

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: EMPLOYMENT EQUITY

EFFECTIVE: October 27, 1994

1.0 SCOPE

1.1 Authority

1.1.1 This policy is issued under the authority of Cabinet Minute No. 94-40, dated October 27, 1994.

1.2 Application

1.2.1 This policy applies to all departments, as defined in Policy 3.1.

1.3 Purpose and Principles

1.3.1 The Yukon Government, as an employer, is committed to ensuring fairness in access to employment opportunities and to developing a public service which is representative of the Yukon population. The government will make significant progress toward this goal by the year 2000.

1.3.2 The objectives of this policy are:

- a) To achieve equitable representation of target group members throughout the government's workforce.
- b) To identify and remove barriers to the employment and advancement of target group members.
- c) To implement special measures and support programs to remedy a previous disadvantage where necessary to achieve the policy goal.
- d) To contribute to fair and equitable access to employment opportunities and benefits of the Yukon Government.

1.3.3 The principles of this policy are:

- 1) The distribution of target group members at all levels in all occupations will be an essential feature of a representative public service.

This means that a representative public service will be defined not only by the number of target group members but also by their distribution at all levels of government, all employment categories, and across occupational groups. Distribution will be achieved mainly through human resource planning and management.

2) The Yukon population will be defined by developing population profiles within Yukon geographic areas consistent with the needs of Employment Equity.

This means it may be necessary for some Employment Equity initiatives to focus on a particular region or community in which a public service or activity is provided. The aim of those initiatives would be to have the public service reflect the diversity of the Yukon population within that region or community.

3) Women, aboriginal people and people with disabilities are the target groups for Employment Equity.

This means that these three target groups will be considered for Employment Equity planning and programming. Data may be collected on other potential target groups to provide information to Cabinet regarding possible inclusion of additional target groups under this policy.

4) Gender balance will be an objective of all Employment Equity initiatives.

Women are not a numerical minority group in the general population or in the Yukon public service. However, they have the status of a minority group for the purposes of Employment Equity because of women's historical employment disadvantages. The principle of gender balance recognizes that women make up half of any minority group and requires Employment Equity planning to address the double discrimination faced by aboriginal women and women with disabilities. It also means action planning to address the problem of male-dominated and female-dominated occupations.

5) Personal information, such as race, gender and disability status collected for workforce analysis will be obtained solely through self-identification. It will be treated as confidential, managed separately, and used only for Employment Equity purposes.

This means that participation in Employment Equity data collection will be voluntary. However, before an individual is given access to Employment Equity programs, verification of personal data may be required.

6) Internal and external stakeholders including target group members and their representatives, employee unions and their representatives, and department managers will be consulted in the design and implementation of Employment Equity programs.

This means that an internal committee will be established to manage and guide the implementation of Employment Equity. As well, an advisory committee representing external stakeholders, and the government employees' union, will be appointed to advise the Minister of the Public Service Commission on the needs of target groups related to Employment Equity.

7) Employment Equity planning will include both qualitative and numerical targets with time frames for achievement based on Yukon specific data.

This means that success will be measured in two ways:

qualitative results will include the identification and removal of barriers to employment opportunities and the implementation of special measures;

numerical results will include improvements in the number of target group members employed in all occupations and at all levels throughout the public service.

8) An annual report of the activities and results of the government's Employment Equity initiatives will be published.

This means that the annual report will be an instrument to increase public awareness and understanding of Employment Equity.

9) The Employment Equity program will actively assist in the development of target group labour pools through consultation, information exchange and advocacy with other government and non-government agencies.

The government recognizes the importance of providing Yukoners with the knowledge and skills they require to have equitable access to government jobs. The Employment Equity program can assist through consultation in the identification of target group career training needs and in program design to meet the specific needs of each target group.

10) Support for aboriginal self-government through cooperative training, education and employment opportunities will be a component of Employment Equity.

This means that Employment Equity planning will strive to include measures that are mutually beneficial to the Yukon Government and to Yukon First Nations. This acknowledges that cooperation with Yukon First Nations to develop skills, knowledge and experience for aboriginal people will be used as a measure of success in evaluating Employment Equity results.

11) Employment Equity will be a vital component of human resource planning, development, and management of the Yukon Government's public service.

Corporate Human Resource Planning will include Employment Equity concerns as a key component guiding changes to current employment systems. This is necessary to remove barriers and increase access by target groups to all government employment opportunities and benefits.

1.4 Background

1.4.1 The right to equality in the workplace and to freedom from discrimination flows from the Yukon Human Rights Act, and the Canadian Charter of Rights and Freedoms. The 1984 Royal Commission on Equality in Employment coined the term "Employment Equity" to describe employment programs intended to remove the effects of discrimination and open equitable employment opportunities to those who have arbitrarily been excluded. Employment Equity programs are the practical application of these human rights in the workplace.

1.4.2 There is ample evidence in all sectors of our society that equal access to employment and all benefits that stem from that employment have been denied to members of certain groups

because of their sex, racial characteristics or disability. This not only violates basic human rights but also hinders economic growth by preventing the full participation and utilization of many skilled and talented individuals.

1.4.3 Women, aboriginal people and persons with disabilities face significant but different disadvantages in the workplace.

1.4.4 The Yukon Government has consulted extensively with Yukoners from all backgrounds on its role as the Territory's largest employer. Both the Yukon Economic Strategy and the Government Wide Plan of Action for Women affirm the government's commitment to ensuring fairness and equality in access to employment, training, development and promotional opportunities within the public service and to addressing the employment disadvantages experienced by many Yukon people.

1.5 Definitions

1.5.1 **Access** refers to obtaining opportunities for recruitment, selection development, training, advancement, compensation and any other benefits or opportunities provided to public service employees.

1.5.2 **Department** means a department in the public service and includes an agency, branch, board or corporation of the Government of Yukon, with the exception of the Legislative Assembly Office. As of June 1990, this includes the Departments of Executive Council Office, Community and Transportation Services, Economic Development, Education, Finance, Government Services, Health and Human Resources, Justice, Public Service Commission, Renewable Resources, Tourism, Women's Directorate, Workers Compensation Board, Yukon Development Corporation, Yukon Energy Corporation, Yukon Housing Corporation and Yukon Liquor Corporation.

1.5.3 **Departmental Employment Equity Plan** refers to an action plan with targets and timeframes developed by a department for its own workforce to contribute to the goal and objectives of the Employment Equity policy.

1.5.4 **Disability** refers to physical or mental conditions or impairments as described in Section 34 of the Yukon Human Rights Act as follows:

physical disability means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, congenital disorder or illness and includes epilepsy, and degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, lack of oral communication or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair or other remedial appliance or device;

mental disability means any mental or psychological disorder such as a mental handicap, organic brain syndrome, emotional or mental illness or learning disability.

1.5.5 **Employee** is a person hired pursuant to the Public Service Act or the Education Act.

1.5.6 **Employment Equity** is a comprehensive management strategy adopted by an employer to identify and eliminate discrimination in the organization's employment process and policies, to remedy the effects of past discrimination, and to ensure appropriate representation of target groups throughout the organization.

1.5.7 **Gender Balance** refers to the equitable representation of women and men in any occupational category, group or level of the public service. In addition, it refers to the impact on male-female distribution resulting from Employment Equity planning for aboriginal people and people with disabilities.

1.5.8 **Numerical Targets** refer to the number or percentage of individuals in a target group intended to be selected, trained, or promoted as a result of implementing a department action plan.

1.5.9 **Population Profile** refers to a statistical description of the Yukon population based on the labour force and demographic characteristic for use in Employment Equity planning.

1.5.10 **Qualitative targets** refer to measures such as system changes, support services or workplace accommodations that will eliminate barriers to employment opportunities and will ensure the ongoing appropriate representation of target groups.

1.5.11 **Special Measures** are any programs or practices which are designed to increase the representation of target group members. They include both remedial and support measures and may include such things as training programs, specialized services, reasonable workplace accommodations and preferential hire practices.

1.5.12 **Reasonable Workplace Accommodation** refers to adjustments or provisions made to the work situation to accommodate special needs arising from a disability. These accommodations are limited where making the adjustment would result in undue hardship to the employer.

1.5.13 **Remedial Measures** are actions taken for a limited time to redress disadvantage caused by discrimination; they apply only to target groups.

1.5.14 **Support Measures** are permanent changes in the workplace and may apply to all employees.

1.5.15 **Systems analysis** is the quantitative and qualitative analysis of an organization's policies, procedures and practices, both formal and informal, to identify those that have an adverse effect on target group members.

1.5.16 **Target group** refers to the groups who have experienced employment disadvantage in the past and to whom an Employment Equity plan is directed.

1.5.17 **Timeframes** are the predetermined time periods within which Employment Equity plan objectives are to be met and progress is to be evaluated.

1.5.18 **Workforce analysis** is the statistical study undertaken by the employer to determine such things as under-representation, under utilization and occupational concentration; it provides a profile of the workforce to identify critical areas for action and is the reference point for setting department action plans, targets and timeframes.

2.0 ROLES AND RESPONSIBILITIES

2.1 The Public Service Commission

The Public Service Commission is the lead agency for coordinating, designing and guiding corporate implementation of Employment Equity. The Commission, in conjunction with departments, will:

2.1.1 Develop and update corporate policies, procedures and practices:

- develop appropriate recruitment, hiring and promotional practices to ensure fair access to employment opportunities for target group members;
- review, identify and amend current systems, policies and practices that have an adverse effect on target group members;
- establish special measures and support programs; and,
- integrate employment equity policy and practices with human resource management practices.

2.1.2 Define, develop, maintain and analyze data:

- collect information on the internal workforce to assess the distribution of target group members and to identify factors contributing to their current representation in the organization;
- collect information on the Yukon population about the availability of target group members, their employability and their location;
- analyze and provide relevant data reports to departments; and,
- authorize necessary access to data.

2.1.3 Provide planning, technical advice and support to departments for the development and implementation of Employment Equity plans:

- act as a "clearinghouse" for Employment Equity ideas, strategies and solutions;

- assist departments in problem identification and problem solving;
- train and provide expert advice for managers and supervisors in the concepts of Employment Equity and in the approaches, procedures and analysis tools which are likely to succeed;
- coordinate government-wide or multi-department initiatives with department Employment Equity initiatives;
- carry out statistical analysis and interpretation;
- support departments in adapting to systems changes;
- develop and modify standard computer programs which department Employment Equity coordinators can use to access and analyze workforce profile and other information;
- assist in systems analysis and recommendations; and,
- assist in analyzing results of department employment action plans, including determination of reasons for success/failure of certain initiatives, development of potential solutions, identification of measurement techniques on which the plans will be evaluated.

2.1.4 Consult with internal and external stakeholders.

This will include regular consultation and information sharing with:

- internal and external groups representing target group members to determine employment concerns and needs;
- department managers, and other personnel responsible for department action plans;
- advisory committees established to review and recommend proposed Employment Equity policies and programs;
- representatives of employee unions to discuss and review proposed Employment Equity policies and programs; and,
- other government departments and non government agencies to support the development of target group labour pools.

2.1.5 Address corporate resource requirements including those that are common to two or more departments.

2.1.6 Develop and manage communications related to government-wide Employment Equity policies, initiatives and reports.

2.1.7 Prepare a Corporate Employment Equity Plan and review and analyze department action plans.

2.1.8 Audit department use of delegated authority related to Employment Equity policies and objectives.

2.1.9 Prepare an annual report on progress towards a representative workforce.

The Public Service Commissioner is responsible for recommending corporate Employment Equity policies, programs and procedures to the Minister.

The Minister is responsible for recommending the Corporate Employment Equity Plan to Management Board.

2.2 Departments

Departments, including the Public Service Commission, are responsible for developing and implementing multi-year action plans for their own work forces with specific numerical and qualitative targets and timeframes. It will be the responsibility of departments to:

2.2.1 Provide full input as equal partners with the Public Service Commission to policy development, design and implementation, including corporate programs, procedures and practices.

2.2.2 Review and assess department data and develop an Employment Equity plan.

2.2.3 Develop and analyze any additional department specific data required for Employment Equity planning.

2.2.4 Review, identify and amend any department systems, policies and practices that have an adverse affect on target group members.

2.2.5 Implement the Employment Equity plan.

2.2.6 Prepare an annual report on the results of the department action plan and forward the report to the Public Service Commission for inclusion in the government-wide annual report on Employment Equity.

Deputy heads are responsible for recommending the department action plan to their Minister, and implementing the approved plan.

The Minister is responsible for recommending the department's action plan to Management Board for approval.

3.0 EVALUATION

The Employment Equity policy, programs and results of implementation will be evaluated after two years to determine their effectiveness, appropriateness and efficiency. Evaluations will occur every three years thereafter. The evaluation will be coordinated by the Implementation Management Committee and reported to the Minister of the Public Service Commission.