

The Employment Equity Program

Recommendations by the PSAC to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities

Recommendation 1:

The [Employment Equity Act](#) should provide for the creation of regional employment equity councils which will serve to bridge the experiences of those who are covered by the Employment Equity Act. The council would foster an exchange of information and strategies in order to support the effective implementation of employment equity in our workplaces. It is our view that HRDC/Labour should be resourced and mandated to carry out this function.

Recommendation 2:

That, in unionized workplaces, employment equity plans be the subject of negotiations with bargaining agents, and that bargaining agents have the ability to seek recourse or resolution in the event of disagreement with the plan.

The PSAC recommends that Regulations be enacted to assist the negotiation of employment equity plans. In addition, these regulations should set out access to information entitlements for bargaining agent representatives and employee representatives in areas such as:

- results of the workforce survey,
- workforce analysis, conclusions and findings emanating from the employment systems review,
- information on barriers which have been identified,
- information to support measures and goals in relation to the employment equity plan.

Recommendation 3:

That bargaining agents and employees have the right to trigger workplace audits by a compliance officer where there are concerns about the workplace.

Recommendation 4:

That the statutory barrier which prevents investigators of the Commission who are investigating individual complaints pursuant to the CHRA and those conducting audits pursuant to the EEA be eliminated to allow investigators to share their information where the information before them suggests the possibility of a systemic problem.

Recommendation 5:

That the prohibition against reliance on statistical evidence alone to file a complaint be removed and Tribunals should not be limited in the remedies they may design in order to address problems in particular workplaces.

Recommendation 6:

That information related to employment barriers and remedial measures in workplaces be made available through the CHRC for research and educational purposes.

Recommendation 7:

The designated groups should be expanded to include lesbians, gay men, bisexual groups and the transgendered. We further recommend that the government undertake specific consultations with these groups on how they should be included in the Employment Equity Act. We have previously called for the inclusion of older workers to the designated groups, given the experience of older workers when the Federal Public Service went through a downsizing period in 1990's.

Recommendation 8:

We recommend that the Federal Contractors Program be folded under the Employment Equity Act and subject to CHRC compliance audits.

Recommendation 9:

We will repeat our recommendation that the [Employment Equity Act](#) apply to the following employers:

The Senate, the House of Commons and the Library of Parliament

The Canadian Armed Forces (members and officers)

The Royal Canadian Mounted Police (members and officers)

Recommendation 10:

We recommend the creation of a Parliamentary Human Rights Committee. We also recommend that annual employment equity reports from Human Resources Development Canada, the Canadian Human Rights Commission, the federal Public Service and from separate employers be tabled with this Parliamentary Committee for their review and action.

Recommendation 11:

The [Employment Equity Act](#) should include the additional requirement to carry out a workforce analysis by employee status (permanent full-time, permanent part-time and temporary

employees). As well, short term numerical goals for the hiring and promotion of equity group persons should respond to gaps by employee status.

Recommendation 12:

We recommend that a statement giving primacy to the [Employment Equity Act](#) over other types of employment related legislation, be added.

Recommendation 13:

The Employment Equity Act and Regulations should incorporate the requirement to review the workplace culture in the course of the employment systems review.

Recommendation 14:

The PSAC recommends that the [Employment Equity Act](#) require that labour market availability rates be established in a barrier free manner.

Recommendation 15:

The PSAC recommends that the [Employment Equity Act](#) makes clear the employer obligation to have a written policy on the accommodation of the equity groups.

Recommendation 16:

We recommend that the [Employment Equity Act](#) mandate that both the Census and Health Activities Limitations Survey (HALS) occur at regular and shorter intervals in order to ensure that accurate and timely labour market data is available.

Recommendation 17:

The PSAC recommends that the [Employment Equity Act](#) and Regulations should add the requirement to review the classification system in the course of the employment systems review.

Recommendation 18:

The PSAC recommends that the [Employment Equity Act](#) and Regulations specifically require an analysis of under-representation based on salary ranges.

Recommendation 19:

The PSAC recommends that the Act provides for clear employer responsibility towards their current employees from the equity groups, in addition to the requirement to increase overall representation of equity groups through external recruitment.

Recommendation 20:

The Act should require the workforce analysis to include an analysis on multiple equity groups. Employer reports should also include data on gender for the three equity groups. (This information is captured in Schedule VI of the Employment Equity Regulations)

Recommendation 21:

The Employment Equity Act should provide for an analysis of occupational sub-group clustering, even if overall occupational group representation is met.

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