HUMAN RESOURCES AND SKILLS DEVELOPMENT CANADA

EMPLOYMENT SYSTEMS REVIEW

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EXECUTIVE SUMMARY

The *Employment Equity Act* (EEA) requires employers to identify and eliminate barriers to employment of the four designated groups, i.e., women, members of visible minorities, aboriginal peoples, and persons with disabilities. Among the principal obligations of the EEA and its regulations, a periodic employment systems review (ESR) must be conducted. An ESR is a comprehensive examination of written and unwritten, formal and informal, employment policies, practices, and procedures.

It is important that organizations, such as Human Resources and Skills Development Canada (HRSDC), retain good employees and attract future employees by treating their staff in a fair and equitable manner. An effective mechanism for accomplishing this is by having a diverse workforce where diversity is recognized and respected.

A review of the Department's policies in relation to the EEA's requirements was performed, including the review of systems and practices in place in the areas of recruitment, selection, hiring, appointments, training and development, promotions and for accommodating the special needs of members of designated groups.

The review was based on a file review using a sample of 2007-2008, 2008-2009, 2009-2010 staffing files. Employment systems in HRSDC were examined through a statistical sampling of information and data available in Departmental databases and records. To validate file findings, the review was supplemented and refined through a series of phone interviews, which included regional and branch Managers and HR personnel.

Based on the information available, we are able to conclude that overall, the existing policies for recruitment, selection, hiring appointments, training and development, promotions:

- comply with the requirements of the EEA;

- do not prevent the advancement of the Department's goal of developing a workforce more representative of the Canadian population.

The report concludes that while the employment systems in place are adequate to permit diversity to flourish in the Department, there is an apparent shortfall with respect to the visible minority

population. A renewed effort is required to achieve the minimum 80% self-identification survey response-rate that is essential to have an accurate picture of the workforce.

To be successful, however, correction of under-representation of visible minorities members requires action by both HR and line management. HR provides support and infrastructure, but use of the infrastructure and actual hiring is performed by line management.

Available Departmental employment equity (EE) data is based primarily on self-identification. While data was available to facilitate the analysis required for the review, self-identification was raised as an issue. Some employees may be concerned about the potential perception that EE appointments may not be viewed as meritorious; others may think that identification is a self-serving exercise for the Department with little, if any benefit to EE employees.

While the examination of policies and systems did not produce evidence of barriers in general, there were some inconsistencies in how other Departmental policies were developed and/or applied. A review of statistical data has shown sufficient evidence to indicate that career development and progression for designated group members, as defined by the number of promotions, transfers, assignments, and acting appointments, is equitable. However, according to the results of the Public Service Employee Survey (PSES), employees in general believe that lack of access to learning and developmental assignments has adversely affected their career progression.

There are a few themes which cut across employment systems in terms of the general environment for EE:

- The overall self-identification survey response rate for the Department is 73.9% and falls short of the minimum 80% mark to ensure that the workforce analysis is accurate.

- EE is not generally raised as an issue in recruitment or other staffing actions.

- Human Resources (HR) Advisors get inadequate or very little training in EE.

- Flexibilities provided for in the Public Service Employment Act (PSEA) are rarely used in the recruitment process. The Department has been identified by the Public Service Commission (PSC) as one of the Departments with a high drop-off rate.

- In any given recruitment action, the area of selection used may not attract as many visible minorities as possible.

- Official Languages (OL) may be a barrier since staffing of bilingual positions is generally done as "bilingual imperative".

- Barriers to accessibility such as funding and policy requirements were identified. For example, policies have been created without adequate inclusion of accountabilities and roles and responsibilities pertaining to diversity.

This report makes 7 recommendations. The full text is provided on pages 23 to 26. Recommendations include:

- Increase the response-rate for the self-identification questionnaire

- Recruitment of under represented EE group members

- Enhanced communication and education for Managers and HR Advisors

- Bilingual Imperative Staffing

- Drop-off Rate for Visible Minorities

- Promotions and Terminations

- Barriers to Accessibility

INTRODUCTION

The Department of HRSDC, which includes the Labour Program and Service Canada, is one of the largest and most complex in the public service. More than 23,000 employees are employed in the Department's three distinct business lines: HR and Skills Development, the Labour Program and Service Canada, the latter being the largest business line with over 18,000 employees.

HRSDC offices are located throughout the country, in all provinces and territories, with regional operations and store-front accommodations in more than 300 communities. As almost every Canadian will deal with HRSDC at some point in their lives, the Department must ensure that it is representative of the Canadian population.

LEGISLATIVE REQUIREMENTS

Section 9.1(b) of the EEA requires the employer to conduct a review of its employment systems, policies and practices in order to identify employment barriers against persons in the four designated groups that result from these systems, policies and practices. Responsibility for conducting compliance audits rests with the Canadian Human Rights Commission (CHRC) in accordance with Section 9 of the EEA. Section 8 of the EE Regulations requires the employer to conduct an ESR, for those designated groups where under-representation exists, covering:

- Recruitment, selection and hiring

- Development and training

- Promotion

- Retention and termination

- The reasonable accommodation of the special needs of members of the designated groups

WORKFORCE ANALYSIS

For reporting purposes, Departmental EE data includes only employees who are indeterminate, terms of greater than 3 months and seasonal employees. It does not include employees of less than 3 months, casual employees, students and employees on leave without pay.

Preceding this ESR, the employer was required to conduct a workforce analysis, based on the results of the 2006 Census, in order to determine the degree of under-representation of persons in the designated groups in each occupational category and group. The Department has completed this thorough analysis and has determined that over all, there is an under-representation in the visible minorities group only. It is evident the Department has done well in reaching and exceeding the workforce availability (WFA) rates for women, aboriginal peoples and persons with disabilities, other than some small pockets here and there. However, it should be noted that in addition to the under-representation of visible minorities in the EX Category at HRSDC, there is also an under-representation of 9 aboriginal peoples. This is also significant in that it is where the most under-representation of aboriginals exists.

The majority of the visible minority under-representation is in the PM (146) and CS (158) groups, and to some extent the AS (41) and FI (15) groups. Visible minorities make up 9.7% of the Departmental workforce but have a WFA of 11.3%, leaving a 1.6% shortfall. This small shortfall translates into the need to recruit 365 members of the visible minorities group into the Department.

It should be noted that HRSDC is not unique in finding a shortfall in the visible minorities group. Most departments in the public service are encountering challenges in meeting their targets for this group. This may speak to an issue other than representation levels, as will be discussed later.

The chart below shows the Departmental situation with respect to the **visible minorities** group on June 2, 2009 (based on 2006 Census data):

Occupational Category	In Scope Population	Response Rate, Self-Identification Questionnaire	WFA	Visible Minorities	
Executive	407	68.8%	Representation	22	5.4%
			WFA	32	7.8%
			Gap	-10	
Scientific and Professional	1,247	60.1%	Representation	162	13.0%
			WFA	168	13.5%
			Gap	-6	
Administration and Foreign Service	17,820	75.6%	Representation	1,688	9.5%
			WFA	2,040	11.5%
			Gap	-352	
Technical	359	77.2%	Representation	31	8.6%
			WFA	38	10.5%
			Gap	-7	
Administrative Support	3540	70.4%	Representation	368	10.4%
			WFA	358	10.1%
			Gap	10	
Operational	16	68.9%	Representation	0	0.0%
			WFA	2	11.5%
			Gap	-2	
Total	23,389	73.9%	Representation	2,271	9.7%
			WFA	2,637	11.3%
			Gap	-365	

Notes:

- In Scope Population refers to indeterminate employees, terms greater that 3 months and seasonal employees.

- Response Rate, Self-Identification Questionnaire refers the percentage of in scope employees who completed the self-identification questionnaire.

- Representation refers to the number of employees who self-identified as being part of a designated group.

- WFA is based on the 2006 Census and the 2006 Participation and Activity Limitations Survey (PALS) – WFA represents the number of expected people for each designated group.

According to the CHRC, an 80% self-identification survey response rate is recommended to ensure EE statistical analysis accuracy. Despite a communications strategy that reminds employees regularly, through various means, of the importance of self-identification, the Department's overall response rate is 73.9%; more specifically, the National Capital Region (NCR) response rate is 64.8%. These low response rates may be a contributory factor for under-representation of the visible minorities group.

The chart below shows the occupational groups with under-representation of **visible minorities** in the NCR on June 2, 2009 (based on 2006 Census data):

Occupational Group	Number of Employees	Representation Visible Minorities	No. Expected	Gap	Response Rate, Self-Identification Questionnaire
AS	1,780	106	147	-41	60.2%
CR	527	37	49	-12	51.4%
CS	1,819	217	348	-131	72.3%
EX	300	17	25	-8	61.7%
FI	255	25	36	-11	60.4%
PM	1,671	120	176	-56	72.1%
All others	1,801	206	211	-5	60.1%
Total	8,153	728	992	-264	64.8%

Note: The Department has a shortfall of 365 appointments, 264 of these are in the NCR.

REVIEW OF DEPARTMENTAL POLICIES, PROCEDURES AND PRACTICES

After a thorough review of all HR policies, procedures, practices and employment systems, the Department is found to be in compliance with respect to legislative requirements.   These policies include those dealing with staffing, training and development, labour relations, EE, OL and Duty to Accommodate (DTA). This included HRSDC and Service Canada policies. Current and draft policies were also reviewed.

In terms of the DTA, it was found that not all Departmental policies, outside of HR, are viewed through the lens of the DTA. It is essential that <u>all</u> Departmental policies be reviewed from this perspective and this should be part of the policy development checklist. It is understood that the Department has plans to include a DTA lens in every policy.

SELF-IDENTIFICATION

HRSDC has an on-line real time census Intranet site where employees enter and update their self-identification information. The Departmental demographic (self-identification) survey is an ongoing activity – it is managed through a secure on-line HR site called Paperless Office.

Letters of offer contain information on the self-identification process along with a myriad of other information. It is understood that signed letters of offer constitute legally binding documents, but they tend to be several pages in length and it is doubtful many new employees read every different section in detail, then follow-up on the various web sites. This may contribute to the low response-rate to the self-identification questionnaire. It is suggested that ways be examined which could make letters of offer more effective, while maintaining the legal requirements. It should be noted that the Department follows up with a reminder message to all new recruits once they have access to Paperless office, the importance of completing the self-identification questionnaire.

The issue of self-identification is a complex one as well as being a personal and sensitive issue to most people. There is no one singular reason for the low response rate but some of the reasons are examined below:

A.   Self-Identification versus Self-Declaration

This is undoubtedly the most complex reason why self-identification may fail. When applying for a position in the public service, many applicants will self-declare, on the application form, that they are a member of one or more of the EE designated groups. Should the applicant then be successful and receive an appointment in the Department, they are asked to self-identify. Unfortunately, many will not do so because they believe they have already done so by self-declaring on their application. What may not be well understood by new appointees, and perhaps the majority of employees, is that separate data banks exist for different purposes. The Public Service Commission (PSC) holds one of these data banks for the purpose of collecting information on applicants only; departments hold another data bank for collecting information and data on their employees. The two data banks are authorized under different legislation and the data from one cannot be transferred to the other at this time. Were this possible, there could very well be a noted increase in representation.

In a related issue, when an employee moves from one department to another, either on deployment or promotion, their self-identification data cannot be transferred with them. So, on arrival at their new position, employees are asked to once again self-identify. Employees must be educated that they need to self-identify when they first join the public service, and each time that they change departments.

HRSDC is not in a position to resolve this issue alone. However, the Clerk of the Privy Council is currently chairing a senior committee which is studying the issue of self-identification versus self-declaration. Perhaps it could be looked at in the same way as the Oath of Office, which does move with the employee and need not be re-taken at each new organization.

The Treasury Board Secretariat (TBS) as the employer maintains a separate databank of all employees who have self-identified over the course of their career in the federal public service. In order to ensure that HRSDC self-identification data is accurate, it is matched against the information contained in the TBS databank. On an annual basis, all anomalies are brought to the attention of the EE Coordinators for reconciliation.

B.   Self-identifying is only for Members of the Designated Groups

Self-identification is for all employees, whether they belong to one or more of the designated groups or not. The Department cannot get a good "photograph" of the organization unless all employees self-identify. And while this has been communicated to employees, many may still believe that self-identification is for members of the designated groups only. Here again, is an issue related directly to communications. As stated earlier, the Department has now planned a new self-identification communication strategy to dispel this belief.

C.   What's in it For Me?

Some employees may not self-identify because they don't see any value for themselves by doing so. They don't see any personal benefit or advantage in self-identifying. This issue speaks directly to the communications strategy.   The Department makes every effort to stress the importance of self-identification, for all employees, for the Department and the public service at large. By having a good "photograph" of the organization at any given point in time, all employees can be assured that their organization is representative of the Canadian population. This should be stressed as the "what's in it for me" idea and the personal benefit to each employee. The Department has recently prepared a more focused communications strategy in an attempt to increase self-identification, and has developed a Self-Identification Toolkit with *Key Messages for Managers* and *Frequently Asked Questions (FAQs) for employees*.

D.   I want to be Appointed on Merit

Although more employees are becoming aware that all appointments are made on the basis of merit, many, especially those who are members of one or more of the designated groups, still hold the view that if they self-identify (or even self-declare), this will be the basis for their appointment, and they don't want to have this stigma attached to their employment. While this myth forms part of the existing communications strategy, a new strategy should be put in place to reinforce the facts. This may prompt more employees to self-identify. The Department currently has requested Paperless Office to amend the form itself and strengthen the message regarding reasons to self-identify – this will be addressed in the message as well as on the self-identification section of the new Diversity and EE Website which will be launched in October.

RECRUITMENT, SELECTION AND HIRING

The ESR has found that the Department makes good use of the various student programs as a way to recruit new, young talent into the organization and the public service as a whole. This has had a positive impact on HRSDC's EE initiative. Managers and HR Advisors interviewed during the ESR were very positive about the various programs, especially the Student Bridging Program. The Ontario Region recruited 100, out of a target of 124, new employees from the designated groups using the PSC's Post-Secondary Recruitment Inventory. In fiscal years 2006/2007, 2007/2008 and 2008/2009, 615 processes involving the Student Bridging Program were conducted. Of this number, 289 were Women, 81 were visible minorities, 33 were aboriginal peoples and 15 were persons with disabilities.

HRSDC established its own Departmental-specific EE student recruitment program under the Federal Student Work Experience Program (FSWEP) called the Employment Equity Student Internship Program (EESIP) for hiring students from the three designated groups: persons with disabilities, visible minorities and aboriginal peoples. Staffing Advisors and Regional EE Coordinators expressed concerns (during the 2007-2008 and 2008-2009 recruitment campaigns) that they were receiving an insufficient number of referrals from the EESIP inventory and that the referral process took too long. As a result of consultations with the PSC and a thorough review of the program, the Department will be withdrawing its EESIP poster from the PSC Website and Managers will be instructed to recruit students from the general PSC FSWEP inventory by restricting their requests for referrals to EE designated groups. More focused communications reminding Managers of this process may be required in the time frames when Managers are typically thinking of hiring students.

A review of the Departmental Staffing Accountability Report showed the majority of the EE shortage to be at the PM-01 and PM-02 levels. These positions generally provide front-line, face-to-face service to Canadians and represent the highest turnover rates and the most stress.   These levels represent the entry-level officer positions, so it is to be expected that a higher turn-over would occur at these levels as employees begin their career path in the Department and public service.

External, non-advertised appointment processes account for less than 3% of intake and less than 2% of the Departmental workforce. 17% of appointments result from non-advertised, internal appointments, representing 7% of the workforce, according to Departmental information provided. Information is not available on the number or percentage of appointments as a result of the appointee having acted in the positions prior to the appointment.

Assessment

Assessments of candidates tend to be fairly standard, using written exams, oral interviews and reference checks. Use is made of various PSC standardized testing, especially when selecting persons for supervisory or managerial levels. Tests such as these are designed in a manner which ensures inclusiveness, without barriers.

When a candidate in a selection process requires accommodation, the Department performs well making sure the candidate can compete on a level playing field. Expert advice is regularly sought from the psychologists of the Personnel Psychology Centre of the PSC on exactly what measures need to be taken.

HRSDC has promoted a public service-wide initiative originally developed by Citizenship and Immigration Canada called the "Objective Eye". This very positive initiative aims to provide qualified selection board members from among the various designated groups to help selecting Managers with their interview processes. By doing so, candidates can be assured of being represented and included. Moreover, these selection board members are of great importance to the hiring Manager because they are sensitive to needs of the candidates and depending on which EE group they represent, are aware of cultural differences which can be of great value to the Manager. The PSC is taking over the lead for the Objective Eye initiative. HRSDC has temporarily suspended its promotion until the transfer of responsibility is complete. Further information on this is anticipated in the coming weeks.

While many Managers are aware that it is not necessary to use the same assessment methods for all candidates, none of the Managers interviewed for this ESR had ever made use of this flexibility, which already existed under previous legislation. This may be due to a lack of understanding just how this can be done or a reluctance to try, for fear of being the subject of a complaint to the Public Service Staffing Tribunal. However, use of this flexibility may be of great value and assistance to members of EE groups and it may be as simple as having one person write answers to questions, while another person is interviewed.   In an interview or written exams, different questions may be used for different candidates, provided all the questions are of the same degree of difficulty.

Executive Staffing

Since 2006, HRSDC has made over 1,500 appointments to and within the EX category, including advertised, non-advertised, acting appointments and deployments. Of these 835 or 55.3% were women, 63 or 4.2% were visible minorities, 51 or 3.4% aboriginal peoples and 103 or 6.8% persons with a disability. Visible minorities and aboriginal peoples are being appointed at rates well below their WFA while women and persons with a disability are being appointed at rates fairly consistent with their WFA for the EX category. Emphasis needs to be placed on the recruitment of visible minorities and aboriginal peoples who are currently showing under-representation of -10 and -9 respectively.

The Department makes good use of pre-qualified pools at the EX-01 level and has established an EX-01 pool of qualified visible minority and aboriginal candidates which will be promoted to senior management when they are considering staffing EX-01 positions. The pool was established as a result of an internal Regional Collective staffing process launched in 2008, resulting in the qualification of 5 candidates.

The Department is also actively committed to promoting the PSC's visible minority EX-01 pool and to date, one candidate has been appointed.

A review of some EX staffing files showed there were no barriers to EE members.

Acting Appointments (greater than 4 months)

In fiscal years 2007/2008 and 2008/2009, there were 4,805 acting appointments; 3,534 or 72.93% went to women; 458 or 9.53% went to the visible minority population; 211 or 4.4% went to aboriginal peoples, and 334 or 6.96% went to persons with disabilities. In all cases, designated group members are being offered acting appointments at a rate consistent with, or higher than, their Departmental representation rates.

Assignments, Deployments, Transfers

In fiscal years 2006/2007, 2007/2008 and 2008/2009, there were 6,853 deployments. 5,027 or 73.2% were of women, 677 or 9.97% were of visible minorities, 297 or 4.40% were of aboriginal peoples and 435 or 6.40% were of persons with disabilities. These figures are consistent with their representation rates with the Department for all groups, and for visible minorities, consistent with their WFA over the same time period. However, with respect to the other three groups, their shares were higher than their WFA rates. It should be noted that for the first part of the current fiscal year, the number of assignment, deployments and transfers for visible minorities has jumped to 111 or 11.55%, a positive trend.

When examining assignments, Managers advised that they tend to advertise assignment opportunities to those in their own unit, as a minimum. This would have the positive effect of reducing any perceived barriers, caused when a Manager goes directly to a particular employee with the end result of providing this employee with an advantage not available to others. Managers take similar actions when an acting appointment of greater than 4 months is available.

Possible Barriers

(i)   Lack of Communication with Respect to EE

As a result of discussions with HR Advisors and Managers, it became apparent that HR Advisors do not routinely discuss the EE initiative with Managers when planning a staffing action. This is particularly the case in the NCR. Regional HR Advisors routinely discuss EE with their clients.

(ii)   Imperative Staffing

Many positions, again specifically those located in the NCR, but not excluding regions, are bilingual. The norm in the public service is to staff these positions on a "bilingual imperative" basis. This is perceived as a barrier to members of EE groups, especially visible minorities, who may not have English or French as their first language, meaning that they would be required to have a third language in order to be appointed. Although this has been perceived as a potential barrier, it was not borne out by the TBS study on OL and Visible Minorities.

In fiscal years 2006/2007, 2007/2008 and 2008/2009, there were 5,393 bilingual imperative staffing processes involving the PM group, broken down as follows: PM-01 – 1,618, PM-02 – 750, PM-03 – 804, PM-04 – 566, PM-05 – 775 and PM-06 – 880. With respect the CS group, 1,247 bilingual imperative processes were held, broken down as follows: CS-01 – 94, CS-02 – 179, CS-03 – 463, CS-04 – 371 and CS-05 – 134. Some Departmental Managers have advised that they have lost otherwise qualified visible minority candidates due to the bilingual imperative qualification, which is consistent with the PSC's reasoning.

The situation with respect to OL may be somewhat more delicate for aboriginal peoples. Through discussions with Managers, it has been learned that some aboriginal people consider it insulting that the public service would staff on a bilingual imperative basis, and even that English and French are the nation's OL. Aboriginal peoples hold the view that more use should be made of native languages as a qualification. This perceived barrier is anecdotal in nature, and even if it true, it is beyond the ability of the Department to resolve. Rather, this is a political issue, which goes to the heart of the Charter of Human Rights. It should be noted that the ability to speak a third language is often used as an asset qualification at HRSDC, particularly in Service Canada Centres where direct service to the public is being provided.

One can conclude here that bilingual imperative staffing may be a barrier to all employees and potential employees, as the TBS study suggested, but not specifically to the visible minority population. However, it could be an indication why there is under-representation in these two groups and it should be closely monitored with regard to visible minority participation.

iii)   Job Advertisements

Reviews of various staffing files proved the Department regularly uses the standard phrase "HRSDC is committed to …"   under the heading of Organizational Needs. The Department could make this more specific by using the example statement "HRSDC has identified a representational gap of members of the visible minority population in the PM/CS group. Candidates may be considered on this basis." Other departments are now using this kind of statement as have regional offices of HRSDC. This small change may help to attract more visible minorities to apply.

Statements of Merit Criteria did not appear to create barriers to the recruitment of members of EE groups. However, some potential applicants, including those in the designated groups, may be confused by the job advertisements and the qualifications required. By way of example, one

Statement of Merit Criteria was found to contain a confusing Education Qualification for an entry-level PM position. The Education Qualification was given as:

"Graduation with a degree from a recognized university
<u>or</u>
Successful completion of 2 years of a post-secondary program (community college or CEGEP)
<u>or</u>
An acceptable combination of education, training and experience."

While this is a perfectly acceptable way to describe education, it may appear confusing to some as three different possibilities are offered. It may be easier, in these circumstances, to use the latter 2 options as the Essential Qualification and use the degree requirement as an Asset Qualification. This may attract more potential candidates while still giving preference to those with the degree and may attract more EE group members.

(iv)   Drop-off Rates

According to data found in the PSC's study on 'drop-off', between the years 2000 and 2005, HRSDC made 10,522 appointments; 1,277 were of visible minorities, representing 12.2% of appointments but they applied for positions at 28.1%, leaving a drop-off rate of 15.9% during the screening process. Drop-off is defined as the point in a process where applicants are dropped from further consideration. The drop-off at the screening process is considered problematic for the visible minority population throughout the public service.

According to the PSC Study, citizenship was only a minimal issue in drop-off. It is not known if education was a significant factor in drop-off, as the study did not cover this aspect. The education hypothesis stems from the fact that EE groups, especially visible minorities, have educational credentials from foreign sources which may not be recognized or accepted by the PSC. Relevant experience appears to be the area where high drop-off occurs in HRSDC

The PSC has suggested that the area of selection and OL may be the major reasons for the high drop-off rate in the visible minority population. However, as seen in the TBS study on OL and Visible Minorities, this was not found to be the case. The TBS recommends the establishment or reinforcement of the monitoring process in order to determine any patterns of drop-off. The majority of the drop-off rate occurs in the following groups: CR, PM, AS, CS, EG, ES, GS, GL and EN. Two of these groups, the PM and CS groups which represent the major area of under-representation

in the Department, fall within the PSC's evaluation of the situation. Geographically, the most improvements are required in the NCR, Ontario, British Columbia and Quebec. This is not surprising as the majority of visible minority populations reside in these areas.

Generally, members of visible minority populations appear to drop-off at the screening phase, for reasons directly related to the experience qualifications. But the reason for this is not clear. It may be that some applicants do not clearly understand how to demonstrate their qualifications; or, their resumes are so general that they don't demonstrate their qualifications; or, they may believe their experience matches what is required, but they have misinterpreted the factors. Should any of these reasons be true, then the PSC is in the best position to assist applicants with resume writing and tailoring a resume to the position being sought.

The area of selection chosen for processes does not appear to be the cause for drop-off in HRSDC. Rather, following the review of staffing files, it appears that most candidates are screened out due to a lack of experience in one or more of the requirements. The file review did not provide, with any degree of certainty, that the experience factors constituted barriers. In fact, in some of the external recruitment processes, while there were several experience factors required of applicants, especially in the PM entry-level positions, these were sufficiently general in nature so as not to constitute barriers.

Staffing Flexibilities

(i)   Areas of Selection

Reviews of staffing files and discussion with HR Advisors and Managers indicated that little use is made of the flexibilities provided for by the PSEA. The PSEA allows for the use of restricted or expanded areas of selection as a means of targeting members of one or more of the designated groups, whether the Department has an EE Program or not.

During fiscal years 2006/2007 and 2007/2008, the area of selection was expanded 4 times, once to target the visible minority population, 3 times to target Women, once to aboriginal peoples and never to target persons with disabilities.   This information was provided directly by the regional offices. Neither the Atlantic nor the Quebec regions have ever used the flexibility of expanding the

area of selection to target one or more of the EE designated groups. The Ontario and Western regions were not able to provide this data.

In fiscal year 2007/2008 a restricted area of selection was used resulting in the appointment of a Woman. Corporate Management System (CMS) data shows that no restricted areas of selection were used to target visible minorities, aboriginal peoples or persons with disabilities. These figures differ from those received directly from Regional offices for the purposes of this ESR. The Atlantic Region advised they restricted the area of selection in 26 processes over the last 3 fiscal years. The Quebec Region recalled using this flexibility once. The Ontario and Western regions were unable to provide any data relating to this flexibility, however it is known that the Ontario region did restrict the area of selection in one process targeting aboriginal peoples.

It should be noted that the data provided by regional offices and that provided by the Departmental CMS must be in accord. Data input in CMS must be consistent, timely and accurate, and should be monitored to avoid discrepancies.

(ii)   EE as an Organizational Need

Departmental hiring Managers have used "Organizational Needs" (that is, being a member of an EE group) when selecting qualified candidates, as a way to improve the Departmental EE initiative. The Atlantic Region used EE as a merit criteria for 7 appointments. This region also made 23 appointments of EE members using non-advertised processes. The Ontario Region made 91 appointments of this type during fiscal year 2008/2009. The Quebec and Western regions were unable to provide this information.

Some Managers still tend to identify the most qualified in accordance with the definition of merit under the previous PSEA and appoint on this basis. This is quite legal. Others have embraced the new Act and are selecting candidates based on other factors, such as 'right fit', Organizational Needs and Asset Qualifications, as the case may be.   Both 'right fit' and organizational needs are elements where Managers may appoint based on belonging to an under-represented EE group, such as visible minorities. This may be a factor in increasing representation levels within the Department.

(iii)   Non-advertised Staffing involving EE Groups

For fiscal years 2006/2007, 2007/2008 and 2008/2009, information taken from CMS indicates that 32 of the above-noted appointment types were conducted; 23 of these involved women, 10 involved members of the visible minority population, 8 involved aboriginal peoples and 4 involved persons with disabilities.

TRAINING AND DEVELOPMENT

All Departmental leadership programs contain diversity and cultural components. Currently, the Department is developing one and two day sessions, in an "à la carte" format designed to develop management competencies, ranging from financial management, administration, HR and EE.

Based on information taken from CMS for fiscal years 2007/2008 and 2008/2009, there were 11,392 training events. Of this number, 9,126 courses went to women or 80.19%; 1,459 or 12.74% went to the visible minority population; 1,852 or 16.17% went to aboriginal peoples and 945 or 8.33% went to persons with disabilities. This data indicates that all EE designated groups are receiving training at a rate figure higher than their representation rates in the Department.

Under the Clerk of the Privy Council's Public Service Renewal initiative, one of the four priority areas is employee development. The following are several elements upon which departments must take action:

- **By March 2009, discussions have occurred between supervisors and employees on their performance, career development and related learning needs.** HRSDC has complied with this requirement. The Service Canada program has attained a completion rate of 98% with the remaining programs at the target completion rate of 90%.

- **Expansion of talent management to the entire Executive cadre.** HRSDC has complied with this requirement. This initiative started with the most senior levels, that is, EX-03 and EX-04 and has now been completed with all EX levels. Talent management plans have been developed.

- **Intensify support for leadership development at all levels.** HRSDC has complied with this requirement. Three years ago the Department instituted a comprehensive 18 month leadership development program. There are currently over 600 employees on the program at the EX and feeder levels (EX minus 1 and EX minus 2).

- **By January 2009, at least 25 promising senior leaders will undertake the Advanced Leadership Program.** HRSDC has complied.

- **By March 2009, strengthen management development programs**. HRSDC has complied as noted above.

- **By July 2008, all Executives were to have clear, assessable commitments, including EE commitments.** HRSDC has complied with this requirement.

Second Language Training

In fiscal years 2007/2008 and 2008/2009, 53 non-EX employees received French Language training (FLT) as a result of non-imperative staffing. 48 were women, 3 were visible minorities, 7 were aboriginal peoples and 4 were person with disabilities. 18 employees received English language training (ELT) as a result of non-imperative staffing. All were women, 6 were visible minorities, none were aboriginal peoples and 2 were persons with disabilities.

During the same fiscal years, 430 non-EX employees received FLT for career development reasons. Of this number, 323 were women, 71 were visible minorities, 65 were aboriginal peoples and 48 were persons with disabilities. 94 employees received ELT for career development reasons. 50 were women, 15 were Visible Minorities, 1 was an aboriginal person and 3 were persons with disabilities.

For both non-imperative staffing and career development purposes, women appear to receive the lion's share of second language training which is consistent with their 70% representation rate in the Department. Visible minorities accounted for approximately 7.15%, 4.2% were aboriginal peoples and 3.4% were persons with disabilities. Visible minorities and persons with disabilities appear to be receiving second language training at a rate that is slightly lower than representation in the Department. Aboriginal peoples received training at a rate consistent with their representation in the Department. This situation should be closely monitored with respect to visible minorities and aboriginal peoples, especially in the NCR, where, without the knowledge of both OL, it is difficult to have a progressive career.

PROMOTION, RETENTION AND TERMINATION

EE designated group representation, promotion and termination rates by occupational category on June 2, 2009 (based on 2006 Census data):

Designated Group	% Representation	% Promotions	% Terminations
Women	70.4	72.8	69.5
Aboriginal Peoples	4.0	3.9	3.4
Persons with Disabilities	6.9	5.7	8.0
Visible Minorities	9.7	10.6	8.3

During fiscal years 2006/2007, 2007/2008 and 2008/2009, visible minorities, aboriginal peoples and women appear to be receiving their fair share of promotions and are leaving the Department at a lower rate that their representation rates. However, it should be noted that persons with disabilities do not appear to be receiving their fair share of promotions based on their Departmental representation rates and are leaving at a higher rate.   This situation should be examined and monitored.

It should also be noted that of the 209 women in the Executive group, 104 or 50% left the organization. It is recommended that HRSDC should closely monitor their termination rates to determine why such high numbers are leaving. Exit interviews may shed some light on the reasons for this high number of departures.

THE DUTY TO ACCOMMODATE

As a result of human rights jurisprudence, the DTA was established and is reflected in the *Canadian Charter of Rights and Freedoms*, the EEA and the CHRA. The DTA refers to an employer's obligation to design and adapt the work environment to the needs of employees and other persons up to the point of undue hardship.

The DTA applies to the eleven (11) grounds of discrimination prohibited under the CHRA (race, national or ethnic origin, colour, religion, age, sex (including pregnancy), sexual orientation, marital status, family status, mental or physical disabilities (including substance abuse) and conviction for which a pardon has been granted.

It should be noted that HRSDC has received requests for accommodations which extend beyond the legal prohibitions and the Department has accommodated these requests. In addition, in discussions with the Informal Conflict Management Team, it was learned that this unit has never had a case involving a conflict over the denial of accommodation.

To respond to the growing number of requests, the DTA Centre of Expertise was established in June 2009. This small team provides advice to Managers on complex situations. Over 180 requests for assistance have been logged since December 2008.

An HRSDC Policy on DTA in the Workplace has been drafted and is ready to be aligned with HR Policy Framework once that has been approved. The draft Guidelines on DTA in the Workplace was reviewed, and found to have thoroughly addressed a number of issues. For example:

- the inclusion of all 11 grounds of discrimination with the provision of specific options for accommodating requests, such as family related or religious observances;

- a step-by-step approach to the DTA process including the Manager and the employee roles in each step and action required; and,

- forms that can be used to enable and track the discussions between the Manager and employee that address functional limitations only and the agreed way to accommodate them.

This new Policy and the Guidelines will be good tools for Managers, employees and HR Advisors. The Department is striving for an organization of inclusiveness and diversity beyond what is legally mandated, and this Policy will go a long way to helping the Department realize this goal. Consultation on the policy has taken place with unions and will be reviewed by Managers and HR communities before being finalized. In the interim, the Department refers to the TBS Policy on DTA Persons with Disabilities and the PSC's Policy on EE in the Appointment Process.

As a result of this ESR however, barriers to accessibility, such as funding and policy requirements were identified by the Department's Accessibility Centre of Excellence (ACE). It has been found that

the application of recently instituted centrally managed cost pools imposes systemic barriers and discriminates against employees, particularly with respect to the needs of persons with disabilities. In addition, a number of Departmental policies, procedures and guidelines have been created without the adequate inclusion of accountabilities and roles and responsibilities pertaining to diversity.

These issues are being closely examined and will be addressed in the Action Plan being developed subsequent to the ESR findings and recommendations.

THE MOST RECENT PUBLIC SERVICE EMPLOYEE SURVEY

It is interesting to note some of the results of the PSES as it relates to this ESR. 64% of HRSDC employees responded to the PSES, compared to the public service response rate of 66%.

Overall, there is not a lot of difference between the perceptions of HRSDC employees and public servants in general, although the positive responses of HRSDC employees to almost every survey question were lower than those of the general population. The results for HRSDC include:

- 72% of employees believe that restricting the Area of Selection has adversely affected their career progress. This ESR found the Department has made little use of this flexibility leading to a need to clarify this situation for employees.

- 62% believe that the lack of access to learning has adversely affected their career development, yet the Departmental training data shows more than 11,000 training events were undertaken in the fiscal years being reviewed.

- 70% believe that the lack of access to developmental assignments has adversely affected their career progression, yet Managers indicated that they tend to advertise when a development assignment becomes available.

- 73% believe education has adversely affected their career progression however, the review of Statements of Merit Criteria does not support this belief.

- 56% believe their careers have been adversely affected by conflict between work and family or personal obligations.

- 69% believe that individuals with authority over them have harassed them. The Department must monitor this situation very closely, especially given the Departmental philosophy of creating a respectful work environment.

- 54% believe they have been discriminated against by co-workers.

- 80% believe they have been discriminated against by someone in authority over them. As with the harassment situation, the Department must closely monitor this situation. Mandatory training may help in this area for both Managers and employees.

- 34% believe they have been discriminated against on the basis of race.

- 37% believe they have been discriminated against on the basis of national or ethnic origin.

- 24% believe they have been discriminated against on the basis of colour.

- 44% believe they have been discriminated against on the basis of age.

- 44% reported having been subjected to sexual discrimination.

- On a more positive note, 65% believe the Department works hard to prevent harassment and discrimination.

- 46% are satisfied with how work units respond to harassment and/or discrimination and 43% with how the Department responds.

- 84% believe all individuals are accepted as equal.

- 71% believe they are treated with respect.

OVERALL FINDINGS OF THE ESR

For the most part, HRSDC is in compliance with the requirements of the EEA, the CHRA, the Charter of Rights and Freedoms and the PSEA. What follows constitutes the overall findings in general terms:

- HR policies, systems and practices in HRSDC do not appear to create barriers to representation because they are inclusive, unbiased and don't favour one group over another. In some cases, policies go beyond the minimum requirement, such as the policy on the DTA which extends to individuals other than those who require special measures because of a disability.

- Overall, the Department has done well in reaching and indeed, surpassing the WFA targets for women, aboriginal peoples and persons with disabilities. For persons with disabilities, the WFA rate has been almost doubled.

- HRSDC has an excellent communication plan to ensure continuous awareness of the importance of EE in the organization and the public service. Despite this, the return rate for self-identification falls short of the minimum 80% mark required to ensure that the

workforce analysis is accurate. The overall return rate for the Department is 73.9%, but in a number of NCR Branches, as well as for the Executive Category, the return rate varies from 53.9% to 73.5% with most Branches below 70%. The return rate for the regions is significantly higher, in all cases more than 75%, and varies from 75% to an 86.4% return rate.

- Hiring Managers and other senior officials advised that they are strongly committed to the goals of the Department's EE initiative. Indeed, they want to reach and exceed the targets and moreover, they want to see more focus on diversity, not just EE. EE results form part of the performance review cycle for Executives.

- Through these same discussions, both Managers and HR Advisors admitted that EE is not generally raised as an issue in recruitment or other staffing actions. This appears to be more prevalent in the NCR than in regional offices.

- Some HR Advisors interviewed mentioned that they get inadequate or very little training in EE. In fact some indicated that they were informed that the Canada School of Public Service course on EE for Staffing Officers is not required because there is no direct link to their work.

- Some HR Advisors in the NCR stated that they had no contact list or where to go for expert advice on EE. The last list they had is dated September, 2007. In fact, there is a list on the Diversity, EE and OL intranet site and it is updated every time there is a change in personnel. This may be the case as there appears to be no real communication link between the Diversity staff and operational HR Advisors. It is anticipated, however, that this situation will improve in the coming months, as Diversity staff has been invited to participate in an NCR Operations Committee forum. This forum's aim is to work collaboratively with all HR disciplines towards delivering quality integrated services that will benefit all clients.

- While many Managers and HR Advisors are aware of the flexibilities provided for in the PSEA, these flexibilities are rarely used in the recruitment process. The use of these flexibilities will be discussed further in this report.

- HRSDC has been identified by the PSC as one of the departments with a high drop-off rate. Drop-off rate refers to the point in a recruitment process where applicants are dropped from further consideration. For the visible minorities group, this tends to occur between referral and screening mainly in the AS, CR, PM, CS, EG, ES, GS, GL and EN groups.

- Area of Selection may be a barrier because in any given recruitment action, the Area of Selection used may not attract as many visible minorities as possible.

- OL may be a barrier since staffing of bilingual positions is generally done as "bilingual imperative". And, many visible minorities may not have either English or French as their first official language. Aboriginal peoples tend to view "Bilingual Imperative" in a negative way.

- Barriers to accessibility, such as funding and policy requirements were identified. Specifically, the application of HRSDC's centrally managed cost pools imposes systemic barriers for

persons with disabilities and that a number of Departmental policies, procedures and guidelines have been created without the adequate inclusion of accountabilities and roles and responsibilities pertaining to diversity.

CONCLUSION

Overall, the Department is in compliance with the requirements of the EEA. Major effort has been put into ensuring the organization is representative and diverse and one in which all employees are treated with respect. In spite of this, the ESR found that there is an apparent shortfall with respect to the visible minority population. The term "apparent shortfall" is used because it is believed with higher figures in the self-identification response-rate, HRSDC may reach and even surpass the target of 11.3% representation.

As mentioned earlier in this report, the NCR faces the greatest challenge to improve the self-identification response rate which is currently at 64.8%. A number of possible reasons were given for this earlier in the document. A renewed effort is required to achieve the minimum 80% response-rate essential to having an accurate "photograph" of its workforce. It should be noted that steps being undertaken include proposed changes to the self-identification form in Paperless Office, and a new self-identification strategy and communication plan.

While the review of HR policies, guidelines and systems have been found to have not systemic barriers, specific barriers to accessibility for persons with disabilities, for funding of specialized equipment and certain necessary policy requirements have been identified in the report. Steps are being taken to ensure that these issues will be addressed through the EE Action Plan.

RECOMMENDATIONS

1.   Increase the response-rate for the self-identification questionnaire

In spite of good communications strategies, the desired effect of a minimum 80% return rate has not been achieved. More creative efforts and a renewed self-identification strategy and communications plan (currently waiting Senior Management approval) must be put in place to increase the response-rate. The Self-Identification Strategy and Communications Plan outlines several activities to be undertaken over the course of the year to encourage self-identification.

The HRSDC demographic self-identification survey is completed on-line through the Paperless Office portal. A business case has been submitted to the Information, Innovation and Technology Branch to update the survey. These changes will include a new introductory page that emphasizes the importance of Diversity to individuals and the organization, as well as a new section (Part A) to the survey which will require a mandatory check off to indicate that the employee has read and understands the importance of self-identification. The existing self-identification form (Part B) will remain as voluntary completion.

2.   Recruitment and retention of under represented EE group members

It has been noted that there is an overall under-representation of visible minorities concentrated in specific occupational groups within the Department, as well as under representation of both visible minorities and aboriginal peoples in the EX category.

As such, to address this situation it is recommended that:

- targeted recruitment and staffing be undertaken immediately; and

- effective retention mechanisms be put in place.

3.   Enhanced communication and education

The linkages between Diversity staff and HR Advisors require strengthening, particularly in the NCR where turnover in the HR Branch has been significant over the past 5 years. During interviews, some of the HR Advisors in the NCR advised that they don't know who the EE Advisors are nor how to get information and advice on EE matters.

HR Advisors have also advised that they receive little or no training in EE. Some who requested the Canada School of Public Service's course on EE were denied this training and were informed that it did not directly relate to their responsibilities. This needs to be addressed through communication with the Director responsible for Staffing Operations. If Diversity and EE are not currently part of the training provided to HR Advisors, perhaps an in-house course could be developed and included in the curriculum.

The Diversity staff will be participating in the regularly scheduled NCR Operations Committee meetings (with the staffing community). This will be an opportunity to discuss various issues in EE, provide information on occupational categories and groups where under-representation exists, and discuss possible reasons for the low response-rate to the self-identification questionnaire. These meetings will be scheduled on a quarterly basis.

Some of the Managers interviewed also appear to have a lack of understanding with respect to EE and Diversity. Although Diversity staff publishes EE and Diversity Information Bulletins, which are sent to Senior Management on a regular basis, information is not filtering down to hiring Managers. These Bulletins could also be delivered through the Middle Manager's Network, as well as highlighted when placed on the Diversity and EE intranet site.

There are a number of flexibilities in the PSEA which are designed to help Departments achieve their EE targets. It is recommended that HRSDC make more use of these flexibilities, which include either the restriction of an Area of Selection to one or more designated groups, or expanding the Area of Selection to attract more members of one or more the designated groups. The focus of future EE and Diversity Information Bulletins could also include information on using the staffing flexibilities provided by the PSEA to target EE designated group members, and more specifically for the recruitment of visible minorities.

Diversity staff is currently developing a number of presentations for HR Advisors, Managers and employees to promote Diversity and EE in HRSDC. As well, the Diversity and EE intranet site has been completely revamped and is scheduled for launch in October 2009.

4.   **Bilingual Imperative Staffing**

It has been identified that there is a perception that staffing positions on a bilingual imperative basis is a deterrent to the recruitment of both visible minorities and aboriginal peoples. As an example, in one instance, a manager explained how he had found an otherwise well-qualified visible minority he would have appointed but for the fact the candidate did not have any capability in the French language. Although HRSDC does recruit members of these groups for their ability to speak a third language into positions which provide direct service to the public, in some regions and in particular the NCR, imperative staffing appears to be the norm.

It is also recommended that to the extent possible, more use be made of staffing bilingual positions on a non-imperative basis when targeting external recruitment of visible minorities and aboriginal peoples. This could be easily accomplished by receiving a blanket approval of the Deputy Minister to staff specific cases on a non-imperative basis until representation has been met. Consideration could also be given to offering additional funding for language training of visible minorities who only have proficiency in English or French.

5. Drop-off Rate

The PSC has identified HRSDC as having a high drop-off rate. Drop-off tends to occur at the screening phase of a recruitment process. This indicates there is a need to monitor the Statements of Merit Criteria to ensure they are clear and unequivocal specifically in the Education and Experience qualifications. The Statement of Merit Criteria is the most critical document in a staffing file and as such it is imperative that Managers and HR Advisors work closely to ensure that the Statement of Merit Criteria can be readily understood by potential applicants and employees alike and that they contain only those essential qualifications that are truly 'must haves' for appointment. Better training/tutoring/coaching of HR Advisors may help in this area. In addition to this drop off rates for visible minorities applying to oppositions in HRSDC need to be examined more closely and monitored.

6. Promotions and Terminations

It has been noted that although for the most part designated group members are receiving promotions consistent with their representation rates within the Department, little or no monitoring is being done to ensure that it remains consistent, or to determine if it could be an issue.

With respect to terminations, it has been noted that persons with disabilities and women in the Executive category are leaving the Department at a higher rate than expected. This situation should be monitored closely and steps taken to determine why this is happening. The Department is currently piloting a Departmental Exit Interview program and a Departmental Exit Interview Questionnaire. It is recommended that the Questionnaire, at minimum, be formalized and implemented to address this situation.

A monitoring program should be put in place to track both promotions and terminations on an annual basis, as a minimum.

7.   Barriers to Accessibility

As a result of this ESR however, barriers to accessibility, such as funding and policy requirements were identified by the Department's Accessibility Centre of Excellence. It has been found that the application of recently instituted centrally managed cost pools imposes systemic barriers and discriminates against employees, particularly with respect to the needs of persons with disabilities. In addition, a number of Departmental policies, procedures and guidelines have been created without the adequate inclusion of accountabilities and roles and responsibilities pertaining to diversity.

These issues will be examined and addressed as part of the EE Action Plan subsequent to the ESR.