



EMPLOYMENT EQUITY IN HIRING TOOLKIT

Helping ENGOs Foster Racial and Ethnic Inclusion



WORK TO GROW
TRAVAILLE POUR PROSPÉRER



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A LETTER FROM NATURE CANADA

Dear Friends,

A few years ago, in the midst of the pandemic, the world was having hard but necessary conversations about racial injustice – from the tragic death of George Floyd to the harassment of a Black birder in Central Park. Around that time, a young woman came into Nature Canada's office in response to a job posting.

When we asked her the standard question, "Why do you want to work here?" Her answer made us pause and reflect: "I looked at your website where you list all your staff, and I saw that many of them look like me. So, I knew it would be a safe space."

That moment stayed with me. It was a powerful reminder that the intentional work we had done to diversify our team wasn't just about numbers or optics – it had created an environment where someone could feel safe, seen, and welcome. It mattered. And it was a moment that made us realize: if this work could have such a profound impact for us, it's something worth sharing with others who want to build more inclusive spaces, too.

The term "diversity hiring" can feel overwhelming or even intimidating. It's easy to wonder where to start or how to do it "right." But the truth is, creating an equitable hiring process isn't about perfection – it's about progress. It's about recognizing the barriers that exist and committing to breaking them down, step by step.

This work starts with a simple truth: talent is everywhere, but opportunity isn't. Programs like these aren't about lowering standards or checking boxes; they're about ensuring that talented people, often overlooked or excluded, have the chance to succeed. And when you create those opportunities, you're not just hiring someone – you're building teams that are smarter, stronger, and better equipped to tackle the challenges ahead.



I know it might feel daunting to begin. Maybe you're worried about making mistakes or saying the wrong thing. Maybe you don't know where to find diverse candidates or how to create a hiring process that's truly inclusive. That's why this toolkit exists: to guide you through those first steps, offer practical tools, and give you the confidence to take meaningful action.

And here's the most important part: this work matters. It changes lives, strengthens communities, and creates ripple effects far beyond your organization. The people you welcome into your team today will bring perspectives, creativity, and passion that elevate everyone around them.

Thank you for showing up, and for being willing to take this on. Together, we can build workplaces that reflect the richness and diversity of the world we live in – workplaces where everyone feels like they belong.

With thanks,



A handwritten signature in black ink that reads "Emily McMillan".

Emily McMillan

Executive Director
Nature Canada



EXECUTIVE SUMMARY

Nature Canada is deeply committed to promoting racial justice and equity, particularly for Black, Indigenous, and People of Colour (BIPOC), recognizing that racial justice is integral to the health of our natural environment. Systemic barriers, including underrepresentation in conservation organizations, prevent racialized people from accessing career opportunities in the nature sector. In 2020, we partnered with researchers Dr. Jacqueline L. Scott and Ambika Tenneti to explore the intersection of race and the outdoors, which led to the report *Race and Nature in the City: Engaging Youth of Colour in Nature-based Activities*. This report identified the lack of equitable access to nature for racialized communities and called for greater representation within conservation organizations.

Building on these findings, Nature Canada launched the Work to Grow program in 2021, creating over 300 employment opportunities for BIPOC youth between 2021 and 2022. While the first year of the program was a success, it also revealed challenges, including a discrimination claim filed against one of our Nature Network partners. Though the case is still unresolved, it highlighted the legal complexities surrounding employment equity and the need for better support for environmental, non-governmental organizations (ENGOS) navigating hiring practices aimed at increasing staff diversity.

This experience, combined with our commitment to supporting equity, diversity and inclusion (EDI) in the sector, prompted the creation of the Employment Equity in Hiring Toolkit. This toolkit is designed to address common fears and misconceptions about employment equity, particularly the perceived legal complexities and liabilities that may be overwhelming to ENGO leaders.

We understand that with an already packed to-do list, implementing employment equity can feel like an added challenge. However, Canadian legal frameworks support diversity initiatives, particularly for racialized and Indigenous groups. This toolkit provides a clear, legally-informed framework to help ENGOS navigate equitable hiring, covering legal requirements, the role of data, and the differences between federal and provincial laws. It reassures readers that employment equity is neither as complicated nor risky as it may seem, with ample support available from resources like provincial Human Rights Commissions. Ultimately, the toolkit empowers ENGOS to take meaningful steps toward increasing diversity, fostering inclusivity, and ensuring effective representation of racialized and Indigenous communities in the environmental sector.

Contributors: We are grateful to Andrew Cleland (Delangie Cleland Limoges) for providing a wealth of legal research and resources, Anna-Liza Badaloo (Anemochory Consulting) for providing knowledge translation services, and Sonia Theroux for providing project management, research, and consulting services.

Disclaimer: The content of this toolkit does not constitute legal advice. This toolkit provides legal information, general guidance and important considerations for ENGOs operating across Canada who wish to implement employment equity initiatives. Employment equity laws (and how they are applied) differ between provinces. Please consult a lawyer familiar with the rules in your jurisdiction for specific support.



TOOLKIT OVERVIEW

The toolkit is divided into five parts:

1. **Why Employment Equity:** Part 1 explains the concept of Employment Equity in Canada, emphasizing the importance of equity in hiring, the responsibility of employers to address barriers faced by disadvantaged groups, and the need for inclusive practices, particularly for BIPOC communities, while also highlighting their underrepresentation in the ENGO sector.

Who is this for?: Executive Directors, Human Resource Managers, Board of Directors, Program Directors, Hiring Managers

2. **Legal Framework for Employment Equity:** Part 2 discusses the legal framework for employment equity programs in Canada, highlighting the requirements for addressing systemic barriers and ensuring compliance with human rights legislation.

Who is this for?: Executive Directors, Human Resource Managers, Board of Directors, Program Directors, Hiring Managers

3. **Implementing Employment Equity Programs:** Part 3 details a three-step process for special hiring programs, including establishing rationale based on demographic data, setting clear eligibility criteria, and evaluating program impact.

Who is this for?: Executive Directors, Human Resource Managers, Program Directors, Hiring Managers

4. **Crafting Inclusive Job Postings:** Part 4 presents guidelines for job advertisements that encourage applications from underrepresented groups without excluding any demographics.

Who is this for?: Executive Directors, Human Resource Managers, Program Directors, Hiring Managers

5. **Fostering Inclusivity:** Part 5 encourages organizations to create a welcoming culture that integrates EDI principles, supporting retention and ongoing inclusivity.

Who is this for?: Staff at all levels



01

PART 1: WHY EMPLOYMENT EQUITY?

“ Employment equity is not optional for Canada. For a society that is as deeply diverse as ours to flourish, we must prioritize achieving and sustaining employment equity in the workplace.”

- Adelle Blackett, [A Transformative Framework to Achieve and Sustain Employment Equity](#), Page 2

Employment equity ensures that all people in Canada have equal opportunities to employment in workplaces that are free from discrimination. Essentially, employment equity is about the actions an employer takes to ensure conditions in a workplace do not exclude or discriminate against some workers and job applicants.

In hiring processes, employers often think that the best way to be fair is to treat everyone exactly the same: this is called equality or “formal equality.” While this sounds ideal on the surface, the problem is that not all people are treated the same in Canadian society. This is why equity (also called “substantive equality” by our courts) is required. Equity recognizes that to give different people the same access to opportunities, sometimes you have to treat them differently. This approach focuses on making the outcomes equitable, not just the process (as in formal equality).

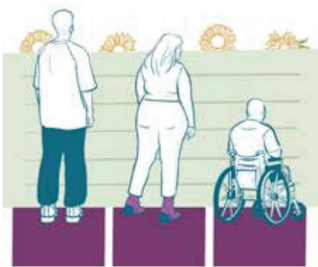
From a hiring perspective, this means that employers must be aware of which groups of people have faced (and continue to face) discrimination and why; what barriers to employment these groups may face, and how employers can intentionally reduce or mitigate these barriers.

Although this toolkit focuses on employment equity initiatives that centre racialized and Indigenous people, it is important to remember that employment equity also extends to other “disadvantaged groups” such as people with disabilities, women, and gender-diverse people. As feminist Audre Lorde has noted, “we do not live single-issue lives”. It is important to recognize intersectionality, and understand that no one group is a monolith. There are differences in privilege and discrimination amongst racialized and Indigenous folks. For example, a Black, queer, woman with a disability will likely experience more discrimination than a heterosexual, South Asian male without a disability.

Keep this in mind as you read this toolkit, as similar principles and approaches apply to increasing inclusion for all such groups. You may find that after taking steps to increase employment equity in your organization for racialized and Indigenous people, that the groundwork has been laid to focus on authentic inclusion of other groups in the future.

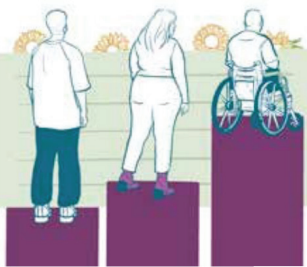
Equality and equity

Equality as sameness



Sometimes efforts to create equality are based on an idea that fairness is best achieved by treating everyone the same. This is sometimes referred to as “formal equality.”¹

Equity as fairness



Equity, sometimes referred to as “substantive equality,” doesn’t mean treating everyone exactly the same. Sometimes we need to treat people differently to accommodate for our different experiences, abilities and circumstances. When we take these differences into account, we focus on the equality of outcomes.

Removing systemic barriers to equality



Sometimes, various written and unwritten rules like laws and policies create barriers to equal outcomes. To solve this, we can look at treating people differently as in the case of substantive equality, or, better yet, we can look at identifying and removing systemic obstacles.

Figure 1: While equality promotes treating everyone the same, equity acknowledges that different individuals may need tailored support to achieve fair outcomes. Employment equity aims to create a discrimination-free environment by addressing the unique barriers faced by marginalized groups, ensuring everyone has a genuine opportunity to succeed.

Image Source: [An Introduction to Employment Equity from the B.C. Human Rights Tribunal](#)

WHY DOES EMPLOYMENT EQUITY IN HIRING MATTER?

“ With knowledge comes understanding, with understanding comes wisdom and with wisdom comes justice. And to have justice we must never forget how the world looks to those who are vulnerable. I will never forget the people who taught me to see the world through their eyes.”

- [The Hon. Rosalie Silberman Abella, 2009](#)

You may be so caught up in the day-to-day of striving for fair hiring practices that you haven't taken a step back to ask: Why is employment equity important? And why should our organization devote time and resources to these efforts? These questions may also be posed by donors, funders, or your board of directors as they assess the impact and sustainability of your organization's diversity initiatives.

We engage in employment equity work so that excluded individuals and groups can fully participate in equal work opportunities, and so that workplaces are fair, just and welcoming for everyone. Not to mention [organizational advantages](#) like having more diverse perspectives to support decision-making, better alignment with the needs of deserving communities that your organization serves, and the opportunity to increase everyone's empathy for people whose life experiences are different from theirs.

ENGO Worker Demographics Do Not Represent Canada's Racial and Ethnic Diversity

While employment equity in hiring concerns Canadian organizations in all sectors, there are special considerations we must keep in mind for the ENGO sector.

Recent ENGO-sector demographic research led by Nature Canada ([Appendix A](#)) confirms what we already suspected based on anecdotal evidence: the sector is dominated by White/European workers.

In Summer 2024 Nature Canada, in partnership with the Sustainability Network, circulated a survey amongst ENGOs in Canada. The survey, which reached nearly 200 nature and climate organizations across Canada, focused on racial representation among staff and paid leadership roles. Despite potential responder bias, the survey highlighted existing gaps in diversity within the ENGO sector. Nationally, respondents reported that Indigenous and racialized people made up only 22% of staff on average, compared to approximately 31% of the population, and representation in leadership roles dropped further to 14%, less than half of the national proportion.

This underscores the need for continued work to achieve equity and inclusion, both in leadership recruitment and within organizational cultures.

Current ENGO demographics have not happened by accident. Historically, conservation efforts in Canada have focused on conserving lands and waters for White/European people to recreate and 'escape' from their everyday lives. These colonial attitudes mean that ENGO campaigns and programs have been largely geared to the needs and desires of White/European people.

Canada's history has, and continues to involve the displacement of Indigenous Peoples from the lands and waters they have stewarded for thousands of years. Historically, racialized people have been overtly excluded from the conservation movement, particularly Black communities, due to legacies of racism and colonialism, systemic underrepresentation, barriers to education and career advancement, racial stereotypes, lack of support for BIPOC-led initiatives, and environmental injustices disproportionately affecting these communities. Exploring these histories and their impacts is a vital part of understanding the barriers that racialized and Indigenous people face when entering and staying in the ENGO sector.

Given the high level of racial and ethnic diversity in Canada, ENGOs are significantly lagging in representation. But it's not just a numbers game. ENGOs must complement increasing diverse representation with undertaking intentional work to decolonize their work environments to create truly welcoming, affirming workplaces.



PART 2: IS AFFIRMATIVE ACTION ALLOWED IN CANADA? – A DEEP DIVE INTO RISK AVERSION

Yes, employment equity programs, aimed at ameliorating employment conditions for “disadvantaged groups”, are permitted across Canada; however, significant differences exist in provincial laws, regulations and even the terminology used (See [Table 1](#) and [Appendix B](#)). In this section, we review key information and considerations on how to create a “special program”—a term specifically referring to employment equity programs— that will help you achieve your equity goals.

WHAT ARE SPECIAL PROGRAMS?

Special programs are designated by different names in Canadian law and policy. Section 15(2) of the Federal Charter calls them affirmative action programs. The Federal Employment Equity Act uses the term employment equity. Human rights codes generally prefer the term special programs, with some variations across provinces, including affirmative action, ameliorative programs, employment equity programs, etc. **In this toolkit, the term “special program” is generally used to refer to employment equity programs, unless we are specifically referencing relevant legislation.**

Which Groups are Considered “Disadvantaged”?

Although there is no clear definition, “disadvantaged” is the term that nearly all governments use to refer to groups who have experienced historic barriers to full participation in social, cultural, economic, and political life in Canada.

The purpose of the Federal Employment Equity Act is to promote equality in the workplace for groups that face disadvantages in employment. It achieves this by allowing special measures that address their unique needs and experiences. The Act identifies the following [four designated groups](#) as:

Women: All people who identify as women, whether they are cisgender or transgender women.

Aboriginal peoples: persons who are Indians, Inuit or Métis

Persons with disabilities: persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who

- consider themselves to be disadvantaged in employment by reason of that impairment, or
- believe that an employer or potential employer is likely to consider them to be disadvantaged in employment by reason of that impairment
- and includes persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace

Members of visible minorities: persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.

Similarly, Quebec's laws and its [Human Rights Commission](#) recognize that the following groups have historically suffered discrimination in the labour market: women, indigenous peoples, visible minorities, linguistic and ethnic minorities, and people with a disability.

The Human Rights Commissions (HRC) of Saskatchewan and B.C. recognize disadvantaged groups. [B.C.'s HRC](#) includes Indigenous peoples, racialized individuals, people with disabilities, women, and transgender people. [Saskatchewan's HRC](#) recognizes Indigenous people, members of visible minority groups, individuals with disabilities, and women in underrepresented occupations. Additionally, Saskatchewan has introduced Employment Equity Targets for these groups (See [Appendix C](#)).

With the exception of these, no other province or territory defines disadvantaged groups or specifies what "disadvantaged" means.

How Do Canadian Jurisdictions Support and Protect Special Programs?

In Canada, the Federal government, provinces, and territories have each established specific rules in their jurisdiction's human rights laws to govern employment equity programs adopted by private employers.

Although the exact wording differs by jurisdiction (See [Appendix B](#)), each government requires the program to work to ameliorate (or improve) the conditions or welfare of "disadvantaged groups". For example, Section 15 (2) of the [Federal Charter](#) reads as follows: "Section (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged



individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

Some laws add the requirement that the program achieve or be reasonably likely to achieve that objective (see for example, Section 42 (1) of the BC Human Rights Code in [Appendix B](#)).

Similarly, the Supreme Court of Canada and Court of Appeal of Ontario have ruled that federal and Ontario programs must have a rational connection between the ameliorative objective and the employment equity measures employed to achieve them.

In other words - the goal of your special program must be to improve the lives of disadvantaged persons.

The Role of Federal and Provincial Laws and Regulations

While the Canadian Charter of Rights and Freedoms authorizes affirmative action programs in section 15(2), the Federal Charter only governs the relationship between private persons and the government in all its forms. It does not apply to the relationship between two private individuals, such as an employer and a potential employee.

The *Federal Employment Equity Act* only applies to federally-regulated and private sector employers with over 100 employees. Therefore, for the vast majority of organizations in the Canadian ENGO sector, these obligations do not apply. Possible exceptions may include Indigenous-led organizations operating on reserve, and organizations with over 100 employees who receive over \$1,000,000 in federal government funding via grants. If in doubt, please contact a lawyer familiar with the rules in your jurisdiction.

All Canadian provinces and territories have enacted their own human rights legislation to protect everyone’s rights and freedoms. These laws each contain rules that enable employers to develop and implement employment equity programs in various circumstances. As such, you should focus on the legal requirements in the provincial/territorial jurisdiction you are operating in, while being mindful of guidance from provincial and territorial HRCs.



How Does Organizational Mandate Relate to Special Programs?

If your organization was established to support specific disadvantaged groups, it may benefit from an exemption that enables it to grant a preference to members of those groups.

Although rules differ across Canada, some provinces allow non-profit organizations to grant employment preferences if the sole or primary purpose of the organization is to foster the welfare of certain groups. Organizations such as [The Diverse Nature Collective](#), [Brown Girl Outdoor World](#), and the [Multicultural Trail Network](#) have clear mandates around increasing inclusion and representation of racialized and Indigenous people in the ENGO sector, and to support “changing the narrative” through adventures, community, and decolonial approaches.

Some jurisdictions are more specific, only allowing such an exemption for exclusively religious or ethnic organizations. [EnviroMuslims](#) has a clear mandate of “Inspiring Muslim Canadians to align faith with environmental care.”, while the [Black Environmental Initiative](#) centres Black communities in the environmental movement.

Some jurisdictions add other requirements for an organization to be able to benefit from an exception. If you believe that your organization may qualify, please consult a lawyer familiar with the rules in your jurisdiction.

Program Pre-Approval and the Role of Local Human Rights Commissions

There is a wide range of support available, and the role and powers of each HRC is stated in that province or territory’s human rights legislation. Some HRCs provide no written guidance or application forms, and some simply list an email address and phone number for questions and support. Other HRCs provide various levels of written guidance ranging from step-by-step guides, to considerations for specific parts of the process (such as data collection), to fulsome processes to apply for program pre-approval. Some HRCs even provide direct assistance. You can find information and HRC contacts for each jurisdiction in [Appendix B](#) of this toolkit.

What is Program Pre-Approval?

Pre-approval is the process by which organizations submit their proposed special programs to their local HRC for review and approval before implementation. This ensures the program meets the criteria outlined in the relevant Human Rights Codes, with particular emphasis on equality and non-discrimination principles.

The role of the HRC is to guide and approve these programs to ensure compliance with the Human Rights Code, ensuring that they do not unintentionally discriminate against other groups. This process ensures that special programs are focused, justifiable, and proportional to the issues they are designed to address.

Considerations for Program Pre-Approval

Before implementing a special program you should consider whether or not you will apply for pre-approval with your local HRC. While **special program pre-approval is not required in most jurisdictions** (or even possible in others), having your program pre-approved can offer some protection in the event that a complaint against your program is made. Here is a snapshot of the pre-approval landscape across Canada.

Table 1: Provincial and Territorial Special Program Pre-approval Landscape

Province/ Territory	Program Term Used	Pre-Approval Possible	Pre-Approval Required	Potential Pre-Approval Benefits
Alberta	Ameliorative Policies, Programs & Activities	N	N/A	N/A
British Columbia	Special Programs and Employment Equity Program	Y	N	Program cannot contravene Human Rights Code
Manitoba	Affirmative Action and Special Program	N	N	N/A
Newfoundland	Special Programs	Y	Unclear	Program cannot contravene Human Rights Act
New Brunswick	Programs	Y	Unclear	Program cannot contravene Human Rights Act
Northwest Territories	Affirmative Action Program	N	N/A	N/A
Nunavut	Affirmative Action Programs	N	N/A	N/A
Nova Scotia	Program	Y	N	Program deemed not to contravene Human Rights Act
Ontario	Special Programs	Y	N	Rebuttable Presumption that Program does not discriminate
Prince Edward Island	Program	Y	Unclear	Program deemed not to contravene Human Rights Act

Province/ Territory	Program Term Used	Pre-Approval Possible	Pre-Approval Required	Potential Pre-Approval Benefits
Quebec*	Affirmative Action Program	N	N/A	N/A
Saskatchewan	Program	Y	N for a small measure Y for a larger program;	Program cannot contravene HR Code
Yukon	Special Program and Affirmative Action Program	N	N/A	N/A

*Quebec is the only province in Canada where employment equity is required for public bodies with over 100 employees and private companies that pass the same threshold and apply for or receive \$100,000 or more in contracts (including sub-contracts) or subsidies from the government.

The real question for ENGOs operating in provinces and territories where pre-approval is possible is: to apply, or not to apply? While there is no one clear answer for ENGOs in Canada, here we share some pros, cons, and key questions to consider.

Pre-Approval Pros

Some Protection from Legal Challenges: In some jurisdictions there is a clear benefit: getting special program pre-approval means that the program obtains some protection from legal challenges by other groups claiming it discriminates against them. In these jurisdictions, pre-approved programs may be deemed to not violate the prohibitions on discrimination in their human rights legislation.

Less Program Development Work for Your Organization: Given that HRCs are the experts, getting pre-approval means you can benefit from their expertise and avoid reinventing the wheel, which could mean less staff time and resources to develop the program.

Pre-Approval Cons

More Program Responsibilities to the HRC: With HRC support comes ongoing responsibilities to the HRC. If you obtain program pre-approval, you may need to:

- Make any program revisions the HRC requests.
- Provide periodic updates and final reports to the HRC.
- Apply for program renewal, and make their requested changes, if any.

Depending on the jurisdiction, programs may be approved for 6 months or up to 5 years. Just like a grant application, be ready to show that your program did what it said it was going to do, or if not, to demonstrate what obstacles you encountered.

Key Questions to Consider

Still not sure whether to apply? As a general guideline, the greater the scope of your special program, the more you should consider applying for pre-approval. Planning to hire one Indigenous employee for one short-term contract position in one province, is quite different from planning to hire numerous BIPOC employees for various long-term staff roles across five provinces.

Again, there is no one-size-fits-all-ENGOS solution. Ask yourself these questions to get a sense of your potential special project scope and comfort with potential risks:

- What is the scope of your special program?
 - How long do you plan to run your special program?
 - How many job postings might the program include?
 - In how many provinces and territories might your special program run?
- Risk assessment: How comfortable are you with the risks if you don't get pre-approval?
 - Dealing with potential legal action from people who feel your special program discriminates against them, along with the time and expenses associated with defending a program in court.

If you decide not to get pre-approval, you can still contact your HRC to see what informal support, advice, and guidance they can offer. Some HRCs will even deliver presentations to your organization. Why not leverage HRC staff expertise to set your program up for success?



LEGAL CONSIDERATIONS

Employment equity is all about leveling the playing field for people from equity-deserving groups. As we have seen, this concept of substantive equality is supported and enshrined in the Federal Charter, as well as in federal and provincial/territorial laws. Regardless of these protections, we cannot ignore the possibility of legal challenges from groups other than those that your special program aims to benefit (often called 'reverse discrimination'). The most important part of special program design to avoid such concerns is this: **programs must respond to a proven need and real disadvantage.**

Human rights legislation in most provinces and territories requires that ameliorative programs be reasonably likely to achieve their goal (generally to improve the conditions of a disadvantaged group). Most provincial and territorial human rights legislation identifies protected grounds of discrimination: groups that are protected from discrimination in employment hiring or general employment practices. These have been listed in [Appendix B](#) per province and territory, where available.

There is no guaranteed way to prevent a person from claiming that your special program is invalid or discriminatory against them. Someone can believe that your program is invalid, regardless of whether it was properly designed or approved by your local Commission, and challenge it in court. They could even bring a challenge that is bound to fail just to draw public attention, or apply pressure to have the rules changed. **While they can present a legal challenge, it does not mean they will win.**

The Supreme Court of Canada (SCC), and Court of Appeal of Ontario have issued decisions that you may be able to rely on in your province to argue that a person excluded from an affirmative action program lacks the standing to bring a discrimination challenge to the program. Indeed, the SCC has repeatedly reaffirmed that section 15(2) of the Charter protects special programs from challenges of reverse discrimination. Similarly, the Court of Appeal of Ontario has ruled that its local human rights law gives affirmative action programs an exemption from scrutiny by persons who are not part of the disadvantaged group the program was designed to address. In other jurisdictions, protections of special programs are embedded in local human rights codes, and some courts have rejected claims of reverse discrimination against special programs.

What's the best way to put your special program in a stronger position to make it less likely that a claimant will succeed? Follow the steps we have laid out here: develop a good rationale and provide evidence of a problem, set requirements that do not unnecessarily exclude individuals, and track how well the program is working.



It's also about communication: Organizations should clearly communicate the rationale, explain the benefits, and provide updates on the progress made to staff, Board, and other relevant stakeholders. Such conversations, while difficult, can be incredibly valuable and rewarding for organizations. Often, what starts as a special project can end up becoming a larger project that benefits more equity-deserving groups, and improves organizational policies, processes, and culture in deep, transformational ways.

GATHERING EVIDENCE - DATA CONSIDERATIONS

If the term “data collection” incites panic, we get it. But consider the advantages to your special program: Data collection allows organizations to monitor, evaluate, and address systemic or other forms of discrimination. Collecting qualitative or quantitative data is a good way to see if a special program is needed.

Data can be collected to see if certain groups are under-represented or if other forms of hardship, inequality, or disadvantage exist. It can also help examine whether employment and service practices are equitable or to address known issues within the organization or sector.

When collecting data, it's important to focus on both internal and external sources. For instance, external data, like provincial or national census information, can help highlight disparities between the target group and the broader population. Internal data, such as staff demographic surveys, can reveal areas where diversity may be lacking. Regularly updating this data ensures that any initiatives or special programs are based on the most current evidence, helping to better support the case for addressing inequalities.

Overall, there is no strict, legal requirement to collect data prior to starting your special program. But remember, if a complaint is brought against your program and investigated by the appropriate HRC, or if you plan to obtain program pre-approval, it is possible that you will be asked to provide relevant data. In other words: if you don't gather data voluntarily at the beginning, you run the risk of being required to gather it later.

What risks do you run by not gathering data at the start of your program? The recognition of Indigenous and racialized people as a group that needs more equity in both federal and Quebec laws should give organizations confidence to adopt special programs for those groups. If someone challenges your program, you can make this argument confidently and may even succeed without having any data.

However, this does not eliminate the possibility that an HRC (or the courts) may ask you for external and/or internal data. Programs that are not informed by data run



the risk of being viewed as arbitrary, poorly designed, or even invalid. By definition, programs not based on data cannot set targets (and thus cannot achieve or evaluate them), and do not know the degree of underrepresentation in their organization.

External Data Considerations: Population data (typically obtained from government census and statistics sources) can show what the levels of demographic diversity are across specific geographic areas, for certain identities, or any combination of these factors. Start by looking at [profile data from the latest national census](#). While provincial and territorial data sources may be more current for data such as total population, that data will likely not include as much information as the national census. Use your judgement to choose the data that best makes the case for your special program. When in doubt, contact Statistics Canada. Their staff can be quite helpful in pointing you in the right data direction. In addition, consider contacting your local HRC to see what data assistance they may be able to provide.

Internal Data Considerations: Organizational demographic data can prove a lack of diversity of specific groups within your organization. Organizations may hire an external consultant to conduct a “EDI Audit” or they may choose to conduct their own internal surveys. Either way, best data practices indicate that surveys should be anonymous, allow for participants to voluntarily self-identify, and data should be aggregated/disaggregated accordingly to protect confidentiality. If this sounds too complex, consider that hiring an external consultant is the easiest way to obtain this data. Doing it yourself internally could be as simple as a 5-question survey conducted using free, online survey tools such as Google Forms.

For each of the four designated groups listed in Part 2, employers may be able to avoid gathering external data or developing their own targets. **Gathering such data is nonetheless recommended in order to assess the degree to which members of those groups are represented and qualified in their given community.** They further need their own internal data to assess the degree to which these groups are represented, and develop targets/a plan for the recruitment and promotion of such individuals.

For more information on data collection see [Appendix C](#).



PART 3: IMPLEMENTING EMPLOYMENT EQUITY PROGRAMS

3 STEPS TO DESIGNING EMPLOYMENT EQUITY HIRING PROGRAMS

Here we propose a general 3-step process appropriate for use across Canada. With these elements in place, a program is more likely to achieve equity in hiring and may be less likely to face legal challenges by people who think it is discriminatory.

Step 1: Develop a Program Rationale

The rationale for a special program is simply the reason it is being created. The rationale serves as a principle on which to design the rest of the program. This makes it easier to develop the eligibility criteria and make a meaningful evaluation of the program once it has been started. A clear rationale also makes the program easier to understand for the people using it, helps an organization set goals for the program, and create criteria to evaluate its progress. This will help organizations track success and know when the goals have been met.

Guiding Considerations

1. Who will benefit from the program?
2. Why is the target audience considered to be facing hardship, economic disadvantage, inequality, or discrimination? *Evidence should be objective and not be based on personal impressions. There must be a real problem and evidence to show that the problem exists.*
3. How will the program help to alleviate these challenges? Include benefits, goals and expected results.
4. What is the expected time period for the program? How will its completion be determined?

Step 2: Create Program Eligibility Criteria

The rationale for the program will guide who will be eligible to take part. Special programs must have criteria that only relate to the purpose of the program, and they cannot discriminate based on other grounds protected by your local human rights law.

Guiding Considerations

5. Establish clear eligibility guidelines that are directly tied to the program's rationale, ensuring they are neither too broad (excluding those not intended to benefit) nor too narrow (preventing qualified individuals from the intended beneficiary groups from qualifying).
6. Ensure the program does not unintentionally discriminate against the intended beneficiary groups.
7. Determine how the program will be communicated to relevant stakeholders.

Step 3: Design Program Evaluations

Monitoring and evaluation of your program is a key element that many organizations miss, or don't think is necessary. Evaluation tells you whether your special program has met its objectives. It also helps you document and track your organization's equity journey overall, and specifically track how your efforts to include Indigenous and racialized people are progressing.

Guiding Considerations

8. How will the effectiveness of the program be measured?
9. What data will be needed to evaluate the program's success?
10. How will the program be adjusted based on the evaluation data?

To illustrate how to approach these steps, we'll consider the example of the fictional Evergreen Horizons, a small ENGO in Ontario with 20 staff members looking to increase racial and ethnic diversity amongst staff members. We've indicated where each of our 10 guiding considerations were applied to show how Evergreen Horizons addressed them:

At Evergreen Horizons, we recognize the importance of increasing racial and ethnic diversity within environmental organizations for a more just and inclusive sector. As part of our commitment to racial justice, we launched an employment equity program focused on increasing the racial and ethnic diversity of our staff.

The primary beneficiaries of this program are Indigenous and racialized individuals seeking employment in environmental non-profits in Ontario **(1)**. We aim to address the systemic barriers these communities face, which often limit their access to meaningful careers in the environmental sector. Indigenous and racialized people (visible minorities) are recognized as disadvantaged groups by Canada's Employment Equity Act demonstrating that they face significant hardship, economic disadvantage, and discrimination, including in Ontario. Members of these groups are often underrepresented in environmental roles, due to the lingering effects of colonialism and racial discrimination that frame environmental work as "not for them," despite these communities being among the most impacted by climate change and environmental degradation. Furthermore, our research pointed to the high unemployment rates and lower economic mobility experienced by Indigenous and racialized individuals, making it clear that these groups face employment barriers that extend beyond simple access to jobs **(2)**.

An internal assessment of our staff conducted one year ago revealed that 90% of our team identified as White/European, highlighting the need for us to diversify our workforce. Despite staff changes, a follow-up survey this year showed the same demographic breakdown. In running our program, we look to reduce the economic hardships and disadvantages faced by racialized and Indigenous people by lowering barriers to employment while shifting the demographic makeup of our workforce, aligning it more closely with the provincial population, where 30.9% of individuals identify as racialized or Indigenous according to the 2021 Census. To this end, we aim to increase Indigenous and racialized staff representation from 10% to 25% **(3)** within the next two years **(4)**.

The program looks to prioritize the hiring of Indigenous and racialized individuals who meet the job requirements **(5)**. To remove barriers to entry, we've reduced the educational requirement for some positions from a Master's degree to a Bachelor's degree, making the program more accessible to qualified candidates. This was done after consulting current staff in similar roles. We welcome applicants with relevant work experience or passion for environmental issues, regardless of academic background **(6)**.

To ensure we reach the right candidates, we're targeting platforms that engage Indigenous and racialized youth, such as social media, the Green Career Centre's Youth Green Jobs Network, and Nature Canada's Work to Grow newsletter. We'll also connect with local community centers and faith-based organizations serving diverse populations, ensuring our outreach is inclusive **(7)**.

The program will run for two years, with a review after one year to assess progress toward our 25% target. Success will be measured by both meeting this target and

the program's impact on workplace culture and the presence of Indigenous and racialized voices in our work **(8)**.

As part of our commitment to transparency and accountability, we have put in place mechanisms to track the success of this program. We will collect demographic data on applicants and hires to ensure that our efforts are attracting Indigenous and racialized candidates and that our hiring practices are truly reflective of Ontario's population. By comparing the racial makeup of our staff with provincial census data, we will be able to assess whether our outreach is effectively engaging Indigenous and racialized communities in Ontario. Additionally, we will gather qualitative feedback from staff and new hires to ensure that the program is contributing to a more inclusive and supportive workplace culture **(9)**. If our recruitment efforts fail to attract candidates from these groups, we will reevaluate our outreach strategies and ensure that our job postings and organizational culture are inclusive and appealing to these communities **(10)**.

This initiative is about more than meeting diversity quotas—it's about fostering a truly inclusive ENGO sector where Indigenous and racialized and Indigenous voices are meaningfully represented. The program is part of a larger effort to ensure that the environmental sector can reflect the diversity of the communities it seeks to serve, and that Indigenous and racialized individuals have the opportunity to contribute to and shape the future of environmental work in Canada.

Putting It All Together

Answering these questions and thinking out what they will mean for your organization = creating your special program. Use the questions and considerations above as a template, and you'll have everything in one place, easily accessible just in case you are asked to provide this information. Ultimately, developing your special program using these steps goes above and beyond what is legally required in most jurisdictions.



PART 4: CRAFTING INCLUSIVE JOB POSTINGS

How do you let potential job applicants know that your organization prioritizes employment equity in hiring? It could be as simple as one or two lines in your job postings.

The key is to use verbs such as “prioritize” or terms such as “preferences may be given” when referring to candidates from equity-deserving communities.

Avoid language such as “this job is only open to”, and do not list specific excluded groups (i.e.: this position is not open to White or European candidates). While you may have an argument for using such language when the target group is severely underrepresented in your organization, you should generally exercise caution and avoid using exclusionary or absolute language. One exception is when legal or funding requirements mean that you can only hire people from specific groups (i.e.: based on age for government-funded programs that contribute to student summer wages, based on Canadian residency status, ability to work in Canada, etc.).

Consider adding a few lines that speak to your organization’s larger commitment to employment equity and/or EDI approaches. Together, this information will let job applicants know how and why you are integrating employment equity principles into your hiring practices.

Consider other parts of your job posting that may not overtly speak to inclusion of Indigenous and racialized people, but that DO speak to the barriers they experience. For example, in some Canadian jurisdictions, employers must include salaries or salary ranges in job postings. This transparency allows applicants to determine if the salary meets their needs before applying, saving both time and effort for candidates, and is considered a best practice.

Particularly important for ENGOS in Canada, consider crafting a statement like CAPE has done below. In just three sentences, their statement manages to speak to environmental justice issues (the disproportionate impact of environmental and climate change-related harms on racialized and Indigenous people), encourages applications from people who “may not always see themselves as part of the environmental movement”, and acknowledges their commitment for learning “from and with” the candidate.

Canadian Association of Physicians for the Environment (CAPE): “As an organization working at the intersection of health and environment, CAPE understands the importance of diverse perspectives to ensure a healthy future for all. We understand that Indigenous and racialized peoples, as well as people with disabilities, are among those most impacted by climate change and environmental hazards. We encourage applications from individuals who may not always see themselves as part of the environmental movement and we are committed to learning from and with the successful candidate”.

Here are a few other examples of language that speak to hiring goals and the organization’s stance on diversity, equity, and inclusion, garnered from Canadian ENGOs. As a best practice, we suggest keeping your own equitable job posting language saved to access whenever needed.

Nature Canada: “We encourage applications from members of equity-seeking groups. Nature Canada is committed to a workplace free from discrimination, harassment and intimidation where everyone can participate safely, freely and confidently.”

Parks People: “We are actively working to hire, meaningfully engage with, and include guidance and input from, Black, Indigenous and People of Colour in ways that centre intersectionality, Indigenous resilience, and anti-racist principles. We are committed to promoting equity, diversity, and inclusion in our workspaces and programs, and encourage applications from BIPOC candidates”.

Environmental Defence: “Environmental Defence embraces equity and diversity and is committed to a workplace that is enriched by the people, needs and desires of Canada’s diverse community”.



PART 5: FOSTERING INCLUSIVITY

Hiring workers from equity-deserving communities isn't the end of your organizational equity journey – it's the beginning. Take an attitude of on-going learning as you welcome workers with identities that your organization may have never welcomed before. As previously mentioned, employment equity opens up all kinds of organizational discussion opportunities that are likely to improve your organizational policies and processes.

While considering logistical issues such as welcoming workers that may live outside your jurisdiction for remote work and providing time off for days of significance outside Judeo-Christian holidays, don't forget about fostering an inclusive organizational culture. When compared to policies and processes, culture can be more difficult to define and shift. Be persistent and remember that true cultural change (both inside and outside of organizations) requires an open exploration of the nuances and subtleties of systemic discrimination, and frank discussions about unconscious bias, privilege, mentorship, allyship, sponsorship, and more. Viewed as an opportunity rather than an obligation, employment equity opens the door to build organizational empathy, capacity, and better serve our diverse communities in Canada.

Finally, don't forget that improving employment equity is a marathon, not a sprint. Take the time you need to build relationships, gather data and knowledge, and take an attitude of ongoing learning. [The B.C. Human Rights Tribunal](#) offers a Recipe for Employment Equity Success, featuring four ingredients to nourish and support organizations as they embark upon their employment equity journeys. We've included their recipe below for your reference.

B.C HUMAN RIGHTS TRIBUNAL INGREDIENTS FOR SUCCESS

Ingredient #1: Commit to Change

- Set (or renew) your intention to improve equity in your workplace and communicate your commitments to your staff
- Leaders at all levels of your organization should champion and model a commitment to advancing equity by demonstrating an openness to new ideas and feedback, sharing reflections on

equity and how their perspectives have changed over time, making equity a priority for their teams, and committing resources to achieving clear goals.

- Anticipate some resistance to change and have a plan to address it. Visit the [Canadian Centre for Diversity and Inclusion](#) for more on how to manage fear and resistance.
- Understand your current state.
- Identify any policies, processes, and plans you currently have related to anti-discrimination and equity in the workplace and evaluate their effectiveness.

Ingredient #2: Collaborate with Your Employees

- Invite staff participation from the beginning, especially from marginalized groups, to identify challenges and opportunities for growth within your organization.
- Consider the perspectives of employees across all levels of your organization, including frontline workers.
- Co-develop your employment equity plan and policies with your staff.
- Ensure staff are able to collaborate during paid time.

Ingredient #3: Build Effective Structures and Processes

- Establish structures responsible for advancing equity and ensure they have the power and authority to make key decisions.
- This might look like diversity committees, taskforces, or staff positions, or it could be as simple as setting up regular conversations about employment equity with all staff.
- Regularly assess the state of equity in your organization and measure progress toward your goals.



Ingredient #4: Commit to Ongoing Education

- Remember that building our collective knowledge of employment equity is a continual process.
- Provide your workers with access to practical and conceptual educational resources based on the needs of your organization.

“Employment equity aspires no less than to fostering peace through the steadfast cultivation of social justice. This vision should be transformative.”

- [A Transformative Framework to Achieve and Sustain Employment Equity](#),
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McConnell



**TD READY
COMMITMENT**

