challenges to employment equity in their respective organizations. Yet both continue to face persistent difficulties in the areas of representation goals, recruitment, career advancement, retention, and culture.

This historical review examined all employment system reviews, Canadian Human Rights Commission audits, pertinent Office of the Auditor General audits as well as organizational employment equity plans since the DND and the CAF became subject to the EEA in 1996 and 2002 respectively. As such, this review sheds light on why organizational employment equity barriers have persisted and how they are interrelated.

Since the first employment system reviews, the DND and CAF leadership have stated their strong support for employment equity, and both organizations made efforts regarding employment equity from 2003 to 2020. Both organizations have achieved some successes in terms of their employment equity governance framework. In this regard, their shared strategic committee structure, including the creation of the Defence Team Employment Equity Champions, the development of the Defence Advisory Groups and Organizations, the formation of the Defence Diversity Council, and their attention to employment commemorative events represent noteworthy achievements.

Unfortunately, the past 20 years have also shown that the DND and the CAF's broader efforts to address concerns identified in this report have been ineffective in overcoming their institutional barriers to employment equity for designated groups.

The intertwining of all these challenges makes it even more difficult for the DND and the CAF to implement the EEA because the challenges cannot be addressed in isolation. Addressing only one challenge will not solve the problem. For example, retention cannot be addressed in its entirety unless the barriers around career advancement and culture are addressed. For that reason, a cohesive and co-ordinated approach is necessary.

Representation Goals

The DND and the CAF have two sets of goals: overall representation goals and representation goals for particular occupational groups. The DND has been unable to meet its overall representation goals for visible minorities, while the CAF have been unable to meet its overall goals for any designated groups. Both organizations have failed to overcome challenges in meeting employment equity goals for certain male-dominated occupational categories, senior ranks, and executive positions.

Representation rates are critical because the DND and the CAF have an obligation under the EEA to ensure that designated groups are represented in each occupational group proportionate to their representation either in Canadian society or that part of Canadian society which is eligible to be recruited.

The CAF's inability to adopt an acceptable methodology for determining its representation goals as well as the historical practice of both the CAF and the DND to use their goals as points to reach but not surpass are problems that hamper their overall approach to addressing underrepresentation.

Recruitment

The DND and the CAF also face employment equity problems that are reflected in their Human Resources guidelines and practices:

- In the past, both organizations have been reluctant to focus on qualified designated groups in recruitment practices. This reluctance has been accompanied by the use of informal networks for communicating job opportunities. This usage creates barriers to equity at entry points to the DND and the CAF.¹³⁵
- Underrepresentation in the DND may be further complicated by the number of people, the majority of whom are not from designated groups, who move from serving in the CAF to DND public service roles.¹³⁶
- The lack of diversity on DND and CAF selection boards combined with supervisor misunderstanding of the cultures of Aboriginal peoples, visible minorities, and women may contribute to cultural and unconscious gender bias in career interviews and selection board processes.¹³⁷

In addition, the designated groups are not homogenous. Each group has diverse identity factors that intersect, with the results being that individual experiences vary.

All of these recruitment challenges limit the ability of members of designated groups to advance, especially to executive levels in the DND and to higher ranks in the CAF.

Career Advancement

Designated group employees and members reported difficulties in obtaining developmental training and career development opportunities.

In the CAF, where the opportunity for promotion exists only from within and only upon achievement of specific training, the ability to access these developmental opportunities is crucial to career advancement. Career development opportunities, including training, should be provided equitably.

The CAF has stated it was committed to “fostering a culture that ensures members of [designated groups] will want to stay with the [CAF] over the long term.”¹³⁸ Part of the CAF culture must ensure designated groups can advance in their careers. Failing to do so can contribute to retention challenges.

135 Canadian Armed Forces Employment Systems Review–Qualitative Component,” Canadian Armed Forces, 2013, pages 19, 37 and “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011, page viii.

136 “Top-line Results from the Defence Civilian Employment Systems Review,” Department of National Defence, 2019, page 14; “The 2009–2010 Department of National Defence Employment Systems Review–Workforce Component,” Department of National Defence, 2011, page iv.

137 “Top-line Results from the Defence Civilian Employment Systems Review,” Department of National Defence, 2019, page 30.

138 “Canadian Forces Employment Equity Report 2010–2011”, Canadian Armed Forces, page A-2.

Retention

Having to choose between career and family, the inability to access training opportunities, bias, discrimination, inappropriate behaviour, and negative attitudes towards employment equity all contribute to low designated group rates in the DND and the CAF.

Culture

Finally, this historical review has found that organizational culture and a lack of acceptance of employment equity have been barriers to employment equity for designated groups in the DND and the CAF:

- Over the years, both organizations have developed training initiatives to encourage acceptance and understanding of employment equity. Yet a lack of awareness about employment equity has persisted among managers, chain of command, employees, and members.
- While past reports indicate that senior executives and senior officers have grasped the benefits of employment equity, this has not been the case throughout the DND and the CAF. For example, in the DND some have thought that designated group employees and members advance simply because they belong to a designated group and not because of merit while in the CAF there have been general perceptions that employment equity and operational effectiveness exist as opposing, rather than mutually supportive goals.¹³⁹
- By 2019 there was less reported overt racism in the DND and the CAF. However, micro-aggressions and condescending behaviours have remained an issue, particularly in less diverse workplaces.
- Some CAF leaders have said there should be less emphasis on employment equity, and many military personnel have supported the maintenance of an organizational culture based on traditional values. Moreover, only about 60 per cent of respondents to a 2013 survey question thought the CAF should reflect the cultural makeup of Canadian society.¹⁴⁰ The remainder were either neutral or disagreed. These beliefs contribute inevitably to an environment where cultural diversity is discouraged and where designated groups do not feel accepted. In turn, this limits the willingness of DND employees and CAF members to self-identify for fear of discrimination, career repercussions, and stigmatization.

In conclusion, this historical review has found that the DND and the CAF have much more work to do in order to eliminate employment equity barriers for designated groups. Only the completion of this work will enable both organizations to improve the well-being of DND employees and CAF members.

139 2009-2010 Department of National Defence Employment Systems Review Workforce Component, page viii; 2018 Department of National Defence Employment Systems Review Top-Line Results PowerPoint - Slide 30; and Canadian Forces Employment Systems Review (CF ESR), Final Report, December 2004 pp. 8, 38.

140 "Employment Equity Interim Audit Report—Canadian Armed Forces," Canadian Human Rights Commission, 2018.

Appendix I: Document references

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2002 Auditor General of Canada Report	“Report 5, Recruitment and Retention of Military Personnel–National Defence, April 2002 Reports of The Auditor General of Canada”, Auditor General of Canada, 2002.
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2017–2018 CAF Employment Equity Report	“Canadian Armed Forces Employment Equity Report–2017–2018”, Canadian Armed Forces.
2018 CHRC CAF Compliance Audit	“Employment Equity Interim Audit Report–Canadian Armed Forces”, Canadian Human Rights Commission, 2018.
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2019–2020 CAF Employment Equity Report	“Canadian Armed Forces Employment Equity Report–2019–2020”, Canadian Armed Forces, 2020.
2021–2026 CAF Employment Equity Plan	“Canadian Armed Forces Employment Equity Plan 2021–2026”, Canadian Armed Forces, 2021.

Appendix II: Context on Canadian human rights and employment equity

Canadian Human Rights Act

The *Canadian Human Rights Act* (CHRA) protects the rights of people employed in or receiving services from federal and federally regulated workplaces.¹⁴¹ It prohibits discrimination based on several reasons or grounds.¹⁴² Discriminating against a person based on these grounds in employment or in offering services is a violation of the CHRA.¹⁴³

The CAF is subject to the CHRA. The CHRA and DAOD 5023-0 specify that the CAF's duty to accommodate members is subject to the principle of Universality of Service.¹⁴⁴ This requires that CAF members must, at all times and under any circumstances, be able to perform any function required of them.¹⁴⁵ For this reason, the CAF is exempt from the CHRA requirements on recruitment and retention of persons with physical limitations or disabilities if the limitation or disability renders the individual permanently unable to meet Universality of Service. At the same time, the CAF has an obligation to offer accommodation measures to CAF members who acquire a disability where the disability may not be permanent.¹⁴⁶ Where a disability is permanent and acquired through military service, the CAF has an obligation to ensure supports are in place for the member, including a possible change of military occupation.¹⁴⁷ Since 2019, individuals with a learning disability who meet Universality of Service can serve.¹⁴⁸

Canadian human rights—discriminatory practices

Besides the prohibited grounds, the CHRA also sets out discriminatory practices. Discriminatory practices that apply to employment include refusing to hire or to continue to employ any individual, or treating employees unfairly in the workplace, based on one of the prohibited grounds.¹⁴⁹ An example of unfair treatment is refusing to promote an individual because of pregnancy (sex, family

141 *Canadian Human Rights Act*, R.S.C. 1977, chapter 33 at sections 7, 8, 10.

142 The prohibited reasons or grounds are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offence for which a pardon has been granted.

143 Each province and territory have their own human rights legislation governing provincially and territorially regulated institutions such as hospitals and schools.

144 The Universality of Service is governed by Defence Administrative Orders and Directives 5023-0, Universality of Service. Defence Administrative Orders and Directives 5023-1. Minimum Operational Standards Related to Universality of Service elaborates 5023-0.

145 *Canadian Human Rights Act*, R.S.C. 1977, chapter 33, sections 15 (2) and 15 (9).

146 The *Canadian Human Rights Act* defines “disability” as any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug. (R.S.C. 1977, c. 33 at section 25).

147 In addition, members of the CAF who do not meet the Universality of Service may be medically released under DGMC—Administrative Review Medical (mil.ca).

148 Defence Administrative Orders and Directives 5516-5, Learning Disability Accommodation during Recruiting, Training and Education, Government of Canada, section 4.12. Accessed 22 November 2021. Source: [DAOD 5516-5, Learning Disability Accommodation during Recruiting, Training and Education—Canada.ca](#).

149 The CHRA, R.S.C. 1977, c. 33 at section 7 refers to this behaviour as differing adversely in relation to an employee.

status). To contravene the CHRA, a discriminatory practice must be based on one of the prohibited grounds in subsection 3(1).¹⁵⁰

It is also a discriminatory practice for an employer to establish or pursue a policy or practice that deprives anyone of any employment opportunities based on a prohibited ground of discrimination.¹⁵¹ An example is refusing to hire someone because of their race.

Another human rights concept is indirect discrimination and its role in perpetuating systemic discrimination. As noted by the Supreme Court of Canada:

*indirect discrimination*¹⁵² *arises where an employer for genuine business reasons adopts a rule or standard which appears neutral, and which will apply equally to all employees, but which is discriminatory because it imposes obligations, penalties, or restrictive conditions on one group that are not imposed on others, because of some special characteristic of the one group.*¹⁵³

An example of indirect discrimination is height requirements that are not a *bona fide* occupational requirement. This indirect discrimination then results in fewer men or fewer women being eligible for an occupation.

The CHRA stipulates that programs, plans, and arrangements aimed at preventing, eliminating, or reducing barriers to disadvantaged groups are not in and of themselves discriminatory.¹⁵⁴

Royal Commission on Equality in Employment

In 1984, the Government of Canada stood up a Royal Commission on Equality in Employment. Entitled *Equality in Employment*, this report coined the term “Employment Equity” that we now use to describe a program designed to eliminate discriminatory barriers in the workplace. For promoting equality in the workplace, the Royal Commission found that:

- Where no action was taken, there was no improvement.
- Corporations with human resource programs specifically in place to address inequities were the most successful at reaching employment equity goals.
- Legislated mandatory requirements such as reporting were the most effective path, though this was insufficient unless accompanied by further legislation.¹⁵⁵

150 *Canadian Human Rights Act*, R.S.C. 1977, chapter 33 at section 3(1) and Defence Administrative Orders and Directives, 5516-4 - Restrictions of Duties, Accessed 3 September 2021. <https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5516/5516-4-restrictions-of-duty.html#int>.

151 For a history of human rights in Canada at the federal and provincial levels see *The Evolution of Human Rights in Canada*, by Clément, Dr. Dominique, Silver, Will, and Trottier, Dr. Daniel, CHRC, Minister of Public Works, and Government Services 2012.

152 Indirect discrimination is also known as adverse effect discrimination.

153 “Ontario Human Rights Commission v. Simpsons-Sears Ltd.,” [1985] 2 S.C.R. 536 at p 551, *Fraser v. Canada (Attorney General)*, 2020, SCC 28.

154 *Canadian Human Rights Act*, R.S.C. 1977, chapter 33, section 16.

155 Judge Rosalie Silberman Abella, Commissioner, “Report of the Royal Commission on Equality in Employment,” 1984, page 125, Accessed 3 September 2021. <http://equalpaycoalition.org/wp-content/uploads/2017/07/Equality-in-Employment-A-Royal-Commission-Report-Abella-Complete-Report.pdf>.

Appendix III: How DND Employment Equity goals are set

In 2001, issues related to data made it difficult for the DND to conduct a workforce analysis and set accurate employment equity goals. By 2004, the department had rectified these issues, according to audits.

These challenges were due to the use of data from a 1997 workforce survey that had a very low return rate and to shortcomings in the analysis methodology. By 2004, the DND had rectified these issues. However, other challenges persist. These challenges include the use of outdated census data without considering consistent growth of designated groups in the Canadian population as well as the use of the employment equity goals as a goal to be met rather than to be exceeded.

EEA representation requirements

According to the EEA and its regulations,¹⁵⁶ employers must ensure that designated groups achieve a certain degree of representation in each occupational group in their workforce. The EEA requires that recruitment goals be set for any occupational category where designated groups are underrepresented. These goals must be at least equal to the external labour market availability or higher. The DND must also incorporate the benchmarks outlined in the 2000 report, *Embracing Change in the Federal Public Service* (the Perinbam report),¹⁵⁷ for the recruitment of visible minorities. Those benchmarks stated that one in five individuals hired from outside the public service must be a member of a visible minority.¹⁵⁸

Labour market information and workforce analysis

The DND must analyze information about the labour market that it receives from Treasury Board of Canada. Then the DND establishes representation rates for the designated groups for each occupational group within its workforce. In doing so, the DND must consider occupational qualifications where appropriate as well as geographic areas of recruitment.¹⁵⁹ Then it compares the Canadian workforce representation rates with the current levels of internal representation for DND employees.¹⁶⁰ Finally, the department identifies underrepresented groups and sets representation goals.

Workforce analysis at the DND: Historical perspective

156 For example, see the Employment Equity Regulations.

157 The full title of the Perinbam report is *Embracing Change in the Federal Public Service*. The report was prepared by the Task Force on the Participation of Visible Minorities in the Federal Public Service. Lewis Perinbam was the Chairperson of the Task Force.

158 “Embracing Change in the Federal Public Service,” Task Force on the Participation of Visible Minorities in the Federal Public Service, page 6.

159 For the Scientific and Professional group, the data may be national; for the Administrative and Foreign Service, Technical, Administrative Support and Operational groups, the Department must provide regional data.

160 Both full and part time permanent employees as well as temporary employees, if appropriate, are included in this comparison.

Initially, the DND faced challenges with its labour market analysis. This was due to the department's use of data that did not reflect the internal representation of the designated groups due to the low return rate in a previous workforce survey conducted in 1997. There were also many shortcomings in the methodology used in this analysis. By 2004, the CHRC Compliance audit found that the DND complied with the EEA workforce analysis requirements.

In 2019, the National Security and Intelligence Committee of Parliamentarians (NSICOP), a joint House of Commons and Senate committee, produced an independent report entitled *Diversity and Inclusion in the Security and Intelligence Community*. This report reviewed the DND and other federal government security and intelligence organizations.¹⁶¹

The NSICOP report described several important issues and concerns about the reliability of the data used to demonstrate representation gaps.¹⁶² The report cited a 2017 Treasury Board of Canada report of the Joint Union-Management Task Force on Diversity and Inclusion,¹⁶³ which identified several problems with workforce analysis estimates that also apply to labour market analysis estimates. The 2017 report highlighted two important issues:

- At that time, the DND calculated representation rates using data from the 2011 census. Organizations used those calculations to determine their employment equity objectives, recruitment strategies, and decisions. However, data quickly became outdated due to the historically consistent growth rates in designated groups. The NSICOP report noted that the 2018 representation rates were calculated using data from the 2011 census.
- This representation rate date problem was compounded by a second issue, namely that “most government organizations use availability estimates as a ‘ceiling’ and not as a ‘floor’ (that is, as a goal to achieve rather than to surpass)”.¹⁶⁴

Both reports stated this resulted in the representation of designated groups continually lagging behind the actual Canadian population demographics.¹⁶⁵

Finally, the 2019 report examined DND methodology and questioned how the department calculated estimates of workforce availability for certain occupations (given the low rates). For example, the report noted at least 20 out of 50 different positions in the operational occupational category at the DND had a workforce availability of zero per cent for women, visible minorities, and Aboriginal peoples. With a workforce availability estimate of zero per cent, the DND may have ignored the absence of representation as a gap to address.¹⁶⁶

161 The DND has indicated that it is preparing a public response to this report: <https://www.canada.ca/en/department-national-defence/corporate/reports-publications/transition-materials/defence-101/2020/03/defence-101/nsirocs.html> . Date modified: archived, 30 September 2021.

162 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020), page 28.

163 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020). Pages 29–30 reference the NSICOP Secretariat consultation with TBS, Acting Manager of Employment Equity, Diversity and inclusion, Office of the Chief Human Resources Officer, 5 February 2019.

164 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020). Pages 29–30 reference the NSICOP Secretariat consultation with TBS, Acting Manager of Employment Equity, Diversity and inclusion, Office of the Chief Human Resources Officer, 5 February 2019.

165 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020), pages 29–30.

166 “Annual Report 2019–Chapter 1: Diversity and Inclusion in the Security and Intelligence Community,” National Security and Intelligence Committee of Parliamentarians, August 2019 (revised in 2020), page 30.

Appendix IV: How CAF Employment Equity goals are set

How employment equity goals are set

Since it conducted its first workforce analysis in 2004, the CAF has opted consistently in favour of lower representation goals even though the EEA allows for higher representation. The CAF has also faced methodology issues surrounding their workforce analysis as reported in audits.

During the past 20 years, the CAF has faced difficulties in establishing goals for designated group members. These difficulties have been in part due to its unique nature. However, the CAF has chosen lower representation goals when the data and the EEA allows for higher representation.

Canadian workforce versus the CAF workforce

A comparison of the percentages of designated group members in the Canadian workforce to those of the CAF reveals a significant difference between the percentage of women, Aboriginal peoples, and visible minorities who form the workforce in Canada and those who are CAF members. However, the CAF may attract a smaller subset of the population due to the inherent dangers of the job as well as the fact that CAF members must accept unlimited liability.

Due to the principle of Universality of Service, and under the *Canadian Human Rights Act*, the CAF is not required to enroll persons with disabilities. For this reason, they were not listed in the CAF data.¹⁶⁷

EEA representation requirements

The schedules for the *Canadian Forces Employment Equity Regulations* set out the occupational groups for the military.¹⁶⁸ Some occupational groups are like those in non-military occupations. Examples include dental clinic assistant and dental hygienist. Other occupations only exist in the military such as combat arms, with sub-categories that include armour, artillery, and infantry. The CAF conducts an analysis for each military occupational group to determine what should be its goals for designated groups.¹⁶⁹

167 <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/employment-equity/reports/2016-annual.html#h2>

168 The CAF has a broad range of occupations, and hierarchies within those occupations. For example, the Infantry has a range of ranks, some of which correspond to management positions.

169 Defence Administrative Orders and Directives (DAOD) 5002-0, Military Personnel Requirements and Productions, Date of Issue: 15 April 2004; Last modified: 30 September 2015.

Labour market information and analysis

The Minister of Labour¹⁷⁰ provides labour market information to the CAF. This information is intended to help the CAF with its analysis in order to determine any underrepresentation of designated groups.¹⁷¹

The CAF is a unique employer with a wide array of occupations which can make labour analysis challenging. Even where similar occupations exist in the civilian world, challenges remain due to the nature of the CAF. For example, dental hygienists may not want to join an organization where they must accept the duties and responsibilities of being in the military while also providing their specialized dental expertise. Moreover, they may not be ready to commit to certain aspects of the military lifestyle required under Regular Force service, such as unlimited liability and frequent relocations.

Labour market analysis and the CAF: Historical perspective

During the past 20 years the CAF has had difficulties establishing goals for designated group members, partly due to the nature of the CAF. However, the CHRC indicated in its compliance audits that the CAF chose lower representation goals when the data allows for higher representation. The audits also indicated that the CAF should set higher goals, particularly for Aboriginal peoples and visible minorities.

The CAF also had difficulties finding an acceptable methodology for its labour availability estimates and short-term goals.

2000–2010

In 2004, the CAF agreed with relevant stakeholders¹⁷² to use a “tripling” methodology for conducting its labour market analysis.¹⁷³ Under this agreement, the CAF bases availability estimates for occupations with civilian equivalents, which represent a significant portion of the CAF occupations, on special Census tables produced for the CAF. For those occupations without civilian equivalents, estimates were to be determined by tripling the internal representation of the designated groups in each of the occupational groups, up to a certain ceiling in each case.¹⁷⁴

However, in its 2006 CAF Employment Equity Plan¹⁷⁵ the CAF used the tripling methodology for its labour market availability analysis, but not for its short-term goals. Instead, it employed another methodology for the goals by using National Occupational Classification data.¹⁷⁶

170 Note that the Minister of Labour is also the Minister of Employment and Social Development Canada. Employment and Social Development Canada was previously called Human Resources and Skills Development Canada.

171 “Employment Equity Act–Annual Report 2020,” Minister of Labour, 2020, page 9, Accessed 3 September 2021, https://www.canada.ca/content/dam/esdc-edsc/documents/programs/employment-equity/reports/EEAR_2020-Report-PDF-EN.pdf

172 The stakeholders are Human Resources and Skills Development Canada, Treasury Board Secretariat and the Canadian Human Rights Commission.

173 “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2007, page 6.

174 “Employment Equity Audit Report–Canadian Forces,” Canadian Human Rights Commission, 2007, page 6.

175 Canadian Forces Employment Equity Plan, Advancing on a Wide Front–December 2006,” Canadian Armed Forces, 2006.

176 “Canadian Forces Employment Equity Plan, Advancing on a Wide Front–December 2006,” Canadian Armed Forces, 2006, page 7.

The methodology used by the CAF resulted in reduced gaps for women and visible minorities, as compared to the agreed-upon methodology, making it look as if the CAF was closer to its short-term goals than it actually was. The 2007 Canadian Human Rights Compliance Audit¹⁷⁷ noted that if the CAF had used either availability data based on the Census or applied the ceilings from the 2006 Interest and Propensity Estimates,¹⁷⁸ the gaps would have been even larger.¹⁷⁹

The CHRC stated that the CAF should use the tripling methodology agreed upon in 2004 to determine both the labour availability estimates and its short-term goals.¹⁸⁰

2011–2020

The CAF attempted to develop a new methodology. However, in its 2018 Canadian Human Rights Compliance Audit,¹⁸¹ the CHRC rejected that methodology because of the CAF's use of the National Occupational Classification data. This would have resulted in the CAF comparing itself to itself. The CHRC also indicated that until the CAF found a new goal-setting methodology, the current representation of designated group members should be equivalent to the projected increases of designated group members among Canadian citizens aged 18 to 49 years. In doing that, the rate of increase in the CAF would match the rate of increase in the Census data.¹⁸²

Apart from the methodological issues, this compliance audit recognized the CAF's efforts and progress. However, the audit also said more ambitious goals were necessary, especially for Aboriginal peoples and members of visible minorities, so as to increase support for workplace diversity and inclusion and reflect the spirit of the EEA. The compliance audit also stated that the CAF should update its recruitment goals to align with the 2016 Census data results.¹⁸³

177 "Employment Equity Audit Report – Canadian Forces," Canadian Human Rights Commission, 2007.

178 The Interest and Propensity Estimates were reports on the results of public opinion surveys conducted to determine the interest and willingness of designated group members to join the CAF. These reports assisted the CAF in its labour market analysis.

179 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2007, page 7.

180 "Employment Equity Audit Report–Canadian Forces," Canadian Human Rights Commission, 2007, page 7.

181 "Employment Equity Interim Audit Report–Canadian Armed Forces," Canadian Human Rights Commission, 2018.

182 "Employment Equity Interim Audit Report–Canadian Armed Forces, 2018," Canadian Human Rights Commission, 2018, page 12.

183 "Employment Equity Interim Audit Report–Canadian Armed Forces, 2018," Canadian Human Rights Commission, 2018, page 13.

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