



Public Service Alliance of Canada
Alliance de la Fonction publique du Canada

BRIEF

TO THE

**SENATE STANDING COMMITTEE
ON HUMAN RIGHTS**

**ON THE HIRING PRACTICES AND
EMPLOYMENT EQUITY
IN THE
FEDERAL PUBLIC SERVICE**

PRESENTED BY

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Thank you for once again inviting us to appear before this Committee to testify regarding hiring practices and employment equity in the federal public service. Today, we would like to provide our views on recent events impacting on employment equity, including some of the information that has recently been provided to this Committee by other witnesses.

On March 23, 2009, the Office of the Chief Human Resource Officer of Treasury Board, or OCHRO, released its report on *Employment Equity in the Public Service of Canada* covering the last two fiscal years. That report shows that the federal public service is still lagging far behind in achieving a representative workforce, especially when it comes to racialized workers. Unfortunately, the Report did not receive very much attention, since it was released on the same day that Maria Barrados, President of the Public Service Commission, testified before this Committee, indicating that PSC has re-calculated its figures on hiring and has now determined that the number of racialized new recruits is twice as high as they had previously reported. The release of those new figures took us by surprise, to say the least.

Therefore, before addressing the OCHRO's report and other recently released information which sheds light on the current situation for equity groups in the public service, we would like to comment on Ms. Barrados' recent testimony and the figures provided to the Committee regarding the hiring rates for the equity groups.

Self-Identification and the Recent PSC Data

First, why do we need self-identification? It is important to remember that many groups that testified before the 1985 Abella Commission on Equality in Employment indicated the importance of voluntary self-identification. That is, the importance of people from marginalized groups to identify themselves rather than be identified by an employer. Therefore, the Abella Commission's recommendations, which lead to the creation of the *Employment Equity Act*, included a recommendation that the data collected for employment equity purposes be based on voluntary self-identification.

Second, how is self-identification information normally collected? Since the *Employment Equity Act* was extended to the federal public service 14 years ago, the public service has been using figures from voluntary self-identification surveys of employees that are consistent with the *Employment Equity Act* and *Regulations*. This is the same way other federal employers collect their employment equity data. And yet, recently, the Public Service Commission has felt it necessary to change its method of determining self-ID figures.

Ms. Barrados stated that the Public Service Commission's previous numbers on newly-hired employees from the equity groups had been "underestimated." She explained that the data was re-examined by looking at numbers of people who "self-identify" on the Commission's website when they apply for a job, and then tracking that information forward when these individuals are hired.

As we have said, the release of this new information by Ms. Barrados took us by surprise. As a bargaining agent, pursuant to the *Employment Equity Act*, we are regularly consulted by the central agencies on employment equity issues and yet we were not consulted nor advised in advance of the new figures. From the information we have seen, PSAC has a number of questions and concerns about this new method of collecting self-identification information.

A review of the form and information provided on the website suggests that it is not consistent with the legislative requirements. The form provided on the website is not the same as the self-identification form provided to employees nor does it conform to the self-identification form set out in the *Employment Equity Regulations*. For example, the definition of what is a “visible minority” is not clearly identified, which could cause confusion or misunderstanding. We have recently met with Ms. Barrados and shared some of our concerns.

We would note that, while self-identification is not perfect, it is the only method to collect the information necessary to determine the composition of the workforce and therefore to take measures to ensure that the workforce is representative. And while many suspect that there may be under-reporting in some cases, (or conversely that there may be false self-identification in others), there is currently no way of determining the extent to which these are legitimate concerns.

Unfortunately, what the Public Service Commission has not done, is investigate the underlying causes of this suspected problem of “under-reporting”. If employees are not self-identifying after being hired, what are the reasons? Is it simply a question of educating and informing workers about the purpose of self-identification? Or do workers from equity groups have legitimate reasons to be wary of it, for example, because of a negative work environment which is not supportive of employees who come forward with concerns or complaints. If the latter is the case, the work that needs to be done is not to change the method of calculating the numbers, but rather to eliminate the barriers that are causing the “under-reporting” in the first place.

Whichever data one uses, the hiring numbers only show one small part of the picture. It is still clear that the public service has a long way to go in creating an inclusive and welcoming workplace culture for all workers. We continue to hear of many instances of discrimination from our members, and a glass ceiling still exists for women, Aboriginals, racialized workers, and workers with disabilities in the federal public service. In our view, the Public Service Commission is taking their focus off the solutions to the real problems, which we know are under-representation, discrimination in hiring and promotion, and the culture of the public service.

The Current State of Employment Equity in the Federal Public Service

This brings us to the focus of our presentation, which is the current state of employment equity in the federal public service. As indicated, the recent employment equity report from the Treasury Board OCHRO demonstrates that a number of barriers continue to exist in the federal public service for all four equity groups.

Although the representation of people with disabilities in the federal public service is above their workforce availability, the report indicates that “the recruitment rate of persons with disabilities has not kept pace with the workforce availability”. Also, the separation rate of disabled workers in the public service continues to be very high, and workers with disabilities are leaving the public service (either through termination or otherwise), at almost three times the rate at which they are being hired. This is not surprising to the PSAC, given the number of complaints and grievances our members have regarding the failure of many departments to accommodate persons with disabilities, and with regard to the numbers of disabled workers who are coerced into taking medical retirement.

For racialized workers, while there was an increase in their overall representation to 9.2% (2007-08), the representation rate is still far below the workforce availability. Note that the recently workforce availability figures derived from the 2006 Census show racialized workers at 15.3% of the Canadian labour market. Given these figures, and given that by 2017 Statistics Canada predicts that 20% of Canadians will be racialized, it is clear that the federal public service is moving much too slowly in its efforts to achieve a representative workforce. In fact, despite the small increase in representation, the gap between the labour market availability and the level of representation has actually widened over the last few years. In spite of the changing population, the public service has shamefully dropped its commitment to 1 in 5 and the funding for the Embracing Change initiative has disappeared.

Regarding the representation of Aboriginal peoples, the data shows that Aboriginal workers are not represented across the various departments; a large portion of the Aboriginal workers work in three departments and many departments are still not meeting the workforce availability for Aboriginal peoples. Further, the hiring rate for Aboriginal workers declined in 2007-08 and the hiring rate is still significantly lower than the rate of separation, which means that a higher proportion of Aboriginal employees are leaving the public service than are being hired. This is a trend that has been apparent for many years.

Although women are well represented in the public service as a whole, they are still largely clustered in certain jobs and certain departments, as well as over-represented in the temporary employment category. The jobs that women hold are generally lower paying jobs and ones which are seen as traditionally female jobs (clerical and administration). And while women represent 54% of public service employees, they are only 41% of the Executive cadre.

Furthermore, consider the following data from the recently released results of the 2008 *Public Service Employee Survey*.

The figures for racialized workers identify a number of barriers, including a lack of access to language training, and a lack of access to developmental assignments, among others. Twenty-seven percent (27%) of respondents who are racialized said that discrimination has had an adverse effect on their career progress, 30% reported being a victim of discrimination in the last two years, and 33% reported being a victim of harassment.

Responses from workers with disabilities indicated barriers with respect to opportunities for and access to promotions, career development and training, and opportunities to advance and apply their skills in the workplace. Thirty-one percent (31%) of respondents who identified as persons with disabilities said discrimination had an adverse effect on their career progress, a whopping 49% reported being a victim of harassment, and 41% reported being a victim of discrimination.

Forty-two percent (42%) of Aboriginal workers reported being a victim of harassment, and 29% reported being a victim of discrimination. Aboriginal workers are also more likely to be dissatisfied with the way in which complaints are addressed, and are less likely to feel that they will not suffer reprisal if they file a complaint.

Although women did not report levels of discrimination as high as other equity groups, 31% of women reported being a victim of harassment. Also, since specific data has not been released for Aboriginal women, racialized women, or women with disabilities, it is not possible to determine whether these women have reported additional barriers or higher rates of discrimination and harassment.

There is another disturbing trend apparent in this year's survey: looking at the past two previous employee surveys (in 2002 and 2005), the percentage of employees reporting harassment has been steadily increasing for all of the equity groups.

All of these statistics from the *Public Service Employee Survey* and the *Employment Equity Report* make one thing clear: that discrimination against members of equity groups continues in the public service. Despite what we would hope to see, instances of discrimination and harassment are increasing, not declining.

Why is it that these problems continue to persist in the federal public service? PSAC believes that while there may be some commitment from the top management of the public service in terms of understanding the benefits of having a diverse workforce, little has changed in the culture of the public service at the workplace level. Lower level managers and hiring managers have not gotten the message in many cases. We need a culture change – a shift – towards a truly inclusive workplace where the talents, skills, and contributions of all workers are respected and valued. And where there is zero tolerance for harassment and discrimination. Without such a culture change, and

without real enforcement of the *Employment Equity Act*, the goals of employment equity will continue to remain elusive.

Recent Developments and the Future of EE in the Federal Public Service

Finally, we have some apprehension about what recent trends mean for the future of employment equity in the federal public service.

As the members of this Committee may be aware, the government recently made a major change to the governance of human resources for the public service. As of March of this year, the Canada Public Service Agency ceased to exist and the role of the central human resource office returned to Treasury Board (where it once had been housed). Along with this change were other changes in the structure and responsibilities for human resource management, including bargaining, compensation, and policies, among others.

Although we have not yet seen exactly how this new management of human resources will work in practice, two developments relating to employment equity concern us. First, it is not clear where the responsibility for employment equity lies within this new structure. Second, the new structure appears to delegate more responsibilities to departments and away from the Treasury Board and central agencies. Our concern is that employment equity will get lost in this new structure, that there will be less accountability, less standardization and a move toward more discretion on the part of departmental managers. To us, this means less accountability, more inconsistency, and less commitment to the issue. In our previous submission to this Committee, we outlined the problems with the delegation of staffing to lower levels of management where the Public Service Commission itself has noted there is not the same level of commitment and knowledge of employment equity principles.

As we have pointed out, the shift in recent years has been away from a central authority and accountability on the issue of employment equity. Embracing Change and the 1-in-5 hiring goal have been abandoned by the central agencies. Staffing responsibilities have been delegated downwards, the hiring of casual and temporary workers has increased, and non-advertised hiring processes are all too common. With these trends, it is hard to imagine how the federal public service can make any substantial improvements on employment equity in the coming years.

Recommendations

In light of the concerns we have outlined, we make the following additional recommendations:

1. The government should revive the Embracing Change initiative and the 1-in-5 goal for hiring of racialized people, along with the funding for this initiative. The

- 1-in-5 goal should be applied in all departmental employment equity plans and policies.
2. We invite a discussion on the National Council of Visible Minorities (NCVM), recommendation calling for a Commissioner of Employment Equity. Such a discussion should take place with appropriate representatives from the government, unions, and other stakeholders such as the NCVM, National Council of Federal Employees with Disabilities (NCFED) and National Council of Aboriginal Federal Employees (NCAFE).
 3. An examination must be done of the reasons that so many people with disabilities are leaving the public service. Are these departures voluntary? An audit should be done of the sick leave, return to work, and accommodation practices in all departments to determine the extent of the problem of delays and failures to abide by the duty to accommodate.
 4. A similar examination must be done of the reason for the high rate of separation for Aboriginal peoples in the public service to determine the reasons and any barriers to the participation and inclusion of Aboriginal workers in all departments.