



# **Contract Policy Notice 2003-04 – Strengthened Federal Contractors Program for Employment Equity (Archived)**

Published: 2003-07-02

© Her Majesty the Queen in Right of Canada,  
represented by the President of the Treasury Board 2003,

Published by Treasury Board of Canada, Secretariat  
90 Elgin, Ottawa, Ontario, K1A 0R5, Canada

Catalogue Number: BT12-10E-PDF  
ISSN: 1491-591X

This document is available on the Government of Canada website, [Canada.ca](http://Canada.ca)

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Politique des marchés avis 2003-04 – Renforcement du Programme de contrats fédéraux pour l'équité en matière d'emploi (Archivé)

DATE: July 2, 2003

**SUBJECT:** Strengthened Federal Contractors Program for Employment Equity

## Summary

- 1. Effective July 1, 2003, officials are to implement a revised Federal Contractors Program for Employment Equity through the Treasury Board Contracting Policy (Appendix D). Departments have a three-month transition period from that date to amend their policies and procedures accordingly.**
2. Contracting officials should note that changes have been made to the policy in order to clarify the Program requirements for contractors and departments and to reinforce the use of sanctions.

## Background

3. In 1986, the Government established the Federal Contractors Program for Employment Equity (FCP-EE), to be implemented through the Treasury Board Contracting Policy. The objective of the Program is to ensure that suppliers of goods and services to the federal government achieve a fair and representative work force for women, visible minorities, aboriginal peoples and people with disabilities.
4. The Program applies to goods and services contracts above \$200,000 (including all applicable taxes) awarded to Canadian and foreign suppliers with a total national resident work force of 100 or more permanent full or part-time employees.

Contractors are to eliminate barriers to the integration of the four groups mentioned above, an ongoing obligation that extends beyond the end date of the contract.

5. The Program was reviewed, resulting in amendments to the Contracting Policy Appendix D.

## Policy Changes

6. The revised policy now includes an introduction section that clearly situates the FCP-EE within the Program's legislative and policy framework. Specifically, the *Employment Equity Act* requires that the program requirements for the FCP-EE be equivalent to those for federally regulated employers under the Act.

7. The policy continues to apply to goods and services contracts above \$200,000 (including all applicable taxes) that are awarded to Canadian and foreign suppliers with a total national resident work force of 100 or more permanent full or part-time employees. However, the policy now explicitly states that standing offers and supply arrangements are also covered. The policy continues to exempt the purchase or lease of real property and construction contracts from the Program. Although the Program applies to contracts above \$200,000 (including all applicable taxes), the sanction-related policy provisions apply to all goods and services contracts over the threshold for solicitation of bids set out in the Government Contracts Regulations (GCRs).

8. Departments are to continue to indicate in their bid solicitation documents that the FCP-EE may apply and that bidders are required to provide information regarding their status in regards to the program. Departments must ascertain that this information is provided to them before awarding the contract to a supplier that is subject to the Program. Departments may do this either through a mandatory bid requirement (where bids are declared technically non-compliant if the information is not included in the bid), or through alternate requirements for the receipt of this information as a condition precedent to award.

9. Departments must provide HRDC with original signed Certificates of Commitment submitted by successful contractors within 30 days of awarding contracts covered under this Program.

10. Measures to ensure contractor compliance have been strengthened by ensuring that firms declared ineligible may not bid for contracts above the threshold for solicitation of bids in the GCRs. HRDC will declare ineligible contractors that are non-compliant and those who voluntarily withdraw from the program. HRDC will maintain a List of Certified Employers and a List of Ineligible Contractors that departments may consult to fulfil their obligations under this Program.

In non-competitive situations, the government may not have a choice about dealing with ineligible contractors; therefore, procurement officers should obtain approval from their senior management before awarding the contract and inform HRDC of non-competitive contracts awarded to ineligible suppliers. HRDC will then work with the contractor to reinstate them into the Program.

12. Reporting requirements under the policy have been streamlined. Departments are no longer required to report the value and date of all contracts above \$200,000 but must maintain this information to provide information to HRDC upon request. Departments must continue to provide certificates of commitment and must inform HRDC of non-competitive contracts awarded to ineligible contractors.

## Implementation

13. Information and tools, including Frequently Asked Questions and a template of a Certificate of Commitment, are available to departments on HRDC's web site for the Program at:

<http://www.hrsdc.gc.ca/en/lp/lo/lsw/we/programs/fcp/criteria/index-we.shtml>.

The List of Certified Employers is available on publiservice at:

[http://publiservice.gc.ca/services/fcp-pcf/cert\\_e.htm](http://publiservice.gc.ca/services/fcp-pcf/cert_e.htm). The List of Ineligible Contracts is available on publiservice at: [http://publiservice.gc.ca/services/fcp-pcf/inelig\\_e.htm](http://publiservice.gc.ca/services/fcp-pcf/inelig_e.htm).

14. HRDC is offering information sessions through departmental representatives on the Treasury Board Advisory Committee on Contracts.

15. Finally, an evaluation framework will be completed one year after implementation and a complete evaluation in five years.

## ***Contracting Policy Website***

16. This CPN and the policy will be available on the TBS Website ([www.tbs-sct.gc.ca](http://www.tbs-sct.gc.ca)), under Policies in the Contracting section.

## **Enquiries**

17. For policy advice and guidance, please contact:

Terry O'Donnell

Workplace Equity Program Advisor

Human Resources Development Canada at (613) 953-2961

or

Treasury Board Secretariat at (613) 957-2487.

Jane Cochran

Executive Director

Procurement and Project Management Policy Directorate

Distribution: TB06, TB07, TB21, TB23, T022, T023, T024, T161, T222 and T223

Attachment: Revised Appendix D of the Contracting Policy, Federal Contractors Program for Employment Equity

**Date modified:**